FORM OF ORDER SHEET

Court of _____

Appeal No. 2204 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/10/2024	The appeal of Mr. Hashim Khan presented today by Mr. Allah Yar Khan Tareen Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 06.11.2024. Parcha Peshi given to counsel for the appellant. By order of the Chairman REGISTRAR

BEFORE THE KHYBER PAKHTUNKHUWAH SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2204 /2024

Hashim Khan **VERSUS** District Police Officer and others.

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Allah Yar Khan Tareen

Advocate High Court (At Abbottabad)

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BEFORE THE KHYBER PAKHTUNKHUWAH SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2204/2024

Hashim Khan HC No. 559 of District Haripur, S/O Shamraiz Khan R/O Village Chohar Sharif, Tehsil and District Haripur.

Appellant...

Versus

1- District Police Officer, Haripur

2- Regional Police Circle, Hazara Region, Abbottabad

Respondents...

SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHUWAH SERVICE TRIBUNAL 1974 AGAINST OFFICE ORDER NO. 529 DATED 15/07/2024 ISSUED BY RESPONDENT NO.1, WHEREBY THE APPELLANT WAS AWARDED WITH PUNISHMENT OF "FORFEITURE OF ONE YEAR APPROVED SERVICE", AND AGAINST THE ORDER No. 5198/PA DATED 04-10-2024 WHEREBY THE DEPARTMENTAL HAS BEEN REJECTED BY RESPONDENT NO. 02.

PRAYER:

On acceptance of this appeal, the disciplinary proceedings and consequent ordersdated 15-07-2024 and 04-10-2024 respectively passed by Respondent No. 1 and 2,as impugned herein, may graciously be set aside being arbitrary, perverse, unjust, legally and factually erroneous and wrong under the facts and law.

Any other relief which this Honorable Tribunal deems appropriate may also be granted in the interest of justice.

Respectfully Sheweth:

The appellant seeks to make following submissions:

1. That the appellant holds the post of Head Constable with Belt No. 559 of District Police Haripur, under the control of respondent No. 1.

2. That a Show Cause Notice No. 179/PS dated 17-05-2024 was served upon the appellant with reference to a complaint of one Sardar Bhadar(hereinafter as Complainant). The appellant submitted his reply to said show Cause Notice asserting his innocence and stating about the mala fide intentions and ulterior motives of the Complainant. **(Copy of Show cause Notice and reply is annexure A and B respectively)**

3. That the respondent No. 1 without adverting to the earlier show cause notice issued by him and reply thereof given by the appellant with cogent reasons, proceeded to issue the Charge Sheet and the statement of allegations under the Endst. No. No.196-197/PS-I dated 29/05/2024 with appointment of the Inquiry Officer namely Mr. Muhammad Uzair DSP Khanpur.**(Copy of Charge Sheet and Statement of Allegations are annexure C and D)**

4. The appellant submitted his written defense pertaining to the said charge sheet/statement of allegation within timeon 03/06/2024 to the Inquiry Officer as directed by the competent authority.**(Copy of written defense is annexure E)**

5. That on call by the Inquiry Officer, the appellant appeared before him who recorded the statement of appellant. However, the Inquiry Officer, if proceeded to record the statement of any witness in support of allegations, the appellant was neither informed nor given the opportunity to cross-examine the witnesses.

6. That the appellant was taken by surprise when he was served with the impugned order dated 15-07-2024 showing imposition of minor punishment of "Forfeiture of One Year Approved Service" on the basis of Inquiry Report.**(Copy of Impugned Order No. 529 Dated 15-07-2024 is annexure F)**

7. That being aggrieved by the impugned order dated 15-07-2024, the appellant preferred a departmental appeal before the respondent no.02 which was rejected vide Order No. 5198/PA Dated 04-10-2024.**(Copy of departmental appeal and of order dated 04/10/2024are annexure G and H respectively)**

8. That the appellant impugns the order No. 529 dated 25-07-2024 and Order No. 5198/PA Dated 04/10/2024, inter alia, on following grounds:-

GROUNDS:

i. That the appellant has rendered unblemished service of 17/18 years in the Police Department and has always performed his duties with full zeal and zest and has record of meritorious service and never provided a chance of complaint to his superiors.

ii. That the impugned disciplinary proceedings and consequent actions suffer from inherent flaws making the same as void *ab initio*.

iii. That the inquiry officer failed to conduct the inquiry having regard to necessary procedural requirements provided by Khyber Pakhtunkhwa Police Rules, 1975 updated in 2014 and omitted to associate the appellant with inquiry proceedings except recording of appellant's cursory statement pleading innocence. Believably, the Inquiry Officer did not record the statement of any witness to substantiate the allegations against the appellant, or if recorded in absence of appellant, the same having no legal value in absence of cross examination of the witnesses were not workable against the appellant under the facts and law.

iv. That the respondent No. 1, before awarding punishment by the impugned order, did not inform the appellant about outcome of the inquiry proceedings and report and directly proceeded to pass the impugned order without affording the appellant with the opportunity of showing cause against the inquiry report. Hence, the impugned order badly suffers from violation of the law and principles of natural justice.

v. That the impugned order passed against the appellant without considering the facts and circumstancesis arbitrary, perverse, erroneous, perfunctory, illegal and against the facts and law. Hence the same is not tenable.

vi. That the Complainant Sardar Bahadar had filed a frivolous complaint against the appellant with false allegations imbued with malice, mala fide and ulterior motive, and having no proof at all.

Neither the appellant nor any other person misbehaved with the complainant party rather tolerated their nefarious and dirty behavior. Subsequently, in order to satisfy his unfounded vendetta the complainant filed complaint against the appellant which was liable to be rejected/filed at the very outset.

vii. That the appellant throughout his communication to the respondents had asserted his innocence and had categorically enunciated the mala fide of the complainant but the respondents failed to comprehend the circumstances. The complainant was result of the personal vendetta of the complainant finding the appellant as soft target and allegations on their face had no nexus with the official conduct of the appellant were not workable to constitute a ground for disciplinary action within meaning of Khyber Pakhtunkhwa Police Rules, 1975.

viii. That the respondent No. 01 after the conclusion of stated inquiry proceedings, without even issuing a final Show cause Notice to appellant proceeded to impose punishment upon the appellant, illegally and unlawfully. The appellant was also not provided with the inquiry report, if any, at all.

ix. That the misapplication of law has resulted in the clear violation of the rights of the appellant. The impugned order being result of illegal exercise of authority and being perverse is liable to be set aside.

x. That the appellant provided every explanation regarding the allegations, which were evident from the record even then, the respondent No.01 illegally proceeded in imposing penalty upon the appellant.

xi. That when the appellant impugned the order of respondent No. 01 before the respondent No. 02, the latter without appraising the record and taking notice of floating illegalities in impugned order, rejected the departmental appeal of the appellant vide order No. 5198 dated 04/10/2024, which is liable to be undone.

xii. That impugned orders in the light of forgoing grounds necessitates to be set aside and by its reversal, the appellant is entitled for relief as prayed for.

xiii. That further grounds will be raised during the course of arguments with the permission of this Honorable Court.

xiv. That the appeal is well with in time and falls in the jurisdiction of this Honorable Court.

It is therefore, humbly prayed that the appeal may be accepted as prayed for.

Appellant

Through

Allah Yar Khan Tareen
Advocate High Court

Dated: 29-10-24

VERIFICATION:

It is verified that the contents of above appeal are true and correct to the best of my knowledge and belief.

Deponent

Dated: 29-10-24

BEFORE THE KHYBER PAKHTUNKHUWAH SERVICE TRIBUNAL PESHAWAR

Service Appeal No._____/2024

Hashim Khan **VERSUS** District Police Officer and others.

SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHUWAH SERVICE TRIBUNAL 1974 AGAINST OFFICE ORDER NO. 529 DATED 15/07/2024 ISSUED BY RESPONDENT NO.1, WHEREBY THE APPELLANT WAS AWARDED WITH PUNISHMENT OF "FORFEITURE OF ONE YEAR APPROVED SERVICE", AND AGAINST THE ORDER No. 5198/PA DATED 04-10-2024 WHEREBY THE DEPARTMENTAL HAS BEEN REJECTED BY RESPONDENT NO. 02.

AFFIDAVIT

I Hashim Khan S/O Shamraiz Khan r/o Village Chohar Sharif Tehsil and District Haripur do hereby affirmed on oath that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

17TH STD

DEPONENT

Dated: 29-10-24

26/10/24

BEFORE THE KHYBER PAKHTUNKHUWAH SERVICE TRIBUNAL PESHAWAR

Service Appeal No._____/2024

Hashim Khan **VERSUS** District Police Officer and others.

SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHUWAH SERVICE TRIBUNAL 1974 AGAINST OFFICE ORDER NO. 529 DATED 15/07/2024 ISSUED BY RESPONDENT NO.1, WHEREBY THE APPELLANT WAS AWARDED WITH PUNISHMENT OF "FORFEITURE OF ONE YEAR APPROVED SERVICE", AND AGAINST THE ORDER No. 5198/PA DATED 04-10-2024 WHEREBY THE DEPARTMENTAL HAS BEEN REJECTED BY RESPONDENT NO. 02.

CERTIFICATE

It is certified that instant Service Appeal is first petition being filed before this Honorable Tribunal and no other appeal is pending before this Honorable Court.

Deponent

Dated: 23-10-24

BEFORE THE KHYBER PAKHTUNKHUWAH SERVICE TRIBUNAL PESHAWAR

Service Appeal No._____/2024

Hashim Khan **VERSUS** District Police Officer and others.

SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHUWAH SERVICE TRIBUNAL 1974 AGAINST OFFICE ORDER NO. 529 DATED 15/07/2024 ISSUED BY RESPONDENT NO.1, WHEREBY THE APPELLANT WAS AWARDED WITH PUNISHMENT OF "FORFEITURE OF ONE YEAR APPROVED SERVICE", AND AGAINST THE ORDER No. 5198/PA DATED 04-10-2024 WHEREBY THE DEPARTMENTAL HAS BEEN REJECTED BY RESPONDENT NO. 02.

ADDRESSES OF PARTIES

Hashim Khan HC No. 559 of District Haripur, s/o Shamraiz Khan r/o Village Chohar Sharif Tehsil and District Haripur.

Appellant...

1- District Police Officer, Haripur

2- Regional Police Circle, Hazara Region, Abbottabad

Respondents...

Appellant

Through

Counsel

Dated: 29-10-24

DISTRICT POLICE OFFICER
HARIPUR

✆ 0995-920100/01, 🖷:-0995614714, ✉:-dpoharipur1@gmail.com

No. 179 /PS dated Haripur the 17 /05/2024

SHOW CAUSE NOTICE

That you HC Hashim Khan No.559 while posted at PS Khanpur have rendered yourself liable to be proceeded under Rules 5 (3) of the Khyber Pakhtunkhwa, Police Efficiency & Discipline Rules 1975 (Amended 2014) for the following misconduct: -

"An inquiry on complaint of Sardar Bahadur was conducted through DSP/City, he reported that you proceeded to judicial complex without prior permission of seniors, at the occasion of confirmation of BBA of accused in case FIR No.102/24 u/s 302. You misbehaved with the complainant party. Your involvement in such like activities is violation of discipline & rules. This amounts to gross misconduct on your part in terms of KPK Police Efficiency & Discipline Rules 1975" (amended 2014)".

1. That by reason of above, sufficient material is placed before the undersigned; therefore, it is decided to proceed against your in general Police proceedings without aid of enquiry officer.
2. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
3. That your retention in the Police force will amount to encourage inefficient and unbecoming of good Police Officers;
4. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
5. Your, therefore called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa, Police Efficiency & Discipline Rules 1975 (Amended 2014) for the misconduct referred above.
6. You should submit a reply to this show cause notice within 07 days of the receipt of this notice, failing which an ex-parte action shall be taken against you.
7. You are further directed to inform the undersigned whether you wish to be heard in person or not.

District Police Officer,
Haripur

Received by _____
Dated: /05/2024

۱۰

Annexure 'B'

بخدمت جناب ڈسٹرکٹ پولیس آفیسر صاحب ہری پور

عنوان: جواب اشتہاری شوکاز نوٹس نمبر 179/PR مورخہ 17-5-2024

جناب عالی،

گزارش ہے کہ شوکاز نوٹس مندرجہ عنوان موصول شدہ ہے۔ جس کا جواب حسب ذیل عرض خدمت ہے۔

CPC

1۔ یہ کہ مورخہ 25-06-2024 کو بعد فراغت تفویض شدہ ڈیوٹی کے من ملازم کے حقیقی ماموں احمد سلطان خان [illegible] (ریٹائرڈ) کی عدالت سیشن [illegible] میں پیشی تھی [illegible] تاریخ پیشی مقرر تھی۔ [illegible] کچہری چلا گیا۔ [illegible] کے علم میں لائے بغیر۔ اور اجازت طلب کرنے [illegible] اللہ یار خان اور عنایت اللہ خان کی BBA کینسل [illegible]۔ [illegible] عبد الخالق خان [illegible] بار [illegible] اطہر خان ولد یار محمد خان و دیگر ساکنان [illegible] اور ساتھ ہی [illegible] شروع کر دیا۔

2۔ یہ کہ من سائل [illegible] انہیں [illegible] اور [illegible] کی درخواست کی۔ لیکن مخالفین نے ہماری [illegible] زیادہ شروع [illegible] کر دیا۔

3۔ یہ کہ مخالفین کے ساتھ نہ صرف من ملازم بلکہ دیگر رشتہ داران نے بھی کوئی Misbehave نہ کیا۔ اور نہ ہی کوئی غلط بات کی۔

صفحہ ۲ [illegible]

Annexure 'C'

CHARGE SHEET

I, Suleman Zaffar, (PSP) District Police Officer, Haripur as the competent authority, hereby charge you HC Hashim Khan No.559 as enclosed statement of allegations.

(1) You appear to be guilty of misconduct under Khyber Pakhtunkhwa Police Efficiency and Discipline Rules 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the said Rules.

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

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

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

(5) A statement of allegations is enclosed.

Suleman Zaffar, (PSP)
District Police Officer
Haripur

Annexure D

DISCIPLINARY ACTION

I, Suleman Zaffar, (PSP), District Police Officer, Haripur as the competent authority is of the opinion that you HC Hashim Khan No.559 while posted at (PS Khanpur) have rendered yourself liable to be proceeded against you as you have committed the following acts/omissions within the meanings of Khyber Pakhtunkhwa Police Efficiency and Discipline Rules 1975 (amended 2014).

STATEMENT OF ALLEGATION

"An inquiry on complaint of Sardar Bahadur was conducted through DSP/City, he reported that you proceeded to judicial complex without prior permission of seniors, at the occasion of confirmation of BBA of accused in case FIR No.102/24 u/s 302. You misbehaved with the complainant party. Your involvement in such like activities is violation of discipline & rules. This amounts to gross misconduct on your part in terms of KPK Police Efficiency & Discipline Rules 1975" (amended 2014)".

In this connection delinquent official was served with SCN vide issue No.179 dated 17.05.2024 and called in OR, but justification advance by the accused official was not found satisfactory, hence charge sheeted.

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, the following Enquiry officer is appointed to probe the charges.

Muhammad Uzair (DSP/Khanpur)

(3) The Enquiry Officer shall in accordance with the provisions of these Rules provide a reasonable opportunity of hearing to the accused, record findings, and make within 15 days of the receipt of this order, a recommendation as to punishment or the appropriate action against the accused.

(4) The accused and a well-conversant representative of the department shall attend the proceedings on the date, time and place fixed by the Enquiry Officer.

Suleman Zaffar, (PSP)
District Police Officer
Haripur

No: 196-97/PS-I dated Haripur the 29/05/2024.

Copy of above is submitted to:-

1) Enquiry Officer for initiating proceedings against the said accused under Khyber Pakhtunkhwa Police Efficiency and Discipline Rules 1975 (amended 2014).
2) HC Hashim Khan No.559 with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

District Police Officer,
Haripur

Annexure "A"

جناب عالی!

بجوالہ چارج شیٹ نمبری 196-97 مورخہ 29/5/24 کی نسبت معروض خدمت ہوں کہ سائل خان پور تھانہ میں ATC تعینات تھا مورخہ 25/4/24 کو میں ATC اپنی ڈیوٹی ختم کرتے ہوئے مکمل سپرد شدہ کر رہا تھا کہ بذریعہ فون اطلاع ملی کہ مقدمہ علت 102 مورخہ 15/2/24 جرم 302/34 PPC تھانہ کوٹ نجیب میں نامزد ملزمان سلیمان سلطان خان ریٹائرڈ سیشن جج و نصراللہ خان لیرانی صوبہ خان۔ عنایت اللہ خان و اللہ مار خان لیرانی سکندر خان سلطان محمد سرشار ف جرم میرے حقیقی بھائیوں میں جنکی آج کنفرنس شمی جو کنفرم ہو گئی جواب جمع ہو جائیں گے اور جس میں ان سے ملاقات متوقع ہو گی جو اس وجہ سے میں ان سے ملنے کے لئے عدالت میں خالد خان SHO تھانہ خانپور کے توسل سے ترجمانی کروں گا کہ عدالت جہاں پر پہلے سے موجود سردار بہادر اعوان کا بھتیجا آظہر ولد یار محمد سکنہ کھوسہ شریف عدالت میں مقدمہ کی پیروی کے سلسلہ میں موجود تھے جنہوں نے مجھے دیکھتے ہی گھٹیا بدمعاش کہنا شروع کر دیا گالم گلوچ کی ہلڑ بازی کی و ہنگامہ مچانے کی کوشش کی اور عوام الناس کے سامنے میری تذلیل کی میرے منع کرنے پر مذکوران نامزد نے میری شرافت کو بالائے طاق رکھتے زیادہ شور شرابہ شروع کر دیا جو نکہ ملزمان نامزد میرے حقیقی رشتہ دار و ماموں ہیں جسکی وجہ سے سردار بہادر مجھ پر بے جا الزامات لگا کر ننگ و رسوا کر رہا ہے اس سلسلہ میں میں نے کسی بھی قسم کی حمایت یا مخالفت نہ کی ہے۔ چونکہ ملزمان میرے حقیقی ماموں اور ان کے بیٹے ہیں جو رشتہ داری کی بنا پر عدالت گئے ہوئے ہیں اس کے علاوہ نذیر صاحب کوٹ نجیب اللہ سے معلومات کی جا سکتی ہے کہ میں نے مقدمہ کی نسبت اگر کوئی مداخلت کی ہو یا ان کو کوئی سفارش کی ہو مذکورہ سردار بہادر میری حلاف ورزی کو کمزوری سمجھ کر مجھ پر بے بنیاد الزام تراشی کر رہا ہے میرے خلاف لگائے گئے الزامات بے بنیاد ہیں جنکی حقیقت سے کوئی تعلق نہیں ماتحت پروری کرتے ہوئے چارج شیٹ واپس ہو کر قرار کی جاوے

HC. P. line
3-6-24

HC 559 ہاشم خان

-14-

Annexure F

CTC

DISTRICT POLICE OFFICER
HARIPUR

✆ 0995-920100/01, 🖷:-0995614714, ✉:-dpoharipur1@gmail.com

ORDER

HC Hashim Khan No.559, while posted at PS Khanpur, an inquiry on complaint of Sardar Bahadur was conducted through DSP/City, he reported that the delinquent official proceeded to judicial complex without prior permission of his seniors, at the occasion of confirmation of BBA of accused in case FIR No.102/24 u/s 302. Allegedly, he misbehaved with the complainant party. His involvement in such like activities is violation of discipline & rules. This amounts to gross misconduct on his part in terms of the KPK Police Efficiency & Discipline Rules 1975" (amended 2014).

To probe the allegations of misconduct Muhammad Uzair (SDPO/Khanpur, Haripur); was appointed as Enquiry Officer vide this office memo: No.196-97/PS-I dated 29.05.2024. The inquiry officer conducted proper departmental inquiry and submitted his findings, vide his office Memo No.395/R dated 03.07.2024. The charges of misconduct were proved against the accused official. Therefore, the inquiry officer recommended him for "Minor Punishment".

Having perused the relevant record; reply of the defaulter official and the findings submitted by the E.O, charges of misconduct against delinquent official stands proved. Therefore, I, Suleman Zaffar, (PSP), District Police Officer, Haripur being competent authority under the *Khyber Pakhtunkhwa, Police Efficiency & Discipline Rules 1975 (amended 2014)*, am fully satisfied that HC Hashim Khan No.559, has committed misconduct. Therefore, he is awarded Minor Punishment of "Forfeiture of One Year Approved Service" with immediate effect.

OB No. 529
Dated 15-07-2024

Suleman Zaffar, (PSP)
District Police Officer,
Haripur

SRC
PRC

Annexure 'G'

BEFORE THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD

(Departmental Appeal by Hashim Khan, HC No.559, District Police Haripur)

CTC

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 529 DATED 15-07-2024 PASSED BY THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED PUNISHMENT OF "FORFEITURE OF ONE YEAR APPROVED SERVICE".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL ORDER DATED 15-07-2024 OF DPO HARIPUR MAY KINDLY BE SET ASIDE AND APPELLANT'S BE RESTORED HIS ONE YEAR FORFEITED APPROVED SERVICE WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

With most reverence the following few lines are submitted for your kind consideration and favorable order:-

1. That appellant while posted at Police Station Khanpur (District Haripur) was served upon with a Charge Sheet dated 29-05-2024 by the District Police Officer Haripur with the allegation: " *An inquiry on complaint of Sardar Bahadur was conducted through DSP/City , he reported that you proceeded to judicial complex without prior permission of your seniors , at the occasion of confirmation of BBA of accused in case FIR No.102/24 u/s 302. You misbehaved with the complainant party. Your involvement in such like activities is violation of discipline & rules. This amounts to gross misconduct on your part in terms of KPK Police Efficiency & Discipline Rules 1975".* **(Copy of charge sheet is attached as "A").**

2. That above mentioned charge sheet was duly replied in detail by the appellant explaining all facts and denying the allegations as mentioned thereih being incorrect, false and baseless. **(Copy of reply to the charge sheet is attached as "B").**

3. That in fact the accused of case FIR No.102/24 u/s 302, Ahmed Sultan Khan (Retired Judge) and his brother (Nasrullah Khan & appellant's cousins Allah Yar Khan & Inayatullah Khan) were on BBA whose bail application for confirmation of BBA was fixed for 25-04-2024. On 25-04-2024 appellant after performing his assigned official duties was to go and see his maternal uncles and cousins in judicial complex because being police official after cancellation of BBA application it would have been difficult for him to proceed to Jail and see them over there. Then appellant decided to proceed and see them off from judicial complex. Appellant approached his Officer In-charge and sought his permission; he was kind enough and permitted appellant to go to judicial complex Haripur and see his relatives. It is totally incorrect and baseless that appellant ever proceeded to judicial complex without prior permission of his officers and misbehaved with anybody of complainant party.

4. That after cancellation of BBA application while OII of PS Kotnajibullah was arresting accused persons, then members of complainant party like Azhar Khan s/o Yaroo Khan and others started shouting abusing opponent party. They also started making Videos. They were requested not to abuse and make videos but they did not stop and carried their mischievous activities more rigorously. Not only appellant but all his relatives avoided any misbehave and tolerated all their dirty behavior patiently. Hence the

allegations mentioned in Charge Sheet & Punishment Order are incorrect and have no nexus with truth. Appellant is totally innocent in this matter.

CTC

5. That after receiving reply to the charge sheet the District Police Officer Haripur straightaway awarded the appellant with the punishment of "forfeiture of one year approved service" without any reason and rhyme vide order dated 15-07-2024. **(Copy of order is attached herewith as "C").**

6. The no proper departmental inquiry was conducted. Appellant was not provided the copy of inquiry report, if any. No Show Cause Notice was issued to him. Even opportunity of personal hearing was not afforded to appellant and he was condemned unheard in violation of principle of natural justice.

7. That Appellant throughout his entire service of 17/18 years always performed his assigned duties with zeal, zest, devotion, dedication and honesty to the entire satisfaction of his officers and never provided a chance of reprimand. Appellant has meritorious service record at his credit.

8. That in fact the allegation as incorporated in the "charge sheet as well as in punishment order" are totally incorrect. Allegations being incorrect and mis-leading ones were vehemently denied.

9. That so far as the complaint from complainant party is concerned the same is based on malafide,

because appellant has rendered 17/18 years service in the police department and throughout his entire service there is no complaint against the appellant. Appellant's record can be perused. Appellant was awarded Commendation Certificates & Cash Awards by police high-up for tremendous services. Appellant was never shown such a complaint against him, if any.

10. That appellant is totally innocent and has discharged his official duties with devotion, dedication and honesty yet still he has been awarded punishment of forfeiture of one year approved service without any cause or justification. There is nothing wrong on the part of appellant.

11. That if the appellant is provided with a chance of personal hearing, he will really prove himself as innocent by explaining all the facts and circumstances of the matter.

In view of the aforementioned facts it is earnestly requested that order dated 15-07-2024 of the DPO Haripur may kindly be set aside and appellant be restored his forfeited one year approved service with all consequential service back benefits. Appellant shall pray for your good health and long life. Thanking you sir in anticipation.

Yours Obedient Servant

(Hashim Khan)
H.C. No. 559
District Police Haripur

Dated: -07-2024

Annexure (H)

-19-

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD
0992-9310021-22
0992-9310023
r.rpohazara@gmail.com

NO: 5198 /PA DATED: 4 /10/2024

ORDER

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkawa Police Rules, 1975 submitted by HC Hashim Khan No. 559 of district Haripur against the order of punishment i.e. ***forfeiture of one year approved service*** awarded by DPO, Haripur vide OB No.529 dated 15-07-2024.

"Brief facts leading to the punishment are that the appellant while posted at PS Khanpur, an inquiry on the complaint of Sardar Bahadur was conducted through DSP/City, he reported that the delinquent official proceeded to judicial complex without prior permission of his seniors, at the occasion of confirmation of BBA of accused in case FIR No.102/24 1/s 302. Allegedly, he misbehaved with the complainant party. His involvement in such like activities is violation of discipline & rule."

The appellant was issued charge sheet along with statement of allegation and SDPO Khanpur was appointed as Inquiry Officer. The EO held the appellant responsible of misconduct. He was called in OR and heard in person however he failed to advance any convincing justification in his defense. Consequently, DPO Haripur awarded him punishment of forfeiture of one year approved service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Haripur were sought and examined/perused. The undersigned called the appellant in Orderly Room and heard him in person and provided him reasonable opportunity to defend the charges leveled against him. However, he failed to advance any convincing justification in his defense. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkawa Police Rules, 1975 the instant appeal is hereby ***rejected/filed*** with immediate effect.

3654
5/10/2024

TAHIR AYUB KHAN (PSP)
Regional Police Officer
Hazara Region, Abbottabad

No. 5199 /PA, dated Abbottabad the 4-10- /2024.

Cc.

District Police Officer, Haripur for information and necessary action with reference to his office Memo No. 5677 dated 23-09-2024. Service Roll and Fauji Missal containing inquiry file of the appellant is returned herewith for office record.

Section C

-۹۵-

DBA No: 672 S.No: 106222

BC No: 21-9361

Name of Advocate: [illegible]

وکالت نامہ

DISTRICT BAR ASSOCIATION HARIPUR

DISTRICT BAR ASSOCIATION HARIPUR
S.No: 6772
Date:
LIBRARY

بعدالت: سروسز ٹریبونل خیبر پختونخواہ

عنوان: ہاشم خان بنام: DPO وغیرہ

منجانب: Appellant نوعیت مقدمہ: Service Appeal

باعث تحریر آنکہ:

مقدمہ مندرجہ بالاعنوان میں اپنی طرف سے واسطے پیروی وجواب دہی برائے پیشی یا تصفیہ مقدمہ بمقام ایبٹ آباد کے لیے
احمد سلطان ترین + اللہ یار خان ترین ایڈووکیٹس ہائی کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہوگیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات منظور ومقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجرائے ڈگری ونظر ثانی اپیل نگرانی وہر قسم درخواست پر دستخط وتصدیق کرنے کا بھی اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس کے ثالثی وراضی نامہ وفیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از کچہری صدر اپیل وبرآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از گرفتاری واجرائے ڈگری بھی صاحب موصوف کو شرط ادائیگی علیحدہ محنتانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزوی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہرجانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سند رہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: 26 / 10 / 29

دن ماہ سال

نوٹ اس وکالت نامے کی فوٹو کاپی نا قابل قبول ہوگی

العبد العبد العبد

ہاشم خان