

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

SERVICE APPEL NO. 612/2024

Hussain Jamal Khan Son of Ashfaq Ahmed R/O Khanpur, Police Station
Shinkiari, Tehsil Baffa Pakhal, District Mansehra.
.....Appellant


VERSUS

1. Regional Police Officer, Hazara Region, Abbottabad.
2. District Police Officer, Mansehra.

..... Respondents

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Deponent

0

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

SERVICE APPEL NO. 612/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17835

Dated 11/11/24

Hussain Jamal Khan Son of Ashfaq Ahmed R/O Khanpur, Police Station
Shinkiari, Tehsil Baffa Pakhal, District Manshra.

.....Appellant

VERSUS

1. Regional Police Officer, Hazara Region, Abbottabad.
2. District Police Officer, Manshra.

..... Respondents

Parawise/ Comments On Behalf Of Respondents

Respectfully Sheweth:-

That the respondents submit as under:-

PRELIMINARY OBJECTION:-

- a) That appeal is not based on facts and appellant has got no cause of action or locus standi.
- b) That appeal is not maintainable in its present form.
- c) That appeal is bad for non-joinder and mis-joinder of necessary parties.
- d) That appellant is estopped by his own conduct to file the appeal.
- e) That appeal is barred by the law and limitation.
- f) That appellant has not come to the Honorable Tribunal with clean hands.

ON FACTS:-

1. That appellant was appointed as Constable through ETEA on 30-12-2022, and he was discharged from service on 23/08/2023. He served this department about less than 09 Months.
2. That after appointment the appellant was sent to mandatory training Course but before completion of his training, the facts of his involvement in Criminal offence came to the notice of Competent Authority.
3. That a complaint was filed against the appellant by one Syed Khan s/o Mundra r/o Khanpur Maira Dariyal, Tehsil Baffa Pakhal, District Manshra regarding involvement of appellant in criminal case vide FIR No. 781 dated 04/07/2021 u/s 365/506/511/34 PPC, PS City, which facts he concealed at the time of appointment in this Department. (Copy of application is enclosed as A)
4. The enquiry officer after conducting preliminary enquiry has submitted his report stating therein that a dispute over landed property exists between applicant and father of appellant due to which a suit before the assistant commissioner was pending and hearing was fixed for 03/06/2021 and both the

parties appeared before the Assistant Commissioner-I Mansehra where the appellant, his father and others beaten one Said Khan and tried to kidnap him but the local Police reached the spot and rescued him from the appellant and his other companions. (Copy of enquiry report and complete enquiry file is enclosed as B)

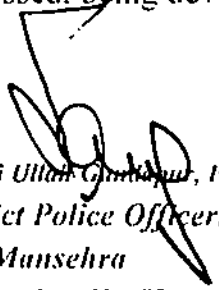
5. That an application u/s 22-A CrPC was filed before the court which was accepted and a case vide FIR No. 781 dated 04/07/2021 u/s 506/365/511/34 PPC PS City was registered against the appellant, his father and others.
6. That the said case was handed over to investigation staff for investigation which was conducted by HC Arif of investigation staff PS City who arrested the accused and complete challan was submitted to the court on 13/09/2021 and now the case is under trial in the court. Moreover, during the enquiry proceedings the following facts have come to the surface:-
 - I. That after registration of case, Muharrir of PS City was HC Shazad who did not issue *parcha-12 griftari/italahyabi* to PS Shinkiari as the permanent residential address of the nominated accused which falls in the jurisdiction of PS Shinkiair.
 - II. That when appellant was recruited in Police department through ETEA as Constable in January 2023, his verification was conducted by OHC Branch, DPO office Mansehra through PS Shinkiari and the then Muharrir of PS Shinkiari HC Mazhar verified the character of the appellant as per PS Shinkiari record due to which he was recruited.
7. That the appellant has fraudulently got recruited himself in Police Department by concealing real facts of a case vide FIR No.781 dated 04/07/2021 u/s 506/365/511/34 PPC PS city registered against him before his recruitment in Police Department. The appellant has not been acquitted from the criminal charge and the said case has been stopped u/s 249 CrPC which can be reopen at any time. (Copy of court order is enclosed as C)
8. That according to the circular order No.01/2020, issued by the office of worthy Inspector General of Police, KPK Peshawar, in which it clearly mentioned that *"the persons involved in criminal cases which are still pending trial will be considered for enlistment after their acquittal from the criminal charge by the court concerned before validation of merit list according to sub-rule-10 of rule 12-15 of amended Police Rules-2017.*
9. The competent authority awarded him major punishment of *"Discharge from service vide O.B No. 121 dated 22.08.2023"* under Khyber pakhtunkhwa police, Disciplinary rules 1975 (amended in 2014), which is lawful and fully commensurate with the gravity of allegations and as per Circular Order No.01/2020, the appellant was not eligible for appointment in this department. (Copy of Circular Order is enclosed as D)
10. That the appellant filed departmental appeal which has been rejected vide order dated 04/01/2024 and departmental authority held that the appellant has got

recruited himself fraudulently and his appeal is not maintainable under Police Rules 12-21 as his service is less than one (01) year.

- 11. Incorrect.
- 12. Incorrect. The law/rules does not allow appellant to be recruited himself fraudulently and by concealment of facts of his involvement in criminal case.
- 13. Incorrect. The appellant was treated according to law and rules and no discrimination has been done to him. All the legal and codal formalities have been fulfilled by the competent authority.

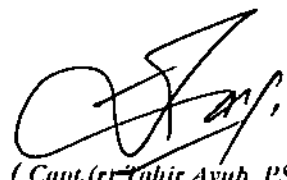
PRAYER:

In view of the above mentioned facts, the appeal in hand may kindly be dismissed, being devoid of any legal force, please.



(Shafi Ullah, PSP)
District Police Officer,
Mansehra
(Respondent No. 02)

**District Police Officer,
Mansehra.**



(Capt. (r) Tahir Ayub, PSP)
Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No. 01)

**Regional Police Officer,
Hazara Region, Abbottabad.**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

SERVICE APPEL NO. 612/2024

Hussain Jamal Khan Son of Ashfaq Ahmed R/O Khanpur, Police Station
Shinkiari, Tehsil Baffa Pakhal, District Manshra.
.....Appellant

VERSUS

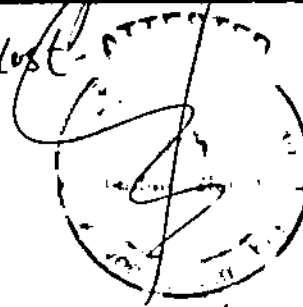
1. Regional Police Officer, Hazara Region, Abbottabad.
2. District Police Officer, Manshra.

..... Respondents

AFFIDAVIT

We respondents do solemnly affirm and declare that the contents of the comments are true and correct to best of our knowledge and belief and that nothing has been concealed from this Honorable tribunal.

*It is further stated that answering respondents have
written down placed evidence not in
defence struck off/lost*



(Shafi Ullah Gandapur, PSP)
District Police Officer,
Manshra

(Respondent No. 02)
District Police Officer,
Manshra.

6/11/24

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

SERVICE APPEL NO. 612/2024

Hussain Jamal Khan Son of Ashfaq Ahmed R/O Khanpur, Police Station
Shinkiari, Tehsil Baffa Pakhal, District Manshra.
.....Appellant


VERSUS


1. Regional Police Officer, Hazara Region, Abbottabad.
2. District Police Officer, Manshra.

..... Respondents

AUTHORITY LETTER

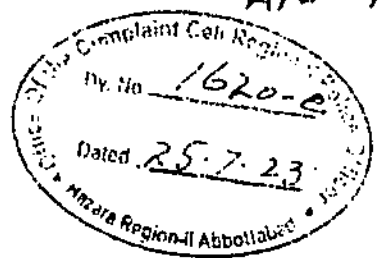
We, the above respondents do hereby authorize and allow Mr. Haq Nawaz to file reply/Parawise comments on our behalf in the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar in above mentioned service appeal and do whatever needed in the court.


 (Shafi Ghani) Ghaniapur, PSP)
 District Police Officer,
 Mansehra
 (Respondent No. 02)
 District Police Officer,
 Mansehra.


 (Capt.(r) Talir Ayub, PSP)
 Regional Police Officer,
 Hazara Region Abbottabad
 (Respondent No. 01)
 Regional Police Officer
 Hazara Abbottabad

Annex

A/C
A



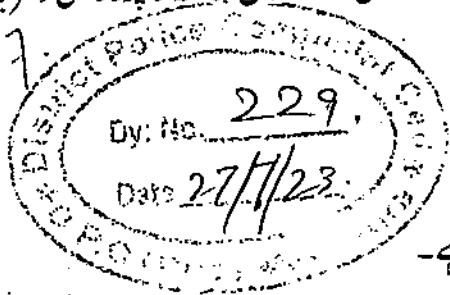
DPO - Mansehra

in enq into the matter
report with in 10 days R.

خدمت جناب DIG صاحب ہزارہ ریجن ایبٹ آباد

25/07

درخواست بمراد کیئے جانے کاروائی برخلاف حسین ولد اشفاق ساکنہ خانپور داخلی دھڑیاں تھانہ شکیاری تحصیل بھکھل ضلع مانسہرہ۔



حسین مال

جناب عالی! درخواست ذیل عرض ہے۔

- (۱) یہ کہ حسین ولد اشفاق مذکور بالا جو کہ ہزارہ ریجن سے پولیس میں بھرتی ہو کر ٹریگ پر گیا ہوا ہے۔
- (۲) یہ کہ مذکورہ حسین نے اپنی Verification غلط طور پر اور ملی بھگت سے کرائی ہے۔ اور ملکہ اصل حقائق چھپائیں ہیں۔
- (۳) یہ کہ مورخہ 03.06.2021 کو عدالتوں کے احاطے میں حسین مذکورہ اور اسکے دیگر ہمراہیان نے عدالت کے باہر بعد از تاریخ پیشی سائل پر حملہ کیا اور سائل کو زد و کوب بھی کیا جسکی بابت سہائل نے تھانہ شی مانسہرہ میں رپورٹ کرائی اور حسین مذکورہ دیگران کے خلاف مقدمہ علت نمبر 781 مورخہ 07.04.2021 کو قائم ہوا۔ جس میں تاریخ پیشی 04.07.2021 مقرر ہے۔ (نوٹو کا پی FIR لف ہے)۔
- (۴) یہ کہ مذکورہ حسین کی بابت جو انکوائری کی گئی ہے اس حقیقت کو سامنے نہیں لایا گیا اور محکمے سے چھپائی گئی ہے۔
- (۵) یہ کہ ایسا شخص جو عدالتوں کے احاطے میں اور کمرہ عدالت کے باہر جھگڑے کرے اور مقدمہ کرے کیا وہ پولیس خود اس میں ملازمت کا اہل ہے۔

لہذا استدعا ہے کہ مذکورہ حسین کے خلاف تادیبی کارروائی میں لائی جائے۔

PA

Call the delinquent officials

Attested
DSP LEGAL
MANSEHRA

Additional Enquiry into the matter & report within 10 days p 27/7

سید خان ولد مندرساکنہ خانپور میر داخلی دھڑیاں تحصیل بھکھل ضلع مانسہرہ
شناختی کارڈ نمبر: 13503-0554457-9
رابطہ نمبر: 0346-9593986

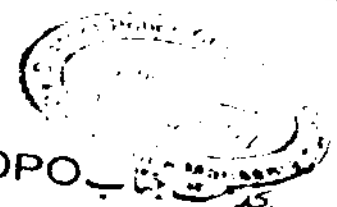
Act SP
34/07/23

AS1 - Ps. city (MA)
04 - 07 - 2021

Handwritten notes and a large signature in Urdu script, likely detailing the legal proceedings or the specific case information.

تاریخ	22-08-2021
محلہ	منجھڑ
پلاٹ نمبر	15/21
پلاٹ کا رقبہ	15/21
پلاٹ کی قیمت	506,365/-
پلاٹ کی حالت	خالی
پلاٹ کی تفصیلات	منجھڑ، منجھڑ، منجھڑ

Additional handwritten notes, stamps, and signatures at the bottom of the page, including a date stamp '04/07/2021' and various official markings.



جنوبی پنجاب DPO صاحب ضلع مانسہرہ

درخواست برآورد کیے جانے کا ردائی برخلاف (۱) (۲) (۳) (۴) (۵) (۶) (۷) (۸) (۹) (۱۰) (۱۱) (۱۲) (۱۳) (۱۴) (۱۵) (۱۶) (۱۷) (۱۸) (۱۹) (۲۰) (۲۱) (۲۲) (۲۳) (۲۴) (۲۵) (۲۶) (۲۷) (۲۸) (۲۹) (۳۰) (۳۱) (۳۲) (۳۳) (۳۴) (۳۵) (۳۶) (۳۷) (۳۸) (۳۹) (۴۰) (۴۱) (۴۲) (۴۳) (۴۴) (۴۵) (۴۶) (۴۷) (۴۸) (۴۹) (۵۰) (۵۱) (۵۲) (۵۳) (۵۴) (۵۵) (۵۶) (۵۷) (۵۸) (۵۹) (۶۰) (۶۱) (۶۲) (۶۳) (۶۴) (۶۵) (۶۶) (۶۷) (۶۸) (۶۹) (۷۰) (۷۱) (۷۲) (۷۳) (۷۴) (۷۵) (۷۶) (۷۷) (۷۸) (۷۹) (۸۰) (۸۱) (۸۲) (۸۳) (۸۴) (۸۵) (۸۶) (۸۷) (۸۸) (۸۹) (۹۰) (۹۱) (۹۲) (۹۳) (۹۴) (۹۵) (۹۶) (۹۷) (۹۸) (۹۹) (۱۰۰)

جنوبی پنجاب درخواست میں عرض ہے۔

۱۔ یہ کہ ساکنان نے انقلاات نمبری 25443 اور 25444 کی رو سے ایسے
ساکنان اراضی خسرو نمبر 3219، 3063، 3214، 3202، 4123/3221 اور 4122/3221 خریدی اور اسی طرح خسرو نمبری
3217، 3218 اور 3219 میں بروئے ذمہ داری 2 کنال
16-1/2 مرلے رقبہ ساکن نمبر 1 کے نام منتقل ہوا۔ (انقلاات لف ہیں) اور
اس جملہ اراضی 3 کنال 16-1/2 مرلے رقبہ کا قبضہ ساکنان کی جانب سے موقع
پر خسرو نمبری 3218 اور 3217 میں ساکنان کو دیا گیا۔ (فونو کاپی ٹکس
مساوی خسرو نمبر 3217 اور 3218 ملحقہ خسرات لف ہیں)۔

۲۔ یہ کہ مسئول علیہم مذکورہ بالا افراد نے مختلف حوالوں سے عدالتوں میں رجوع
کیا، لیکن ان کو کسی عدالت سے Status-quo حکم امتناعی بھی نہیں ملا۔

۳۔ یہ کہ ساکنان نے اراضی کا قبضہ حاصل کرنے کے بعد موقع پر خسرو
نمبر 3217 اور 3218 میں جو کہ انکے زیر قبضہ 3 کنال 16-1/2 مرلے
کا رقبہ ہے اس پر چار دیواری تعمیر کرنا شروع کی اور مذکورہ بالا مسئول علیہم
گائے بگائے پولیس کے سامنے غلط بیانی کرے ساکنان کو تنگ اور پریشان
کرتے رہے لیکن ساکنان نے اپنے زیادہ حصہ پر چار دیواری تعمیر کر کے

میت بھی نصب کر دیا ہے۔ (فونو کاپی ٹکس)

Attested
DSP LEGAL
MANSEHRA

اپوزیشن
ASHTO
140-PS-8H
15-11-21

DSP LEGAL
1. NS-URD

1. 03/11/21

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0346-9593986

13503-0554457-9

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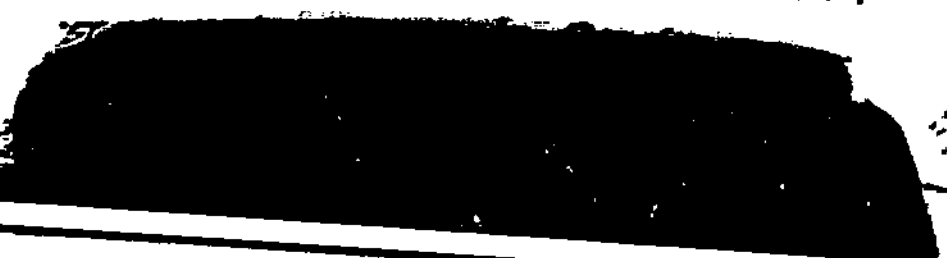
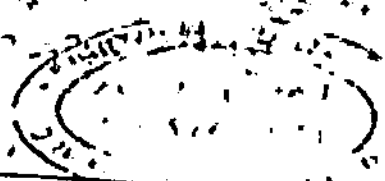
03-6-2021

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SHO...

3-6-2021

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A 5

بیٹرکاپی

عنوان: درخواست برائے کرنے قانونی کارروائی برخلاف مشتاق، اشفاق، حسین ولدیت نامعلوم، آفاق ولد گجر خان ساکنان خانپور میرا

شکایتی ماسمہ

جناب عالی!

گزارش ہیکہ سائل سید خان ولد مندر اسکنہ خان پور میرا شکایتی کارہائشی اور سکوتی ہے۔ سائل آج مورخہ 03/06/2021 کو پیشی مقدمہ عدالت جناب اسٹنٹ کمشنر-1 مانسہرہ آیا ہوا تھا۔ مخالفین مذکورہ نے احاطہ عدالت میں (عدالت کے کمرہ کے باہر) من سائل کو پکڑ کر زد و کوب کیا، مارا پیٹا۔ سائل شدید زخمی ہوا تمام چہرے پر زخموں کی وجہ سے لہو لہان ہوا۔ جان سے مارنے کی کوشش کی اور قتل کی دھمکیاں دیں۔ من سائل کو گھسیٹتے ہوئے احاطہ عدالت سے باہر لانے اور گاڑی میں بٹھا کر اغواء کرنے کی کوشش کر رہے تھے۔ اسی دوران وہاں موجود پولیس اہلکاروں، سول اوگوں نے مداخلت کر کے سائل کی جان بخشی کوائی۔ موقع سے چاروں افراد ملزمان فرار ہونے میں کامیاب ہو گئے۔

استدعا ہے کہ تھانہ SHO کو حکم فرمایا جائے کہ ملزمان مذکور کے خلاف حسب ضابطہ خط سے سخت قانونی کارروائی کرتے ہوئے قرار واقعی سزا دی جائے۔

المرقوم: 03-06-2021

ارض

سید خان ولد مندر اسکنہ خان پور میرا، شکایتی، تحصیل و ضلع مانسہرہ

شناختی کارڈ نمبر 9-13503-0554457

موبائل: 0346-9593986

Attested
ar
DSP LEGAL
MANSEHRA

1۔ اسٹنٹ کمشنر صاحب مانسہرہ

2۔ ڈی۔ ایس۔ پی صاحب ہیڈ کوارٹر مانسہرہ

Annex "B" (H) "B"



POLICE DEPARTMENT

DISTRICT MANSEHRA

From: The Additional Superintendent of Police,
Mansehra

To: The District Police Officer,
Mansehra

No. 169 /PA/Addl: SP, Mansehra Dated the 11/08/2023.

Subject: INQUIRY REPORT UPON COMPLAINT SUBMITTED BY ONE SYED KHAN S/O MUHDRA R/O KHANPUR DHARYAL SHINKIARI AGAINST RECRUIT CONSTABLE HUSSAIN JAMAL BELT NO. 4521 PRESENTLY UNDER TRAINING AT POLICE TRAINING SCHOOL SWABI.

Memorandum

Please refer to the complaint cell DPO Office Mansehra Dairy No. 229-C dated 27.07.2023.

INQUIRY PROCEEDINGS:

It is submitted that on the subject complaint an inquiry has been conducted by the undersigned. During the inquiry proceedings, the applicant Syed Khan was summoned who appeared before the undersigned accompanied witness Mr. Aslam Khan s/o Khan Wali r/o the same village. Both were heard in person and their written statement was recorded which are placed in file for perusal and ready reference.

On the other hand, the following police officials of PS Shinkhari and City were also summoned, heard in person and their written statement was also recorded which are enclosed herewith inquiry file for perusal and ready reference.

1. HC Mazhar Shah, the then MHC PS Shinkhari.
2. HC Shahzad, the then MHC PS City.
3. ASI Arif, IO of the case, the then IO Investigation staff PS City.

Similarly, the Foji Missal of the alleged recruit constable was also obtained and perused thoroughly.

BRIEF/ SUMMARY OF INQUIRY:

During the course of inquiry, the undersigned perused the statements of all concerned, relevant provided record, Foji Missal of the alleged recruit constable, FIR registered against alleged constable Hussain Jamal vide No. 781 dated 04.07.2021 u/s 506/365/511/34 PPC PS City and observed that there is a dispute over landed property exists between applicant and father of alleged recruit constable due to which a suit before the Assistant commissioner was pending and the hearing was fixe for 03.06.2021 and both the parties appeared before the Assistant Commissioner-I Mansehra where the alleged constable, his father and other beaten the applicant Said Khan and tried to kidnap him but the local police was reached at spot and rescued the applicant from the alleged constable and his other companions. Due to which the applicant submitted a complaint u/s 22-A CrPC to the court which was accepted and a case vide FIR No. 781 dated 04.07.2021 u/s 506/365/511/34 PPC PS City was registered against alleged constable Hussain Jamal, his fathers and others. The said case was handed over to investigation staff for investigation and the investigation of the said case was conducted by HC Arif of investigation staff PS

Attested
DSP LEGAL
MANSEHRA

City who arrested the accused and complete challan was submitted to the court on 13.09.2021. Now the said case is under trial in the court.

Furthermore, during the inquiry proceedings the following facts have come to the surface:-

1. A case vide FIR No. 781 dated 04.07.2024 u/s 506/365/511/34 PPC PS City was registered against the alleged recruit constable Hussain Jamal and the investigation of the case was conducted of ASI Arif the then IO PS City Mansehra.
2. After the registration of case, Muharrir of PS City was HC Shahzad who did not issue Parcha-12 griffari/ itlahyabi to PS Shinkiari as the permanent address of the nominated accused was falls in the jurisdiction of PS Shinkiari.
3. Later on the alleged constable Hussain Jamal was recruited in the police department through EATA as constable in January-2023 and his verification was conducted by the OHC Branch, DPO Office Mansehra through PS Shinkiari as his permanent residential address falls under the jurisdiction of this police station.
4. The verification was conducted by the then Muharrir of PS Shinkiari HC Mazhar who verified the character of the alleged constable as per PS Shinkiari record.

CONCLUSION:

In view of the above mentioned facts, I being inquiry officer reached to the conclusion that the gross negligence, irresponsibility and lack of interest in the discharge of official duties was found on the part of the then Mhurrir PS City HC Shahzad presently ASI PS Shinkiari as the accused was nominated in the FIR and it was the duty and responsibility of the Muharrir to issue immediately Parcha-12 griffari/ itlahyabi of the accused to his home police station but he deliberately not issued the same due to which the alleged constable Hussain Jamal was recruited in the police department although a case vide FIR No. 781 dated 04.07.2024 u/s 506/365/511/34 PPC PS City was registered.

Therefore, it is recommended that a departmental action against ASI Shahazad PS Shinkiari (the then Muharrir PS City) may be initiated.

Furthermore, the alleged recruit constable Hussain Jamal No. 215 has fraudulently got recruited himself in Police Department by concealing real facts of a case vide FIR No. 781 dated 04.07.2024 u/s 506/365/511/34 PPC PS City, registered against him before his recruitment in the police department and the said case is under trail in the court.

Moreover, according to pera 'd' of the Circular Order No. 01/2020, issued by office of the Inspector General of Police, KPK Peshawar, in which it is clearly mentioned that **"the persons involved in criminal cases which are still pending will be considered for enlistment after their acquittal from the criminal charge by the court concerned before validation of merit list according to Sub-Rule-10 of the Rule-12.15 of Amended Police Rules-2017"** (Copy of circular order is enclosed). Therefore, it is recommended that the recruit constable Hussain Jamal No. 2145 presently under training at Police training School Swabi May kindly be dismissed from service.

Inquiry report is submitted herewith for favour of kind perusal,

Attested
DSD LEGAL
MANSEHRA

Service from
P 17/8
charge sheet
HC shehzad

Addl: Superintendent of police,
Mansehra

DSP LEGAL
MANSEHRA

Attested

Additional Superintendent
of Police Mansehra

Attested
MS

0341-5558166
[Handwritten signature]

[Large block of handwritten text in Urdu script, likely a legal document or affidavit.]

بیان ازان لاہعارف ASI نے ہدایت بیان کیا کہ منہ سے ASI
 عدہ علت فر 781 وجہ 3 ⁶/₀₂₁ جرح 506, 365, 511, 34 فرم میں محور
 لغزش ہو کر چار نافرمانان کو حسب ضابطہ گرفتار کر کے
 ہر خلاف ملزمان چالان مکمل صبح 13 ⁰⁹/₂₁ کو دیا گیا، مقدم میں
 ملزمان نامعلوم نہ تھے تاہم ایسے ایسے کے شرافت و علم نہ تھا،
 پولیس رول سے وقت FIR جمع جیسٹریٹ سے ساتھ ہی پیرچ 12 جا رہی
 ہوئی، ہدایت ہے، تمام میں جملہ خط و کتابت کی ذمہ داری شرافت
 کو ذمہ داری عائد ہیں کہ منہ سے ہدایت سے متعلق
 بال یا اعلیٰ افسران صاحبان سے منہ سے حکم جاری کیا ہے اور منہ سے ہدایت
 ہدایت دیا گیا ہے جس کے تحت منہ سے ASI نے پیرچ 12 جاری کیا،
 آئی پولیس رول کے علاوہ پیرچس میں بھی کوئی ڈاکومنٹ 1/2 سے سپرد
 کیا ہوا ہوتا تو منہ سے ڈاکومنٹ منہ سے ساتھ چالان مکمل دستخطوں میں
 پیش کرتے وقت وجود نہ ہو تو شرافت 1/2 سے وہ منہ سے وصول ہیں
 منہ سے، پولیس کرتے منہ سے کاغذات میں کوئی منہ سے منہ سے، پس
 اندر میں بارے میں بیان ہے و درہند ہے۔

Attested
 Additional Superintendent
 of Police Mansehra

Handwritten signature

لاہعارف ASI سیدہ الوسیلیں صاحبہ
 9-8-2023

Attested
 DSP LEGAL
 MANSEHRA

بیان سپرٹنڈنٹ محرم گمانہ ظاہر بیان میں جو کہ حوالہ 12/02 کو یہی
 حسین جال ولد استغفار احمد سکھ۔ ٹائپور شیکاری کی حیرت انگیز
 گمانہ آگے۔ سٹیٹ لاریریکارڈ گمانہ کرتے ہوئے گمانہ کار لیکارڈ کا حوالہ
 دیا۔ مذکورہ کے ساتھ کارڈ پر جو ریفرنسی ایڈریس لکھی جو کہ
 اپنی رکوٹ میں مزید ریفرنسی کے لئے گمانہ گمانہ کر کے گا لکھا گیا
 دوران انکوآرڈر کے حوالہ ہوا ہے مذکورہ کے خلاف 07-04 کو جمع
 34/11/306/306/306 کے گمانہ میں #12 صبح سوائے گمانہ گمانہ
 سے حیرت انگیز کی تاریخ تک کسی قسم کا ریکارڈ یا اطلاع حوالہ
 نہیں دی گئی ہے۔ مذکورہ کا ریکارڈ گمانہ گمانہ میں
 حوالہ گمانہ کے مطابق مذکورہ کی حیرت انگیز کی گمانہ
 یہاں ہی بیان ہے جو درست ہے۔

Attested
 Additional Superintendent
 Mansehra

سپرٹنڈنٹ
 محرم گمانہ ظاہر
 0340-9897123

Attested
 DSP LEGAL
 MANSEHRA

DSP LEGAL
MANSEHRA

Attested

Additional Superintendent
of Police Manshehra

Attested

02-08/023
NIC: 13858.6871168-1
Mh: 0332-8271989

ایسٹیبلیشمنٹ کے لیے

Handwritten Urdu text, likely a legal notice or affidavit, containing several lines of script. The text is somewhat difficult to decipher due to the handwriting and image quality, but appears to be a formal statement.

Attended

Handwritten text in Urdu, likely a legal document or report, starting with a header area.

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Additional Special
Police Mansera

DSP LEGAL
MANSEHRA

Attested

Additional Superintendent
of Police, Manshehra

Attested

13503-05544579

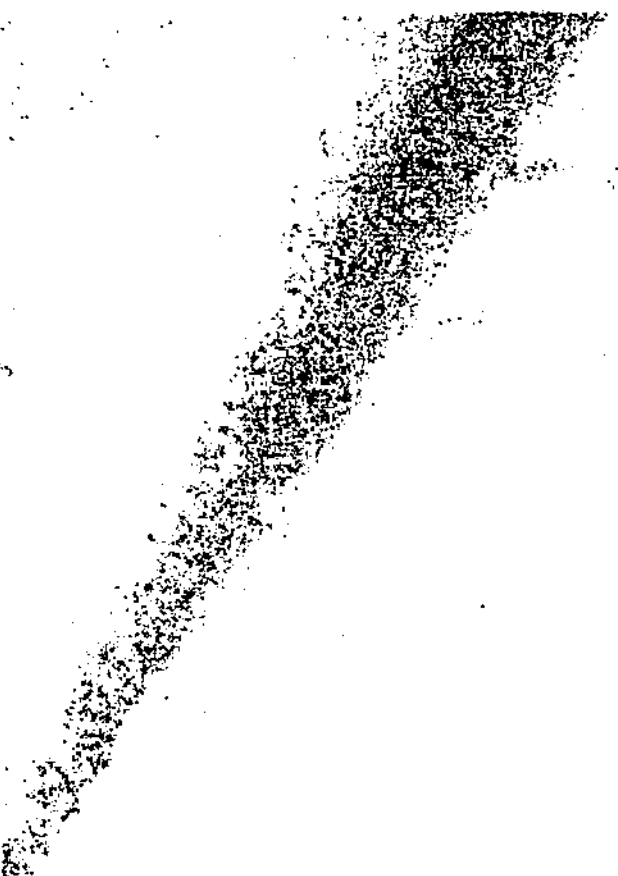
0346-9593986

مقامی پولیس اسٹیشن، مانسہرا

مستند

مستند

مقامی پولیس اسٹیشن، مانسہرا
مقامی پولیس اسٹیشن، مانسہرا
مقامی پولیس اسٹیشن، مانسہرا
مقامی پولیس اسٹیشن، مانسہرا



DSP LEGAL
MANSEHRA

Attested

Additional Superintendent
of Police Mansehra

Attested

مذکورہ درجہ کی ایک رازدار
نمبر 904030-133741-7
موجود ہے۔

بھیجی

مذکورہ درجہ کی ایک رازدار

نمبر 904030-133741-7

موجود ہے۔

بھیجی

مذکورہ درجہ کی ایک رازدار

نمبر 904030-133741-7

موجود ہے۔



ORDER

On the complaint of Syed Khan s/o Mandra r/o Khanpur Mera Dariyal Tehsil Baffa Pakhal District Mansehra a preliminary enquiry conducted through Addl. Superintendent of Police Mansehra against Recruit Constable Hussain Jamal No. 2145. The enquiry officer after conducted preliminary enquiry and stated that there is a dispute over landed property exists between applicant and father of alleged recruit constable due to which a suit before the Assistant commissioner was pending and the hearing was fixe for 03.06.2021 and both the parties appeared before the Assistant Commissioner-I Mansehra where the alleged constable, his father and other beaten the applicant Said Khan and tried to kidnap him but the local police was reached at spot and rescued the applicant from the alleged constable and his other companions. Due to which the applicant submitted a complaint u/s 22-A CrPC to the court which was accepted and a case vide FIR No. 781 dated 04.07.2021 u/s 506/365/511/34 PPC PS City was registered against alleged constable Hussain Jamal, his father and others. The said case was handed over to investigation staff for investigation and the investigation of the said case was conducted by HC Arif of Investigation staff PS City who arrested the accused and complete challan was submitted to the court on 13.09.2021. Now the said case is under trial in the court.

Furthermore, during the inquiry proceedings the following facts have come to the surface:-

1. A case vide FIR No. 781 dated 04.07.2021 u/s 506/365/511/34 PPC PS City was registered against the alleged recruit constable Hussain Jamal and the investigation of the case was conducted by ASI Arif the then IO PS City Mansehra.
2. After the registration of case, Muharrir of PS City was HC Shahzad who did not issue *Parcha-12 griftari/ itlahyabi* to PS Shinkiari as the permanent address of the nominated accused was falls in the jurisdiction of PS Shinkiari.
3. Later on the alleged constable Hussain Jamal was recruited in the police department through EATA as constable in Januuary-2023 and his verification was conducted by the OHC Branch, DPO Office Mansehra through PS Shinkiari as his permanent residential address falls under the jurisdiction of Police Station Shinkiari.
4. The verification was conducted by the then Muharrir of PS Shinkiari HC Mazhar who verified the character of the alleged constable as per PS Shinkiari record.

Furthermore, the alleged recruit constable Hussain Jamal No. 2145 has fraudulently got recruited himself in Police Department by concealing real facts of a case vide FIR No. 781 dated 04.07.2021 u/s 506/365/511/34 PPC PS City registered against him before his recruitment in the police department and the said case is under trail in the court.

Moreover, according to para 'd' of the Circular Order No. 01/2020, issued by office of the Inspector General of Police, KPK Peshawar, in which it is clearly mentioned that *"the persons involved in criminal cases which are still pending will be considered for enlistment after their acquittal from the criminal charge by the court concerned before validation of merit list according to Sub-Rule-10 of the Rule-12.15 of Amended Police Rules-2017"*. Therefore the enquiry officer recommended that the Recruit Constable Hussain Jamal No. 2145 presently under training at Police training School Swabi may be dismissed from service.

I, the District Police Officer, Mansehra, therefore award major punishment of "Discharge from service" to the delinquent Recruit Constable Hussain Jamal No. 2145, under Khyber Pakhtunkhwa Police, Disciplinary-Rules 1975 (amended in 2014).

Ordered announced.

No. 9922 /OHC, dated Mansehra the 23-8 /2023

Copy forwarded to the Director Police Training School Swabi for favour of information and further necessary action under intimation to this office, please.


District Police Officer
Mansehra


District Police Officer
Mansehra

Attested
46
DSP LEGAL

"B" 21

To,

THE DEPUTY INSPECTOR GENERAL
OF POLICE, HAZARA DIVISION,
ABBOTTABAD.

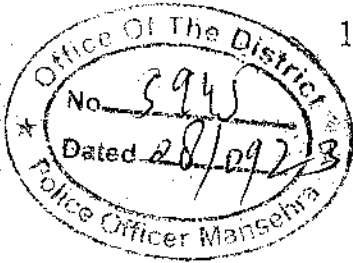
No. 16179/E
08-09-23

Subject: APPEAL AGAINST THE ORDER
BEARING NO.9223 DATED 23.08.2023
PASSED BY THE DISTRICT POLICE
OFFICER, MANSEHRA WHEREBY
MAJOR PUNISHMENT OF DISCHARGE
FROM SERVICE WAS IMPOSED
AGAINST THE APPELLANT.

EC/DPO Mansehra
For detailed comments
along with s/Ret. F/missal
and E/F/dep.

RPE
Hozara
07/09/23


Respected Sir,



1. That, a frivolous application was submitted by one Said Khan, petitioner/respondent against the petitioner on the basis of 22-A Cr.PC wherein investigation officer submits in his report that no offence was committed by the appellant.

(Copy of the report is annexed with the appeal).


DSP/Legal/SRC

Asst. in Ch.

DPO/MA

08-09-2023

2. That, the above said person namely Said Khan and my father Ashfaq Ahmed Khan and my uncle Mushtaq Ahmad Khan having civil litigation, therefore, he indulged me in false case.

ju

Attested

DSP LEGAL
MANSEHRA

(Copy of civil litigation is annexed herewith).

3. That, the FIR No.781 dated 04.07.2021 under section 506/365/511/34 PPC is pending before the Honourable Court but not decided against the appellant, therefore, as per law, major punishment cannot be awarded against the appellant.
4. That, the period for recruitment of constable is six months. The appellant remained in academy for five months, most of the training has been completed by the appellant, therefore, dismissal from job is injustice.
5. That, the appellant was falsely charged in above mentioned case, therefore, major punishment against the appellant comes within the definition of injustice with the appellant.
6. That, as per law, rules and regulations, no major penalty can be imposed against the appellant hence the impugned order being in sheer violation of the relevant law has no legal sanctity in the eyes of law.

7. That, the appellant is neither a convict nor there is any apprehension of the conviction of the appellant rather the case against the appellant is false, frivolous and fabricated one which has no nexus with the reality hence on the basis of such case, imposition of major penalty against the appellant does not appeal to a prudent mind.

.....PRAYER.....

It is, therefore, most humbly requested that the impugned order bearing No.9223 dated 23.08.2023 passed by the District Police Officer, Mansehra may please be set aside and the appellant may please be re-instated in service with all benefits.

Dated 04.09.2023



0311 0566564

HUSSAIN JAMAL,
Recruit Constable
Son of Ashfaq Ahmed Khan
Resident of Khanpur,
Tehsil and District Mansehra.

Attested



**DSP LEGAL
MANSEHRA**



OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

NO: 86 / PA DATED: 4 / 01/2024

ORDER

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkawa Police Rules, 1975 submitted by Ex- Recruit Constable Hussain Jamal No. 2145 of district Manshera against the order of punishment i.e. discharged from service awarded by DPO Manshera vide OB No.121 dated 21.08.2023.

“On the complaint of Said Khan s/o Mandra r/o Khanpur, Baffa u/s 22-A CrPC, a case FIR No. 781 dated 04-07-2021 u/s 506/365/511/34 PPC PS City was registered against the appellant. Later the appellant was recruited in Police department through ETEA in January 2023. His verification was conducted through PS Shinkari which was verified as per record of PS Shinkari. However, the recruit constable Hussain Jamal has fraudulently got recruited in Police department by concealing facts regarding above cited case. The case is still under trial”.

A preliminary enquiry was conducted through Addl. SP Manshera vide Memo No. 169/PA dated 11-08-2023. The EO held the appellant responsible of misconduct. Consequently, DPO Manshera awarded him major punishment of discharged from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Manshera were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. Perusal of his available record shows that that service of the appellant is less than 09 months and under PR 12:21 his appeal is not acceptable. Hence, in exercise of the powers vested upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkawa Police Rules, 1975 the instant appeal is hereby *filed/rejected* with immediate effect.

PO/SRL/07AL
For R/G
DPO Manshera

MUHAMMAD IJAZ KHAN (PSP)
Regional Police Officer
Hazara Region, Abbottabad

No. 87 / PA, dated Abbottabad the 04-01- 2024.

Cc.

DPO Manshera for information and necessary action with reference to his office Memo No. 13610/SRC dated 30-11-2023. Fuji Missal containing enquiry file and *Service Roll* of the appellant is returned herewith for record.

Attended
DSP LEGAL
MANSEHRA

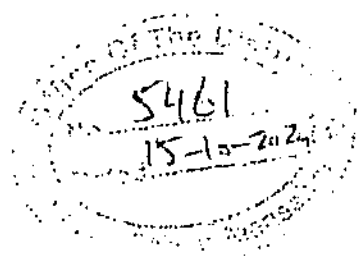
Annex "C" 19M 24

IN THE COURT OF NOOR UL HAQ JUDICIAL MAGISTRATE-I
MANSEHRA

State vs. Mushtaq etc.

FIR No.781 dated 04.07.2021 u/s 365/506/511/34 PPC of
PS City Mansehra

Order#
02.07.2024




Attendance:


- Learned APP for the State.
- Accused Mushtaq on bail with counsel present, while remaining exempted through counsel present.
- Early hours complainant attended the court and stated that his complete evidence is present but later on none present from complainant side.

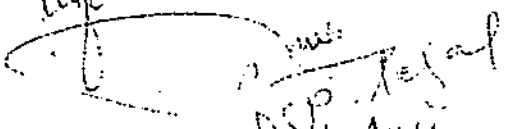
Perusal of record reveals that complete Challan in this case was submitted on 04.10.2021 and formal charged was framed on 20.12.2022. The prosecution was afforded opportunities to produce evidence but till now single PW recorded in this case. The accused filed application u/s 249-A Cr.PC on the ground that till now no evidence produced by the complainant in this case. This is not a valid ground for invoking the provisions of section 249-A Cr.PC, therefore, application of the accused u/s 249-A Cr.PC is hereby turndown. However, it is pertinent to highlight that in this case complainant was time and again directed to produce his entire evidence but on numerous dates he sought adjournments on one pretext and another. Today early hours he attended the court and stated that his evidence is present but later on he did not turn up before the court till rising hours, this conduct of complainant shows lack of interest on his part. Therefore, this court has left with no option but to stop the proceedings u/s 249 Cr.P.C.

In view of the above, in this case, the proceedings are hereby stopped u/s 249 Cr.PC. This file be consigned to the record room after its compilation and completion.

Announced
02.07.2024


Noor Ul Haq,
Judicial Magistrate-I
Mansehra

Seen / DSP / Legal
Rajma

Rajma

Slip
Submitted for
information, M.

D.S.P. Tefar
9/1/2024

Attested

DSP LEGAL
MANSEHRA



ANNEX = 'D' 28

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
CENTRAL POLICE OFFICE,
KHYBER PAKHTUNKHWA
PESHAWAR.

13if

CIRCULAR ORDER NO. 01/2020

To ensure transparency and merit, the Khyber Pakhtunkhwa Police has outsourced the process of recruitment of Constables through accredited testing agency.

After enlistment of qualified candidates as Constable when necessary verification of their character/antecedents was made, number of individuals found involved in different categories of criminal offences recommended by the Regional Selection Board in the year 2019.

The cases were examined in light of relevant rules/law by the committee constituted for the purpose, vide this office order No. 768-72/1-IV dated 17.02.2020 and submitted its recommendations. After approval of the Worthy Inspector General of Police, Khyber Pakhtunkhwa, the following clarification/guidance has been made to all concerned:-

- a. Any person involved in a criminal case "but acquitted by the Court will be eligible for enlistment as Constable."
- b. Convicted person will not be eligible for enlistment in Police Department "Except in offences under Motor Vehicle Ordinance, u/s 279 PPC and 13A0/15A1 when only a single weapon has been recovered being unlicensed and no further incriminating allegations".
- c. As already circulated vide this Office Order No. 20461-99/1-II dated 06.10.2004, military deserter or any other person dismissed from government service shall not be considered for enlistment as Constable in the Police.
- d. The persons involved in the criminal cases which are still pending trial will be considered for enlistment after their acquittal from the criminal charge by the court concerned before validation of merit list according to Sub-Rule-10 of Rule-12.15 of Amended Police Rules-2017.
- e. Any person involved in "Heinous Crime or Moral Turpitude will not be eligible for enlistment as Constable."

Circular Order No. 08/2007 issued vide this Office Order No. 4807-72/C-1 dated 16.06.2007 in the matter is hereby repealed.

3503
21.02.2020

-sd-
(Dr. Sanullah Abbasi) PSP
Inspector General of Police,
Khyber Pakhtunkhwa

12/02/2020.

No. 3503-16/ISE-IV.

dated Peshawar the

Copy to the:-

- 1. All Heads of Police Offices in Khyber Pakhtunkhwa.
- 2. All Branches in Central Police Office, Peshawar.

VC 6189-95/EL

26.2.2020

ALL PROS in MAJORS

Amil
Attested
DSP LEGAL
MANSEHRA

(Zaibullah Ribani) PSP
AIG Establishment