

(72)

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

**SERVICE APPEAL NO. 942/2022.**

Gul Afzal Ex-Head Constable No. 340 District Police,  
Abbottabad

**(Appellant)**


**VERSUS**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer (DPO), Abbottabad.

**(Respondents)**

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Dy: Superintendent of Police,  
Legal, Abbottabad.

① (73)

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

**SERVICE APPEAL NO. 942/2022**

Gul Afzal Ex-Head Constable No. 340 District Police,  
Abbottabad

**(Appellant)**

**VERSUS**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer (DPO), Abbottabad.

**(Respondents)**

**Para-Wise Comments on behalf of Respondents:**

Respectfully Sheweth

**PRELIMINARY OBJECTIONS:-**

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct to file the instant appeal.
3. That the appellant has not come to the Hon'ble Tribunal with clean hands.
4. That the appellant has suppressed material facts from the Hon'ble Tribunal.
5. That the instant Service Appeal is not maintainable for non-joinder/ miss-joinder of unnecessary parties.
6. That the appeal is badly barred by law & limitation, hence liable to be dismissed without any further proceeding.

**ON FACTS:-**

1. Pertains to service record. The appellant remained involved in criminal cases and several FIRs have been registered against him. (Copies of FIR are enclosed as Annexure "A").
2. The appellant, while posted in investigation wing PS Mangal, involved in case vide FIR No. 649 dated 12.12.2021 u/s 419/420/468/471 PPC, PS Mangal. (Copy of FIR is enclosed as Annexure "B").

(23)

(74)

3. That one Khalid s/o Muhammad Rafiq r/o Balakot submitted an application alleging therein that on 23.11.2021, appellant alongwith other co-accused sold 70/75 tolas of gold ornaments to him for 42,00000/- and fraudulently took cash amount of rupees 32,50,000/- without handing over gold ornament and later on staged drama that the ornaments are stolen property. (Copy of application is enclosed as Annexure "C").
4. The appellant was properly charge sheeted and proper departmental enquiry was initiated against him. The complainant Khalid had nominated the appellant in his statement recorded u/s 164 Cr.P.C alongwith other accused. Similarly during the departmental enquiry, allegations levelled against appellant were proved.
5. The appellant was properly nominated by the complainant in his statement.
6. The appellant under the color of his office as Police official staged the whole drama and deprived the complainant from huge amount of rupees 3250000/-
7. The appellant was present at the place of occurrence in proper uniform and was active partner in crime.
8. The appellant was properly arrested and later on released on bail by the competent court.
9. The appellant submitted his reply to the charge sheet which was not satisfactory. (Copies of charge sheet and reply are enclosed as Annexure "D").

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10. After proper enquiry, Final Show Cause Notice was issued and served upon appellant who submitted reply of the same which was not satisfactory.
11. The appellant was also heard in person but he failed to convince the respondent No. 03 hence, awarded punishment of dismissal from service vide OB No. 52 dated 23.02.2022. The appellant has preferred departmental appeal before appellate authority which was rejected vide order No, 868/PA dated 21.09.2022.
12. The instant appeal is not maintainable on the following grounds:-

**GROUND:-**

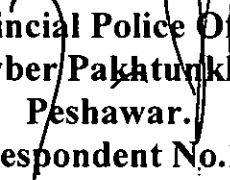
- a. Incorrect, the order of dismissal of respondent No. 03 are correct, legal and according to law. (Copy of order is enclosed as Annexure "E").
- b. Incorrect. A proper enquiry was conducted. The appellant was given opportunity to defend himself, and to cross examine the witnesses and fully participated the proceedings. (Copies of statements and finding report are enclosed as Annexure "F").
- c. Incorrect. The appellant has filed/preferred departmental appeal which was rejected and properly communicated to him during personal hearing.
- d. Incorrect. The appellant was actually involved in the criminal case and allegations levelled against him were proved beyond doubts.
- e. Incorrect. The instant appeal is badly time barred hence, not maintainable.


(4)

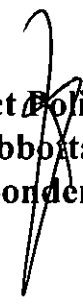
(76)

**PRAYER.**

In view of above, it is most humbly prayed that the instant service appeal does not hold any legal force which may graciously be dismissed with cost.

  
**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No.1)**

  
**Regional Police Officer,  
Hazara Region, Abbottabad  
(Respondent No. 2)**

  
**District Police Officer,  
Abbottabad  
(Respondent No. 3)**

5

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

**SERVICE APPEAL NO. 942/2022.**

Gul Afzal Ex-Head Constable No. 340 District Police,  
Abbottabad

**(Appellant)**

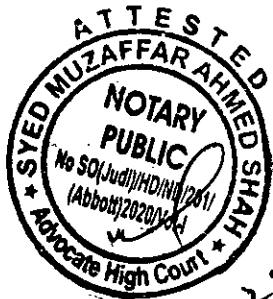
**VERSUS**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer (DPO), Abbottabad.

**(Respondents)**

**AFFIDAVIT.**

We, do hereby affirm on oath that the contents of written comments are true to the best of our knowledge & belief and nothing has been concealed from the Honorable Service Tribunal.



**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No.1)**

**Regional Police Officer,  
Hazara Region, Abbottabad  
(Respondent No. 2)**

**District Police Officer,  
Abbottabad  
(Respondent No. 3)**

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1302-278436-3	419/400	1500	1302-278436-3
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Annexe "A"

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(2) 7-101

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(79)



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Handwritten text in the upper right quadrant, possibly a date or a specific reference.

Main body of handwritten text, consisting of multiple lines of cursive script, likely a letter or a detailed account.

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13501-390588-1

21-30  
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13501-4307337-1  
1895965-4681  
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6181319-9660  
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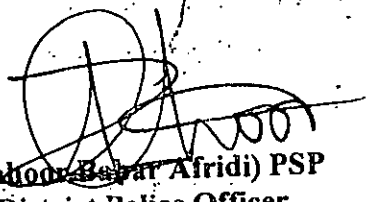
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CHARGE SHEET

- 1). I, **Zahoor Babar Afridi (PSP) District Police Officer Abbottabad** as competent authority hereby charge you HC Gul Afzal No. 345 Investigation Wing as explained in the attached statement of allegations: -
- 2). You appear to be guilty of misconduct under Police Disciplinary Rules 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet to the Enquiry Officer.
- 4). Your written defense, if any shall reach the Enquiry Officer with in the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed.

  
(Zahoor Babar Afridi) PSP  
District Police Officer  
Abbottabad

(12) (84) ✓  
**DISCIPLINARY ACTION**

I, **Zahoor Babar Afridi (PSP) District Police Officer** Abbottabad as Competent Authority of the opinion that you **HC Gul Afzal No. 345 Investigation Wing** rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975 (amended 2014).

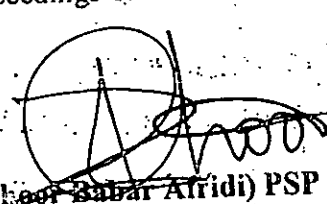
**STATEMENT OF THE ALLEGATIONS**

1. You **HC Gul Afzal No. 345** while posted in Investigation Wing at PS Mangal Abbottabad, on 23-11-2021 you alongwith 05 co-accused made a plan of selling of gold ornament weighing 70/ 75 Tola to Mr. Khalid S/O Muhammad Rafique R/O Balakot in lieu of amount Rs. 42,00,000/- out of which Rupees amounting 32,50,000/- was paid by Mr. Khalid but you alongwith other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. You by using tactics, fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement deed, neither took any legal action, nor brought the matter into the notice of senior officers. Upon the application of Mr. Khalid S/O Muhammad Rafique a case vide FIR No. 649 dated 12-12-2021 U/S 419/ 420/ 468/ 471 PPC PS Mangal was registered against you and others 05 co-accused. Prior to this you remained found involved in illegal activities upon which various cases were registered against you in the district i.e case vide FIR No. 46 dated 20-01-2011 U/S 347/ 365/ 382/ 386/ 389/ 34 PPC PS Mirpur & FIR No. 18 dated 02-01-2021 U/S 382/ 34 PPC PS Havelian. Your this illegal act earned bad name for entire police department as well as in the eyes of general public, which is tantamount to gross misconduct on your part being a member of discipline force.

2). For the purpose of scrutinizing your conduct with reference to the above allegations, **Addl: SP Abbottabad** is hereby appointed as Enquiry officer.

3). The Enquiry Officer shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to you, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against you.

4). You are hereby directed to attend the proceedings on the due date, time and place fixed by the Enquiry Officer.

  
(Zahoor Babar Afridi) PSP  
District Police Officer  
Abbottabad

No: **472** /PA, Dated Abbottabad the **14/12** /2021.

Copy to:

1. Enquiry Officer for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975 (amended 2014) and submit findings within stipulated period.
2. **HC Gul Afzal No. 345 Investigation Wing** (delinquent officer/ official).

This office order will dispose of the departmental enquiry against **H.C. Gul Afzal No. 340**. He while posted in Investigation Wing at PS Mangal Abbottabad, on 23-11-2021 he alongwith 05 co-accused made a plan of selling of gold ornament weighing 70/ 75 Tola to Mr. Khalid S/O Muhammad Rafique R/O Balakot in lieu of amount Rs. 42,00,000/- out of which Rupces amounting 32,50,000/- was paid by Mr. Khalid but he alongwith other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. He by using tactics fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement deed neither took any legal action nor brought the matter into the notice of senior officers. Upon the application of Mr. Khalid S/O Muhammad Rafique a case vide FIR No. 649 dated 12-12-2021 U/S 419/ 420/ 468/ 471 PPC PS Mangal was registered against him and others 05 co-accused. Prior to this he remained found involved in illegal activities upon which various cases were registered against him in the district i.e case vide FIR No. 46 dated 20-01-2011 U/S 347/ 365/ 382/ 386/ 389/ 34 PPC PS Mirpur & FIR No. 18 dated 09-01-2021 U/S 382/ 34 PPC PS Havelian. His this illegal act earned bad name for entire police department as well as in the eyes of general public, which is tantamount to gross misconduct on his part being a member of discipline force.

He was issued with Charge Sheet along with statement of allegations. Addl: SP, Abbottabad was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein allegations have been proved against delinquent official. He was issued Final Show Cause Notice. He was summoned to appear in Orderly Room on 22-02-2022. He was given a patient hearing but he had nothing plausible to state in his defence.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, Zahoor Babar Afridi, PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the major punishment of Dismissal from service with immediate effect.

Order announced.

OB No. 52  
 Dated 23-02-22

  
 District Police Officer  
 Abbottabad

- CC.
1. Establishment Clerk. DPO Office Abbottabad.
  2. OHC DPO Office Abbottabad alongwith Enquiry containing (112) pages for completion of record

DEPARTMENT

ABBOTTABAD DISTRICT

**DEPARTMENTAL ENQUIRY AGAINST HC GUL AFZAL No. 340****OF ALLEGATIONS:**

A departmental enquiry was received against HC Gul Afzal No.340 of Investigation wing vide District Police Officer, Abbottabad Endst: No.472/PA dated 14-12-2021 with the allegation that "HC Gul Afzal No.345 while posted in Investigation Wing at PS Mangal Abbottabad, on 23-11-2021 he alongwith 05 co-accused made a plan of selling of gold ornament weighting 70/75 Tolas to Mr. Khalid s/o Muhammad Rafique r/o Balakot in lieu of amount Rs.42,00,000/- out of which Rupees 32,50,000/- was paid to one Mr Khalid s/o Muhammad Rafique but he alongwith other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. He used tactics, fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement deed, neither took any legal action, nor brought the matter into the notice of senior officers. Upon the application of Khalid s/o Muhamad Rafique a case vide FIR No.649 dated 12-12-2021 u/s 419/420/468/471 PPC PS Mangal was registered against him and other 05 co-accused. Prior to this , he remained found involved in illegal activities upon which various cases were registered against him in the District i.e case FIR No.46 dated 20-01-2011 u/s 347/365/382/386/389/34 PPC PS Mirpur & FIR No.18 dated 09-01-2021 u/s 382/34 PPC PS Havelian. His this illegal act earned bad name for entire Police Department as well as in the eye of general public, which is tantamount to gross misconduct on his part, being a member of disciplined force."

**PROCEEDINGS:**

During course of enquiry, delinquent official was summoned, his statement was recorded and cross examined. Moreover, both parties were given opportunity to cross examine each another. Relevant record has been collected by the instant I.O of the case. All the necessary proceeding papers are enclosed with the enquiry file.

**STATEMENT OF HC GUL AFZAL NO.340:**

His statement was recorded, short summery of which is endorsed below:-

That one Khalid s/o Muhammad Rafique r/o Balakot lodged a report on 12-12-2021 about occurrence which has allegedly taken place on 23-11-2021 at 01:00 pm and report thereof has been incorporated at 19:30 pm i.e almost after 07 hours later, whereas the distance between alleged place of occurrence and Police Station is about 02 KM which is enough to believe that the matter was reported with consultation. That, FIR No. 649 dated 12-12-2021 u/s 419/420/468/471 PPC read with Section 118-1(c)/119(b) of Police Act, 2017 launched against unknown persons. However in both the statements of complainants they did not charged directly rather he stated the alleged amount was paid to Tahir and Fiaz. He further stated that on 23-11-2021 at the time of alleged occurrence i.e 01-00 pm he was present in the Honorable Court of Additional & Session Judge-VI. Further stated that another



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fact of the case is that the complainant stated in his statement u/s 164 CrPC that he could not identify the Police officials, if this part of the statement of complainant is considered, it would be crystal clear

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**STATEMENT OF FC SAQIB NO: 1024**

His statement was recorded, short summary of which is endorsed below:-

That one Khalid s/o Muhammad Rafique r/o Balakot lodged a report on 12-12-2021 about occurrence which has allegedly taken place on 23-11-2021 at 01:00 pm and report thereof has been lodged at 19:30 pm i.e almost after 07 hours, whereas the distance between alleged place of occurrence and Police Station is about 02 KM which is enough to believe that the matter was reported after due consultation. He stated that according to FIR No. 649 dated 12-12-2021 u/s 419/420/468/471 PPC read with Section 118-1(c)/119(b) of Police Act, 2017 against unknown persons. Further that later on the complainant charged him in said offence in supplementary statement and statement recorded under section 164 CrPC, however in both the statements the complainant has not stated that he paid the amount to him directly rather he stated the alleged amount was paid to Tahir and Fiaz. He further stated that even otherwise on 23-11-2021 at the time of alleged occurrence i.e 01:00 pm he was present at duty at SP Traffic Office Abbottabad. Moreover he stated that he is completely innocent. Further he stated that another important aspect of the case is that the complainant stated in his statement u/s 164 CrPC that he could not identify the Police officials, if this part of the statement of complainant is considered it would be crystal clear

**STATEMENT OF BABAR ALI S/O MUHAMMAD NAZIR R/O BALAKOT MANSEHRA**

His statement was recorded, short summary of which is endorsed below:-

That, he is owner of Sajjad Jewelry shop at Balakot. He was informed that gold and one party want to sell it, While he reached at Mangal hotel to see the gold. Two lack, fifty thousand advance payment was given to respondents and after three days they took thirty lack rupees at Mangal Hotel. Three men arrived there, two men committed deal and one man took money and went away. After some time, a vehicle having two police official and same person received amount by them. Meanwhile 02 Police Officials beaten two persons with the contention that, where is your brother who is charged u/s 302 PPC. Then rushed in vehicle by taking these persons. He further stated that while he told police officials about amount (in question), they convinced them to visit Police station.

**STATEMENT OF NOUMAN SAEED S/O MUHAMMAD SAEED R/O BALAKOT MANSEHRA**

His statement was recorded, short summary of which is endorsed below:-

He stated that he had a gold bargain of rupees 42 Lac with Asim Shah, in which advance payment of 2.5 Lac was made. When they visited to Qalandarabd to purchase gold ornaments along with 30 Lac Rupees. Asim Shah after receiving advance payment of 30 Lac with two guaranties, gone away with contention that he will bring gold with them. After some time a vehicle parked there, two

16  
and same person who took money was in it. Meanwhile 02 Police Officials beaten two  
in the contention that, where is your brother who is charged u/s 302 PPC. Then rushed in  
taking these persons. He further stated that while he told to police officials about amount (in  
i), they told them to visit Police station for further justification.

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**STATEMENT OF SI ABDUL KHALIQ OII PS MANGAL**

His statement was recorded, short summary of which is endorsed below:-

He stated that DD No. 22 dated 24-11-2021 was incorporated at PS Mangal on context  
complaint was marked to HC Khurram Fiaz for initial enquiry u/s 157 CrPC. Khurram Fayyaz collected  
CDR reports of mentioned mobile numbers. It was found in CDR that the police official namely HC Gul  
Afzal and Constable Saqib had direct contact with the perpetrators. This situation was brought in the  
notice of senior officers. During initial enquiry applicants through their statements made a claim u/s 161  
ض ف on accused: Asim Shah s/o Syed Chan Shah r/o Ganda Mansehra, Muhammad Aqeel s/o  
Muhammad Maskeen r/o Baila Gandian Mansehra, IHC Gul Afzal, Constable Saqib No. 1024 and one  
co-unknown accused. High-ups constituted a JIT for investigation, and he was appointed IO of the case.  
DSP Mirpur Sabir Khan was appointed as Chairman of JIT & other members i.e SHO PS Mangal, Niaz  
Akhtar SI/OII PS Cantt, Abdul Waheed ASI/DTV PS Mirpur, Niaz ASI/PTV PS Cantt, Khurram  
Fayyaz IHC/PTV PS Mangal. During Investigation as per directions of High-ups the compliance of u/s  
118-1/119-B of Police Act 2017 was made. 02 days Police custody was taken. Accused has pointed out  
the place of incident and recovery of Rs. 02 Lac was made from IHC Gul Afzal and Rs. 01 Lac by  
Constable Saqib. The recovery amount was taken by the police, More recovery was expected from the  
accused. Accused were produced before court to get extension of police custody. Later-on application of  
extension of custody was rejected by the court. The accused were sent to District Jail Mansehra on  
Judicial remand. Accused has confessed their crime in their statements, For arrest of other co-accused  
the police has tried their best, but failed to arrest them. Further proceeding are underway by submitting  
challan u/s 512 CrPC.

**FINDINGS:**

During course of enquiry, undersigned being EO observed the following:-

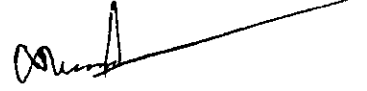
01. After scrutiny the record of accused officials, it has been learnt that several bad  
entries are lodged in his service record and previously 02 criminal cases are registered  
against him vide case FIR No.46 dated 20-01-2011 u/s 347/365/382/386/389/34 PPC PS  
Mirpur and FIR No.18 dated 09-01-2021 u/s 382/34 PPC PS Havelian.
02. That, the case FIR No 649 dated 12-12-2021 u/s 419/420/468/471 PPC PS  
Mangal was registered against accused official Gul Afzal No. 340 alongwith 05 co-  
accused on the context complaint of one Khalid s/o M. Rafique r/o Balakot. It is  
mentioning here that accused official and complainant (namely Noman Saeed s/o  
Muhammad Saeed r/o Balakot and Babar Ali s/o Muhammad Nazir r/o Balakot) were

7  
given free opportunity to cross examine in light of complainant for receiving of Rupees 3250000/- with fraudulently tactics. ✓

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03. According to the CDR, presence of delinquent officials is found at Qalendrabad, definitely proved occurrence report. Moreover, during cross examination, it has been observed that accused officials, have no independent evidence to prove his innocence and completely involvement which was close in contact with co-accused

04. I.O of the case was also summoned, and his statement was recorded which is annexed totally speaks against accused officials. Presently BBA of accused officials has been confirmed by the Learnt Court of law.

Keeping in view of above as well role of accused officials allegation framed in the summary, are stand proved. Therefore he may kindly be awarded suitable punishment, as deem fit please.



(ENQUIRY OFFICER)  
ADDL: SUPERINTENDENT OF POLICE,  
ABBOTTABAD.

PA

ISSUE FSCN

~~DPD~~  
DPD


(18) (90)  
**OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD**

No: 35 /PA, Dated Abbottabad, the 07/10/2022.

**FINAL SHOW CAUSE NOTICE**  
**(Unit Rule (3) KPK Police Rules, 1975 amended 2014)**

That you HC Gul Afzal No. 340 rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) for following misconduct;

- I. You HC Gul Afzal No. 340 while posted in Investigation Wing at PS Mangal Abbottabad, on 23-11-2021 you alongwith 05 co-accused made a plan of selling of gold ornament weighing 70/ 75 Tola to Mr. Khalid S/O Muhammad Rafique R/O Balakot in lieu of amount Rs. 42,00,000/- out of which Rupees amounting 32,50,000/- was paid by Mr. Khalid but you alongwith other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. You by using tactics fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement deed neither took any legal action nor brought the matter into the notice of senior officers. Upon the application of Mr. Khalid S/O Muhammad Rafique a case vide FIR No. 649 dated 12-12-2021 U/S 419/ 420/ 468/ 471 PPC PS Mangal was registered against you and others 05 co-accused. Prior to this you remained found involved in illegal activities upon which various cases were registered against you in the district i.e case vide FIR No. 46 dated 20-01-2011 U/S 347/ 365/ 382/ 386/ 389/ 34 PPC PS Mirpur & FIR No. 18 dated 09-01-2021 U/S 382/ 34 PPC PS Havelian. Your this illegal act earned bad name for entire police department as well as in the eyes of general public, which is tantamount to gross misconduct on your part being a member of discipline force:-
- II. During proper departmental enquiry the allegations have been proved against you.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
6. You are, therefore, called upon to Final Show Cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975(amended 2014) for the misconduct referred to above.
7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

  
District Police Officer  
Abbottabad

Received by \_\_\_\_\_

Dated \_\_\_\_/\_\_\_\_/2021

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**THE DISTRICT POLICE OFFICER, ABBOTTABAD**

No. 25 /PA, Dated Abbottabad, the 7/10/2022.

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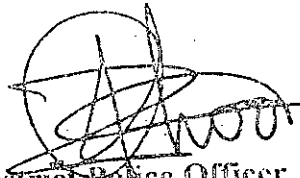
GROUND OF ACTION

That you HC Gul Afzal No. 340, committed following misconduct:-

You HC Gul Afzal No. 340 while posted in Investigation Wing at PS Mangal Abbottabad, on 23-11-2021 you alongwith 05 co-accused made a plan of selling of gold ornament weighing 70/ 75 Tola to Mr. Khalid S/O Muhammad Rafique R/O Balakot in lieu of amount Rs. 42,00,000/- out of which Rupees amounting 32,50,000/- was paid by Mr. Khalid but you alongwith other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. You by using tactics fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement deed neither took any legal action nor brought the matter into the notice of senior officers. Upon the application of Mr. Khalid S/O Muhammad Rafique a case vide FIR No. 649 dated 12-12-2021 U/S 419/ 420/ 468/ 471 PPC PS Mangal was registered against you and others 05 co-accused. Prior to this you remained found involved in illegal activities upon which various cases were registered against you in the district i.e case vide FIR No. 46 dated 20-01-2011 U/S 347/ 365/ 382/ 386/ 389/ 34 PPC PS Mirpur & FIR No. 18 dated 09-01-2021 U/S 382/ 34 PPC PS Havelian. Your this illegal act earned bad name for entire police department as well as in the eyes of general public, which is tantamount to gross misconduct on your part being a member of discipline force:-

II. During proper departmental enquiry the allegations have been proved against you.

By reasons of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014), hence these grounds of action.

  
District Police Officer  
Abbottabad

**BEFORE THE DISTRICT POLICE OFFICER ABBOTTABAD**

In the matter of;

Gul Afzal, HC No.340 District Police Abbottabad, presently Police Lines Abbottabad.

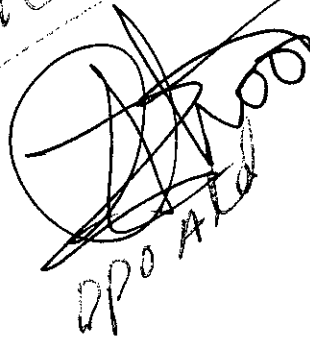
**REPLY OF FINAL SHOW CAUSE NOTICE**

It is respectfully submitted as under;-

I take honor to refer to letter No.25/PA dated 07/02/2022 vide which final show cause notice has been served upon me. The detailed reply of final show cause notice is as under;-

1. That I was inducted in District Police Abbottabad in the year 2001 and since then I have been performing my duties with devotion, dedication and honesty. My performance in different station have been appreciated by my superiors in the shape of certificates and rewards. During the whole tenure of my service even a single complaint has not been filed by any quarter against me.

OR

  
DPO ABB

2. That one Mr. Khalid lodged a report on 12/12/2021 of an occurrence which has allegedly taken place on 23/11/2021 at 01:00 pm and report thereof has been lodged at 19:30 pm i.e almost after 07 hours, whereas the distance between alleged place of occurrence and police station is about 02 KM which is sufficient to believe that the matter was reported after due deliberation and consultation.

3. That accordingly, the FIR No.649 was registered on 12/12/2021 under Section 419/420/468/471 PPC read with Section 118-1(c)/ 119(b) of Police Act, 2017 against unknown persons.

4. That later on the complainant charged the undersigned for the offence in his supplementary statement and statement recorded

under section 164 Cr.PC, however in both the statements the complainant has not stated that he paid the amount to me rather he stated that the alleged amount was paid to Tahir and Fiaz.

5. That even otherwise on 23/11/2021 at the time of alleged occurrence i.e 01:00 pm I was present in the court of learned Additional Session Judge-VI, Abbottabad in connection with case FIR No.486 Under Section 380 PPC of police station Mangal and thereafter I left for investigation in connection with case FIR No.581 under section 8/11 Article 457 to village Tannan along with police Constable namely Khurshid No.101 which is at sufficient distance from the alleged place of occurrence, hence, it is humanly impossible for a person to be present at two different places at the same time.
6. That I am completely innocent and the whole episode has been staged with malafide intention just to drag me in the present fabricated and concocted case with ulterior motives and some personal grudges.
7. That during my custody with police, nothing was recovered from my person and the alleged recovery attributed to me is fabricated and concocted, I have never produced any amount to the police because I am totally innocent and being low paid government employee I could not save Rs.200000/- during the whole service. Similarly, my mobile phone was in custody of police therefore, the assertion of I.O that I contacted my relative for the amount is nothing but a pack of lie.
8. That another important aspect of the case is that the complainant stated in his statement under section 164 Cr.PC that he could not identify the police official, if this part of the statement of complainant is considered it would be crystal clear that the whole story has been fabricated by the complainant in connivance with local police because if the complainant

charged-me / police official by name, why he could not identify the police officials.

- 9. That during the inquiry, the complainant did not appear to substantiate his claim. Similarly Mr. Noman while appearing before inquiry officer categorically submitted that he does not know the undersigned. Besides above, Mr. Babar disclosed that the pictures of police official were shown to him on the next day. The above would suffice that I am innocent and on the basis of statements no case is made out against me.

It is therefore, humbly prayed that in the light of foregoing submissions / reply, the final show cause notice may graciously be ordered to withdrawn and I may kindly be exonerated from the charges leveled against me.

Your Obediently,



GUL AFZAL

HC No.340

District Police, Abbottabad



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- ① این دوران اولین بار است که مردم از جنگل دور شدند و به خانه‌ها رفتند.
- ② به تدریج مردم به کوه‌ها و جنگل‌ها رفتند و به شکار و جمع‌آوری میوه‌ها پرداختند.
- ③ در حالی که مردم به شکار و جمع‌آوری میوه‌ها پرداختند، به تدریج به کشاورزی و دامپروری پرداختند.

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Gunner
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Gunner

۱۹ نومبر ۱۹۵۱ء کو اسلام آباد میں منعقد ہونے والے  
 اجلاس میں اس وقت کے وزیر خارجہ مولانا  
 محمد اقبال نے اس وقت کے وزیر داخلہ  
 مولانا محمد اقبال سے اس وقت کے  
 وزیر خارجہ مولانا محمد اقبال سے  
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OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

NO: 868 / PA DATED 21 / 9 / 2022

**ORDER**

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. HC Gul Afzal No.340 of district Abbottabad against the order of punishment i.e. *dismissal from service* awarded by DPO Abbottabad vide OB No.52 dated 23.02.2022.

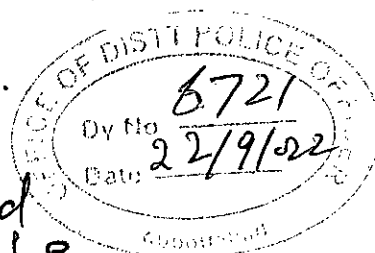
Brief facts leading to the punishment are that the appellant while posted at investigation wing PS Mangal on 23.11.2021 he along with 05 co-accused made a plan of selling gold ornament weighing 70/75 Tola to Mr. Khalid s/o Muhammad Rafique r/o Balakot in lieu of Rs. 42,00,000/- out of which cash amounting 32,50,000/- was paid by Mr. Khalid but the appellant along with other co-accused created a pre-plan drama and pretended that the gold ornaments were stolen property. He by using tactics fraudulently took the cash amount Rs. 32,50,000/- from the applicant without any agreement/deed and neither took any legal action nor brought the matter into the notice of senior officers. Consequently, upon the application of Mr. Khalid s/o Muhammad Rafique a case vide FIR No.649 dated 12.12.2021 U/S 419/420/468/471 PPC PS Mangal was registered against him and others 05 co-accused.

The appellant was issued charge sheet along with summary of allegations and Add. SP Abbottabad was constituted to conduct departmental enquiry. The EO in his findings held the appellant responsible of misconduct and recommended him for suitable punishment. Consequently, DPO Abbottabad awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. The appellant was given reasonable opportunity to defend himself against the charges, however he failed to advance any justification. The allegations leveled against the appellant were proved during course of investigation and departmental enquiry. Hence, disciplinary action taken against the appellant seems reasonable and the appeal is liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed/rejected* with immediate effect.

PA/SRE  
for information

DPO Abbottabad  
868 21/9



Miryais Niaz (PSP)  
REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

No. 868 / PA, dated Abbottabad the 21 . 9 / 2022.

Cc.

DPO Abbottabad for information and necessary action with reference to his office Memo No 925/PA dated 28-04-2022 with the direction to inform the appellant accordingly. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record

PUNISHMENT RECORD OF HEAD CONSTABLE GUL AFZAL NO.340

DATE OF ENROLMENT: 10-04-2001

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S. No	Charge	Punishment Awarded
1.	17 day absented	Period of absence leave without pay and Fine Rs.300/-
2.	Absented from duty	01 day extra drill
3.	Illegal search of house of complainant	Stoppage of one year increment without accumulative effect
4.	01 day absented	Fine Rs.100/-
5.	01 day absented	Fine Rs.100/- and period of absence leave without pay
6.	A complaint regarding dealing with narcotic	Forfeiture of one year approved service
7.	05 days absented	05 days leave without pay
8.	Relationship with anti social elements and car lifter	Forfeiture of one year approved service
9.	01 day absented	01 day leave without pay
10.	13 days absented	13 days leave without pay, Censure And Fine Rs.50
11.	09 day absented	09 days leave without pay and Fine Rs.150
12.	Involved in case Fir No.18, dated 09-01-2012 U/s 382/34 PPC PS Havelian	Dismissal from service
13.	Re instated in service by RPO Hazara Region Abbottabad	Major punishment of Dismissal from service was converted into Forfeiture of two year approved service by RPO Hazara vide order No.8052-53/PA, dated 25-10-2012
14.	Forfeiture of two year approved service by RPO Hazara	Forfeiture of two year approved service is converted into warning to be careful in future by RPO Hazara vide order No.2895/PA, dated 07-06-2016
15.	Deficiencies during investigation and delay in submission of Challan for 15 days in case FIR No.221, dated 13-07-2019 U/S 15 AA KPK PS Jialbah	Censure
16.	He while posted in Investigation Wing at PS Mangal ,on 23-11-2021 he alongwith 05 co-accused made a plan of selling of gold ornaments weighting 70/75 tola to Mr. Khalid s/o Muhammad Rafique r/o Bakot in lieu of Rs 4200000/- out of which rupees Rs.3250000/- was paid by Mr. Khalid but he alongwith other co-accused created a pre-plan drama and pretended that the gold ornament were stolen property. He by using tactics fraudulently took the cash amount 3250000/- from the applicant without any agreement deed neither took any legal action nor brought the matter into the notice of senior officer. A case FIR No.649, dated 12-12-2021 U/S 419/420/468/471 PPC PS Mangal was registered against him and others 05 co-accused.	Awarded major punishment of Dismissal from service
17.	Total Absented Days =47 days	

*Chuf* 03/01/22  
I/C Establishment Branch