

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

Service Appeal No.589 of 2024

Muhammad Shakeel s/o Bashir Ahmad-Caste Rajput r/o Tariq Abad Dera Ismail Khan
(Ex-Constable Belt No. 697) ... (Appellant)

▶ Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Dera Ismail Khan.
3. District Police Officer, Dera Ismail Khan. (Respondents)

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DEPONENT

P#01

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

Service Appeal No.589 of 2024

Muhammad Shakeel s/o Bashir Ahmad Caste Rajput r/o Tariq Abad Dera Ismail Khan
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Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Dera Ismail Khan.
3. District Police Officer, Dera Ismail Khan. (Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully sheweth,

Parawise Comments are submitted as under:-

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action.
2. That the appeal is bad for misjoinder/non-joinder of necessary parties.
3. That the appeal is badly time barred.
4. That the appellant has not come with clean hands.
5. That the appellant is estopped due to his own conduct.
6. That the appellant was involved/arrest in criminal case vide FIR No. 1093, dated 22.09.2020 u/s 457/380 PPC PS Cantt.
7. That as per previous record the appellant habitual criminal involved in several criminal cases.
8. That the appellant has concealed the material facts from Honourable Tribunal.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15723

Dated 12-09-2024

REPLY ON FACTS

1. Correct to the extent that appellant was enlisted as Constable in police department on 27.07.2007, while the remaining portion of the para is incorrect, the service record of appellant revealed following adverse entries on account of his misconduct.

#.	Allegations	Days	Punishment Awarded	OB	Dated
1.	Absence w.e.from 19.10.2009 to 01.11.2009	13	Warned to be careful in future	1068	23.11.2009
2.	Absence w.e.from 21.11.2013 to 27.11.2013	06	Leave without pay	719	06.12.2013
3.	Involved & arrested in theft case vide FIR NO. 427 dated 21.06.2013 u/s 379/511/506/34 PPC PS Cantt DIKhan	-	With holding of one year increment without cumulative effect	257/FRP	19.03.2014
4.	While posted at PS Cantt DIKhan abuse of his official position snatched mobile set alongwith cash amount from one Shezad Nauman.	-	Censure	194	28.01.2015
5.	While posted at Police Lines DIKhan a case FIR NO. 1093, dated 22.09.2020 u/s 457/380 PPC PS Cantt DIKhan was registered against him.	-	Dismissal from Service	74	12.01.2021

2. Incorrect. Infact the appellant was charged in case FIR No. 1093 dated 22.09.2020 u/s 457/380 PPC PS Cantt, on the report of one Sarwar Taj s/o Taj Malook Caste Shinwari r/o Tariq Abad for theft of Rs. 14-Lac and Gold Ornaments weighing 1-Tola from his house. During the course of investigation on the pointation of the accused the stolen property worth 12-Lakh rupees and 01-Tola of gold ornament were recovered by the police from his house concealed in the yard. (video of recovery available alongwith missal file). However, the plea of the suspension of appellant is concerned, as per

Police Rules 16.19 Suspension is compulsory during any period in which a police officer is committed to prison. (Copy of FIR Annex "A", Copy of Police Rules 16.19 Annex "B")

"A police officer charged with criminal offence shall unless the Deputy Inspector General of Police or the Assistant Inspector General of Police, Government Railway Police for special reasons to be recorded in writing otherwise directs, be placed under suspension from the date on which he is sent for trial, if such action has not already been taken under the provision of rules 16-17. Suspension is compulsory during any period in which a police officer is committed to prison. A police officer, who may be arrested by order of a Civil Court in execution of a decree or otherwise shall be considered as under suspension from the date of arrest till his release from custody, is ordered by the Court

3. Incorrect. Infact the appellant was acquitted on the basis of compromise and as per Rules "if even acquitted on compromise does not amount to honorary acquittal and no bar to departmental proceedings". Moreover, as per ESTA Code the criminal and departmental proceedings can run parallel. In departmental proceedings, only reasonable grounds are sufficient to award punishment whereas in criminal case the charge is to be established beyond any shadow of doubt.

As per ESTA Code Chapter-III Section-2 Sl.No.15 & 16(2) Efficiency & Discipline. (Departmental Proceedings vis-à-vis Judicial Proceedings)

"It is hereby clarified that Court and Departmental proceedings may start from an identical charge(s) and can run parallel to each other. They can take place simultaneously against an accused on the same set of acts and yet may and differently without affecting their validity".

(Copy of ESTA Code Chapter-III Section 2 Sl.No.15 & 16(2) Annex "C").

Similarly, as per decision of Apex Supreme Court of Pakistan vide 2023 PLC (C.S.) 553 in Writ Petition No. 3900 of 2020, Decided on 17th March 2022 titled Imran Amir and another Vs. Mst Ismat Bibi and another. (Copy of 2023 PLC (C.S.) 553 Annex "D")

"It is by now well settled that where an act or omission constitutes a criminal offence as well as a civil wrong, the mere fact that an accused has been acquitted from a criminal charge does not ipso facto mean that he stands absolved from civil liability. The Superior Courts have held time and again that criminal and departmental proceedings against an employee can go side by side and may even end in varying results. Departmental and criminal proceedings could be taken simultaneously and are independent of each other. Acquittal in a criminal case would not constitute a bar for the initiation of the disciplinary proceedings. Criminal proceedings and departmental proceedings against a civil servant are entirely different as one relates to the enforcement of criminal liability and the other is concerned with service discipline. There is a catena of case law in support of this, including the following judgments:-

- i. Amir Abdullah v. Superintendent of Police (1989 SCMR 333)
- ii. Deputy Inspector General of Police v. Anisur Rehman (PLD 1985 SC 134)
- iii. Muhammad Ayub v. Chairman Electricity Board WAPDA, Peshawar (PLD 1987 SC 195)
- iv. Talib Hussain v. Anar Gul Khan (1993 SCMR 2177)
- v. Rashid Mehmood v. Additional Inspector-General of Police (2002 SCMR 57)
- vi. Khalid Dad v. Inspector General of Police (2004 SCMR 192)
- vii. Syed Muhammad Iqbal Jafri v. Registrar Lahore High Court, Lahore (2004 SCMR 540)
- viii. Muhammad Shafique v. Deputy Director Food (2005 SCMR 1067)
- ix. Syed Aqleem Abbasi Jaffari v. Province of Punjab through Secretary, Irrigation Department (2005 SCMR 1901)
- x. Falak Sher v. Inspector-General of Police, Lahore (2005 SCMR 1020)
- xi. Sami Ullah v. Inspector-General of Police (2006 SCMR 554)

xii. **Asif Mehmood Butt v. Regional CEO, NBP (2011 PLC (C.S.) 1462).**"

4. Incorrect. A charge sheet vide NO. 26271-73/EC, dated 07.10.2020 was served upon him and departmental enquiry was conducted by Addl: Superintendent of Police, DIKhan who found him guilty and recommended him for major punishment as per Rule-5(3) and 5(3)(a), Police Rules 1975 (Amended 2014) below:

Rule 5(3)(a) "The authority shall determine if in the light of facts of the case or in the interests of justice, a departmental inquiry, through an Inquiry Officer if necessary"

And as per Section 2(b)(iv) he was awarded major punishment in the light of Rule 5(5) of Police Rules 1975 (Amended 2014).

Section 5(5) "On receipt of the findings of the Inquiry Officer or where no such officer is appointed, on receipt of the explanation of the accused, if any, the authority shall determine whether the charge has been proved or not. In case the charge is proved the authority shall award one or more of major or minor punishments as deemed necessary".

Copy of Charge Sheet, Enquiry Report, Dismissal Order Annex "E, F,G" Copy ESTA Code Section Section-5(3), 5(3)(a) & Section 5(5) "Annex "H"

5. Incorrect. Infact the appellate authority passed the order in the light KP Police Rules 1975 (Amended 2014) on the following grounds:

- A. As reported by SP Investigation DIKhan, vide his office letter No. 11401408/In, dated 06.10.2020, he while posted at Police Lines DIKhan a case FIR No. 1093, dated 22.09.2020 u/s 457/380 PPC PS Cantt DIKhan was registered against him.
- B. DPO DIKhan served the appellant with charge sheet and enquiry into the matter was got conducted into through Addl: SP DIKhan who found him guilty and recommended him for major punishment. Hence he was awarded major punishment of dismissal from service vide the order OB No. 74, dated 12.01.2021.
- C. Comments on the appeal of appellant alongwith service record obtained from DPO DIKhan.
- D. The appellant was heard in person in orderly room held on 22.06.2021. He stated that he was being victimized from having illicit relation with the wife of complainant of the said case No. 1093/2020. He showed objectionable picture & videos of the said lady with him. Perusal of the record has also reveals that the following FIRs stand registered against him.
 - i. FIR No. 427 dated 21.06.2013 u/s 379/511/506/34 PPC PS Cantt DIKhan.
 - ii. FIR NO. 1093, dated 22.09.2020 u/s 457/380 PPC PS Cantt DIKhan.
 - iii. FIR No. 297 dated 18.04.2021 u/s 506 PPC PS Cantt DIKhan.
 - iv. FIR No. 320 dated 26.04.2021 u/s 506 PPC PS Cantt DIKhan.
 - v. DD No. 33 dated 19.11.2014 PS Cantt DIKhan

Perusal of the record Picture and videos of the appellant Ex-Constable Muhammad Shakeel with the wife of the complainant reveals that he has not only been found to have stealing the property of case FIR No. 1093/2020 but has also been indulged in enticing wife of the complainant of FIR No. 1093/2020 PS Cantt DIKhan. The pictures and video further reveals that he has not only enticed her to act as a Trojan House against her husband & family but also apparently collected enough material (videos, pictures and arellis recordings of the lady) to potentially blackmail her in future. Such an evil minded, trust breaker appellant needs to be weeded out of law enforcement agency (Police) whose primary duty is to protect life, property & honour of citizens. **(Copy of W/RPO Order alongwith criminal record Annex "I & J")**.



6. Correct to the extent that the Revisionary authority rejected the revision petition of appellant on the following grounds: (Copy of W/PPO Order Annex "K")

The appellant was dismissed from service by DPO Dera Ismail Khan vide OB No. 74, dated 12.01.2021 on the allegation that he while posted at Police Lines DIKhan, he was found involved in a case vide FIR No. 1093, dated 22.09.2020 u/s 457/380 PPC PS Cantt DIKhan for having illicit relations with the wife of the complainant of said case No. 1093/20. As per E.O a complainant namely Sarwar Taj registered FIR No. 1093 u/s 457/380 PS Cantt against unknown accused. After the enquiry, the complainant charged accused FC Muhammad Shakeel for robbing his house. The said constable was arrested & cash 12-Lac PKR & 1-Tola golden jewellery were recover from his house. The stolen cash/gold jewellery was hidden in a hole in yard of Muhammad Shakeel house. The video recording of the recovery is also present. After this the complainant reached a compromise with FC Shakeel. He was acquitted on compromise basis by the court of Judicial Magistrate DIKhan vide judgement 20.12.2022. The appellate authority i.e. Regional Police Officer Dera Ismail Khan rejected his appeal. The appellant was heard in person. The appellant contended that the FIR was frivolous. Perusal of enquiry papers reveals that the allegation levelled against the appellant has proved. The appellant failed to produce any cogent reason in his defence. Therefore, his petition was rejected.

It is pertinent to mention here that the departmental appeal of appellant was rejected by the W/RPO DIKhan on 24.09.2021 and Copy of the same order was provided to the appellant on 27.12.2022 on his request vide No. 39 but he preferred his appeal after a lapse of 01 Year & 02 months, while as per KP Police Rules 1975 Code 11-A(4) the appellant should have filed an appeal against the order within 30 days but failed to do so which is badly time barred: (Copy of Code 11-A(4) KP Police Rules 1975 Annex "L"). He also failed to justify the reason of duty.

7. In the above circumstance, the orders passed by the authorities are in accordance with law/rules. Hence, the instant appeal is not maintainable and badly time barred inter alia with following grounds.

REPLY ON GROUNDS

1. Incorrect. After observing all the codal formalities, the orders were passed by the authorities in accordance with law/rules.
2. Incorrect. The appellant has not come to this Honourable Tribunal with clean hand. Infact the appellant being a member of disciplined force involved in Offence of theft of his neighbour's house and beside this having illicit relation with the wife of complainant of the said case No. 1093/2020. He also produced objectionable picture & videos during the personal hearing before the appellate authority. Perusal of the record Picture and videos of the appellant with the wife of the complainant reveals that he has not only been found to have stolen the property of case FIR No. 1093/2020 but has also indulged in enticing wife of the complainant of FIR No. 1093/2020 PS Cantt DIKhan. Such an evil minded, trust breaker appellant needs to be weeded out of law enforcement agency (Police) whose primary task is protect life, property & honour of citizens.

Moreover, Perusal of the record has also reveals that the following FIRs stand registered against him, which reveals habitual criminal.

- i. FIR No. 427 dated 21.06.2013 u/s 379/511/506/34 PPC PS Cantt DIKhan.
- ii. FIR NO. 1093, dated 22.09.2020 u/s 457/380 PPC PS Cantt DIKhan.
- iii. FIR No. 297 dated 18.04.2021 u/s 506 PPC PS Cantt DIKhan.
- iv. FIR No. 320 dated 26.04.2021 u/s 506 PPC PS Cantt DIKhan.
- v. DD No. 33 dated 19.11.2014 PS Cantt DIKhan

As far as the punishment procedure is concerned, all the codal formalities have been observed by issuance of charge sheet vide No. 26271-73/EC, dated 07.10.2020 which was duly served upon him and departmental enquiry was conducted by Addl: Superintendent of Police, DIKhan who recommended him for major punishment as per Rules-5(3) and 5(3)(a), Police Rules 1975 (Amended 2014).

3. Incorrect. No such violation of the principle of law has been made. The respondents have followed the rules & regulation as well as verdicts of Honourable Supreme Court of Pakistan. As per ESTA Code Chapter-III Section 2 Sl.No.15 & 16(2) the criminal and departmental proceedings can run parallel side by side. In departmental proceedings, only reasonable grounds are sufficient to award punishment whereas in criminal case the charge is to be established beyond any shadow of doubt.

As per ESTA Code Chapter-III Section-2 Sl.No.15 & 16(2) Efficiency & Discipline. (Departmental Proceedings vis-à-vis Judicial Proceedings)

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"It is by now well settled that where an act or omission constitutes a criminal offence as well as a civil wrong, the mere fact that an accused has been acquitted from a criminal charge does not ipso facto mean that he stands absolved from civil liability. The Superior Courts have enunciated time and again that criminal and departmental proceedings against an employee can go side by side and may even end in varying results. Departmental and criminal proceedings could be taken simultaneously and are independent of each other. Acquittal in a criminal case would not constitute a bar for the initiation of the disciplinary proceedings. Criminal proceedings and departmental proceedings against a civil servant are entirely different as one relates to the enforcement of criminal liability and the other is concerned with service discipline. There is a catena of case law in support of this, including the following judgments:-

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- viii. Muhammad Shafique v. Deputy Director Food (2005 SCMR 1067)
- ix. Syed Aqleem Abbasi Jaffari v. Province of Punjab through Secretary, Irrigation Department (2005 SCMR 1901)
- x. Falak Sher v. Inspector-General of Police, Lahore (2005 SCMR 1020)
- xi. Sami Ullah v. Inspector-General of Police (2006 SCMR 554)
- xii. Asif Mehmood Butt v. Regional CEO, NBP (2011 PLC (C.S.) 1462)."

In addition to above the remained absent from duties w.e.from 06.10.2020 to 02.12.2020 i.e. 56-days without any leave or permission to the authorities vide DD NO. 12 dated 06.10.2020 and in the light of Judgment of Honourable Sindh High Court Bench at Sukkur is worthy consideration in which the Honourable Court order that:

The Hon'ble Supreme Court of Pakistan has time and again deprecated the grant of any indulgence to the employees who remained absent from duties without prior leave or permission and reference in this regard may be made to the cases reported as Deputy Inspector General of Police v Sarfraz Ahmed [2022 PLC (CS) 278], Secretary Elementary & Secondary Education v Noor ul Amin [2022 PLC (CS) 132]; National Bank of Pakistan v Zahoor Ahmed Mengal (2021 SCMR 144) and Federation of Pakistan v Mamoon Ahmed Malik (2020 SCMR 1154).

- 4. Incorrect. Infact the appellant being a member of disciplined force involved in an Offence of theft of his neighbour house and beside this having illicit relation with the wife of complainant of the said case No. 1093/2020. The appellant has also made objectionable pictures and videos. The appellant appears to be all set to become Brutus for this lady. Such an evil minded, trust breaker appellant needs to be weeded out of law enforcement agency (Police) whose primary task is protect life, property & honour of citizens. In this regard, the punishment awarded to him in accordance with law/rules.
- 5. Incorrect. The allegation of theft vide FIR No. 1093/2020 has been established after the recovery of stolen property (12-Lakh rupees and 01-Tola of gold ornaments) in the presence of Witness (Kashif Bashir s/o Hafiz Bashir) from the house of accused Muhammad Shakeel on his pointation, which were hidden by digging a hole in the yard of the house. **(Video coverage of the instant recovery has been annexed with Missal file)**. Upon the above misconduct a proper charge sheet vide No. 6271-73/EC, dated 07.10.2020 served upon him and reply of the appellant was received on 23.11.2020. Addl: Superintendent of Police, DIKhan appointed as Enquiry Officer who submitted in his finding that the statements of following were recorded.

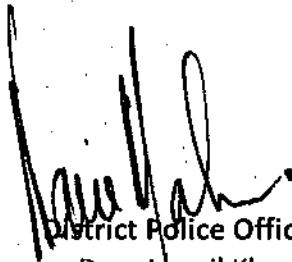
- FC Muhammad Shakeel No. 697.
- Complainant Sarwar Taj s/o Taj Malook Caste Shinwari r/o Tariq Abad DIKhan.
- Aman Ullah Khan OII PS Cantt DIKhan.
- Recovery Witness Kashif Bashir s/o Hafiz Bashir r/o Tariq Abad.


The Enquiry Officer come to the conclusion that from the perusal of statements of above individuals and investigation its reveals that on 22.09.2020 a case vide FIR No. 1093 u/s. 457/380 PPC PS/Cantt was registered on the report of Sarwar Taj against unknown accused for the stealing of 14-Lac & 01-Tola golden ornament from his house. During the course of investigation complainant properly charged FC Muhammad Shakeel s/o Bashir Ahmad Rajput. Appellant was duly arrested and produce before the court regarding obtaining of remand, the investigating officer recovered the stolen property on the pointation of accused worth 12-Lakh rupees and 01-Tola of gold ornaments, which were hidden by digging a hole in the yard of the appellant house, the video of which is also annexed with Missal. Lateron, the notable of the area patched the matter between the parties and the complainant wrote an affidavit in shape of stamp paper that he has pardoned the accused Shakeel and has no objection if the Court released the accused on bail. After that on the basis of patched up/affidavit the court released accused on bail. In the light of above circumstance the enquiry officer came to conclusion that accused Constable Shakeel, tarnished the image of police department and brought a bad name for police department has absolutely no place for such bad-character people in a respectable and disciplined force of Police Department. The appellant was recommended for major punishment. In addition to above, on 22.06.2021 during personal hearing the appellant stated that he was being victimized for having illicit relations with the wife of complaint and produced objectionable pictures & videos. But also apparently collected enough material (video, picture & arellis recording of the lady) to potentially black mail here in future. Such an evil mind, trusted breaker appellant need to be weeded out of law enforcement agency (police) whose primary task is to protect life, property & honour of citizen. Hence the order passed by the authorities in accordance with law/rules.

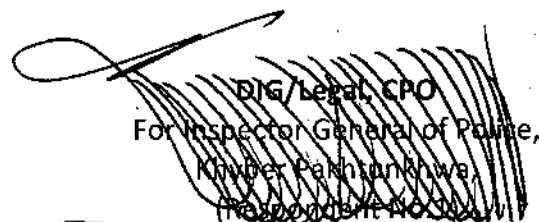
6. Incorrect. All the codal formalities observed and the punishment awarded to the appellant is in accordance with law/rules.
7. Incorrect. That the acquittal of appellant not honourable, infact the notables of the area has patched up the matter and as per rules “if even acquitted on compromise does not amount to honorary acquittal and no bar to departmental proceedings”. Moreover, as per ESTA Code Chapter-III Section 2 Sl.No.15 & 16(2) the criminal and departmental proceedings can run parallel side by side. In departmental proceedings, only reasonable grounds are sufficient to award punishment whereas in criminal case the charge is to be established beyond any shadow of doubt. Similar, the Honourable Supreme Court of Pakistan in his judgment dated 17.03.2022 vide 2023 PLC (C.S) 553 directed that **The Superior Courts have enunciated time and again that criminal and departmental proceedings against an employee can go side by side and may even end in varying results. Departmental and criminal proceedings could be taken simultaneously and are independent of each other. Acquittal in a criminal case would not constitute a bar for the initiation of the disciplinary proceedings. Criminal proceedings and departmental proceedings against a civil servant are entirely different as one relates to the enforcement of criminal liability and the other is concerned with service discipline. There is a catena of case law in support of this.** Apropos, the punishment awarded the appellant is in accordance with law/rules.
8. That the Respondents also seek permission to produce additional documents at the time of arguments.

PRAYER

In view of above facts, it is prayed that on acceptance of these Parawise Comments, the instant appeal may kindly be dismissed being meritless and badly time barred.


 District Police Officer,
 Dera Ismail Khan
 (Respondent No.3)
 NASIR MEHMOOD (PSP)
 Incumbent


 Regional Police Officer,
 Dera Ismail Khan
 (Respondent No.2)
 NASIR MEHMOOD SATTI (PSP)
 Incumbent


 DIG/legal, CPO
 For Inspector General of Police,
 Khyber Pakhtunkhwa
 (Respondent No.1)

(RIZWAN MANZOOR) PSP

Incumbent

P#08

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No.589 of 2024

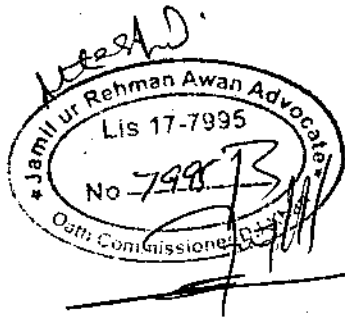
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(Ex-Constable Belt No. 697) ... (Appellant)

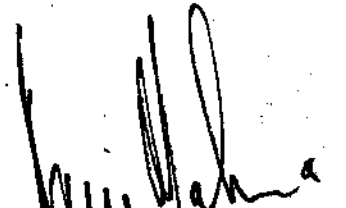
Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Dera Ismail Khan.
3. District Police Officer, Dera Ismail Khan. (Respondents)

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS

I, respondent do hereby solemnly affirm and declare on oath that the contents of comments-written reply to Appeal are true & correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense have been struck off/cost.




District Police Officer,
Dera Ismail Khan
(Respondent No.3)
NASIR MEHMOOD (PSP)
Incumbent

P#09

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No.589 of 2024

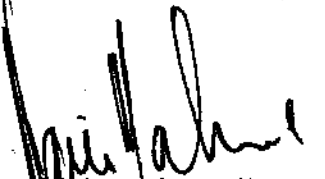
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(Ex-Constable Belt No. 697) ... (Appellant)

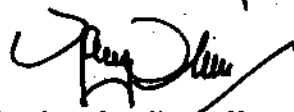
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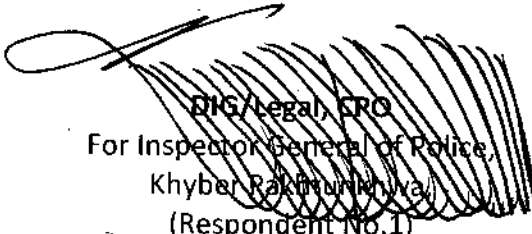
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Dera Ismail Khan.
3. District Police Officer, Dera Ismail Khan. (Respondents)

A U T H O R I T Y

Mr. Muhammad Imran DSP Legal DIKhan is hereby authorized to appear before the Service Tribunal Khyber Pakhtunkhwa, Peshawar on behalf of Respondents. He is also authorised to produce/ withdraw any application or documents in the interest of Respondents and the Police Department.


District Police Officer,
Dera Ismail Khan
(Respondent No.3)
NASIR MEHMOOD (PSP)
Incumbent


Regional Police Officer,
Dera Ismail Khan
(Respondent No.2)
NASIR MEHMOOD SATTI (PSP)
Incumbent


DIG/legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No.1)

(RIZWAN MANZOOR) PSP
Incumbent

THE POLICE RULES, 1934
PUNISHMENTS.

Chap. XVI.

by the gazetted officer empowered to punish him. The suspension of an upper subordinate shall be reported immediately to the Deputy Inspector-General in Form 16.17. The release of such officer and the reason therefor shall also be reported to the Deputy Inspector-General.

16.18. A police officer, whose conduct is under departmental enquiry, shall ordinarily be placed under suspension, when it appears likely that a charge will be framed which, if proved, would render him liable to reduction or dismissal, or when the nature of the accusations against him is such, that his remaining on duty is prejudicial to the public interests, or to the investigation into those accusations. Unnecessary suspensions should be avoided, as they increase the number of non-effectives, and also, unless the officer suspended is acquitted, involve under Fundamental Rule 43 the additional penalty, over and above the punishment awarded, of the substitution for pay of a subsistence grant.

16.19. A police officer charged with a criminal offence shall unless the Deputy Inspector-General of Police or the Assistant Inspector General, Government Railway Police for special reasons to be recorded in writing otherwise directs, be placed under suspension from the date on which he is sent for trial, - if such action has not already been taken under the provisions of rule 16.17. Suspension is compulsory during any period in which a police officer is committed to prison. A police officer, who may be arrested by order of a civil court in execution of a decree or otherwise shall be considered as under suspension from the date of arrest till his release from custody is ordered by the court.

16.20. (1) A police officer under suspension shall be given a subsistence grant. If, as the result of an enquiry, a police officer under suspension is punished, his subsistence grant for the time spent under suspension may not exceed one-fourth of his pay

P#12 =

(Authority: Circular letter No.SORII (S&GAD)3(4)/78, dated 3rd October, 1984.

**Stoppage of increment under Government Servants
(Efficiency & Discipline) Rules, 1973.**

Sl.No.14

Instances have come to the notice of the Government where the penalty of stoppage of increment under the NWFP Government Servants (Efficiency & Discipline) Rules, 1973, has been imposed on Government Servants, who have reached the maximum of the pay scale, thus making the penalty ineffective. I am accordingly directed to request that the competent authorities may, in future, kindly keep in view the stage of the pay scale at which a Government servant is drawing pay before imposing the penalty of stoppage of increment on him under the above rule.

(Authority: Circular letter No.SORII(S&GAD)5(29)/86, dated 27th December, 1986.

Parallel running of Departmental /Judicial Proceedings.

Sl.No.15

The Law Department vide their U.O No.Op.2(2)82-11544, dated 3-5-1982, have advised as under:-

"Court & Departmental proceedings can run parallel to each other. They can take place simultaneously against an accused on the same set of facts and yet may end differently without affecting their validity. Even Departmental inquiry can be held subsequently on the same charges of which Government servant has been acquitted by a Court. The two proceedings are to be pursued independent of each other and it is not necessary to pend departmental proceedings till the finalization of judicial proceedings".

(Authority: Law Department's U.O No.Op.2(2)82-11544, dated 3.5.1982).

**Departmental Proceedings
vis-a-vis Judicial Proceedings.**

Sl.No.16

The question as to whether or not a departmental inquiry and judicial proceedings can run parallel to each other against an accused officer/official has been examined in consultation with the Law Department.

2. It is hereby clarified that Court and Departmental proceedings may start from an identical charge(s) and can run parallel to each other. They can take place simultaneously against an accused on the same set of facts and yet may end differently without affecting their validity. Even departmental inquiry can be held subsequently on the same charges of which Government servants has been acquitted by a Court. The two proceedings are to be

2023 P L C (C.S.) 553

[Islamabad High Court]

Before Miangul Hassan Aurangzeb, J

IMRAN AMIR and another

Versus

Mst. ISMAT BIBI and another

Writ Petition No.3900 of 2020, decided on 17th March, 2022.

(a) Protection against Harassment of Women at the Workplace Act (IV of 2010)---

---Ss.8, 4, 10 & 12---Constitution of Pakistan, Art.13---Constitutional petition---
Ombudsperson to enquire into complaint---Procedure for holding inquiry---Provisions of the
Act in addition to and not in derogation of any other law---Protection against double
punishment and self-incrimination---Scope---Petitioners sought dismissal of complaint filed
by respondent before the Ombudsperson for Protection against Harassment of Women at
the Workplace on the ground that an FIR on similar allegations had already been filed
against them---Validity---Ombudsperson while making a decision on a complaint could
impose any of the minor or major penalties specified in S. 4(4) of the Protection against
Harassment of Women at the Workplace Act, 2010---In the event the charge against the
petitioners was proved in the trial pending before the Additional Sessions Judge, the Trial
Court could convict the petitioners for offences under Ss.376, 509 and 511, P.P.C.---
Sentences which the criminal court could award to the petitioners were dissimilar to the
minor or major penalties that the Ombudsperson could impose on the petitioners if the
allegations made by respondent against them were established---Moreover, S. 12 of the
Protection against Harassment of Women at the Workplace Act, 2010, had made it clear
that the provisions of the Act would be "in addition to" and not in derogation of any other
law for the time being in force---Constitutional petition was dismissed.

(b) Protection against Harassment of Women at the Workplace Act (IV of 2010)---

---Ss.8, 4 & 10---Ombudsperson to enquire into complaint---Procedure for holding inquiry--
-Powers of the Ombudsperson---Scope---Object behind the enactment of Protection against
Harassment of Women at the Workplace Act, 2010, is to protect a woman from being
harassed at the workplace---Inquiry proceedings conducted by the Ombudsperson pursuant
to a complaint filed by an employee under S.8(1) are not criminal proceedings---Section 8(3)
of the Act provides that the Ombudsperson shall conduct an inquiry into the matter
according to the rules made under the Act and conduct proceedings as the Ombudsperson
deems proper---Under S.10(2), the Ombudsperson, while making a decision on a complaint,
can impose any of the minor or major penalties specified in S. 4(4) of the Act.

(c) Civil service---

---Concurrent civil and criminal proceedings---Permissibility---Where an act or omission
constitutes a criminal offence as well as a civil wrong, the mere fact that an accused has
been acquitted from a criminal charge does not ipso facto mean that he stands absolved
from civil liability---Criminal and departmental proceedings against an employee can go side
by side and may even end in varying results---Departmental and criminal proceedings can
be taken simultaneously and are independent of each other---Acquittal in a criminal case
would not constitute a bar for the initiation of the disciplinary proceedings---Criminal
proceedings and departmental proceedings against a civil servant are entirely different as
one relates to the enforcement of criminal liability and the other is concerned with service
discipline.

Amir Abdullah v. Superintendent of Police 1989 SCMR 333; Deputy Inspector General of
Police v. Anisur Rehman PLD 1985 SC 134; Muhammad Ayub v. Chairman Electricity Board
WAPDA, Peshawar PLD 1987 SC 195; Talib Hussain v. Anar Gul Khan 1993 SCMR 2177;
Rashid Mehmood v. Additional Inspector-General of Police 2002 SCMR 57; Khalid Dad v.
Inspector General of Police 2004 SCMR 192; Syed Muhammad Iqbal Jafri v. Registrar Lahore
High Court, Lahore 2004 SCMR 540; Muhammad Shafique v. Deputy Director Food 2005
SCMR 1067; Syed Aqleem Abbasi Jaffari v. Province of Punjab through Secretary, Irrigation
Department 2005 SCMR 1901; Falak Sher v. Inspector-General of Police, Lahore 2005 SCMR

1020; Sami Ullah v. Inspector-General of Police 2006 SCMR 554 and Asif Mehmood Butt v. Regional CEO, NBP 2011 PLC (C.S.) 1462 ref.

(d) Administration of justice---

---Concurrent civil and criminal proceedings---Permissibility---There is no bar on the institution of civil proceedings on a cause which is also the subject matter of criminal proceedings because not only the object of proceedings is different but also the standard and onus of proof is different in the civil and criminal proceedings.

Seema Fareed v. State 2008 SCMR 839 rel.

Tufail Shahzad for Petitioner.

Muhammad Sadiq Khan for Respondent No.1.

Date of hearing: 10th March, 2022.

JUDGMENT

MIANGUL HASSAN AURANGZEB, J.---Through the instant writ petition, the petitioners impugn the interim order dated 30.09.2020 passed by the Ombudsman for Protection against Harassment of Women at the Workplace ("the Ombudsman"), dismissing the petitioners' application praying for dismissal of the complaint bearing No.FOH-HQR/0000151/19 filed by respondent No.1 (Ms. Ismat Bibi) against the petitioners under the provisions of the Protection against Harassment of Women at the Workplace Act, 2010 ("the 2010 Act").

2. The record shows that on 28.03.2019, respondent No.1, who was a Teacher at Public Collegiate Secondary School, Akora Khattak, had filed a complaint under Section 8(1) of the 2010 Act, wherein it was alleged that petitioner No.1 (Imran Aamir) had committed "harassment" as defined in Section 2(h) of the 2010 Act, and that petitioner No.2 (as the Head Principal of the school where respondent No.1 was serving as the teacher) instead of taking action against petitioner No.1 threatened respondent No.1 and expelled her from the school.

3. During the pendency of proceedings before the Ombudsman, the petitioners filed an application for the rejection of respondent No.1's complaint. Vide order dated 30.09.2020, the said application was dismissed. The said order has been assailed by the petitioners in the instant writ petition.

4. Learned counsel for the petitioners submitted that on the complaint of respondent No.1, FIR No.78 was lodged against petitioner No.1 on 08.02.2019 under Sections 376, 511 and 509 of the Pakistan Penal Code, 1860 ("P.P.C.") at Police Station Akora Khattak, District Nowshehra; that a day after the said FIR, petitioner No.1 was arrested; that vide order dated 15.03.2019, petitioner No.1 was granted post-arrest bail by the Hon'ble Peshawar High Court; that the trial pursuant to the said FIR is still pending before the Court of the learned Additional Sessions Judge-I, Nowshehra; that the allegations against petitioner No.1 in the said FIR are the same as the allegations levelled by respondent No.1 in her complaint before the Ombudsman; that the petitioners would be subjected to double jeopardy if the proceedings before the Ombudsman are permitted to continue given the fact that the criminal trial against the petitioners is also proceedings before a Criminal Court; and that the proceedings before the Ombudsman are violation of petitioner No.1's fundamental rights under Article 13 of the Constitution. Learned counsel for the petitioners prayed for the writ petition to be allowed in terms of the relief sought therein.

5. On the other hand, learned counsel for respondent No.1 submitted that the petitioners are trying to protract the proceedings before the Ombudsman; that the mere fact that a criminal case is pending against the petitioners would not cause the proceedings against them under the provisions of the 2010 Act to be quashed; that earlier a similar application filed by the petitioners had been dismissed by the Ombudsman; and that it is clearly mentioned in the impugned order that the dismissal of the earlier application had not been assailed by the petitioners. Learned counsel for respondent No.1 prayed for the writ petition to be dismissed.

6. I have heard the contentions of the learned counsel for the contesting parties and have perused the record with their able assistance.

7. The vital question that needs to be answered is whether the petitioners' fundamental rights under Article 13 of the Constitution are being transgressed due to the pendency of the proceedings before the Ombudsman pursuant to a complaint filed by respondent No.1 against the petitioners under the provisions of the 2010 Act. True, respondent No.1 had lodged FIR No.78 against petitioner No.1 on 08.02.2019 under Sections 376, 511 and 509, P.P.C. at Police Station Akora Khattak, District Nowshera. Petitioner No.1 was arrested the same day the said FIR was lodged. His post-arrest bail petition was dismissed by the learned trial Court. Vide judgment dated 15.03.2019, petitioner No.1 was granted post-arrest bail by the Hon'ble Peshawar High Court.

8. After petitioner No.1 was released on bail, respondent No.1 on 28.03.2019 filed a complaint against the petitioners before the Ombudsman under the provisions of the 2010 Act. The petitioners' application for the dismissal of respondent No.1's complaint was dismissed by the Ombudsman vide impugned order dated 30.09.2020.

9. The object behind the enactment of the 2010 Act is to protect a woman from being harassed (as defined in Section 2(h) of the 2010 Act) at the workplace. The inquiry proceedings conducted by the Ombudsman pursuant to a complaint filed by an employee under Section 8(1) of the 2010 Act are not criminal proceedings. Section 8(3) of the said Act provides that the Ombudsman shall conduct an inquiry into the matter according to the rules made under the said Act and conduct proceedings as the Ombudsman deems proper. Under Section 10(2) of the 2010 Act, the Ombudsman, while making a decision on a complaint, can impose any of the minor or major penalties specified in Section 4(4) of the said Act. The minor and major penalties listed in Section 4(4) of the said Act are herein below:-

"(i) Minor penalties:

(a) censure;

(b) withholding, for a specific period, promotion or increment;

(c) stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and

(d) recovery of the compensation payable to the complainant from pay or any other source of the accused.

(ii) Major penalties:

(a) reduction to a lower post or time-scale, or to a lower stage in a time-scale;

(b) compulsory retirement;

(c) removal from service;

(d) dismissal from service; and

(e) Fine. A part of the fine can be used as compensation for the complainant. In case of the owner, the fine shall be payable to the complainant."

10. In the event the charge against petitioner No.1 is proved in the trial pending before the learned Additional Sessions Judge-I, Nowshera, the Trial Court can convict petitioner No.1 for offences under Section 376, P.P.C. (which inter alia carries a sentence not less than ten years or more than twenty five years); under Section 509, P.P.C. (which inter alia carries a sentence which may extend to three years); and under Section 511, P.P.C. (which carries the quantum of sentence dependent on the offence he is proved to have attempted to commit). The sentences that the said Criminal Court can award to petitioner No.1 are dissimilar to the minor or major penalties that the Ombudsman can impose on the petitioners if the allegations made by respondent No.1 against them are established. Moreover, Section 12 of the 2010 Act makes it clear that the provisions of the said Act shall be "in addition to" and not in derogation of any other law for the time being in force.

11. It is by now well settled that where an act or omission constitutes a criminal offence as well as a civil wrong, the mere fact that an accused has been acquitted from a criminal charge does not ipso facto mean that he stands absolved from civil liability. The Superior Courts have enunciated time and again that criminal and departmental proceedings against an employee can go side by side and may even end in varying results. Departmental and criminal proceedings could be taken simultaneously and are independent of each other. Acquittal in a criminal case would not constitute a bar for the initiation of the disciplinary

proceedings. Criminal proceedings and departmental proceedings against a civil servant are entirely different as one relates to the enforcement of criminal liability and the other is concerned with service discipline. There is a catena of case law in support of this, including the following judgments:-

- "i) Amir Abdullah v. Superintendent of Police (1989 SCMR 333)
- ii) Deputy Inspector General of Police v. Anisur Rehman (PLD 1985 SC 134)
- iii) Muhammad Ayub v. Chairman Electricity Board WAPDA, Peshawar (PLD 1987 SC 195)
- iv) Talib Hussain v. Anar Gul Khan (1993 SCMR 2177)
- v) Rashid Mehmood v. Additional Inspector-General of Police (2002 SCMR 57)
- vi) Khalid Dad v. Inspector General of Police (2004 SCMR 192)
- vii) Syed Muhammad Iqbal Jafri v. Registrar Lahore High Court, Lahore (2004 SCMR 540)
- viii) Muhammad Shafique v. Deputy Director Food (2005 SCMR 1067)
- ix) Syed Aqleem Abbasi Jaffari v. Province of Punjab through Secretary, Irrigation Department (2005 SCMR 1901)
- x) Falak Sher v. Inspector-General of Police, Lahore (2005 SCMR 1020)
- xi) Sami Ullah v. Inspector-General of Police (2006 SCMR 554)
- xii) Asif Mehmood Butt v. Regional CEO, NBP (2011 PLC (C.S.) 1462)."

12. There is no legal bar on the institution of civil proceedings on a cause which is also the subject matter of criminal proceedings because not only the object of proceedings is different but also the standard and onus of proof is different in the civil and criminal proceedings. In holding so, I derive guidance from the law laid down in the case of Seema Fareed v. State (2008 SCMR 839), wherein the Hon'ble Supreme Court observed as follows:-

"It is well-settled that a criminal case must be allowed to proceed on its own merits and merely because civil proceedings relating to same transaction have been instituted it has never been considered to be a legal bar to the maintainability of criminal proceedings which can proceed concurrently because conviction for a criminal offence is altogether a different matter from the civil liability. While the spirit and purpose of criminal proceedings is to punish the offender for the commission of a crime the purpose behind the civil proceedings is to enforce civil rights arising out of contracts and in law both the proceedings can co-exist and proceed with simultaneously without any legal restriction."

13. Since I do not find the petitioners to have been subjected to double jeopardy by the continuation of the proceedings before the Ombudsman under the 2010 Act during the pendency of the criminal trial against petitioner No.1, the instant petition is dismissed with costs.

14. Learned counsel for respondent No.1 has brought on record order dated 31.01.2020 passed by the Ombudsman, whereby the petitioners' earlier application for the dismissal of the complaint filed against them by respondent No.1 was dismissed. Perusal of the said order shows that the ground taken by the petitioners in their application for the dismissal of respondent No.1's complaint was that a criminal complaint had been registered against the petitioners, and that further proceedings in the complaint filed before the Ombudsman would amount to a violation of the petitioners' fundamental rights under Article 13 of the Constitution. Despite the dismissal of the petitioners' earlier application vide Ombudsman's order dated 31.01.2020, the petitioners filed another application seeking the dismissal of the complaint on the very same ground taken by them in their earlier application. The petitioners have not made a disclosure as to the dismissal of their earlier application in the memo of the petition. For this inequitable conduct of the petitioners, I deem it appropriate to impose additional costs of Rs.50,000/- on each of the petitioners under Section 35(1)(iii) of the Code of Civil Procedure, 1908 as amended by the Costs of Litigation Act, 2017. These costs shall be paid to respondent No.1 within a period of two weeks.

15. Office is directed to transmit a copy of this order to the Ombudsman so that the proceedings pursuant to complaint No.FOH-HQR/0000151/19 are resumed.
SA/53/IsI. Petition dismissed.



No.172/EC,

OFFICE OF THE
DISTRICT POLICE OFFICER,
DERA ISMAIL KHAN

Tel: (0966) 9280062
Fax (0966) 9280293

Dated.11/01/2020

ORDER

This order will dispose of departmental proceedings conducted against **Constable Muhammad Shakeel No.697** of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

It has been reported by SP/Investigation DI Khan vide his office letter No.11048/Inv: dated 06.10.2020, that he while posted at Police Lines DI Khan, a case FIR No.1093, dated 22.09.2020 U/S 457-380 PPC PS/Cantt: DI Khan was registered against him. This act on his part amounts to gross misconduct which is punishable under the rules

He was served with charge sheet/statement of allegations. An enquiry was conducted into the matter through Mr. **Muhammad Aslam Khan Addl: SP: DI Khan**, under Police Rules-1975 ammended-2014. The Enquiry Officer submitted his finding report in which he stated that the above named Constable is found guilty of the charges levelled against him. Enquiry Officer recommended that he may kindly be awarded Major Punishment.


Keeping in view of finding and recommendations of the Enquiry Officer, the undersigned came to the conclusion that the charge levelled against the accused official has been established beyond any shadow of doubt because he is acquittal in this case was not "honourable". Being part of a disciplinary force, his act is a stain on the name of the force.

Therefore, in exercise of powers conferred upon me under the ibid rules I, **Arif Shahbaz Wazir**, District Police Officer, DI Khan, award him Major Punishment of **Dismissal from Police Service**, with immediate effect.

OB No. 74 1

Dated: 12-01-2021

Attested
Khalid


ARIF SHAHBAZ WAZIR, PSP
District Police Officer,
Dera Ismail Khan



No. 6271/EC

NO. 138-Adt-SP
9/10/20Office of the
District Police Officer,
DIKhan

Dated 07/10/2020

DISCIPLINARY ACTION

I, **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN** as competent authority, am of the opinion that you **Constable Muhammad Shakeel No.697** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

It has been reported by SP/Investigation DI Khan vide his office letter No.11048/Inv: dated 06.10.2020, that you while posted at Police Lines DI Khan, a case FIR No.1093, dated 22.09.2020 U/S 457-380 PPC PS/Cantt: DI Khan was registered against you. This act on your part amounts to gross misconduct which is punishable under the rules.

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

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


DISTRICT POLICE OFFICER,
DIKHAN


No.6272-73/EC, dated 07/10/2020.

Copy of above to:-

1. _____ :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused officer:-** with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

READER

Attested
Khalid


SP/Inv
9/10



Office of the
District Police Officer,
DIKhan

No. 6271/EC

Dated 07/10/2020

CHARGE SHEET.

I, **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN**, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **Constable Muhammad Shakeel No.697** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

It has been reported by SP/Investigation DI Khan vide his office letter No.11048/Inv: dated 06.10.2020, that you while posted at Police Lines DI Khan, a case FIR No.1093, dated 22.09.2020 U/S 457-380 PPC PS/Cantt: DI Khan was registered against you. This act on your part amounts to gross misconduct which is punishable under the rules.

2. 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.

3. 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.

4. A statement of allegation is enclosed.

Attested
Khalid


DISTRICT POLICE OFFICER,
DIKHAN

جواب چارج شیٹ

جناب عالی!

بحوالہ موصولہ چارج شیٹ مجاریہ جناب ڈی پی او صاحب بہادر معروضہ ہونکہ من سائل مورخہ 27/07/2007 کو محکمہ ہذا میں بطور کنسٹیبل بھرتی ہو کر اپنی ڈیوٹی سرکار نہایت ہی جانفشانی اور احسن طریقہ سے سرانجام دیتا رہا ہوں جو کہ میرے سروس ریکارڈ سے عیاں ہے۔ مورخہ 09/10/2020 کو تھانہ کینٹ کی مقامی پولیس نے مجھے اچانک گھر سے گرفتار کیا بعدہ تھانہ جا کر معلوم ہوا کہ میرے ایک ہمسایہ سرور تاج کے مورخہ 22/09/2020 کو ایک مقدمہ کا اندراج تھانہ کینٹ میں بسلسلہ چوری نقد رقم و زیورات کیا تھا۔ جب میں مدعی نے نامعلوم ملزمان کو چارج کیا تھا۔ میرا نام FIR میں سرے سے تھا ہی نہیں۔ مدعی مقدمہ کے چونکہ میرے ساتھ تعلقات پہلے سے خراب تھے۔ بدیں وجہ مدعی نے 18 دن بعد گٹھ جوڑ کر کے مجھ سے بدلہ لینے کیلئے مجھے مقدمہ میں ناند کیا اور پھر مقامی پولیس کے ساتھ مل کر مجھ سے ذبردستی مقدمہ میں درج رقم میں سے 12 لاکھ مجھ سے لئے اور مقدمہ میں اس رقم کو ریکوری ظاہر کر کے مکمل چالان جمع کروایا۔

جناب عالی! میں متذکرہ مقدمہ میں مکمل طور پر بے گناہ ہوں میں ایک شریف اور غریب اور عزت دار خاندان سے تعلق رکھتا ہوں اور کبھی بھی ایسے کاموں میں ملوث نہیں رہا ہوں۔ اور اس مقدمہ میں بالکل بے گناہ ہوں صرف ذاتی رنجش کی بنا پر مجھے مقدمہ میں ملوث کیا گیا ہے۔

بعدہ مورخہ 04/11/2020 کو مدعی مقدمہ نے عدالت میں بیان جمع کروایا کہ مجھے اس نے غلط فہمی کی بنا پر چارج کیا تھا اور اب میں اسکے خلاف مزید کوئی قانونی کارروائی نہیں کرنا چاہتا ہوں۔ جسکی کاپی ہمراہ لف ہے۔

لہذا مندرجہ بالا حالات و واقعات اور منائق کو مد نظر رکھتے ہوتے اور سائل کو بے گناہ قرار دیا جا کر مجاریہ چارج شیٹ داخل دفتر کیئے جانے کی استدعا کی جاتی ہے۔

سائل تازیت دعا گور ہے گا۔

کنسٹیبل محمد کلین
معتل پولیس لائن
23-11-2020

مورخہ: 23/11/2020

0340-9207193

Attested
Ked

9-7796-345-101

20/11/2020



ڈیرہ اسماعیل خان

02/01/2021 مورخہ

02 -

فائل رپورٹ

برخلاف: کانٹریبل محمد کلیل نمبر 697 متعینہ تھانہ کینٹ

جناب عالی!

بحوالہ چارج شیٹ نمبر 7271EC مورخہ 7.10.20 بجاریہ جناب DPO صاحب ڈیرہ جس پر الزام ہے کہ بحوالہ لیٹر انگریزی SP.INV نمبر 11048 مورخہ 6.10.20 کہ جب وہ پولیس لائن ڈیرہ میں تعینات تھا تو وہ ایک مقدمہ نمبر 1093 مورخہ 22.9.20 جرم 457/380 تھانہ کینٹ میں اس کے خلاف ایک FIR چاک ہوئی۔ اس کا یہ فعل قابل مواخرہ و قبل سزا ہے جس میں وہ سزا کا حق دار ہے۔ جس پر زیر دستگی کو انکو آڑی آفیسر مقرر کیا گیا اور باقاعدہ انکو آڑی کا آغاز کرتے ہوئے مذکورہ کنٹریبل کو دفتر ہذا بسلسلہ بیان دینے طلب کیا گیا۔

بیان ازاں کنٹریبل کانٹریبل محمد کلیل نمبر 697 متعینہ پولیس لائن ڈیرہ

نے دریافت اپنے تحریری بیان میں بتایا کہ ساکس مورخہ 27.7.2007 کو محکمہ ہذا میں بطور کانٹریبل بھرتی ہو کر اپنی ڈیوٹی سرکار ڈیوٹی جانفشانی سے سرانجام دے رہا ہے۔ مورخہ 22.9.20 کو ایک مقدمہ کا اندراج تھانہ کینٹ میں بسلسلہ چوری نقد رقم مبلغ 140000/- لاکھ روپے وطلانی زیورات کیا تھا۔ مدعی نے اپنی رپورٹ میں معلوم ملزمان کو چارج کیا میرا نام پہلے سے FIR میں نہ تھا مدعی مقدمہ کے حالات چونکہ میرے ساتھ پہلے سے کشیدہ تھے اس لئے بدیں وجہ مدعی نے 18 دن بعد گھٹ جوڑ کر کے مجھ سے بدلہ لینے کے لئے مجھے مقدمہ میں نامزد کیا اور پھر مقامی پولیس سے مل کر مجھ سے زبردستی مقدمہ میں درج رقم میں سے بارہ لاکھ روپے مجھ سے لئے اور مقدمہ میں اس رقم کو ریکوری ظاہر کر کے چالان جمع عدالت کرایا۔

اس مقدمہ میں میں بے گناہ ہوں ایک غریب اور شریف خاندان سے تعلق رکھتا ہوں کبھی بھی ایسے کاموں میں ملوث نہیں رہا۔ بعدہ مورخہ 04.11.20 کو مدعی مقدمہ نے عدالت عالیہ میں ایک بیان حلفی جمع کرایا کہ اس نے غلط فہمی کی بناء پر کنٹریبل کلیل کو چارج کیا تھا اور اب مجھے تسلی ہو چکی ہے میں کنٹریبل کلیل کے خلاف کوئی قانونی کارروائی نہیں کرنا چاہتا۔ کاپی بیان حلفی ہمراہ لف ہے۔

بیان ازاں مدعی سرورتاج ولد تاج ملوک قوم شنواری سکند طارق آباد

نے حلفاً بیان کیا کہ مورخہ 22.09.20 کو مقدمہ نمبر 1093 زیر دفعہ ppc 457-380 تھانہ کینٹ درج رجسٹر ہوا۔ مقدمہ ہذا میں میں نے رپورٹ اس وقت نامعلوم کے خلاف درج کروائی اب میں نے مختلف معلومات اور وجوہات اور پتہ براری کرنے کے بعد معلوم ہوا ہے کہ محمد کلیل ولد بشیر احمد قوم راجپوت سکند طارق آباد نے میرے گھر چوری کی ہے۔ چوری ہونے کے کچھ روز قبل ڈیزھ بجے رات کے آس پاس محمد کلیل نے ہوائی فائرنگ کی تو ہم نیند سے بیدار ہوئے گلی میں گئے تو محمد کلیل ٹھہرا ہوا تھا دریافت پر اس نے کہا کہ میں نے فائرنگ اس لیے کی ہے کہ چور ہمارے گھر کی دیوار پر نظر آئے حالانکہ محمد کلیل کے گھر سے ہمارے گھر کی دیوار نظر نہیں آتی۔ اسی روز میرے والد کو کہا کہ میرا تبادلہ وزیرستان ہو گیا ہے۔ ہم نے جب کلیل کے حوالے سے معاملات کیس تو پتہ چلا کہ اس نے میرے والد اور والدہ سے جھوٹ بولا ہے۔ میرا بچی بیان ہے جو دست ہے۔ (کاپی بیان ہمراہ لف ہے۔)

بیان ازاں امان اللہ خان OII تھانہ کینٹ ڈیرہ

نے اپنے تحریری بیان میں کہا کہ میں تھانہ ہذا میں بطور ASI/inv تعینات ہوں مورخہ 22.9.20 کو مقدمہ نمبر 1083 جرم 457/380/411 درج رجسٹر ہو کر بغرض تفتیش من ASI کو حوالے ہوئی۔ مدعی مقدمہ سرورتاج ولد تاج ملوک قوم شنواری سکند طارق آباد کالونی نے اپنے گھر میں بوقت شب نامعلوم ملزم / ملزمان کا داخل ہو کر دوسری منزل سے کمرہ میں المناری سے مبلغ 14 لاکھ روپے اور طلانی زیورات وزن 1 تولہ چوری کر کے لے گئے۔

Attested
[Signature]

ملازم کی تلاش و پتہ براری سے ملازم شکیل ولد بشیر احمد قوم راجپوت سکند طارق آباد مدعی مقدمہ نے عدالت میں زیر دفعہ 164 کے بیان میں نامزد کیا ہے جس کو طلب کرنے پر تھانہ حاضر آیا جس کو مقدمہ ہذا میں گرفتار کر کے انفارمیشن رپورٹ افسران بالا ارسال کی اور ملازم کنستبل شکیل سے بدوران انٹارڈکشن ملازم کے انکشاف پر ملازم کے گھر جا کر حسب نشاندہی ملازم مال مسروقہ متذکرہ بالا برآمد ہو کر بروئے فرد قبضہ پولیس ہوا۔ مزید برآمدگی کیلئے حراست پولیس ملازم پیش عدالت کیا۔ حراست منظور ہو کر مزید برآمدگی کی کوشش کی مگر مزید برآمدگی نہ ہو سکی۔ مقدمہ میں ملازم کو قصور وار پا کر برخلاف ملازم SHO نے چالان مکمل دے کر بغرض سماعت عدالت بھجوایا۔ ملازم محمد شکیل کی جانب سے راضی نامہ کی بنیاد پر اس کی ضمانت ہو چکی ہے۔ میرا یہی بیان ہے جو درست ہے۔

بیان ازان گواہ فرد کاشف بشیر ولد حافظ بشیر

نے بدوران پولیس بیان کیا کہ میں اپنے رشتہ داروں کے گھر موجود تھا کہ ایک ASI مع نفری پولیس ہمراہ ملازم محمد شکیل سکند طارق آباد کے ڈائری سرکاری پر آئے اور مجھے کہا کہ محمد شکیل کے گھر کی تلاشی لینی ہے آپ ہمارے ساتھ چلیں۔

ASI مذکورہ نے پردہ کروایا اور ملازم شکیل کے صحن کے دروازے کے اندر داخل ہوا تو گھر کے مین دروازے کے پیچھے ملازم محمد شکیل نے بائیں دیوار کے ساتھ زمین کی طرف اشارہ کیا کہ مال مسروقہ اس جگہ چھپا رکھا ہے۔ تو ملازم محمد شکیل نے اپنے گھر سے گھینٹی اٹھائی اور زمین کی کھودائی شروع کرنے کے بعد ایک پلاسٹک لفافہ برنگ سبز ظاہر ہوا جس کو ملازم شکیل نے نکال کر پولیس کے حوالے کیا جس سے رقم اور تلافی زیورات برآمد ہوئے۔ رقم مختلف قسم کے نوٹس شمار کئے جو نوٹس رقم مبلغ 12 لاکھ 3 ہزار، اور تلافی زیورات ہار کانٹے مع رنگ کو بھی پارسل میں بند کیا اور ملازم شکیل نے ایک گھینٹی، پینکشن اور سریا حوالے کیا۔ میرے روز و فرد مرتب کیا جس پر میرے دستخط ثبت ہیں۔ میرا یہی بیان ہے۔

نیز Oii امان اللہ نے مورخہ 09.10.20 کو اپنی عرضی اطلاع میں مقدمہ نمبر 1093 جرم 457.380 کے ساتھ دفعہ 411 کی ایذا دہی کی اطلاع دی کہ ملازم مذکورہ سے مال مسروقہ برآمد ہو چکا ہے۔ اور محرم محمد اسلم 862 تھانہ کینٹ نے بھی اپنے بیان میں رقم اور تلافی زیورات کے بارے رجسٹر نمبر 19 کی تکمیل کا ذکر کیا ہے اور مالخانہ میں جمع کرادی ہے۔

حالات و واقعات

حالات کچھ یوں ہیں کہ انکوائری ہذا میں تمام لئے گئے بیانات اور پتہ براری سے معلوم ہوا کہ مدعی مقدمہ سرورتاج نے مورخہ 22.09.20 کو مقدمہ نمبر 1093 زیر دفعہ 380-457 تھانہ کینٹ نامعلوم ملازم / ملازمان کے خلاف درج رجسٹر ہوا جو بعد تفتیش کے اور بعد تسلی مدعی نے کنستبل محمد شکیل ولد بشیر احمد راجپوت کے خلاف اس کے گھر میں چوری کرنے کی دعویداری کر دی۔ جس کو باقاعدہ گرفتار کر کے عدالت میں پیش کیا ریمانڈ حاصل کر کے تفتیش آفیسر نے شکیل کی نشاندہی پر اس کے گھر سے مال مسروقہ مبلغ 12 لاکھ روپے پاکستانی اور ایک تولہ طلائی زیورات جو گھر کے صحن میں گڑھا کھود کر چھپائے ہوئے تھے برآمد کرائے جس کی وڈیو بھی موجود ہے۔ بعدہ عدالت میں پیش کر کے مذکورہ کنستبل شکیل کو سینٹرل جیل ڈیرہ بھجوا یا گیا۔ اس کے بعد علاقہ معززین نے ملازم شکیل اور مدعی مقدمہ کا خانگی فیصلہ کرایا۔ بعدہ مدعی مقدمہ نے ایک شامپ پیپر پر بیان طغنی تحریر کیا کہ میں نے بارضائے الہی ملازم شکیل کو معاف کیا اور اگر عدالت عالیہ ملازم شکیل کو ضمانت پر رہا کرتی ہے تو مجھے کوئی اعتراض نہ ہے۔ بیان طغنی کے بعد ملازم کو عدالت سے ضمانت پر رہائی مل گئی۔

عالیجاہ!

کی گئی انکوائری حالات و واقعات درج بالا اور Oii کی تفتیش زیر دستخطی اس نتیجے پر پہنچا ہے کہ ملازم کنستبل شکیل جو محکمہ پولیس کیلئے بے عزتی اور بدنامی کا باعث ہے۔ ایسے بدکردار لوگوں کی پولیس جیسے باعزت اور ڈسپلن فورس میں بالکل گنجائش نہیں ہے۔ ملازم کنستبل شکیل انکوائری ہذا میں گناہگار پایا گیا ہے۔ جس کو Major Punishment دینے کی سفارش کی جاتی ہے۔

مزید حکم افسران بالا افضل ہوگا۔

Attested
Kid

ایڈیشنل سپرنٹنڈنٹ آف پولیس
ڈیرہ اسماعیل خان

حکماء انوار کا رخصت فرم شلیل نمبر 696 نصاب کینٹ

(31)

نمبر شمار	انڈس	تاریخ طلبی	تاریخ آمد	چارج شیٹ نمبر
1	چھوڑ دینا 11/10/20 کو انوار کا نصاب و آواز رٹ ٹوٹ۔ مذکورہ کو دفتر نصاب رٹ سے نصاب لے لیا گیا۔ مذکورہ نمبر 1155 نصاب 11/10/20 رقم مسترد 11/11/20	12/10/20	11/10/20	6271/EC 7-10-20
2	ادھر طلبہ کانسٹبل شلیل نمبر 696 سے لے رہا تھا۔ حاضریا اردو چارج شیٹ جمع کرنا۔ حوالہ انوار دفتر سے 5/11/20 سے اس سے اس سے اس سے مذکورہ کو طلبہ کی شہادتیں جمع کرنا۔ جو کہ انوار دفتر سے	-	23/11/20	
3	امروز 7/12/20 کو انوار کے سلیب سے 10/12/20 کو انوار کو مذکورہ نصاب فرم کینٹ اردو نصاب ڈیوٹی دفتر نصاب لے لیا گیا۔	8/12/20		
4	امروز 12/12/20 کو انوار کو نصاب نصاب انوار دفتر سے لیا حوالہ انوار سے	-	13/12/20	
5	امروز کانسٹبل دفتر کے نصاب لے لیا گیا۔	-	23/12/20	

Attested
Kish

امروز 14/12/20 کو مذکورہ کانسٹبل کی رپورٹ
نصاب لے لیا گیا۔

(22)

PAKISTAN National Identity Card

Name: Sarwar Ta

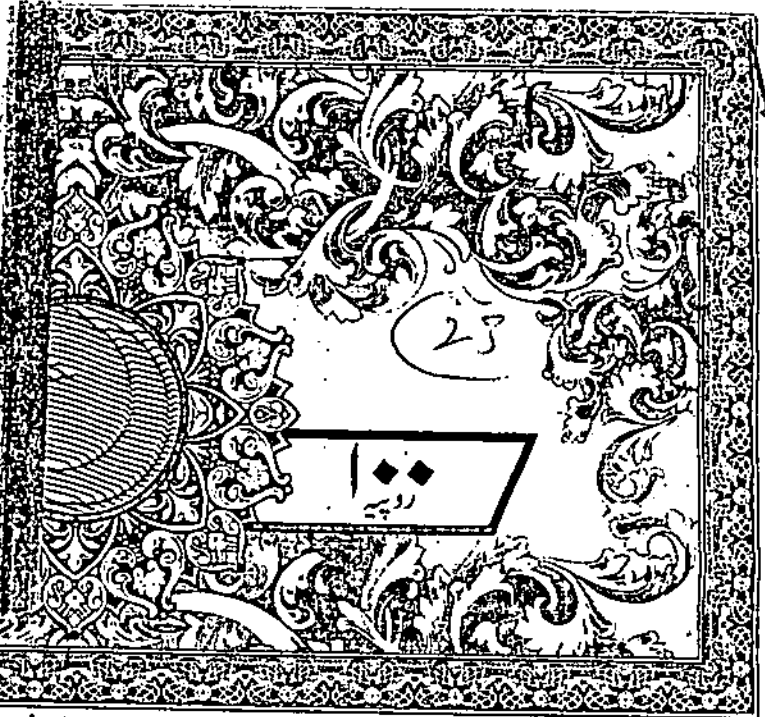
Father's Name: Taj Ullah

Identity No: 21021945

Date of Birth: 21.07.1977

Date of Issue: 01.09.2011

Date of Expiry: 01.09.2026



(23)

P# 241

بیان حلفی / راضی نامہ
لعدالت خرابہ اندیشین سین حج صاحب I ڈیرہ اسماعیل خان

عمر شکیل بنام سرکار

تھم 380-457 ت - مقدمہ نمبر 1093

مورخہ 29/9/2020 قحانہ چھارنی ٹوی آئی خان



ASJ I D/K/1
04/11/2020

منگہ سی سرد تاج دلہ تاج الملک قوم شہزادی سکے طارق آباد ڈیرہ اسماعیل خان
(منتخب شدہ)

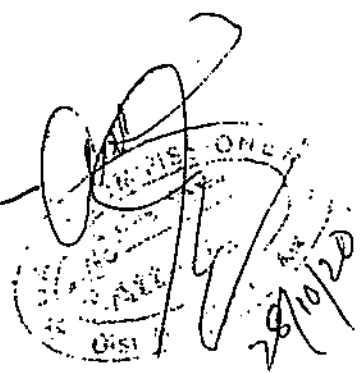
حلفاً بیان کرتا ہوں کہ میری رپورٹ پر برخلاف سائل / ملزم عمر شکیل ولد
شیر احمد قوم راجپوت سکے طارق آباد مقدمہ نمبر 1093 درج جسدہ ہوا
اب مابین زلفیق خانگی طور پر راضی نامہ ہو گیا اور میں نے ملزم کو
فی سبیل اللہ معاف کر دیا ہے اور مابین زلفیق اور کوئی راجپوت باقی نہیں
ہے۔ اگر عدالت حضور انور سائل / ملزم کی ضمانت منظور فرما دے اور
مجھے کوئی عذر و اعتراض نہ ہو گا میں وجہ بیان حلفی سے انکار کر رہا ہوں۔

الغیر

سرد تاج دلہ تاج الملک قوم شہزادی سکے طارق آباد ڈیرہ اسماعیل خان

12101-9457796-9

ہجرت



29/10/20

(30)

پہلے نواز اہل خانہ کے پاس 1881ء میں کئی کتاب گیت

تے ہر وقت یہاں آ رہے تھے کتاب گیت میں لکھا ہے 1881ء گیت

22/29 مورخہ 1893ء بم 457-380 411ء درج ہے اس کے بعد 1881ء

کچھ عرصے تک یہاں آ رہے تھے اور کئی کتاب گیت

لکھی تھیں جن میں سے کئی کتاب گیت کے لئے لکھی گئی ہیں

ایسی ہی ایک کتاب گیت ہے جو 1881ء میں لکھی گئی تھی اور اس کے

میں نام لکھا ہے کہ یہ کتاب گیت کے لئے لکھی گئی تھی

اور اس کے بعد کئی کتاب گیت لکھی گئی ہیں جن میں سے کئی

کتاب گیت لکھی گئی ہیں جن میں سے کئی کتاب گیت

لکھی گئی ہیں جن میں سے کئی کتاب گیت لکھی گئی ہیں

اور اس کے بعد کئی کتاب گیت لکھی گئی ہیں جن میں سے کئی

کتاب گیت لکھی گئی ہیں جن میں سے کئی کتاب گیت

Attested
K

آرڈر نمبر

مذکورہ ذیل رقمیں کی قیامت اس وقت تک قائم کی جائے گی
جس وقت تک اس رقم کی وصولی ہوگی اس وقت تک اس رقم کی قیامت

Attested
K. J.

اس کی یاد دہانی ہے
NGP

بیان اذان سرور تاج ولد تاج ملوں قوم شنواری سکند طارق آباد

ڈیسٹر اسٹیل خان (متغیث)

133

حلفاً بیان کیا کہ مورخہ 9/22 کو مقدم نمبر 1093 زیر دفعہ 457, 380 PPC

بالعیا مختلف گھانٹے کٹیے میں دزے رحیدر سہو 1 مقدمہ جعد امیں میں
ڈے رلیوری اسوقت نامعلوم ے فلاف دزے رحیدر کراچی تھی اب
میں نے مختلف معلومات اور وجوہات اور پتہ برار کر کے بعد

معلوم ہوا کہ محمد شکیل ولد لبتیر احمد قوم راہبیوت سکند طارق آباد
ڈیسٹر اسٹیل خان نے میرے گھر چوری کی ہے، چوری ہونے کچھ روز قبل
رات 1/1 بجے ے آس پاس محمد شکیل نے ہوائی فائر لگئے تو ہم سب

سے بیدار ہوئے۔ اور گلی میں لگے تو محمد شکیل گلی میں گھبرا ہوا تھا
تو ہم نے محمد شکیل سے دریافت کیا۔ تو اس نے کہا کہ یہ فائر میں نے اس

لگئے تھے ہیں۔ کہ محمد شکیل کا کہنا تھا۔ کہ چور میرا دے گھر کی دیوار سے
لنگر آئے۔ حالانکہ محمد شکیل کے گھر سے ہمارے گھر کی دیوار نظر نہیں آتی۔

اسکے علاوہ چوری سے تین روز قبل محمد شکیل نے میری والدہ ام سے کہا کہ
میں نے دو کسری شادویا کرائی ہے۔ آج میں پہلی بیوی اور بچوں کا ضیال

رکھیں۔ اسی روز میرے والد ام کو کہا کہ میرا وزیر تاج آباد لہو گیا ہے
ہم نے معلومات جب محمد شکیل کے والد سے ہیں۔ تو ہمیں معلوم کہ محمد شکیل

نے میری والدہ اور میرے والد ام سے چھوٹ لیا تھا۔ اور ہمیں پتہ

چلا کہ محمد شکیل کو مل سکرے گا۔ چکر روڑ بہ ماڑی کراچی میں ہے

Attested
K

کر رہا تھا۔ میرے والد کو
 محمد شکیل نے دیکھا تو میرے والد سے نظریں چھپانا تھا، اور
 پہلے چوری سے قبل بروقت گلی میں رہتا تھا۔ لکن بعد ازاں چوری
 کے بعد محمد شکیل دوبارہ میری گلی میں نظر نہیں آتا۔ میں اپنے
 گھر میں چوری کے خلاف محمد شکیل کے ساتھ دارسوں اور چوری
 محمد شکیل کے لیے میرا شناختی فوٹو گالی EXPA ہے۔

XX حیرت منگوا لوقت شکیل

شکر درستی کے لیے

Mazhar Ali Khan
 Director
 District Jail
 Faisalabad

06/10/2020

12101-9457796-9

سرورنگ 2 ولد تاج ملک

تاج



0334-721-5574

(140) بیان از اہل مدینہ . سرور زمانہ ولد نامہ بقوت قوم شہزادہ

طارف ، پتہ سر 38/35 محل شہزادہ کارڈم 9-7796-945-12101

فونیکل سر 7215574-0334

سے بددیانت لوہیں بیان کیا کہ درجہ 22-9 کو اپنے گھر میں ماسٹرم

میں ان لوگوں کا گھر میں داخل ہو کر انعام کے اندر سے سٹین (ہار) لٹو کر دیا

اور ایک سیٹ طلسمی زور سے بوقت شب چوروں کے گھر میں داخل ہوئے

میں صرف ماسٹرم دعویٰ کیا کہ ان سے وہی رقم چھوٹی ہوئی ہے کہ یہ


گھر بوقت شب میں ہوا یہ ہر قسم کی دلچسپی اور فریب سے فراہم راہبریت دیکھ

معاذ اللہ انہوں نے داخل ہو کر چوروں کو دیکھا . میں اپنے گھر میں

داخل ہو کر لٹو کر اٹھ گیا ، طلسمی زور سے چوروں کے گھر میں داخل

ہوئے صرف ہر قسم کی فریب سے دعویٰ کیا کہ

Attested
K


Asif Inu/Carry

6-10-20

نمبر 31 P# فرد فزیشن / مندرش بائیس
Dill

135

والدہ مندر 1093 نمبر 28 $\frac{9}{20}$ 380-457 نمبر 31

در پروگرام میں ذیل کا مقدمہ عمران مالا میں بیکسٹ مندر
کاٹل عضفیر 1286 کے (9) عدد مندر مندر فٹوں سے
انٹار اور ان فٹوں کا فولو اپ کے 9 عدد فولو مندر
حوالے کیا جن کو مندر بائیس مندر کے اندر مندر
اسی K.S. مندر کے بائیس کا 3/3 حوالہ دے کر
نمبر کے مندرش بائیس مندر مندر کے مندر
ارواح مندر فرد مندر مندر

22-9-20

سرور 2 دہانہ 2 مندر قوم مندر مندر مندر مندر

Attested
K

مندر مندر مندر 166 نمبر 31

فعلی دیل

خود حضور میں سندس مایس

(137)

شمارہ 1093 حصہ 22 $\frac{9}{20}$ بم 457-380 نمبر 1391

دربرداران ذیل مقدمہ عمران بالادیس مایس فنگر بریت احمد ایسہ 1391

نے خادم فنگر بریت پر 4 مشتبہ اشخاص کے فنگر بریت پر دم

کارروائی شمارہ لکھا اور کئی خوشگمانات زینت مہ مایس 2

سید علیہ بناریا کا مقدمہ سپرینٹنڈنٹ مایس رکھا کارروائی مایس

3/ عدد کو سپرینٹنڈنٹ مایس 14.5 نمبر کارروائی مایس کارروائی مایس

کارروائی مایس مایس مایس مایس مایس

Asi/ine/cont

23-9-20

اس پروگرام کے تحت کارروائی مایس کارروائی مایس کارروائی مایس

Attested
Ked
1391 مایس مایس مایس مایس مایس
امجد

P#33

From: The Dy: Superintendent of Police,
HQrs: Dera Ismail Khan

To: The District Police Officer,
Dera Ismail Khan

No. 585/HQ Dated DIKhan the 31 / 12/2020.

Subject: ABSENCE FROM DUTY.

It is submitted that Constable Shakeel No. 697 of this District Police was found absent from his duties without any leave/permission of under signed or RI/LO Police Lines vide DD No. 12 dated 06.10.2020 and reported his arrival vide DD No. 38, dated 02.12.2020 his absented period total 56 days may be treated as without pay including proper departmental action initiated against him copies of DD report are closed herewith please.

Dy: Superintendent of Police
HQrs: Dera Ismail Khan

Issue charge sheet

District Police Officer,
Dera Ismail Khan
Caved

Attested

OB-03

DT 01-01-2021

فیلڈ

(152)

۱۲۔ لائسنس ہولڈر کی سیدھے قلمی دستخط کے ساتھ ساتھ ایک دستخط کیونکہ اس وقت کے لئے اس وقت
 اس وقت کے لئے اس وقت کے لئے اس وقت کے لئے اس وقت کے لئے اس وقت کے لئے اس وقت کے لئے اس وقت کے لئے اس وقت کے لئے
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۳۔ اس وقت کے لئے اس وقت کے لئے اس وقت کے لئے اس وقت کے لئے اس وقت کے لئے اس وقت کے لئے اس وقت کے لئے اس وقت کے لئے
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D
 (0756)

جی ایم ای
 سید عتیق علی
 2/12/20
 Attested
 Kial

3. In this rule, removal or dismissal from service does not include the discharge of a person.
- (a) Appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or
 - (b) Appointed, otherwise than under a contract, to hold a temporary appointment on the expiration of the period of appointment; or
 - (c) Engaged under a contract, in accordance with the terms of the contract.

4-A.

In case a Police Officer is accused of subversion, corruption or misconduct the Competent Authority may require him to proceed on leave or suspend him.

5. Punishment proceedings.-

The punishment proceedings will be of two kinds. i.e. (a) Summary Police Proceedings and (b) General Police Proceedings and the following procedure shall be observed when a Police Officer is proceeded against under these rules:---

- (1) When information of misconduct or any act of omission or commission on the part of a Police Officer liable for punishment provided in these rules is received by the authority, the authority, shall examine the information and may conduct or cause to be conducted quick brief inquiry if necessary, for proper evaluation of the information and shall decide whether the misconduct or the act of omission or commission referred to above should be dealt with in a Police Summary Proceedings in the Orderly Room or General Police Proceedings.
- (2) In case the authority decides that the misconduct is to be dealt with in Police Summary Proceedings, he shall proceed as under-
 - (i) The accused officer liable to be dealt with in the Police Summary Proceedings shall be brought before the authority in an Orderly room.
 - (ii) He shall be apprised by the authority orally the nature of the alleged misconduct, etc. The substance of his explanation for the same shall be recorded and if the same is found unsatisfactory, he will be awarded one of the minor punishments mentioned in these rules.
 - (iii) The authority conducting the Police Summary Proceedings may, if deemed necessary, adjourn them for a maximum period of 7 days to procure additional information.
- (3) If the authority decides that the misconduct or act of omission or commission referred to above should be dealt with in General Police Proceedings he shall proceed as under-
 - a) The authority shall determine if in the light of facts of the case or in the interests of justice, a departmental inquiry, through an Inquiry Officer if necessary. If he decides that is not necessary; he shall-
 - b) By order in writing inform the accused of the action proposed to be taken in regard to him and the grounds of the action: and

c) Give him a reasonable opportunity of showing cause against that action: Provided that no such opportunity shall be given where the authority is satisfied that in the interest of security of Pakistan or any part thereof it is not expedient to give such opportunity.

(4) If the authority decides that it is necessary to have departmental inquiry conducted, through an Inquiry Officer, he shall appoint for this purpose an Inquiry Officer, who is senior in rank to the accused.

(5) On receipt of the findings of the Inquiry Officer or where no such officer is appointed, on receipt of the explanation of the accused, if any, the authority shall determine whether the charge has been proved or not. In case the charge is proved the authority shall award one or more of major or minor punishments as deemed necessary.

6. **Procedure of Departmental Inquiry:-**

- i. Where an Inquiry Officer is appointed the authority shall-
 - a. Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration;
 - b. Require the accused within 7 days from the day the charge has been communicated to him to put in a written defence and to state at the same time whether he desires to be heard in person;
- ii. The Inquiry Officer shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the witnesses against him.
- iii. The Inquiry Officer shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing and where any adjournment is given,
 - a. It shall not be more than a week; and
 - b. The reasons therefore shall be reported forthwith to the authority.
- iv. Where the Inquiry Officer is satisfied that the accused is hampering, or attempting to hamper the progress of the inquiry he shall administer a warning and if thereafter he is satisfied that the accused is acting in disregard of the warning, he shall record a finding to that effect and proceed to complete the departmental inquiry ex parte.
- v. The Inquiry Officer shall within 10 days of the conclusion of the proceedings or such longer period as may be allowed by the authority, submit his findings and grounds thereof to the authority.

158



Office of the DPO/D.I.Khan
Dy. 1653 /EC.
Dt. 24/9 /2021

OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

P#37

No. /ES, Dated DI Khan the 20 /09/2021

ORDER

This order disposes of a departmental appeal filed by Ex-Constable Muhammad Shakeel No.697 of District Police DI Khan against the impugned order of Major Punishment-(Dismissal from Service)-by DPO D.I.Khan, passed vide his office OB No.74 dated 12.01.2021, on the following allegations:

"As reported by SP Investigation DI Khan, vide his office letter No.11408/Inv: dated 06.10.2020, He, while posted at Police Lines DI Khan, a case FIR No.1093 dated 23.09.2020 u/s 457-380PPC PS Cantt DI Khan was registered against him,"

1. DPO D I Khan served the appellant with with charge sheet. Enquiry into the matter was got conducted into through Muhammad Aslam Khan Addl: SP DI Khan who concluded that allegation stood proved against the appellant and that he was found guilty of the charges levelled against him. The Enquiry Officer further stated that the appellant might be awarded any of the major punishments. Consequently, the appellant was awarded major punishment of Dismissal from Service vide the impugned order OB No.74 dated 12.01.2021.

2. The appellant preferred an appeal against the impugned order on-20.01.2021. His appeal was sent to DPO DI Khan for comments and provisions of his service record vide this office letter No.393/ES dated 25.01.2021. DPO DI Khan, vide his office memo: No.911/EC dated 19.02.2021, furnished comments on the subject appeal wherein he justified his impugned order.

3. The appellant was heard in person in Orderly Room on 22.06.2021. He stated that he was being victimized for having illicit relations with the wife of the complainant of the said case No.1093/20. He showed objectionable pictures & videos of the said lady with him. Perusal of the record has also revealed that the following two FIRs stand registered against him.

- i) FIR No.297 dated 18.04.2021 u/s 506 PPC PS Cantt
- ii) FIR No.320 dated 26.04.2021 u/s 506 PPC PS Cantt

4. Perusal of the record, pictures and videos of the appellant Ex-Constable Muhammad Shakeel with the wife of the complainant reveal that he has not only been found to have been stealing the property of case FIR No.1093/2020 but has also been indulged in enticing wife of the complainant of FIR No.1093/2020 PS Cantt DI Khan. The pictures & videos further reveal that he has not only enticed her to act as a Trojan House against her husband & family but also apparently collected enough material (videos, pictures and arellis recordings of the lady) to potentially blackmail her in future. The appellant appears to be all set to become Brutus for this lady. Such an evil minded, trust-breaker appellant needs to be weeded out of a law enforcement agency (Police) whose primary task is to protect life, property & honor of citizens.

5. Keeping in view the above, I, **SHAUKAT ABBAS, PSP**, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11(4) (a), of Police Rules 1975, uphold the major punishment order of dismissal from service by DPO DI Khan. His appeal is hereby rejected being meritless.

(SHAUKAT ABBAS) PSP
Regional Police Officer
Dera Ismail Khan

No. 4036 /ES
Copy of above is sent to the DPO DI Khan for information with reference to his office memo: No. 911/EC dated 19.02.2021 alongwith his service record i.e. (Service Roll & Fauji Missal). The appellant may please be informed accordingly.

Recd
S.R.-CS
F.M. (CS)
21/9/21

EC/ONE JOB/PO

(SHAUKAT ABBAS) PSP
Regional Police Officer
Dera Ismail Khan

Attested
Kid

24/9
DPO/DM

OB 1547 ✓
DT 24-09-2021

Pls attached
21/9/21

ابتدائی اطلاع رپورٹ

P# 39

(تائیس) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ ذریعہ دفعہ 153 مجموعہ ضابطہ فوجداری

ذات دلی

12101-945 7796-9

0334 721 5574

تاریخ رپورٹ
نمبر

تاریخ وقت و مجموعہ 22/05/2020

(1093)

1	تاریخ وقت رپورٹ 22/05/2020	وقت 12:00
2	نام سکونت اطلاع دہندہ مستفیض مسٹر راج وارانج الملوکی	تاریخ وقت 22/05/2020
3	مختصر کیفیت جرم (معدوقہ) حال اگر کچھ لیا گیا ہو	پریم پور ایس ایف ایف او ڈیوٹی ایف ایف او ڈیوٹی
4	جائے وقوعہ فاسد کیا گیا ہے اور مستحکم حالت میں راج وارانج الملوکی	تاریخ وقت 22/05/2020
5	نام سکونت ملزم	پریم پور ایس ایف ایف او ڈیوٹی ایف ایف او ڈیوٹی
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو اور وجہ بیان کر دے	پریم پور ایس ایف ایف او ڈیوٹی ایف ایف او ڈیوٹی
7	تعمیرات و راجگی کی تاریخ وقت	پریم پور ایس ایف ایف او ڈیوٹی ایف ایف او ڈیوٹی

ابتدائی اطلاع نیچے درج کرو
 مسٹر راج وارانج الملوکی نے اطلاع دی کہ ان کے گھر میں جو ایک بیگ تھا وہ چھینا گیا ہے۔
 ان کے گھر میں ایک بیگ تھا جس میں کچھ چیزیں تھیں۔ ان چیزوں میں سے کچھ لاپتہ ہو گئے۔
 ان کے گھر میں ایک بیگ تھا جس میں کچھ چیزیں تھیں۔ ان چیزوں میں سے کچھ لاپتہ ہو گئے۔
 ان کے گھر میں ایک بیگ تھا جس میں کچھ چیزیں تھیں۔ ان چیزوں میں سے کچھ لاپتہ ہو گئے۔

Attested Kid

12/11/2020

تاریخ وقت

ابتدائی اطلاع رپورٹ

کوئٹہ

(فائل) ابتدائی اطلاع نسبت جرم چال دست اندازی پولیس رپورٹ شدہ ذریعہ نمبر 127 نمبر ضابطہ افواجی

PH# 40

درجہ نمبر 9-9457796-12101
0334-7215577

ضلع خانیچہ

(297)

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تاریخ وقوع واقعات 05/03/2021 وقت 07:00 بجے

1	تاریخ وقت رپورٹ 05/03/2021	وقوعہ ڈیڑھ گھنٹہ
2	نام و سکنیت اطلاع دہندہ مستفیض	سرور بٹاخ وار تیان سنگ دلوگر
3	مختصر کیفیت مجرم (موروثہ) مال اگر پہنچایا گیا ہو	
4	جائے وقوعہ فاصلہ تقاضات اور سمت	نمبر تیاروں رکول والا ٹکڑا حدہ ماروا آباد جہان مغرب کینڈا 3/3 کلومیٹر از کینڈا
5	نام و سکنیت غزا	محمد سرگلی وار کینڈا 3/3 کلومیٹر از کینڈا
6	گورانی جزئیات کے متعلق کوئی اگر اطلاع درج کرنے میں آتی ہے وہاں درج کیا جائے	سرور بٹاخ وار کینڈا 3/3 کلومیٹر از کینڈا
7	تقاضات درآئی کی تاریخ وقت	برسیدیل ٹکڑا

ابتدائی اطلاع نیچے درج کروا تفتیش ذریعہ نمبر 127 نمبر ضابطہ افواجی کے تحت
 درج ذیل واقعہ کا مفصل بیان درج ہے۔
 Pasi نے اطلاع دی کہ اس کے پاس ایک گاڑی ہے جس میں ایک شخص نے ایک گاڑی میں
 درج ذیل واقعہ کا حکم صادر فرمایا۔ جس میں ایک شخص نے ایک گاڑی میں ایک شخص کو
 گرفتار کیا اور اسے ایک گاڑی میں رکھا۔
 Pasi نے اطلاع دی کہ اس کے پاس ایک گاڑی ہے جس میں ایک شخص نے ایک گاڑی میں
 ایک شخص کو گرفتار کیا اور اسے ایک گاڑی میں رکھا۔
 Pasi نے اطلاع دی کہ اس کے پاس ایک گاڑی ہے جس میں ایک شخص نے ایک گاڑی میں
 ایک شخص کو گرفتار کیا اور اسے ایک گاڑی میں رکھا۔
 Pasi نے اطلاع دی کہ اس کے پاس ایک گاڑی ہے جس میں ایک شخص نے ایک گاڑی میں
 ایک شخص کو گرفتار کیا اور اسے ایک گاڑی میں رکھا۔

Attested
 [Signature]

ابتدائی اطلاعی رپورٹ

ٹارم نمبر ۵۰۲۳ (۱)

کمز (وائیل) ابتدائی اطلاع نسبت جرم قاتل دست اندازی پولیس رپورٹ شدہ وزیر آباد ۱۵۴ بجوہ ضابطہ نوچھادی

تاریخ: ۳۹
نمبر: 320

مقام: وزیر آباد
تاریخ: ۲۰۲۱-۱۱-۰۵

۱	جرم: قاتل رپورٹ	۲۶ ۱۱/۲۵	مقام: وزیر آباد
۲	۴ آدم سگت اٹھان، ہندو ستیف تاج ملوک وارڈ نورنگل	۲۶ ۱۱/۲۵	مقام: وزیر آباد
۳	نقص کیفیت جرم (۰۰ ورنہ) حال اگر کچھ لیا گیا ہو	۲۶ ۱۱/۲۵	مقام: وزیر آباد
۴	بائے ذوقہ قاتل قاتل سے اور دست خانہ از این مدعی واضح طارق آباد	۲۶ ۱۱/۲۵	مقام: وزیر آباد
۵	۴ آدم سگت ملزم خیر تشکیل وارڈ شیدا رخت راجہ	۲۶ ۱۱/۲۵	مقام: وزیر آباد
۶	کاروائی چھتیش کے متعلق کی گئی اگر اٹھان درج کرنے میں توقف ہو اور توجہ بیان کرو	۲۶ ۱۱/۲۵	مقام: وزیر آباد
۷	قوات سے روائی کی تاریخ و وقت	۲۶ ۱۱/۲۵	مقام: وزیر آباد

ابتدائی اطلاع نیچے درج کرو مستفیض مندرجہ خانہ نمبر ۱ باہر ایک
 خیر کی درخواست بر خیر ملزم وزیر خیر خانہ نمبر ۵ مارہ ضباب ۵۵۵۵ جہاں کہہ کر خیر کی جس پر
 خیر کی مندرجہ بالا درجہ و جس کے لئے خیر نے افسران جانہ کو خبر دی جس پر افسران بالاد نے مقدمہ
 بر مقدم ملزم باہر درجہ و جس کے لئے خیر نے افسران جہاں کہہ کر افسران بالاد مقدمہ خیر ملزم باہر
 جاتی ہے۔ یہ خبر گزارش ہے۔ درخواست فرم سے ہے۔
 جناب عالی! دیگر من سائل شہینہ النفس شہری مافون کا پاسدار ہے
 یہ کہ ملزم تشکیل و لاد بر سکنہ طارق آباد وزیر سید نور سگت ملزم
 کا مندرجہ ہے۔ جس نے پہلے بھی ہمارے گھر چوری کی اور رات کی اور گھانے گھنٹے
 میں مقدمہ درج ہے ہوا اور پولیس نے سرآمد کی بھی کی۔ یہ کہ ملزم جب سے مسلسل مختلف
 طریقوں سے ہمارے گھر والوں بچوں کو تنگ کرنے کے ساتھ بازاروں میں دھکیاں
 دیتا ہے۔ یہ کہ ملزم تشکیل وارڈ شیدا رخت راجہ سے کچھ دیر قبل تقریباً دن ۱۱:۵۰
 بجے منڈی رخصت ہمارے گھر جا کر گھر والوں کو دھکیاں دے کر آتا ہے۔ جبکہ وہ
 ساری فیملی خوف و ہراس کا شکار ہے۔ لہذا صبر باہر فرما کر اس کے خلاف
 فوری مقدمہ قائم کیا جائے۔ جس سے اس کی سزا باہر ۲۶ جناب عالی نقل اور
 مہیا قاتل و قاتل درج ہے۔

Attested
[Signature]

MHC-CauH
26-4-2021



OFFICE OF THE
INSPECTOR GENERAL OF
KHYBER PAKHTUNKHWA
PESHAWAR.

P#43

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-PC Muhammad Sameel (No. 697) the applicant was dismissed from service by DPO Dera Ismail Khan vide OB No. 74, dated 12.01.2021 on the allegations that he while posted at Police Lines DI Khan, he was found involved in a case vide FIR No. 1093, dated 22.09.2020 u/s 457-380 PPC PS Cantt DI Khan for having illicit relations with the wife of the complainant of the said case No. 1093/20. As per B.O a complainant namely Sarwar Taj registered FIR No. 1093 U/S 457/380 PS Cantt against unknown accused. After the enquiry, the complainant accused PC Muhammad Shakeel of robbing his house. The said constable was arrested & cash of 12 lacs PKR & 1 Tola gold jewelry were recovered from the his house. The stolen cash/gold jewelry was hidden in a hole in the yard of Muhammad Shakeel's house. The video recording of the recovery is also present. After this, the complainant reached a compromise with PC Shakeel. He was acquitted on compromise basis by the court of Judicial Magistrate, DI Khan vide judgment dated 20.12.2022.

The Appellate Authority i.e. Regional Police Officer Dera Ismail Khan rejected his appeal.

Meeting of Appellate Board was held on 01.03.2024 wherein petitioner was heard in person. The petitioner contended that the FIR was frivolous.

Perusal of enquiry papers revealed that the allegations levelled against the petitioner has been proved. The petitioner failed to submit any cogent reason in his self defence. The Board sees no ground and reasons for acceptance of his petition, therefore, his petition is hereby rejected.

Sd/-

A. WAL KHAN, PSP

Additional Inspector General of Police
HQs: Khyber Pakhtunkhwa, Peshawar

No. SP-5910/24, dated Peshawar, the 22-03-2024.

Copy of the above is forwarded to the:

1. Regional Police Officer Dera Ismail Khan. Service Record + Fauji Missal + 120 Pages and Copy of complete Enquiry File + 36 Pages of the above named Ex-PC received vide your office Memo No. 2212/EC, dated 28.03.2023 is returned herewith for your office record.
2. District Police Officer, Dera Ismail Khan.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to AIG/HQs: Khyber Pakhtunkhwa, Peshawar
5. PA to DIG/HQs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: B-IV CPO Peshawar.

Attested
Kish

(F) TALIK KHAN, PSP, QJM
AIC/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

- (c) modify the orders and reduce or enhance the penalty; or
- (d) set aside the order of penalty and remand the case to the authority, where it is satisfied that the proceedings by the authority or the inquiry officer or inquiry committee, as the case may be, have not been conducted in accordance with the provisions of these rules, or the facts and merits of the case have been ignored, with the directions to either hold a de novo inquiry or to rectify the procedural lapses or irregularities in the proceedings:

Provided that where the Appellate Authority or Review Authority, as the case may be, proposes to enhance the penalty, it shall by an order in writing-

- (a) inform the accused of the action proposed to be taken against him and the grounds of such action; and
- (b) give him a reasonable opportunity to show cause against the action and afford him an opportunity of personal hearing.

(5) An appeal or review preferred under this rule, shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the impugned order in a proper and temperate language”.

12. After rule 11, the following new rule shall be inserted, namely:

❖ **“11-A Revision”**..... (1) The Inspector General, Additional Inspector General, a Deputy Inspector General of Police or a Senior Superintendent of Police may call for the records of awards made by their subordinates and confirm, enhance, modify or annul the same, or make further investigation or direct such to be made before passing orders.

(2) If an award of dismissal is annulled, the officer annulling it shall state whether it is to be regarded as suspension followed by re-instatement, or not. The order should also state whether service prior to dismissal should count for pension or not.

(3) In all cases in which officers propose to enhance an award the officer shall, before passing final orders, give the defaulter concerned an opportunity of showing cause, either personally or in writing, why his punishment should not be enhanced.

(4) The revision petition shall lie or taken cognizance by the authorities under sub rule-(1) within thirty days of the order passed on original appeal.

Provided that the Provincial Police Officer, while acting as revisional authority, in certain cases, may constitute a Revision Board for the speedy disposal of revision petitions, before passing any orders.” And