

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

AMENDED SERVICE APPEAL NO.488/2024

Nazar Gul

VS

Police Department

INDEX

| S.No. | Documents | Annexure | P. No. |
|-------|--|----------|--------|
| 1 | Memo of Appeal | ----- | 01-06 |
| 2 | Affidavit | ----- | 06-A |
| 3 | Copies of charge sheet along with the statement of allegations and reply | A&B | 07-09 |
| 4 | Copy of application | C | 10 |
| 5 | Copies of removal order dated 15.12.2023, departmental appeal and order dated 30.01.2024 | D,E&F | 11-14 |
| 6 | Copies of revision and order 17.05.2024 | G&H | 15-18 |
| 7 | Copies of application and order sheet dated 11.07.2024 | I&J | 19-21 |
| 8 | Copies of statement of Ishtaq | K | 22 |
| 9 | Vakalat Nama | | 23 |

THROUGH:

APPELLANT


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

Cell# 0333-9390916

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

AMENDED SERVICE APPEAL NO.488/2024

Nazar Gul, Head Constable,
Police Lines, Peshawar.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

**AMENDED APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS
ACT, 1974 AGAINST THE ORDER DATED 17.05.2024,
WHEREBY THE APPELLANT WAS REINSTATED
INTO SERVICE WITH IMMEDIATE EFFECT BY
ACCEPTING HIS REVISION PETITION, BUT HIS
MAJOR PUNISHMENT OF DISMISSAL FROM
SERVICE IS CONVERTED INTO MAJOR
PUNISHMENT OF REVERSION IN RANK I.E FROM
HIS SUBSTANTIVE RANK OF ASI TO HC AND HIS
INTERVENING PERIOD WAS ALSO TREATED AS
LEAVE WITHOUT PAY.**

PRAYER:

**THAT ON THE ACCEPTANCE OF THIS AMENDED
APPEAL, THE MAJOR PUNISHMENT OF REVERSION
IN RANK I.E FROM HIS SUBSTANTIVE RANK OF ASI
TO HC MAY BE SET ASIDE AND THE APPELLANT
MAY BE RESTORED TO HIS ORIGINAL RANK OF ASI
AS HE WAS BEFORE THE REMOVAL ORDER DATED
15.12.2023 AND HIS INTERVENING PERIOD MAY BE
TREATED ON FULL PAY BY MODIFYING THE
ORDER DATED 17.05.2015 TO THAT EXTENT ONLY
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.**

RESPECTFULLY SHEWETH:**FACTS:**

1. That the appellant was appointed as Constable in the respondent department and with the passage of time he was promoted to the rank of ASI and has performed his duty with great devotion and honesty, whatsoever assigned to him and no complaint has been filed against him regarding his performing.
2. That the appellant while posted at PS East Cantt Peshawar, accused namely Yasir Khan was re-arrested by the surveillance team and was confined in PS Cantt Peshawar. Yasir who was confined in PS Cantt has requested constable namely Noor UI Basar (who was also removed from service along with the appellant) to contact with his family on which Noor UI Basar contacted with his family through his own mobile. It is pertinent to mention here that SDPO Cantt has confined many people in PS Cantt Peshawar and due to contact of accused Yasir with his family through mobile of Noor UI Basar, SDPO Cantt got annoyed and conducted preliminary inquiry against the appellant, Constable Azeem and Constable Noor UI Basar without providing opportunity of defence to them as in preliminary inquiry neither statements were recorded in the presence of them nor gave them opportunity of cross examination.
3. That charge sheet along with statement of allegations were issued to the appellant in which following allegations were leveled against the appellant that it has been learnt through reliable source that during the confinement period ASI Nazar Gul (appellant) and constable Azeem No.5256 contacted the brother of the accused Yasir and demand 01 lac rupees and 02 09 MM pistols of which after mutual bargaining the brother confined accused handed over two 9MM (local made) Pistols to ASI Nazar Gul Khan and Constable Azeem. The appellant submitted his reply to the charge sheet in which he denied the allegations and clearly mentioned in his reply that he has not arrested the Yasir nor did any illegal demand from him for his release and baseless allegations were leveled against him. **(Copies of charge sheet along with the statement of allegations and reply are attached as Annexure-A&B)**
4. That inquiry was conducted against the appellant in which no proper opportunity of defense was provided to the appellant as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, even the inquiry report is not

provided to the appellant and as the inquiry report was not provided to the appellant therefore, he filed an application for provision of inquiry report, however, inquiry report was not provided to him which may be requisite from the department. **(Copy of application is attached as Annexure-C)**

5. That on the basis of baseless allegations, the appellant was removed from service vide order dated 15.12.2023 without issuing show cause notice to the appellant. The appellant filed departmental on 22.12.2023 against dismissal order dated 15.12.2023, which was rejected on 30.01.2024 for no good grounds and the rejection order was received by appellant on 14.02.2024 **(Copies of removal order dated 15.12.2023, departmental appeal and order dated 30.01.2024 is attached as Annexure-D,E&F)**
6. That the appellant after the rejection of departmental appeal filed service appeal in this Honorable Tribunal and also filed revision petition under 11-A of Police Rules 1975 (amended in 2014) to respondents No.1. The revision Board decided the revision of the appellant on 17.05.2024, whereby revision petition of the appellant was accepted, he was reinstated into service with immediate effect, but his major punishment of dismissal from service is converted into major punishment of Reversion in Rank i.e from his substantive rank of ASI to HC and his intervening period was treated as leave without pay. **(Copies of revision and order 17.05.2024 are attached-G&H)**
7. That as the appellant has filed the service in this Honorable Tribunal against the order dated 15.12.2023, whereby the appellant was removed from service and his departmental appeal was also rejected on 30.01.2024 with the prayer to set aside these orders and reinstate him in service with all back and consequential benefit, however respondent No.1 decided the revision petition of the appellant on 17.07.2024, wherein petition of the appellant was accepted, he was reinstated into service with immediate effect, but his major punishment of dismissal from service is converted into major punishment of Reversion in Rank i.e from his substantive rank of ASI to HC and his intervening period was treated as leave without pay and as the appellant was reinstated into service by the department itself through an order dated 17.05.2024, but also imposed him major punishment of reversion in rank i.e from ASI to HC and his intervening period was treated as leave without pay, therefore, the appellant filed an application for permission to seek amendment in

his service appeal due to passing of order dated 17.05.2024, which was allowed by this Honorable Tribunal on 11.07.2024. (Copies of application and order sheet dated 11.07.2024 are attached as Annexure-I&J)

- 8. That the appellant now wants to file the amended appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUND:

- A) That the imposition of major punishment of reversion in rank i.e from substantive rank of ASI to HC upon the appellant and his intervening period was treated as leave without pay in the order dated 17.05.2024 is against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be modified to the extent by setting aside the imposition of major punishment of reversion in rank i.e from substantive rank of ASI to HC upon the appellant and his intervening period was treated as leave without pay.
- B) That baseless allegations were leveled against the appellant on which he was removed from service with conducting proper and regular inquiry to dig out the realty about the allegation leveled against the appellant, however the appellant was reinstated into service on 17.05.2024 by the department itself by accepting his revision petition which means that the stance of the appellant was accepted by the department itself by removing him on baseless allegations, but major major punishment of reversion in rank I.e from his substantive rank of ASI to HC has imposed upon the appellant and his intervening period was treated as leave without pay in the order dated 17.05.2024, which is liable to be set aside by the modifying the order dated 17.05.2024 to that extant only.
- C) That one allegation leveled against the appellant is that during the confinement period ASI Nazar Gul (appellant) and constable Azeem No.5256 contacted the brother of the accused Yasir and demand 02 09 MM pistols of which after mutual bargaining the brother confined accused handed over two 9MM (local made) Pistols to ASI Nazar Gul Khan and Constable Azeem, but the appellant and Constable Azeem did not demand 02 09 MM pistols from Yasir, but Azeem Khan properly paid for the pistols and lieu of payment he got the pistols from the relative of Yasir namely Ishtaq as Yasir was working

5

in the Arms Factory and which can also be endorsed from the statement given by Ishtaq during the inquiry proceeding, but despite that the appellant was removed from service on the baseless allegation, however, the appellant was reinstated into service on 17.05.2024 by the department itself by accepting his revision petition by admitting the stance of the appellant on removing him service on baseless allegation, but major major punishment of reversion in rank i.e from his substantive rank of ASI to HC has imposed upon the appellant and his intervening period was treated as leave without pay in the order dated 17.05.2024, which is liable to be set aside by the modifying the order dated 17.05.2024 to that extant only. **(Copy of the statement of Ishtaq is attached as Annexure-K)**

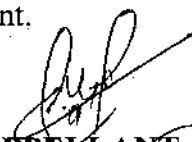
- D) That other allegation leveled against the appellant is that during the confinement period ASI Nazar Gul (appellant) and constable Azeem No.5256 contacted the brother of the accused Yasir and demand 01 lac rupees of which after mutual bargaining, but the appellant never demand the 01 lac rupees, but despite that the appellant was removed from service on the baseless allegation, however, the appellant was reinstated into service on 17.05.2024 by the department itself by accepting his revision petition by admitting the stance of the appellant on removing him service on baseless that allegation, but major punishment of reversion in rank i.e from his substantive rank of ASI to HC has imposed upon the appellant and his intervening period was treated as leave without pay in the order dated 17.05.2024, which is liable to be set aside by the modifying the order dated 17.05.2024 to that extant only.
- E) That in charge sheet it was mentioned that learnt through reliable sources but it was not specify that kind of reliable sources it was learnt and on that presumption the appellant was removed from service, however, the appellant was reinstated into service on 17.05.2024 by the department itself by accepting his revision petition by admitting the stance of the appellant on removing him service on baseless that allegation, but major punishment of reversion in rank i.e from his substantive rank of ASI to HC has imposed upon the appellant and his intervening period was treated as leave without pay in the order dated 17.05.2024, which is liable to be set aside by the modifying the order dated 17.05.2024 to that extant only.
- F) That the appellant denied the allegations leveled against him in his reply to charge sheet, but without observing his reply to charge sheet

6



and without conducting proper and regular inquiry, the appellant was removed from service on baseless allegations, however, the appellant was reinstated into service on 17.05.2024 by the department itself by accepting his revision petition by admitting the stance of the appellant on removing him service on baseless allegations, but major punishment of reversion in rank i.e from his substantive rank of ASI to HC has imposed upon the appellant and his intervening period was treated as leave without pay in the order dated 17.05.2024, which is liable to be set aside by the modifying the order dated 17.05.2024 to that extant only.

- G) 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 on the acceptance of this amended appeal, the major punishment of reversion in i.e rank from his substantive rank of ASI to HC may be set aside and the appellant may be restored to his original rank of ASI as he was before the removal order dated 15.12.2023 and his intervening period may be treated on full pay by modifying the order dated 17.05.2015 to that extent only 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.


APPELLANT
Nazar Gul

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
& 
(SHAKIR ULLAH TORANI)
ADVOCATE

6-A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

AMENDED SERVICE APPEAL NO.488/2024

Nazar Gul

VS

Police Department

AFFIDAVIT

I, Nazar Gul Ex-ASI 682/P, Police Station East Cantt Peshawar (Appellant), do hereby affirm and declare that the contents of this amended service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.


DEPONENT

A 7

CHARGE SHEET

1. Whereas I am satisfied that a formal enquiry as contemplated by Efficiency & Disciplinary Rules 1975 is necessary & expedient.

2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

3. Now therefore, as required by Rule 6 (1) of the said Rules, I, Lt Cdr @ Kashif Aftab Ahmad Abbasi, PSP, SSP Operations, Peshawar hereby charge you the following police officials under Efficiency & Disciplinary Rule 1975 on the allegations mentioned in the enclosed Summary of Allegations.

- i. ASI Nazar Gul Khan PS East Cantt
- ii. Constable Azeem No. 5256 PS East Cantt
- iii. Constable Noor ul Basar No. 6070

4. And I hereby direct you further under the said Rule to put forth written defence within 7 days of the receipt of this Charge Sheet as to why the proposed action should not be taken against you and also stating at the same time whether you desire to be heard in person.

5. And in case your reply is not received within the specific period, it shall be presumed that you have no defense to offer and ex-parte action will be taken against you.

6. Statement of Allegation is enclosed.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI) PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 286 /PA dated Peshawar the 06/11/2023

Copy of the above is forwarded to the Enquiry Officer for initiating proceeding against the above named officer.

Better Copy

CHARGE SHEET

1. Whereas I am satisfied that a formal enquiry as contemplated by Efficiency Disciplinary Rules 1975 is necessary & expedient.
2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in rule 3 of the aforesaid Rules.
3. Now therefore, as required by Rule 6 (1) of the said Rules 1, Lt Car Kashif Aftab Ahmad Abbasi, P SP, SSP Operations, Peshawar hereby charge you the following police officials under Efficiency & Disciplinary Rules 1975 on the allegations mentioned in the enclosed Summary of allegations.
 - I. ASI Nazar Gul Khan PS East Cantt
 - II. Constable Azeem No. 5226 PS East Cantt
 - III. Constable Noor Ul Basar No. 6070
4. And I hereby you further under the said Rule to put forth written defence within 7 days of the receipt of this charge Sheet as to why the proposed action should not be taken against you and also stating at the same time whether you desire to be heard in persons.
5. And in case your reply is not received within the specified period, it shall be presumed that you have no defense to offer and ex-parte action will be taken against you.
6. Statement of allegations is enclosed.

(Lt Cdr KASHIF AFTAB AHMAD ABBASI)
Senior Superintendent of Police
(Operations) Peshawar

No. 286/PA dated Peshawar the 06.11.2023.

Copy of the above is forwarded to the Enquiry Officer for initiating proceeding against the above named officer.

A 8

SUMMARY OF ALLEGATIONS

1. Lt Cdr @ Kashif Aftab Ahmad Abbasi, PSP, SSP Operations Peshawar as competent authority is of the opinion that the following police officials have rendered themselves liable to be proceeded against departmentally as they have committed the following acts/omission within the meaning of the Khyber Pakhtunkhwa (E&D) Rules, 1975.

- i. ASI Nazar Gul Khan PS East Cantt
- ii. Constable Azeem No. 5256 PS East Cantt
- iii. Constable Noor ul Basar No. 6070

STATEMENT OF ALLEGATIONS

- A preliminary enquiry conducted by SDPO Cantt vide his office memo No. 2467/PA dated 01.11.2023 that in light of the directions the accused namely Yasir Khan s/o Shakeel Khan r/o Masho Khel Badaber, Peshawar was rearrested by the surveillance team and was confined at Police Station East Cantt.
- It has been learnt through reliable sources that during the confinement period ASI Nazar Gul Khan and Constable Azeem No. 5256 contacted the brother of the accused Yasir and demanded 01 lac Rupees and 02 9-MM Pistols of which after mutual bargaining the brother confined accused handed over two 9MM (local made) pistols to ASI Nazar Gul Khan and Constable Azeem
- Being a part of disciplinary force their this act is highly objectionable and render them liable for disciplinary proceedings under (E&D) Rules, 1975.

2. For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations ASP Nayab is appointed as Enquiry Officer under Efficiency & Disciplinary Rule 1975.

3. The Enquiry Officer shall in accordance with the provision of the Efficiency & Disciplinary Rules 1975, provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI PSP
Senior Superintendent of Police
Operations) Peshawar

Better Copy

Better copy - 8

SUMMARY OF ALLEGATIONS

1. Lt Cdr Kashif Aftab Ahmad Abbasi, PSP, SSP Operations Peshawar as competent authority am of the opinion that the following police officials have rendered themselves liable to be proceeding against departmentally as they have committed the following acts/omission with in the meaning of the Khyber Pakhtunkhwa (E&D) Rules , 1975.

- I. ASI Nazar Gul Khan PS East Cantt.
- II. Constable Azeem No 5226 PS East Cantt
- III. Constable Noor Ul Basar No 6070

STATEMENT OF ALLEGATIONS

A Preliminary enquiry conducted by SDPO Cantt vide his office memo No. 2467/PA dated 01.11.2023 that in light of the directions the accused namely Yasir Khan S/o Shakeel Khan r/o Masho Khel Badaber, Peshawar was rearrested by the Surveillance team and was confined at Police Station East Cantt.

It has been learnt through reliable that during the confinement period ASI Nazar Gul Khan and Constable Azeem No 5226 contacted the brother of the Accused Yasir and demanded 01 lac Rupees and 02 9-MM Pistols of which after mutual bargaining the brother confined accused handed over two 9MM (local made) to ASI Nazar Gul Khan and Constable Azeem.

Being a part of disciplinary force their this act is highly objectionable and render them liable for disciplinary proceedings under (E&D) Rules, 1975.

2. For the purpose of scrutinizing the conduct of the aforesaid police officials in the said episode with reference to the above allegations ASP Nayab is appointed as Enquiry Officer under Efficiency & Disciplinary Rules 1975.
3. The Enquiry Officer shall in accordance with the provision of the Efficiency & Disciplinary Rules 1975, provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused Official.

(Lt Cdr KASHIF AFTAB AHMAD ABBASI PSP
Senior Superintendent of Police
Operations) Peshawar)

B (9)

خدمت جناب نایاب خان ASP حیات آباد پشاور۔

حوالہ چارج شیٹ نمبر 286/PA تاریخ 06.11.2023

جناب عالی

مذکورہ بالا چارج شیٹ اسٹو کا زونٹس کے بابت مرض ہے کہ جملہ الزامات درج درجہ مذکورہ بالا چارج شیٹ معنی بردار و گونئی اور خود
ساتھ ہے اور ان کا حقیقت سے دور کا تعلق یا واسطہ نہیں ہے۔ یہ کہ یا سرنامی شخص نہ ہم نے گرفتار کیا تھا اور نہ میں سائل نے ان سے کسی قسم کا
غیر قانونی مطالبہ کیا ہے جب ایک بندہ ہمارے ساتھ ملزم نہ ہو تو ان کی رہائی یا ان سے کسی قسم کا غیر قانونی مطالبہ کا سوال ہی پیدا نہیں ہوتا۔
یہ کہ میں ایک سینئر پولیس آفیسر ہوں اور میرا جملہ سروس ریکارڈ اس قسم کے الزامات سے صاف اور شفاف ہے میں اپنی ڈیوٹی کے
نفاذ سے بخوبی واقف ہوں اور کبھی بھی اپنی ڈیوٹی میں غفلت نہیں برتی ہے اور نہ کسی سے غیر قانونی مطالبات کی ہے اور نہ کرتا ہوں کیونکہ
میرا ڈیوٹی کے عوض سرکار مجھے تنخواہ دیتا ہے جس پر میرا اور میرے خاندان کا پورا مہینہ اچھا بھلا گزارا ہوتا ہے اور اپنی ڈیوٹی ایمانداری سے
سرا بام دے رہا ہوں نیز میں بلوچ پولیس آفیسر تھا نہ بڈہ بیر میں رہ چکا ہوں اور یا سرنامی شخص کا تعلق بھی گاؤں بڈہ بیر سے ہے ہو سکتا ہے
کہ سی دوران یا سر کو غیر قانونی فعل پر گرفتار کیا ہو اور موجودہ شکایت اسی گرفتاری کا انتقامی کارروائی ہو۔ تمام الزامات جھوٹ کا پلندہ ہے اور
مختصر اس سائل کے پولیس ڈیپارٹمنٹ اور سوسائٹی میں ساکھ کو نقصان پہنچانے کی خاطر غلط بیانی سے کام لیا گیا ہو جملہ الزامات من گھڑت
ہے اس میں کوئی صداقت نہیں ہے۔ لہذا استدعا ہے کہ یہ منظور کی جاوے کہ اس سائل کے خلاف انکو آری ایچ آر ڈیوٹی داخل دفتر کرنے
کے احکامات صادر فرمائیں۔

آپ کا مخلص

نذر گل خان ASI تھانہ شرقی

١٥
٢٠
٣٠
٤٠
٥٠
٦٠
٧٠
٨٠
٩٠
١٠٠
١١٠
١٢٠
١٣٠
١٤٠
١٥٠
١٦٠
١٧٠
١٨٠
١٩٠
٢٠٠
٢١٠
٢٢٠
٢٣٠
٢٤٠
٢٥٠
٢٦٠
٢٧٠
٢٨٠
٢٩٠
٣٠٠
٣١٠
٣٢٠
٣٣٠
٣٤٠
٣٥٠
٣٦٠
٣٧٠
٣٨٠
٣٩٠
٤٠٠
٤١٠
٤٢٠
٤٣٠
٤٤٠
٤٥٠
٤٦٠
٤٧٠
٤٨٠
٤٩٠
٥٠٠
٥١٠
٥٢٠
٥٣٠
٥٤٠
٥٥٠
٥٦٠
٥٧٠
٥٨٠
٥٩٠
٦٠٠
٦١٠
٦٢٠
٦٣٠
٦٤٠
٦٥٠
٦٦٠
٦٧٠
٦٨٠
٦٩٠
٧٠٠
٧١٠
٧٢٠
٧٣٠
٧٤٠
٧٥٠
٧٦٠
٧٧٠
٧٨٠
٧٩٠
٨٠٠
٨١٠
٨٢٠
٨٣٠
٨٤٠
٨٥٠
٨٦٠
٨٧٠
٨٨٠
٨٩٠
٩٠٠
٩١٠
٩٢٠
٩٣٠
٩٤٠
٩٥٠
٩٦٠
٩٧٠
٩٨٠
٩٩٠
١٠٠٠

جانب حال

تاریخ صدور سند ۱۵/۱۲/۲۰۲۳
موضوع سند پرداخت و دریافت
مبلغ سند ۵۰۰۰۰۰۰۰
بابت پرداخت و دریافت
کلیه کارهای مربوطه

تاریخ ۲۵/۱۰/۲۰۲۳
امضاء
محل امضاء

مبلغ سند ۵۲۵۶
تاریخ صدور سند ۶۰۷۰

شہادت حساب CCPO صاحب کینٹون
صاحب عالی

گزارش منجہ ساٹلان مورفہ 15/12/2023 ریپول آف سروسز
اڈر ہو چکی ہے جسکی انکو اٹری کاپی بھی حق ہے کہ ساٹلان کو
فائنل انکو اٹری کے کاپی موصول ہو جائے لہذا اسٹریٹ کپی بھی
کہ انکو اٹری فائنل کے فوراً کاپی دینے کا حکم صادر فرما کر
مشکوہ فرمائیں

الغراض

25/12/2023

سہیل نذر گل
AS1
3256 تنظیم
" کینٹون لورالہ " " کینٹون لورالہ "



OFFICE OF THE
SR: SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508

ORDER

1. This office order will dispose of formal departmental proceedings against ASI Nazir Gul Khan No. 682/P, Constable Noor-ul-Basar No. 6070, Constable Azeem No. 5256 while posted at Police Station East Cantt was proceeded against departmentally vide this office No. 286/E/PA dated 06.11.2023, on allegations that a preliminary enquiry conducted by SDPO Cantt vide his office memo No. 2467/PA dated 01.11.2023 that in light of the directions the accused namely Yasir Khan s/o Shakeel Khan r/o Masho Khel Badaber, Peshawar was rearrested by the surveillance team and was confined at Police Station East Cantt. It has been learnt through reliable sources that during the confinement period ASI Nazir Gul Khan, Constable Azeem No. 5256 and Constable Noor ul Basar No. 6070 contacted the brother of the accused Yasir and demanded 01 lac Rupees and 02 9-MM Pistols of which after mutual bargaining the brother confined accused handed over two 9MM (local made) pistols to ASI Nazir Gul Khan and Constable Azeem.
2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation were issued against them and ASP Havatabad was appointed as Enquiry Officer, who submitted his finding wherein he concluded that the allegations against delinquent officials have been proved and they stand guilty of the charges and agree with the preliminary enquiry. The E.O further recommended them for major punishment.
3. Having gone through the enquiry file and other relevant record, the undersigned is fully satisfied that the delinquent officials have committed a gross misconduct, which is proved beyond any shadow of doubt. Thus, they brought bad name to the police department. The undersigned being a competent authority do agree with the recommendations of the enquiry officer, therefore, ASI Nazir Gul Khan No. 682/P, Constable Noor-ul-Basar No. 6070, Constable Azeem No. 5256 are hereby awarded major punishment of "Removal from Service" with immediate effect.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBAS)PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 2106-11 PA dated Peshawar, the 15/12 2023.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. SsP Cantt & HQrs, CCP Peshawar.
3. SDPO Cantt, CCP Peshawar.
4. EC-II/OASI//CRC/PO, FMC along with complete enquiry file for record (58).
5. Officials concerned.

5.11.2013
26.12.2013

6- ...

5- ...

4- ...

3- ...

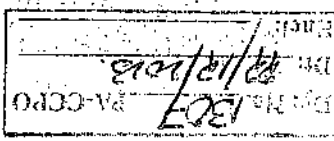
2- ...

1- ...

...

FML

FMC



12

...

(58)

7- یہ کہ ملزم مذکورہ کی رہائی کے بابت ایپلانٹ کو چارج شیٹ کیا گیا اور انکو آئری آفیسر نے ایپلانٹ کی انکو آئری حقیقت اور شواہد/بیانات کے خلاف رتب کر کے ایپلانٹ کو غیر قانونی طور پر بلا جواز نوکری سے برطابق چٹھی نمبر PA 2106-11 مورخہ 15-12-2023 (Removal from Service) کیا گیا۔ (جملہ دستاویزات پلف اپیل ہذا ہیں)

8- یہ کہ ایپلانٹ ایک غریب گھرانے سے تعلق رکھتا ہے اور ایپلانٹ کے چھوٹے چھوٹے 5 بچے ہیں اپنے گھرانے کا واحد طور پر کفیل ہے اور ایپلانٹ کا گزر بسر بمشکل ہو رہا ہے اور آمدنی کا دیگر کوئی ذریعہ نہ ہے۔

9- یہ کہ اس ناامیدی کے حالت میں آپ جناب سے انصاف کی توقع رکھتے ہوئے ایپلانٹ کو اپنی ملازمت پر بعد واجبات بحالی کی پرزور اپیل کرتا ہے ایپلانٹ عمر بھر دعا گو رہے گا۔

لہذا استدعا ہے کہ منظور کی جھکمانہ اپیل ہذا ایپلانٹ کو اپنی ملازمت پر بحالی اور عطائیگی مراعات کے احکامات جاری فرمائیں اس امر کے لیے ایپلانٹ دعا گو رہیگا۔

المترقوم:- 22-12-2023

ارض

ایپلانٹ:-

نذر گل اے ایس آئی

نمبر 682-P

4337
نذر گل اے ایس آئی

قومی شناختی کارڈ نمبر 3-1158069-17102

رابطہ نمبر 0346-9189425



**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

Phone No. 091-9210989 Fax: No. 091-9212597

F (14)

ORDER.

This order will dispose of the departmental appeal preferred by Ex-ASI Nazár Gul No. 682/P, who was awarded the major punishment of "dismissal from service" under KP PR-1975 (amended 2014) by SSP/Operations, Peshawar vide order No. 2106-11/PA, dated 15.12.2023.

2- Brief facts leading to the instant appeal are that the defaulter ASI was proceeded against departmentally on the charges that in light of the directions, the accused namely Yasir Khan s/o Shakeel r/o Masho Khel Badaber, Peshawar was arrested by the surveillance team and was confined at PS East Cantt: till further orders. During the confinement period, the defaulter ASI contacted brother of the accused namely Yasir and demanded 01 Lac Rupees and two 09-MM (Local made) Pistols. After mutual bargaining, brother of the accused i.e. Yasir, handed over two 09-MM (Local made) Pistols to ASI Nazár Gul and Constable Azeem.

3- He was issued Charge Sheet and Summary of Allegations by SSP/Operations, Peshawar. ASP/Hayatabad, Peshawar was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer after conducting departmental enquiry submitted his findings in which he was recommended for major punishment. The competent authority in light of the findings of the Enquiry Officer awarded him the major punishment of dismissal from service.

4- He was heard in person in Orderly Room. During personal hearing, he was given an opportunity to prove his innocence. However, he failed to submit any plausible explanation in his defense. Therefore, his appeal for setting aside the punishment awarded to him by SSP/Operations, Peshawar vide order No. 2106-11/PA, dated 15.12.2023, is hereby rejected/filed.

"Order is announced"

**CAPITAL CITY POLICE OFFICER,
PESHAWAR**

No. 387-93 /PA/CCP, dated Peshawar th: 30 / 01/2024

Copies for information and necessary action to the:-

1. SSP/Operations Peshawar.
2. AD/IT CCP Peshawar.
3. EC-II, AS & Pay Officer.
4. FMC along with complete Fouji Missal.
5. Official concerned.

Handwritten signature and date: 14/02/2024

خدمت جناب سیکر جنرل آف پبلک ریلیشنز خیبر پختونخوا

موضوع: نظر ثانی تنظیم نمبر: 30-1-2024 بحال ملازمت سائل بمعدہ انعامات شاہد احمد

جناب عالی: سائل حسب ذیل عرض درساں ہے۔

1- یہ کہ سائل ایک شریف اور باعزت خاندان سے تعلق رکھتا ہے اور قانون کی پاسداری کرنے والا شہری ہے اور ضلع چارسدہ کا رہائشی و پیدائشی باشندہ ہے۔

2- یہ کہ سائل حکمہ پولیس میں بحیثیت اے ایس آئی برطانیہ نمبر P-1682 اپنی خدمات خوش اسلوبی سے سرانجام دے۔ باقہ اور کئی بھی انفران بلاؤ شکایت کا موقع نہیں دیا ہے۔

3- یہ کہ جہد الزامات جو کہ سائل کے خلاف قائم کیے گئے سراسر جھوٹ پر مبنی ہیں اور اس میں کسی قسم کی صداقت نہیں ہے نیز مذکورہ دیا سر کیساتھ سائل کا کوئی تعلق یا واسطہ نہ ہے اور نہ تھا۔

4- یہ کہ تہذیبیہ حکم سراسر غیر قانونی ہے اور میں سائل کو بے جا طور پر بڑی سزا دی گئی ہے جو کہ قانوناً قابل اعتراض ہے۔

5- یہ کہ مذکورہ دیا سر کا سائل کیساتھ نہ کسی قسم کے جرم میں تعلق ہے اور نہ ہی سائل نے تھانہ شرفی میں کسی جرم میں گرفتاری کا تجربہ کیا ہے اور نہ ہی سائل کے خلاف بدینتی پرکھی گئی ہے۔

6- یہ کہ یہاں پر اس امر کی وضاحت کرنا ضروری ہے کہ سائل کو جو روایا مضمہر ایسا ہی حالانکہ تو سائل نے مضمہر کو کوئی امداد دی ہے اور نہ اس کے رشتہ داروں سے رابطہ کیا ہے۔ دوسروں پر قائم کیے گئے الزامات نے تحت سائل کو غیر قانونی طور پر گناہ چھوڑ دیا گیا ہے۔ اس سے قبل مضمہر کو تھانہ جڈہ میں اس کے ایس آئی نے غیر قانونی طور پر 54 ضابطہ فوجداری میں گرفتار کیا جا کر چالان عدالت کیا گیا ہے اس لیے مضمہر یا سائل اس کے ایس آئی و بیور پولیس نسر جانتا ہے وہ مگر کوئی تعلق یا واسطہ نہ ہے۔ نیز ایسا بھی ہو سکتا ہے کہ مضمہر یا سائل کی پہلی گرفتاری و چالان بدینتی کی وجہ سے سائل کے خلاف ایک خود ساختہ اور غلط اور جھوٹے بیانات دیے گئے ہوں۔

(16)

7- یہ کہ ملزم مذکورہ کی رہائی کے بہت مسائل کو چارج شیٹ کیا گیا اور انوائٹری آفیسر نے مسائل کی انوائٹری حقیقت اور شواہد/بیانات کے خلاف مرتب کر کے مسائل کو غیر قانونی طور پر بلا جواز نوٹری سے برطانیق چٹھی نمبر 2106-11 PA مورخہ 15-12-2023 (Removal from Service) کیا گیا۔ (جملہ دستاویزات لف اپن ہوا ہیں)۔

8- یہ کہ قبل ازیں مسائل نے مورخہ 22-12-2023 کو ایک اپیل جناب چیف کپٹن پولیس آفیسر پٹیا، وزیر اعلیٰ جس میں مسائل نے سی سی پی او صاحب سے داد طلب کی مگر بعد ازاں سی سی پی او صاحب نے مورخہ 30-01-2024 کو برطانیق چٹھی نمبر 387-93/PA/CCP خارج فرمائی بدینوجہ مسائل آپ جناب سے دادری کا مطالبہ ہے۔ (نقل اپیل و حکم مورخہ 30-01-2024 لف ہے)۔

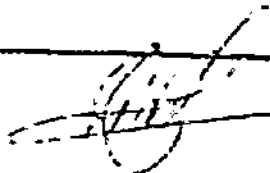
9- یہ کہ مسائل ایک غریب گھرانے سے تعلق رکھتا ہے اور مسائل کے چھوٹے چھوٹے 5 بچے ہیں اپنے گھمبائے ہاے واحد طور پر کنٹریل ہے اور مسائل کا گزر رہبر بمشکل ہو رہا ہے اور آمدنی کا دیگر کوئی ذریعہ نہ ہے۔

10- یہ کہ اس ناامیدی کے حالت میں آپ جناب سے انصاف کی توقع رکھتے ہوئے مسائل کو اپنی ملازمت پر بہت اذیت بحالی کی پڑ زور اپیل کرتا ہے مسائل اور اس کے بچے مرنے بھر دنا گور ہے گیس۔

لہذا استدعا ہے کہ بمشوری نظر ثانی بنا حتم نمبر 30-01-2024 کو معطل کیا جا کر مسائل کو اپنی ملازمت پر بحالی اور عطائے عملی مراعات کے ادھ، ت بری فرما ہیں اس امر کے لیے مسائل اور اس کے بچے کو رچیتے

المرقوم: 14-02-2024

ارض

سائنس: 

نذر گل اے ایس آئی

نمبر P-682

قومی شناختی کارڈ نمبر 3-1158069-17102

رابطہ نمبر 0301-8835956، 0346-9189425



(17)
A H

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

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-ASI Nazar Gul No. 682/P (hereinafter referred to as petitioner).

SSP/Operations, Peshawar awarded the petitioner major punishment of dismissal from service vide order Fndst: No. 2106-11/PA, dated 15.12.2023 on the allegations that an accused namely Yasir Khan s/o Shakeel r/o Masho Khel Baduber was arrested by the surveillance team and was confined at PS East Contt: till further orders. During the confinement period, the defaulter ASI contacted the brother of the accused namely Yasir and demanded 01 Lac Rupees and two 09-MM (Local made) pistols. After mutual bargaining, brother of the accused i.e. Yasir, handed over two 09-MM (Local made) pistols to ASI Nazar Gul and Constable Azam.

The Appellate Authority i.e. CCPO/Peshawar heard the appellant in OR & rejected his appeal vide order Fndst: No. 387-93/PA/CCP, dated 30.01.2024

A meeting of Appellate Board was held on 10.05.2024 in CPO under the chairmanship of DIG Headquarters. Ex-ASI Nazar Gul No. 682 was present.

The petitioner was heard in person. The Board accepted his revision petition. He is reinstated into service with immediate effect. His major punishment of dismissal from service is converted into major punishment of Reversion in Rank i.e. from his substantive rank of ASI to HC. The intervening period in he treated as leave without pay.

Sd/-

AWAL KHAN, PSP

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

No. SI 1180-25 /24, dated Peshawar, the 17-05-2024.

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar. One Service Book, One Service Roll, One Fauji Missal and Original Enquiry File (207 pages) received vide letter No. 3185/EC-II, dated 23.02.2024 is returned for your office record.
2. Senior Superintendent of Police, Operations, Peshawar.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IG/HQs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-III, CPO Peshawar.

7687
17-5-24

SOMA SHAMROZE KHAN)
PSP

AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

(8)

OFFICE OF THE CAPITAL CITY POLICE OFFICER, PESHAWAR.

No. 7792-99 EC-II, dated Peshawar, the 21/05/2024.

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

- 1) SSP/Operation, CCP, Peshawar.
- 2) SP/HQrs, CCP, Peshawar
- 3) EC-I, PO, CRC, JASI, IT, FMC.

(SSP/COORDINATION)
FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR.

[Signature]
21/05/2024

1

(19)

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

APPEAL NO. 488/2024

Nazar Gul

V/S

Police Department.

**SUBJECT: APPLICATION FOR PERMISSION TO SEEK
AMENDMENT IN THE INSTANT APPEAL DUE TO
PASSING OF ORDER DATED 17.05.2024.**

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant Service Appeal in this honorable court against order dated 15.12.2023 where the appellant was dismissal from service and his departmental appeal was also rejected on 30.01.2024.
2. That the appellant also filed revision under 11-A of police rule 1975(Amended in 2024). The board accepted his revision petition and reinstated him into service with immediate effect and his major punishment dismissal from service converted into Reversion in rank i.e. from ASI to HC. And his intervening period was treated without pay vide order dated 17.05.2024.(Copy of order dated 17.05.2024 is attached as annexure-A)
3. That as the major punishment of dismissal of the appellant was converted in reversion in rank i.e. from ASI to HC on his revision through an order dated 17.05.2024, therefore, the appellant wants to amend the instant service appeal by impugning the order dated 17.05.2024 in this Honorable Service Tribunal.

It is, therefore, most humbly prayed that on acceptance of this application, the appellant may please give permission to amend the service appeal by impugning order dated 17.05.2024 in this Honorable Tribunal.

APPELLANT

Nazar Gul

THROUGH:

(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

&

SHAKIR ULLAH TORANI

AFFADAVIT

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

DEPONENT

J
20



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 488/2024

Khyber Pakhtunkhwa
Service Tribunal

Date: 11818

Page: 19-03-2024

Nazar Gul Ex-ASI 682/P
Police Station East Cantt.

(APPELLANT)

VERSUS

1. The Capital City Police Officer, Peshawar.
2. The Senior Superintendent of Police, (Operation) Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 15.12.2023, WHEREBY MAJOR PUNISHMENT OF REMOVAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AND AGAINST THE ORDER DATED 30.01.2024 RECIVED BY APPELLANT ON 14.02.2024, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 15.12.2023 AND 30.01.2024 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO HIS 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.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

SA 488/2024

21



11th July, 2024

01. Counsel for the appellant present. Mr. Arshad Azam, Assistant AG for the respondents present.

02. Learned counsel for the appellant stated that an application has already been submitted by him on seeking permission to amend the instant service appeal in the light of an order dated 05.05.2024 passed on his revision petitioner. Application for amendment is allowed. To come up for amended memo of appeal on 31.07.2024 before the S.B. PP given to the parties.

(Fareeha Paul)
Member(E)

Fazle Subhan P.S.

ATTESTED
29.7.24

Date of Presentation of Petition 29.7.24
Number of Pages 2
Filing Fee 10/-
Cost 5/-
Date of Completion of Appeal 15/7/24
Date of Delivery of Copy 29.7.24

Better copy - ~~3~~

(22)

بیان آذاں اشتیاق ولد آ میر شاہ گلند ماشو فیل ماشو بڑھویر

0333-8997856

17301-12133-29-1

میں اس تحریر کے دو سے ظناً بیان کرتا ہوں کہ عظیم خان کنٹیل
نے جو دو عدد پستول آڈ قسم 9MM سے لی ہے۔ جسکی رقم
میرے نکالے کی ہے۔

لیزا میں کنٹیل عظیم اود ندرگل ASI کے علاقہ کسی
قسم کا دعویٰ نہ کرنے کا خود یاں ہوں۔

آ لعر ض

اشتیاق ولد آ میر شاہ

VAKALAT NAMA

NO. _____/2024

IN THE COURT OF Khyber Pakhtunkhwa Service Tribunal Peshawar
Nazar Gul

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police department

(Respondent)
(Defendant)

I/We, Nazar Gul

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT AND SHAKIR ULLAH TORANI ADVOCATE**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2024

[Signature]
(CLIENT)

ACCEPTED

[Signature]
TAIMUR ALI KHAN
Advocate High Court

BC-10-4240
CNIC: 17101-7395544-5
Cell No. 03339390916

& [Signature]
SHAKIR ULLAH TORANI
Advocate Peshawar
BC-22-4994
03409146056