Form-A

FORMOF ORDERSHEET

Court of _____

Case No. 1001/2024

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|---|---|---|
| 1 | 2 | 3 |
| 1 | 19.07.2024 | As per direction of the Hon'ble Member Judicial the present appeal is fixed for preliminary hearing before Single Bench at Peshawar on 23.07.2024. Parcha Peshi giving to the counsel for the appellant. <br> REGISTRAR |

Respected Madam,

It is submitted that the present appeal was returned to counsel for the appellant for removing the deficiencies (Flag-A). Today i.e. 10.07.2024 the learned counsel re-filed the appeal without removing the objection no.2, 4, 5, 6 & 7.

The appeal is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

OFFICE ASSISTANT

Hon'ble Member (J).

objections sustain, return to the counsel for doing the needful with direction to resubmit it within 07 days.
11/7/24.

No. 338/Inst/2024/KPST
Dated: 11/7/24

Resubmitted after completion
Fix before S.B.
18/7/24.

The appeal of Mr. Muhammad Jamshed received today i.e on 14.06.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no.1 & 4 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.

2- Appeal has not been flagged/marked with annexures marks.

3- Annexures of the appeal are unattested.

4- Copy of departmental appeal is not attached with the appeal be placed on it.

5- Annexures of the appeal are not in sequence.

6- Copy of statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal be placed on it.

7- Copies of order dated 06.05.2024 and annexure-B of the appeal are illegible be replaced by legible better one.

8- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 217 /Inst;/2024/KPST,

Dt. 20/6 /2024.

20/6/24

OFFICE ASISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

**Mr. Shah Faisal Nassapi Adv.**
**High Court Peshawar.**

Resubmitted after completion

09/07/24

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

**Service Appeal No. 1001 /2024**

Muhammad Jamshid.....**Appellant**

**Versus**

Inspector General of Police Khyber Pakhtunkhwa Peshawar & others.....**Respondents**

# INDEX



Appellant

Through

**Shah Faisal Nasapi**
Advocate,
Supreme Court of Pakistan

Dated 14.06.2024

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

**Service Appeal No. 1001 /2024**

Muhammad Jamshid
Ex-Constable No.7128 of FRP Bannu
R/o Sokari Zabta Khan Bnnu Tehsil & District Bannu

**.....APPELLANT**

**Versus**

1. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar

2. Deputy Commandant Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar

**.....Respondents**

**APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST IMPUGNED ORDER DATED 06.05.2024 PASSED BY THE RESPONDENT NO.1 WHEREBY THE APPEAL OF THE APPELLANT WAS DISMISSED AGAINST DISMISSAL FROM SERVICE ORDER DATED 18.03.2024.**

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

**Service Appeal No._____ /2024**

Muhammad Jamshid
Ex-Constable No.7128 of FRP Bannu
R/o Sokari Zabta Khan Bnnu Tehsil & District Bannu
.....**APPELLANT**

**Versus**

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar
2. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar
3. Deputy Commandant Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar
4. Superintendent of Police Frontier Reserve Police D.I.Khan.....**Respondents**

**APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST IMPUGNED ORDER DATED 06.05.2024 PASSED BY THE RESPONDENT NO.1 WHEREBY THE APPEAL OF THE APPELLANT WAS DISMISSED AGAINST DISMISSAL FROM SERVICE ORDER DATED 18.03.2024.**

**Prayer:**

**On acceptance of this Service Appeal, the Impugned Order dated 06.05.2024 and 18.03.2024 may kindly be set-aside be declared as null and void and the appellant may kindly be reinstated in service with all back benefits, with such other relief as may deem fit in the circumstances of the case not sked for may also be granted.**

---

**Respectfully Sheweth,**

Short facts, giving rise to present Service Appeal, are as under:

1. That the appellant is peaceful and law abiding citizen of Pakistan.

2. That the appellant was serving as Constable No.7128 of FRP Bannu Range and performed his duties upto the best of his ability with commitment zeal and zest upto the entire satisfaction of the high-up's.

3. That the respondents on the basis of frivolous, fake allegations without fulfilling the legal and codal requirements have initiated departmental

proceedings against the appellant by appointing an inquiry officer.

4. That the inquiry officer has made statement of allegations but unfortunately the same was not served /communicated to the appellant and unilatarly conducted the alleged inquiry and passed a harsh order of major penalty of dismissal of from service vide order dated 18.03.2024. **(Copy of impugned order dated 18.03.2024 is attached as annexure "A").**

5. That appellant filed departmental appeal before the respondent No.2 which was dismissed on 06.05.2024. **(Copy of departmental Appeal alongwith order dated 06.05.2024 are attached as annexure "B").**

6. That the appellant is bitterly aggrieved from the impugned orders dated 06.05.2024 and 18.03.2024, hence this Service Appeal on the following amongst other grounds: -

**GROUNDS:**

A. That, the Impugned Orders passed by the respondents are illegal, unlawful, void and

unlawful hence are liable to be set aside and declare as null and void.

B. That, the same are against the principles of Natural Justice as no opportunity of hearing has been provided to the appellant and appellant is condemned unheard.

C. That no property inquiry has been conducted nor any material regarding the alleged allegations are collected and no evidence of experts has been recorded nor any statement of the general public and of police officials have been brought on the record.

D. That no lawful procedure has been adopted while conducting the alleged inquiry

E. That nothing is available on record and the major punishment has been awarded without bringing any evidence or material what to say of solid evidence against the appellant to connect with the alleged allegations.

F. That the inquiry officer has not conducted the alleged inquiry according to the statements of

allegations and the worthy Deputy Commandant/respondent No.3 has passed the order based on the alleged departmental inquiry on the basis of surmises and conjectures beyond the scope of law.

G. That regarding the involvement of appellant in the alleged discriminatory uploading of tiktoks and other materials on social media no identification of the mobile number has been brought on the record nor the number mentioned in the proceedings has been verified from the concerned registration authority and baseless allegations were leveled against the appellant and was awarded major punishment of dismissal from service which is very harsh, illegal unlawful and beyond the norms of law and justice.

H. That the impugned order is based on surmises and conjecture and mere on bold allegation the appellant is deprive from his fundamental rights provide to the appellant nor the order appeal was served or communicated to the appellant.

I. That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

**It is therefore requested that on acceptance of this Service Appeal, the Impugned Order dated 06.05.2024 and 18.03.2024 may kindly be set-aside be declared as null and void and the appellant may kindly be reinstated in service with all back benefits, with such other relief as may deem fit in the circumstances of the case no asked for may also be granted.**

Appellant

Through

**Shah Faisal Nasapi**
Advocate,
Supreme Court of Pakistan

Dated 14.06.2024

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

**Service Appeal No._____ /2024**

Muhammad Jamshid.....**Appellant**

**Versus**

Inspector General of Police Khyber Pakhtunkhwa Peshawar & others.....**Respondents**

**AFFIDAVIT**

I, Muhammad Jamshid, Ex-Constable No.7128 of FRP Bannu R/o Sokari Zabta Khan Bnnu Tehsil & District Bannu, do hereby solemnly affirm and declare that the contents of the accompanying **service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

ATTESTED
KHALID MAHMOOD ADVOCATE
Oath Commissioner
High Court Peshawar

**DEPONENT**

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

**Service Appeal No._____ /2024**

Muhammad Jamshid.....**Appellant**

**Versus**

Inspector General of Police Khyber Pakhtunkhwa Peshawar & others.....**Respondents**

***APPLICATION FOR CONDONATION OF DELAY IF ANY IN FILING THE INSTANT SERVICE APPEAL***

***Respectfully Sheweth,***

1. *That the accompanied appeal alongwith the instant application is being filed before this Hon'ble Tribunal the grounds of which may kindly be considered as integral party of this application*

2. *That the appellant has preferred departmental appeal within time however the department /appellate authority has no communicated the impugned order dated 26.05.2024 nor attested copy of the same is provided to the appellant within period of limitation.*

3. *That delay in approaching this Tribunal was due to above mentioned reason which was neither intentional, nor was under control of the petitioner.*

4. *That law also favour adjudication on merits and technicalities of any sort must always be ignored while reaching a just and fair disposal of any lis.*

5. *That for proper disposal of the accompanying appeal on its merits, the condonation of delay is indispensable and is in according to natural justice.*

*It is, therefore, most humbly prayed that on acceptance of the instant application, the delay in filing the accompanying appeal may graciously be condoned and the accompanying appeal may very graciously be decided on its merits.*

Appellant

Through

**Shah Faisal Nasapi**
Advocate,
Supreme Court of Pakistan

Dated 14.06.2024

**AFFIDAVIT**

I, Muhammad Jamshid, Ex-Constable No.7128 of FRP Bannu R/o Sokari Zabta Khan Bnnu Tehsil & District Bannu, do hereby solemnly affirm and declare that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

ATTESTED
KHALID MAHMOOD ADVOCATE
Oath Commissioner
High C

14-6-24

**DEPONENT**

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

**Service Appeal No._____ /2024**

Muhammad Jamshid.....**Appellant**

**Versus**

Commandant Frontier Reserve Police & others.....**Respondents**

**ADDRESSES OF PARTIES**

**APPELLANT**

Muhammad Jamshid
Ex-Constable No.7128 of FRP Bannu
R/o Sokari Zabta Khan Bnnu Tehsil & District Bannu

**RESPONDENTS**

1. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar

2. Deputy Commandant Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar

Appellant

Through

**Shah Faisal Nasapi**
Advocate,
Supreme Court of Pakistan

Dated 14.06.2024

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

**Service Appeal No._____ /2024**

Muhammad Jamshid.....**Appellant**

**Versus**

Inspector General of Police Khyber Pakhtunkhwa Peshawar & others.....**Respondents**

**ADDRESSES OF PARTIES**

**APPELLANT**

Muhammad Jamshid
Ex-Constable No.7128 of FRP Bannu
R/o Sokari Zabta Khan Bnnu Tehsil & District Bannu

**RESPONDENTS**

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar

2. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar

3. Deputy Commandant Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar

4. Superintendent of Police Frontier Reserve Police D.I.Khan

Appellant

Through

**Shah Faisal Nasapi**
Advocate,
Supreme Court of Pakistan

Dated 14.06.2024

## ORDER

This order will dispose of the departmental appeal preferred by ex-constable Muhammad Jamshid No. 7128 of FRP Bannu Range, against the order of competent authority, wherein he was awarded major punishment of dismissal from service on **18.03.2024.**

Brief facts of the case are that he while posted at FRP Bannu Range uploaded/shared video and audio messages on social media from his account against the rules regulations and discipline of Police Force vis-à-vis in violation of Government decisions and Policies.

In this regard he was proceeded against proper departmentally as he was issued Charge Sheet alongwith Summary of Allegations and DSP Sartaj Khan FRP Bannu Range was appointed as Enquiry Officer to probe into the matter.

After completion of enquiry, the Enquiry Officer submitted his findings report, wherein he reported that the delinquent constable is being a member of disciplined force deliberately uploaded/whirled video and audio messages on social media from his account against the rules regulations of Government, which he stimulated the junior rank police official for mutiny and agitation in the force. Besides, during the pendency of enquiry the District health Officer Bannu has also submitted a complaint against the above named constable vide his office Memo No. 7551-55, dated 13.12.2023, wherein he stated that the said constable is involved in campaigning against the Government Program with regard to prevention of Polio disease. The Enquiry Officer further reported that the delinquent officer is a habitual absentee as perusal of service record reveals that during the service he remained absent from lawful duty on different occasions for a long period of 489 days, for which he awarded several punishments. The Enquiry Officer further added that at earlier i.e in the year of 2023 he was also awarded major punishment of dismissal form service on account of instigating of police officials on social media for protest demonstration against the High ups. Hence, the Enquiry Officer found him guilty of the charges leveled against him and recommended major punishment of dismissal from service.

It worth to mention here that in the meanwhile the Deputy Commandent SSU (CPEC) was also preferred an complaint against constable Jamshid No. 7128 of FRP Bannu Range, through official letter No. 424/PA, dated 05.03.2024, wherein he reported that constable Muneeb No. 1098 of SSR (CEPEC) is placed under enquiry and confined to Quarter Guard on the allegations that he repeatedly shared video clips against the Police department on social media in violation of Government Rules. However, in this connection constable Jamshid No. 7128 of FRP Bannu Range has incited the officials of whole Police Force for agitation against the department for releasing of constable Muneeb No. 1098 of SSU (CPEC) and threatened that in case of non release of the constable, the option of protest demonstration would be taken. The Deputy Commandent SSU (CPEC) has requested that departmental action may be initiated against the above named constable under the existent law rules.

Upon the findings of Enquiry Officer he was issued Final Show Cause Notice and served upon him accordingly, which he replied, but his reply was found unsatisfactory. He was called in orderly room for personal hearing, but he did not turn up.

Keeping in view the above narrated facts and other material available on record, he was awarded major punishment of dismissal from service vide Order Endst; No. 2885/PA, dated 18.03.2024.

Feeling aggrieved against the impugned order of the competent authority the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 30.04.2024.

During the course of personal hearing, the applicant failed to present any justification with regard to his innocence. Perusal of enquiry file and other material available on record the applicant (constable Jamshid No. 7128 of FRP Bannu Range) is

inefficient, indiscipline and irresponsible police officer as being a member of disciplined force he deliberately disregarded the discipline and conduct of the Police Force. As he obviously violated the Khyber Pakhtunkhwa, Government Servant (Conduct) Rules 1987 and instructions issued vide Government notification No. SO(Police)/E&AD/2-16/2022, dated 15.08.2023, which refrained a Government Servant/Civil Servant from participating in WhattsApp and other social media platforms. The charges leveled against the delinquent officer have been fully established during the course of inquiry. Hence, the act of said defaulter officer has brought a bad name for the whole department and has also misused his official status and in such circumstances he did not deserve to be taken lenient view. Therefore, there doesn't seem any infirmity in the order passed by the competent authority, therefore no ground exist to interfere in same.

Based on the findings narrated above and the facts that the applicant intentionally failed to mend his ways, despite being given the chance of reinstatement in service after his earlier dismissal. Therefore, I, **Commandant FRP** Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal hence, the same is rejected/filed being meritless.

Order Announced.

**Commandant**
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No 4919 /SI Legal, dated Peshawar the 6 / 5 /2024.

Copy of above is forwarded for information and necessary action to the:-

1. SP FRP Bannu Range, Bannu. His Service record alongwith Dfile sent herewith.
2. Ex-constable Muhammad Jamshid No. 7128 S/o Gul Robaz Khan R/o Sokari Zabta Khan District Bannu.

SRC
For information and n/action.

470
10/05/24

Attested
Superintendent of Police
FRP/Bannu

Superintendent of Police
FRP Bannu
10/5/24

(13)

Anx "B"

[illegible]

CNIC = 11101 56[illegible]
Mob No = 0331-9746681
Date = 19-12-23

بیان از ال: محمد جان

جناب عالی،

بحوالہ چارج شیٹ نمبری لف نمبر 2228-26 مورخہ 14/12/23

محاربہ جناب SP/FRP صاحب ڈویژن اسماعیل خان جواباً معروض خدمت ہوں

جسمیں من سائل پر روزمرہ کے بنیاد پر سوشل میڈیا واٹس ایپ گروپس میں پولیس اہلکاران کے خلاف سرگرم رہنے کے الزامات ہیں۔

یہ کہ من سائل نے پہلے بھی شوکاز نوٹس انکوائری میں تفصیلات جواب پیش کردہ ہوں۔ اور اب بھی من سائل کا وہی جواب ہے۔ لیکن پھر بھی من سائل بذریعہ جواب چارج شیٹ وضاحت کرنا چاہتا ہوں کہ جو میرے رینک پولیس اہلکاران کو درپیش مسائل متعلق من سائل نے مختلف افسران بالا کو درپیش مسائل بارے لیٹر بابت بذریعہ درخواست پیش کی ہے۔ جس میں ایک صاحب ARP موجودہ RPO بنوں کے DSP/AIG/CTD ہمدگوارٹر پشاور کو پیش کیا گیا لیکن کسی نے بھی درست جواب نہیں دیا ہے۔ جب میں نے چارج شیٹ اپنے پولیس واٹس ایپ گروپ میں اپ لوڈ کرتا ہوں تو مجھ کو چارج شیٹ اور شوکاز نوٹس جاری ہوتا ہے کہتے ہیں میں نے ڈسپلن کی خلاف ورزی کی ہے۔ ان سخت حالات و دہشت گردی میں جب من سائل کو اوٹ ایمرجنسی ڈیوٹی اور دیگر ڈیوٹی کا حکم ملا ہے۔ حکم کی تعمیل کی ہے اور آئندہ بھی کروں گا۔ میں سوشل میڈیا کے ذریعے افسران بالا تک اپنے جائز مسائل پہنچانا چاہتا ہوں۔ باقی میں کسی کو بدنام کرنا نہیں چاہتا۔ چونکہ من سائل کا تعلق ڈسپلن فورس سے ہے اور ڈسپلن فورس میں رہتے ہوئے من سائل کوئی غیر ڈسپلن فعل نہیں کرنا چاہتا ہے۔ اور واٹس ایپ گروپ میں صرف اور صرف پولیس اہلکاران شامل ہیں۔ نہ کہ دوسرے سول بندے۔ جسمیں ہم ایک دوسرے سے صلاح مشورے لیتے ہیں۔

لہٰذا آپ صاحبان سے بذریعہ جواب چارج شیٹ استدعا ہے کہ من سائل کا شوکاز انکوائری خارج کرنے کے احکامات صادر فرمائیں۔

کانسٹیبل جمشید

**ORDER**

This order will dispose of the Departmental Inquiry, conducted against **Constable Jamshid No. 7128** of FRP Bannu Range.

Brief facts of the case are that he will posted at FRP Bannu Range Uploaded/shared video and audio massages on social media from his account vide mobile number i.e. 0346-2169803 against the rules regulations and discipline of police force vis-à-vis in violation of Government decisions and policies.

In this regard he was preceded against proper departmentally as he was issued charge sheet alongwith summary of allegation and DSP Sartaj Khan FRP Bannu Range was appointed as Enquiry officer to probe into the matter.

After completion of enquiry, the enquiry officer submitted his findings report, wherein he reported that the delinquent constable is being a member of disciplined force deliberately uploaded/ whirled video and audio messages on social media from his account against the rules regulations of Police Department and trying to stimulate the junior rank police officials for mutiny and agitation in the force. **Moreover, during course of enquiry, the District Health Officer of Bannu Hospital has also submitted a complaint against Constable Jamshaid No. 7128 vide his office Memo No. 7551-55 dated 13.12.2023 wherein he stated that the said Constable is involved in campaigning against the Government Program with regard to prevention of Polio disease on social media.** The Enquiry Officer further reported that the delinquent officer is a habitual absentee as perusal of service record reveals that during the service he remained absent from lawful duty on different occasions for a long period of 489 day, for which he awarded several punishments. Besides, earlier he was also awarded Major Punishment of dismissal from service on account of instigating of Police Officials on social media for protest demonstration against the high ups. Hence, the Enquiry Officer found him guilty of the charges leveled against him and recommended for Major Punishment of dismissal from service.

It is worth mention here that in the meanwhile the Deputy Commandant SSU (CPEC) has preferred an complaint against Constable Jamshid No. 7128 of FRP Bannu Range, vide his office Memo No. 424/PA dated 07.03.2024 and Memo No. 433/PA dated 08.03.2024 wherein he reported that the above named accused constable has shared a voice audio messages on social media from his account vide mobile No. 0346-2169803 which he openly blamed that Special Branch police of District Swabi has arrested and imprisoned

**ORDER**

This order will dispose of the Departmental Inquiry, conducted against **Constable Jamshid No. 7128** of FRP Bannu Range:

Brief facts of the case are that he will posted at FRP Bannu Range Uploaded/shared video and audio massages on social media from his account vide mobile number i.e. 0346-2169803 against the rules regulations and discipline of police force vis-à-vis in violation of Government decisions and policies

In is regard he was preceded against proper departmentally as he was issued charge sheet alongwith summary of allegation and DSP Sartaj Khan FRP Bannu Range was appointed as Enquiry officer to probe into the matter.

After completion of enquiry, the enquiry officer submitted his findings report, wherein he reported that the delinquent constable is being a member of disciplined force deliberately uploaded/ whirled video and audio messages on social media from his account against the rules regulations of Police Department and trying to stimulate the junior rank police officials for mutiny and agitation in the force. **Moreover, during course of enquiry, the District Health Officer of Bannu Hospital has also submitted a complaint against Constable Jamshaid No. 7128 vide his office Memo No. 7551-55 dated 13.12.2023 wherein he stated that the said Constable is involved in campaigning against the Government Program with regard to prevention of Polio disease on social media.** The Enquiry Officer further reported that the delinquent officer is a habitual absentee as perusal of service record reveals that during the service he remained absent from lawful duty on different occasions for long period of 489 day, for which he awarded several punishments. Besides, earlier he was also awarded Major Punishment of dismissal from service on account of instigating of Police Officials on social media for protest demonstration against the high ups. Hence, the Enquiry Officer found him guilty of the charges levelled against him and recommended for Major Punishment of dismissal from service.

It is worth mention here that in the meanwhile the Deputy Commandant SSU (CPEC) has preferred an complaint against Constable Jamshid No. 7128 of FRP Bannu Range, vide his office Memo No.424/PA dated 05.03.2024 and Memo No. 433/PA dated 08.03.2024 wherein he reported that the above named accused constable has shared a voice audio messages on social media from his account vide mobile No. 0346-2169803 which he openly blamed that Special Branch police of District Swabi has arrested and imprisoned

table Muneeb No. 1098 of Platoon No. 21 of SSU (CPEC). However, in this regard the Deputy Commandant SSU (CPEC as disclosed that in fact constable Muneed No. 1098 is placed under enquiry and confined to Quarter Guard on the allegation that he repeatedly shared video clips against the Police Department on social media in violation of Government Rules and Policies and in this connection constable Jamshid No. 7128 of FRP Bannu Range has incited the officials of whole Police Force for agitation against the department for releasing of constable Muneeb No. 1098 and threatened that in case of non release of said constable hence the option of protest demonstration would be adopted against the high-ups. E.c. In this regard the Deputy Commandant CPEC has requested that departmental action may be initiated against the above named constable under the existent law/rules.

On receipt of the findings, he was issued final show cause notice and served upon him accordingly. Which he replied, but his reply was found unsatisfactory. He was called in orderly room for personal hearing, but he did not turn up.

After going through the enquiry file and other material available on record, it has been come crystal clear that constable Jamshid No. 7128 of FRP Bannu Range is found an inefficient, indiscipline and irresponsible police officer as being a member of disciplined force he deliberately disregarded the discipline and conduct of the police force. Hence, he committed with a gross misconduct as he obviously violated the Khyber Pakhtunkhwa Government Servant (Conduct) Rules 1987 and instruction issued vide notification No SO (police)E&AD/2-[illegible]/2022 dated 15.08.2023, which refrained Government Servant/Civil servant from participating in Whattsapp and other social media platforms, which he committed a gross misconduct.

The charges leveled against the delinquent officer have fully been established during course of enquiry. The opportunity of personal of hearing was also given to the accused officer but he showed reluctance and did not come to the office. The act of said default officer has brought a bad name for the whole police department and has also misused his official status and in such circumstance he does not deserve to be taken lenient view.

In the light of the stated facts and circumstances narrated above, I Deputy Commandant FRP Khyber Pakhtunkhwa, Peshawar being a competent authority empowered under Section 5 (3-c), (5) came to the conclusion after

Table Muneeb No. 1098 of Platoon No. 21 of SSU (CPEC). However, in this regard the Deputy Commandant SSU (CPEC as disclosed that in fact constable Juneed No 1095 is placed under enquiry and confined to Quarter Guard on the allegation that he repeatedly shared video clips against the Police Department on social media in violation of Government Rules and Policies and in this connection constable Jamshid No. 7128 of FRP Bannu Range has incited the officials of whole Police Force for agitation against the department for releasing of table Muneeb No.1098 and threatened that in case of non-release of said stable hence the option of protest demonstration would be adopted against the High-ups. In this regard the Deputy Commandant CPEC has requested that departmental action may be initiated against the above named constable under the existent law/rules.

On receipt of the findings, he was issued final show cause notice and served upon accordingly. Which he replied, but his reply was found unsatisfactory. He was called in orderly room for personal hearing, but he did no turn up.

After going through the enquiry file and other material available on record, it has been come crystal clear that constable Jamshid No.7128 of FRP Bannu Range is found an inefficient, indiscipline and irresponsible police officer as being a member of disciplined force he deliberately disregarded the discipline and conduct of the police force. Hence, he committed with a gross misconduct as he obviously violated the Khyber Pakhtunkhwa Government Servant (Conduct) Rules 1987 and instruction issued vide Notification No. SO (police)E&AD/2-16/2022 dated 13.08.2023, which refrained Government Servant/Civil servant from participating in WhatsApp and other social media platforms, which he committed a gross misconduct.

The charges levelled against the delinquent officer have fully been established during course of enquiry. The opportunity of personal of hearing was also given to the accused officer but he showed reluctance and did not come to the office. The act of said default officer has brought a bad name for the whole Police Department and has also misused his official status and in such circumstances, he does not deserve to be taken lenient view.

In light of the stated facts and circumstances narrated above. I Deputy Commandant FRP Khyber Pakhtunkhwa, Peshawar being a competent authority empowered under Section 5 (3-c), (5) came to the conclusion after

16

...ating the entire evidence against the alleged official, which he found ...fficient and guilty of misconduct within the meaning of Section-3 (a&b) of Police Disciplinary Rules 1975 (as amended in 2014) awarded him the Major Punishment of Dismissal from Service with immediate effect.

Order announced.

**Deputy Commandant,**
**Frontier Reserve Police,**
**Khyber Pakhtunkhwa,**
**Peshawar.**

No. 2885 /PA D.C, dated Peshawar the 28 / 3 /2024.

Copy of above is forwarded for information and necessary action to the:-

1. Deputy Superintendent of Police Bannu Range

Reader
For information & n/action

Superintendent of Police
FRP/Bannu
28/3/24

Attested

Superintendent of Police
FRP/Bannu

S.T. 749
18-3-24

..... The entire evidence against the alleged officials, which he found efficient and guilty of misconduct wherein the meaning of Section-3 (a&b) of Police Disciplinary Rules 1975 (as amended in 2014) Awarded him the Major Punishment of Dismissal from Service with immediate effect.

Order announced

Sd/-
Deputy Commandant,
Frontier Reserve Police,
Khyber Pakhtunkhwa
Peshawar

No. 2885/ /PA D.C, dated Peshawar the 18/03/2024.

Copy of above is forwarded for information and necessary action to the:

1. Deputy Superintendent of Police Bannu Range.

No 2228 – 29 /FRP (17) dated: 14/11 /2023

## CHARGE SHEET

I, Superintendent of Police of FRP DIKhan as competent authority, am of the opinion that you Constable Jamshed No.7232/FRP of FRP Bannu have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975

It has come into the notice that you are using to upload Tik Tok videos regularly and now-a-days started compaign against Police officials on social media as well as on different Whatsapp groups. This act leads to gross misconduct on your part and punishable under the Police Rules.

It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and has rendered yourself liable to be proceeded against departmentally.

By reason of the above, you seem to be guilty as sufficient materials is placed before the undersigned; therefore, it is decided to proceed against you in general police proceeding.

You are therefore, required to submit your written reply within 07 days of the receipt of this charges sheet to the Enquiry Officer

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

Intimate as to whether you desire to be heard in person or not?

A statement of allegation is enclosed

Superintendent of Police, FRP
DIKhan Range DIKhan

جناب عالی۔

No 2249/DA, dt, 1/3/024

میں سائل نہایت ہی ادب و احترام کے ساتھ سائل شوکاز نوٹس

بخدمت جناب ڈپٹی کمانڈنٹ صاحب PRP/KPK پشاور ہذا سے بواسطہ عرض ہے کہ میں سائل

کے خلاف فائنل شوکاز نوٹس ہذا میں الزامات لگائے ہیں یہ تمام الزامات بے بنیاد

ہے۔ اور میں تمام الزامات کی میں سائل مکمل تردید کرتا ہوں۔ کیونکہ میں سائل نے

ہمیشہ ہر حال میں افسران بالا کے حکم اور احکام کی تعمیل کی ہے۔ اور ہر حال میں اپنی

ڈیوٹی احسن طریقہ کار سے سرانجام دی ہے۔ اور سرانجام دے رہا ہوں۔

میں سائل نے ہمیشہ اپنے محکمہ کے افسران بالا اور پولیس اہلکاران کے

وقار و بہبود کی خاطر اور نام روشن کرنے کے متعلق سوشل میڈیا پر آواز

اٹھایا ہے۔ اور جناب افسران بالا صاحبان تک جائز تجاویات سوشل

میڈیا پر پہنچانے کی کوشش کی ہے۔ اس کے برعکس میں سائل افسران

بالا و دیگر اہلکاران کو حاشیہ میں ہراسان کے بدنامی کے متعلق

سوچ بھی نہیں سکتا ہوں۔ اور نہ کبھی غیر اخلاقی کردار ادا کرنے کی کوشش

کی ہے۔ کیونکہ میں سائل کا تعلق ایک ڈسپلن فورس سے ہے میں

سائل کا تعلق ایک نہایت ہی غریب اور شریف خاندان سے ہے۔ لہذا آپ

صاحبان سے گزارش ہے فائنل شوکاز اور بذریعہ درخواست عاجزانہ استدعا

کی جاتی ہے۔ کہ میں سائل کی دادرسی کی خاطر فائنل شوکاز نوٹس

ہذا بلا خرید کاروائی داخل دفتر کرنے کے احکامات صادر فرما کر شکریہ

کا موقع دیں۔ سائل تا حیات دعا گو رہیگا۔

العارض

3/2024

ولی خان بوزمان کانسٹیبل نمبر حیثیت پولیس لائن بنوں

# بعدالت سپریم ٹریبونل لاہور

2 منجانب اپیلانٹ

موزخہ ـــــــــ

مقدمہ ـــ محمد رشید (ن) انسپکٹر جنرل

دعویٰ ـــــــــ

جرم ـــــــــ

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ آن مقام لاہور کیلئے Acc Shah Faisal Rafiq مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارعرضی دعویٰ اور درخواست ہر قسم کی تصدیق زر ایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند رہے۔

المرقوم ـــــــــ 20ء

العبد ـــــــــ گواہ ـــــــــ العبد ـــــــــ

بمقام ـــــــــ کے لئے منظور ہے۔

Shah Faisal Rafiq
ASC
0316 3026694