

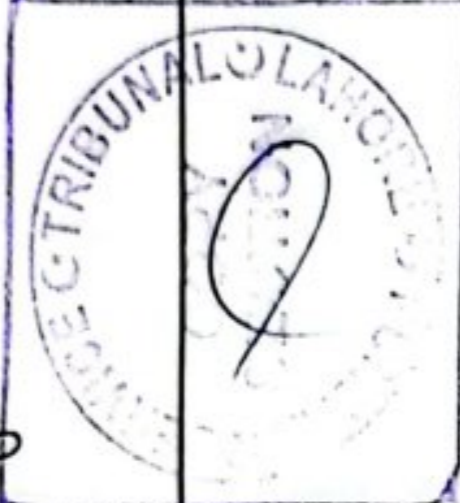
Asghar Ali (ASI No.543/DG) Vs.

Appeal No. _____

Additional Inspector General of Police, South Punjab, Multan & 02 others.

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09.01.2024		<p><u>PRESENT</u></p> <ol style="list-style-type: none"> 1. Mr. Allah Nawaz Khosa Advocate, Counsel for the appellant. 2. Mr. Atta Muhammad Khan, District Attorney. 3. Mr. Shamas-ud-Din, Inspector, D.R. <p>Brief facts of the case are that the appellant was proceeded against under Punjab Police (E&D) Rules, 1975 on the following charges:-</p> <p><i>"You ASI Asghar Ali No.543/DG while posted as I.O at PS City Rajanpur, have committed serious illegality/irregularities and proved yourself an inefficient/corrupt police official. It came to the Notice of the undersigned that you arrested one Muhammad Pervaiz involved in case FIR No.122/21 dated 22.03.2021 u/s 381-A/411 PPC PS City Rajanpur, and received illegal gratification Rs.70,000/- from him, which tantamount to gross misconduct. This act on your part is highly objectionable which calls for strict departmental action against you."</i></p> <p>Resultantly, appellant was awarded penalty of "Reduction in Rank from ASI to Head Constable" by the respondent No.3 i.e. District Police Officer, Rajanpur vide order dated 10.04.2021. Feeling aggrieved the appellant preferred departmental appeal before respondent No.2 i.e. Regional Police Officer, Dera Ghazi Khan who vide order dated 29.06.2021 partially accepted and penalty of "Reduction in Rank from ASI to Head Constable" was converted into "Withholding of Promotion for One Year". He filed revision petition before respondent No.1 i.e. Additional Inspector General of Police, South Punjab, Multan who vide order dated 27.01.2022 partially accepted and penalty of "Withholding of Promotion for One Year" was converted into "Withholding of Promotion for Six Months". Hence the instant appeal before this Tribunal on 07.08.2023.</p> <ol style="list-style-type: none"> 2. Learned counsel for the appellant as well as learned District Attorney having been heard at length, the available record has also

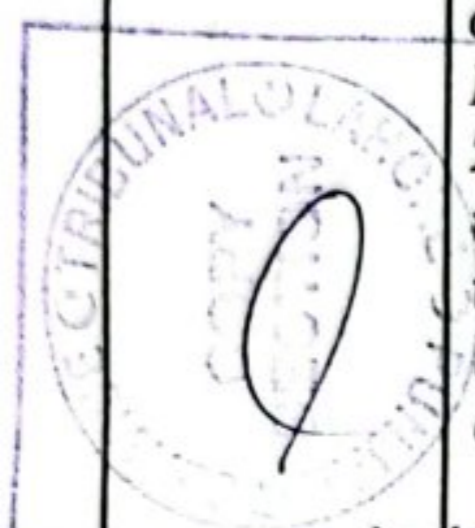
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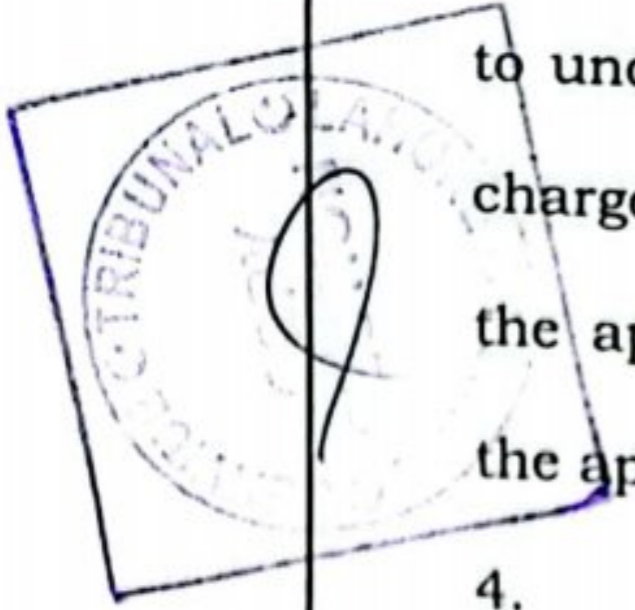
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	<p>been perused.</p> <p>3. After hearing the learned counsel for the appellant and learned District Attorney on behalf of the respondents and perusal of file I am of the opinion that the appellant was departmentally proceeded against for:-</p> <p><i>"You ASI Asghar Ali No.543/DG while posted as I.O at PS City Rajanpur, have committed serious illegality/irregularities and proved yourself an inefficient/corrupt police official. It came to the Notice of the undersigned that you arrested one Muhammad Pervaiz involved in case FIR No.122/21 dated 22.03.2021 u/s 381-A/411 PPC PS City Rajanpur, and received illegal gratification Rs.70,000/- from him, which tantamount to gross misconduct. This act on your part is highly objectionable which calls for strict departmental action against you."</i></p> <p>And he was awarded with the penalty of reduction in rank from ASI to Head Constable against which he filed appeal before the Departmental Authority in which the punishment of reduction in rank was converted into withholding of promotion for one year and in revision petition the punishment of withholding of promotion for one year was converted into withholding of promotion for six months. I have perused the case file, from perusal of case file, it appears that the inquiry was conducted against the appellant on the allegations leveled against him. The Inquiry Officer recorded the statement of the appellant in which the appellant stated that he did not want to conduct the inquiry from the present Inquiry Officer and requested for transfer of inquiry and the Inquiry Officer instead of recording of any evidence relied upon the special report and held the appellant as guilty of the charges. I have perused the inquiry proceedings the Inquiry Officer did not record any statement of any witness nor he recorded the statement of the complainant and straight away held the appellant as guilty of the charges. It is pertinent to note that the appellant was neither I.O of the</p>

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case nor he had anything to do with the case, the I.O was one Mr. Pervaiz Ahmad, ASI. It is further pertinent to note that the complainant of the case recorded the statement before the learned Magistrate in which he requested for the discharge of the accused on which the learned Magistrate discharged the accused from the case. Moreover, one Ghulam Hussain has filed an affidavit in which he has denied that he had moved an application against the Asghar Ali, ASI. I am unable to understand that on what basis the appellant has held guilty of the charges and on what basis the punishment order was passed against the appellant. There was no incriminating material available against the appellant.



4. For the above discussed reasons, the impugned orders being unsustainable in law, the instant appeal is accepted and the impugned orders are set aside.

[Signature]
Mian Muhammad Abdul Rafique
 D&SJ/MEMBER-VI

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