

06.06.2022

Junior to counsel for the appellant present.

Lawyers are on general strike, therefore, case is adjourned to 27.07.2022 for preliminary hearing before S.B.


(Rozina Rehman)
Member (J)

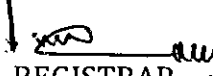

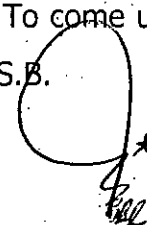

As per order on 4-6-2022 the case is adjourned to come up for the same of the Hon'ble Chairman Due to retirement
4-3-2022
Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7822/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/12/2021	<p>The appeal of Mr. Fazal Qadeem resubmitted today by Mr. Hayat Ullah Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>17/01/22</u>.</p> <p> CHAIRMAN</p>
	17.01.2022	<p>Learned counsel for the appellant present and requested for adjournment as he has not prepared the brief in the instant service appeal. Adjourned. To come up for preliminary hearing on <u>04/03/2022</u> before S.B.</p> <p></p>
	4-3-2022	<p>Due to retirement (Mian Muhammad) Member (E) of the Honorable Chairman the case is adjourned to come up for the same as before on 6-6-2022</p> <p> Reader</p>

The appeal of Mr. Fazal Qadeem S/O Asad Khan, R/O Surizai Miana Mohallah Hassan Khel, (Anti-Terrorism Squared Police Constable) ,District Peshawar received today i.e. on 19.11.2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

1. Memorandum of the appeal is unsigned which may be signed by the appellatant.
2. Annexures of the appeal may be attested.
3. Affidavit attested by the Oath Commissioner is not attached with the appeal.
4. Certificate be given to the effect that appellatant has not been filed any service appeal earlier on the subject matter before this Tribunal.
5. Copy of enquiry report, charge sheet, statement of allegation and replies thereto in respect of appellatant are not attached with the appeal.
6. Annexure D attached with the appeal is illegible which may be replaced by legible/betterone.

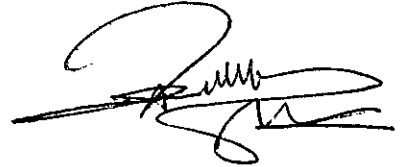
No. 2320 /S.T,

Dt. 19/11 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. HayatUllah Shah Adv. Pesh.

Re-submitted after
All objection has been removed



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Fazle Qadeem Vs IGP & others.

Sr	CONTENTS	YES	NO
1	This Appeal has been presented by:	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appeellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	✓	
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	✓	
26	Whether copies of comments/reply/rejoinder submitted? On	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Hayatullah Shah

Signature: [Signature]

Dated: 19-11-2021

BEFORE THE HONORABLE SERVICE TRIBUNAL K.P
PESHAWAR.

FAZAL QADEEM - VS - 1-G-P KPK
{ OTHERS.

Application for Correction
of dated mentioned in
Annexure "C" Para 4 of the
appeal, which has been
inadvertently written as
28-12-2020, instead of
15/09/2021.

Respectfully Sheweth:-

Appellant Submits as under.

- 1, that the instant appeal is pending before this Honorable Court, wherein today the first date is fixed for hearing and yet no other date or next date is fixed.
- 2, that appellant seeks correction of the date mentioned in Para No "4" of Annexure "C", in which the date of dismissal of the appellant is mentioned inadvertently as 28-12-2020, instead of 15/09/2020, which needs to be corrected.

It is therefore most humbly prayed that on acceptance of this application the date mentioned in Para 4, Annexure "C" may be treated as 15/09/2020, instead of 28/12/2020.

Dated: 17/11/2022.

Appellant
Through
Sajjad Khan
Adv.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Service Appeal No 7822/2021

Fazal Qadeem.....(Appellant)

VERSUS

I.G.P KP and others.....(Respondents)

I N D E X

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGE
1.	Service Appeal alongwith Affidavit		1-6
2.	Memo of addresses	-	7
3.	Copy of the CNIC of the Appellant	'A'	8
4.	Copy of the service card	'B'	9
5.	Copy of the order dated 28-12-2020	'C'	10
6.	Copy of the appeal/better copy	'D & D/1'	11-12
7.	Copy of the order dated 21-10-2021	'E'	13
8.	Cop of the order dated 21-05-2021	'F'	14
9.	Inquiry report	'G'	15
10.	Charge sheet	'H'	16
11.	Statement of allegations	'I'	17
12.	Copy of the replies/better copy	'J'	18
13.	Wakalat Nama (in original)	-	19

Appellant

Through:

(HAYAT ULLAH SHAH)

&

(TARIQ SHAH)

Advocates,

High Court, Peshawar

Cell # 0332-9371646

Dated: -19-11-2021

(1)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Service Appeal No _____/2021

Fazal Qadeem S/O Asad Khan R/O Surizai Miana Mohallah Hassan
Khel, Peshawar (Anti-Terrorism Squared Police Constable)
District Peshawar.....Appellant

V E R S U S

1. Inspector General of Police, Khyber Pakhtunkhwa at Police
Line, Peshawar
2. Capital City Police Officer (CCPO) Peshawar
3. Superintendent of Police (S.P) Police Headquarters,
Peshawar.....(Respondents)

Appeal under Section 4 of the NWFP Service
Tribunal Act, 1974 against the impugned
order No OB 3522 dated 21-10-2021 till the
final disposal of the instant service appeal

PRAYER IN APPEAL

On acceptance of this Appeal, the order No OB 3522 dated
21-10-2021 may graciously be set aside and the services of
the Appellant may kindly be reinstated alongwith all back
benefits

Respectfully Sheweth:-

The Appellant humbly submits as under:-

(2)

- 1) That the Appellant is the natural born citizen of Pakistan and is entitled for all the right guaranteed by the Constitution of Islamic Republic of Pakistan, 1973 and hails from a respectable family of District Peshawar. (Copy of the CNIC is attached as Annex 'A').
- 2) That in fact, the Appellant was got recruited in the police department as (Anti-Terrorism Squared Police Constable) vide belt No 2599. (Copy of the service card is attached as Annex 'B').
- 3) That after serving for last 11 years, professionally and devotedly, it was on 17-07-2016, that the Appellant was falsely implicated in a criminal case registered vides FIR No 92 dated 17-07-2016 under Section 302/34 PPC, 7-ATA at P.S CTD, PS Shaheed Gulfat Hussain Peshawar.
- 4) That soon after the lodging of the FIR i.e. on 28-12-2020, the Appellant was struck off from police department vide the impugned office order No OB No 3522 dated 28-12-2020 of the office of Police department, upon the same ground of alleged involvement in the criminal case. (Copy of the impugned office order No OB No: 3522 dated 28th December 2020 is attached as Annex 'C').
- 5) That after dismissal of Appellant from police department, the Appellant filed departmental appeal before the

(3)

competent authority for his redressal. (Copy of the appeal is attached as Annex 'D').

- 6) That after hearing, the departmental appeal of the Appellant has been dismissed vide order No 4050-54/PA Peshawar, dated 21-10-2021 passed by CCPO Peshawar. (Copy of the order No 4050-54/PA dated 21-10-2021 is attached as Annex 'E').
- 7) That as the Appellant was innocent and has falsely been implicated, so the competent Court of jurisdiction vide acquittal order dated 19-05-2021, the Appellant stood honourably acquitted from the charges vide order dated 19-05-2021. (Copy of the order dated 21-05-2021 is attached as Annex 'F').
- 8) That inspite of being acquitted by the competent Court of Law from the false charges, the Respondents have not reinstated the Appellant into service inspite of presenting appeal alongwith the order of acquittal by the Appellant to the concerned official.
- 9) That feeling aggrieved, the Appellant approached to this Honourable Court for enforcement of his due and fundamental right and for reinstatement into service with all back benefits.
- 10) That feeling aggrieved from the order dated 21-10-2021, the Appellant having no other adequate and efficacious remedy, approaches before this Honourable Court for his

(4)
reinstatement into service with all back benefits on the following grounds inter-alia:-

GROUNDS:-

- A) That the Appellant is the natural born citizen of Pakistan and is fully entitled to all the basic and fundamental rights as enshrined in the fundamental law of the state, interpreted and guaranteed by the law of the land.
- B) That the fundamental rights of the Appellant have blatantly violated by the Respondents and the Appellant have been discriminated and has been denied his due rights under the Constitution of Islamic Republic of Pakistan, 1973.
- C) That this Honourable Court has in a number of judgments allowed the cases of similarly nature, however, the Respondents are depriving the Appellant from his fundamental rights.
- D) That once of the celebrated right to earn livelihood through lawful means is a basic fundamental right guaranteed not only by the constitution of the modern world but rather has a backing history spread over immemorial time in the stateless and even in the mediaeval ages. The Appellant seeks to enforce his said right and to remain peaceful citizen of the society in this modern era of globalization.

(5)

- E) That the impugned order dated 21-10-2021 is against the norms of justice, illegal, unconstitutional and without authority, therefore, not tenable.
- F) That any other ground not raised here specifically may also graciously be allowed to be raised at the time of arguments.

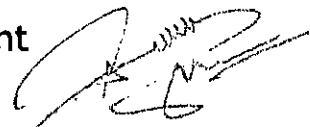
PRAYER:-

It is, therefore, most humbly prayed that on acceptance of this Service Appeal, the impugned office order dated 21-10-2021 may kindly be set aside and may graciously be declared as illegal and void. Furthermore, the Appellant may very graciously be reinstated into service as (Anti-Terrorism Squared Police Constable) with all back benefits till the final disposal of the instant writ petition.

Any other relief not specifically asked for may kindly be extended in favour of the Appellant, in the circumstances of the case.

Through:

Appellant



(HAYAT ULLAH SHAH)

&



(TARIQ SHAH)

Advocates,

High Court, Peshawar

Dated:-19-11-2021

(6)
BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

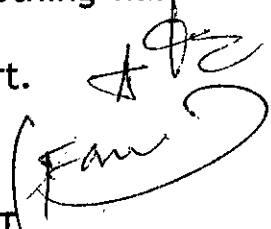
Fazal Qadeem.....(Appellant)

VERSUS

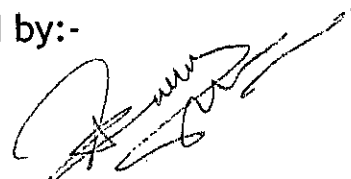
I.G.P KP and others.....(Respondents)

AFFIDAVIT

I, Fazal Qadeem S/O Asad Khan R/O Surizai Miana Mohallah
Hassan Khel, Peshawar (Anti-Terrorism Squared Police Constable)
District Peshawar, do hereby solemnly affirm and declare on oath
that all the contents of accompanied Appeal are true and correct
to the best of my knowledge and belief and nothing has been
concealed OR withheld from this Honourable Court.


DEPONENT
CNIC # 17301-0384816-7
Cell # 0318-9643220

Identified by:-


(HAYAT ULLAH SHAH)
Advocate
High Court, Peshawar

(7)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Fazal Qadeem.....(Appellant)

VERSUS

I.G.P KP and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT

Fazal Qadeem S/O Asad Khan R/O Surizai Miana Mohallah Hassan
Khel, Peshawar (Anti-Terrorism Squared Police Constable)
District Peshawar

RESPONDENTS

1. Inspector General of Police, Khyber Pakhtunkhwa at Police
Line, Peshawar
2. Capital City Police Officer (CCPO) Peshawar
3. Superintendent of Police (S.P) Police Headquarters,
Peshawar

Appellant

Through:

(HAYAT ULLAH SHAH)

&

(TARIQ SHAH)

Advocates,
High Court, Peshawar

Dated:-19-11-2021

8

(A)

PAKISTAN National Identity Card
 FEDERAL REPUBLIC OF PAKISTAN

Name: **Fazal Qadeem**

Father's Name: **Asad Khan**

Gender: **M** Country of Issue: **Pakistan**

Identity Number: **17301-0384816-7** Date of Birth: **15.05.1992**

Date of Issue: **08.01.2021** Date of Expiry: **08.01.2031**

Holder's Signature

17301-0384816-7

504951163544

گمشدہ کارڈ ملنے پر قریبی ایئر بس میں ڈال دیں

ATTESTED

(Handwritten signature)

ATTESTED

(9)

(B)

Capital City Police Peshawar


Name: **Fazal Qadrem**

Rank: **Constable**

Belt No: **2599**

Valid Upto: **30-09-2021**

5, Mar 2008



Issuing Authority

Hyder Paki Tankwa Police


C.N.I.C. No: **17301-0354816-7**

Height: **5-11** Blood Group: **A+ve**

Personal Contact #: **0312-9179834**

1. This card is non-transferable and is the property of Dept of Capital Peshawar
 2. In the event of loss contact immediately to nearest Police Station and the
 Issuing authority giving original number of the card.
 3. Finder of the lost card is requested to deposit the card to the nearest Police St.

Verification Contact No. **031-5284953**



[Signature]

ATTESTED

ORDER

(10) (4)

This office order relates to the disposal of formal departmental enquiry against Constable Fazal Qadeem No.2599 of Capital City Police Peshawar on the allegations that he involved in criminal case vide FIR No.92/2016 dated 17.07.2016 u/s 302/34-PPC/7-ATA PS CTD PS SGH.

In this regard, he was placed under suspension & issued charge sheet & summary of allegations. Inspector Razi Khan (RI Police Lines) was appointed as Enquiry Officer. He conducted the enquiry proceedings & submitted his report/finding that the alleged also remained absent from duty w.e.f 01.07.2018 to 17.10.2018 & 17.10.2018 to 21.01.2019 (06-months & 20-days) & found guilty of his absence & involvement in criminal case. The E.O further recommended major punishment for the alleged official.

Upon the finding of E.O, DSP Legal opinion was sought. He opined that "departmental and judicial proceedings can run side by side. As the accused constable is deliberately avoiding his arrest and not associating himself with the enquiry proceedings, therefore, enquiry may be finalized."

Upon which, he was issued final show cause notice to which he received & replied. Upon which, DSP Legal opinion was again sought. He opined that "paper in hand may be sent to E.O to ascertain his role and submit decisive findings for disposal of enquiry."

Upon which, he was issued final show cause notice to which he received & replied. Upon which, DSP Legal opinion was again sought. He opined that "paper in hand may be sent to E.O to ascertain his role and submit decisive findings for disposal of enquiry."

The enquiry papers were again sent to E.O for re-enquiry. He re-enquired into the matter & submitted his report/findings that the alleged official found guilty. The E.O further recommended major punishment for defaulter official vide Enquiry Report No.2042/R dated 15.09.2020.

In the light of recommendations of E.O, DSP Legal opinion & other material available on record, the undersigned came to conclusion that involvement in criminal case has been proved & he also remained absent from duty for 06-months & 20-days. Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect. Hence, the period he remained absent from 01.07.2018 to 17.10.2018 & 17.10.2018 to 21.01.2019 is treated without pay.



SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

OB. NO. 3522 / Dated 26/12/2020

No. 6334-39 / PA/SP / dated Peshawar the 28/12/2020

Copy of above is forwarded for information & n/action to

- ✓ Capital City Police Officer, Peshawar.
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Office, OASI,
- ✓ CRC & FMC along-with complete departmental file.


ATTESTED

(D) (11)

محکمہ عینیت سٹی پولیس افسر صاحب پتھر ورد

مضمون :- محکمہ عینیت برائے حالی ملازمت سکور کٹیشن
دریہ علاقہ حکم جاریہ بحوالہ OB نمبر 12 dt. 28/12/2020
زیر دستخطی جناب SP ہڈی کو انٹرنز سپرنٹنڈنٹ

جناب عالی! سائل حسب ذیل عرض رسالہ ہے

1۔ یہ کہ سائل حکم نوکل میں ایجوکیشنل عوی و کر بطور لکھن اے
و لکھن سرائی تمام کے رہا تھا۔

2۔ یہ کہ سائل نے خلاف مقدم عدالت 92/2016 جم P.S. CTD - ATA 17/34/302

3۔ یہ کہ S.G.H. دہم رہیں ہو کر جسکی بناء پر سائل کے خلاف محکمہ انکوائری
ہو کر سائل کو نوکل سے برخاستہ کیا گیا ہے۔

4۔ چونکہ سائل اسی مقدم میں جرم سے "Discharge" ہو چکا ہے
چونکہ اس بات کی شکایت کرتی ہے کہ میں نے گناہ کلمہ جرم میں
مافز رکھا گیا تھا۔

5۔ چونکہ سائل نے گناہ ہے اس لئے اسپیل کرنا ہوگا۔ تم سائل کو

ملازمت پر دوبارہ "Back benefit" کیسے کہ ملازمت پر بحال
کرے گا شکور فرمائیں۔ اگر ہو دیا گورنر سرائی

ATTESTED

ایکاتابندار سابقہ سٹیبل
- حال Dismiss
فضل قدیم نمبر 2599

0312 9179 834

(171)

(12)

بعضور جناب کیپٹل سٹی پولیس آفیسر صاحب پشاور

مضمون:- محکمانہ اپیل برائے بحالی ملازمت بطور کنسٹیبل و برخلاف حکم مجاریہ بحوالہ OB

نمبری 29-12-2020، 3522، زبردستی جناب SP ہیڈ کوارٹر پشاور

جناب عالی:-

سائل حسب ذیل عرض رساں ہے۔

1- یہ کہ سائل محکمہ پولیس میں بطور کنسٹیبل بھرتی ہو کر بطریق امن ڈیوٹی سرانجام دے رہا تھا۔

2- یہ کہ سائل کے خلاف مقدمہ علت نمبر 92/2016 جرم 302/34/7-ATA PS CTD تھانہ SGH درج رجسٹر ہو کر جسکی بناء پر سائل کے خلاف محکمانہ انکوائری ہو کر سائل کو نوکری سے برخاست کیا گیا ہے۔

3- چونکہ سائل اسی مقدمہ میں جرم سے Discharge ہو چکا ہے جو کہ اس بات کی عکاسی کرتی ہے کہ میں بے گناہ جرم میں نامزد کیا گیا تھا۔

4- چونکہ سائل بے گناہ ہے اس لیے اپیل کرتا ہے کہ سائل کو ملازمت پر دوبارہ "Back benefit" کیساتھ ملازمت پر بحال کر کے مشکور فرمائیں عمر بھر دعا گور ہوں گا۔

ارض

آپکا تابعدار سابقہ کنسٹیبل۔ حال dismiss

فضل قدیم نمبر 2599

Mobile No 0312-9179834

ATTESTED



(13) (E)

OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR


ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable **Fazal Qadceem No. 2599** who was awarded the major punishment of " **Dismissal from service**" under PR-1975 by SP/HQ Peshawar vide OB No. 3522, dated 28.12.2020.

2- Short facts leading to the instant appeal are that the appellant while posted DAR Peshawar was proceeded against departmentally on the charges of his involvement in a criminal case vide FIR No.92 dated 17.07.2016 u/s 302/34/7-ATA PS CTD PS SGH and also absence from his lawful duty w.e.f 01.07.2021 to 21.01.2019 (Total 06 Months & 20 days).

3- He was issued proper Charge Sheet and Summary of Allegations by SP/HQ Peshawar and RI Police Line Peshawar was appointed as inquiry officer to scrutinize the conduct of the accused official. The inquiry officer after conducting proper inquiry submitted his findings and recommended him for Ex-parte action. The competent authority in light of the findings of the inquiry officer issued him Final Show Cause Notice. He submitted his reply to the Final Show Cause Notice which was perused and found unsatisfactory. He was also called to appear before the competent authority in orderly room. During personal hearing the accused official failed to submit any justification with regard to the above allegations, hence was awarded the above punishment.

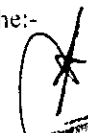
4- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant failed to submit any plausible explanation in his defence. Therefore, his appeal for reinstatement in service is hereby **rejected/**filed being also time barred for **04 months and 09 days**.


(ABBAS AHSAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 4050-54 /PA dated Peshawar the 21/10/2021

Copies for information and necessary action to the:-

1. SP/HQ, Peshawar.
2. RI Police Line, Peshawar
3. OASI, CRC.
4. FMC along with Fuji Missal.
5. Official Concern.


ATTESTED

Order No.1
19.05.2021

(124) (F)
Case No.30/2021, ATC-II, Peshawar.

Case file received from learned Administrative Judge, ATCs, Peshawar. Be entered into the relevant register.

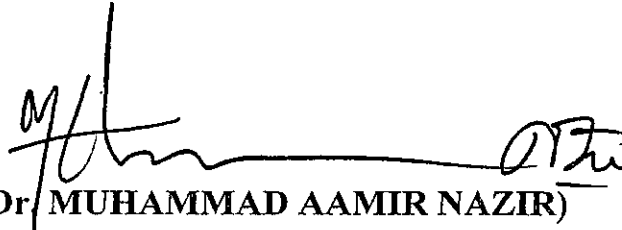
Learned PP on behalf of the State present.


Accused Fazal Qadeem has been sent up to this court for facing trial in case FIR No. 92 Dated 17.07.2016, under section 302/ 34 PPC read with section 7 of the Anti-Terrorism Act, 1997 registered at Police Station CTD of District Peshawar.

Today, the learned PP for the State invited the attention of this Court towards the joint findings of the SSP(Investigation), DPP Peshawar and Public Prosecutor as tendered in the *Proforma "B"* of the Prosecution annexed with the file according to which, the instant case has been recommended for Discharge. In view of the above findings, the learned PP of this Court requested for discharge of the accused named above U/S 4C(2) of the Prosecution Act 2005 in the instant case.

In view of the above situation, by finding myself in agreement with the request of the learned PP, accused Fazal Qadeem is discharged in the present case. Accused is on bail, his bail bond stands cancelled and the sureties are absolved from the liabilities of bail bonds. File be consigned to record room after its completion and compilation.

Announced:-
19.05.2021


(Dr/MUHAMMAD AAMIR NAZIR)
Judge,
Anti-Terrorism Court-II,
Peshawar


20/5/2021


ATTESTED

(15) (4)

No. 2012 IR
Dated 15.09.2020
Encl (57) Papers 7

184
18

DEPARTMENTAL ENQUIRY REPORT AGAINST CONSTABLE FAZAL QADEEM 2599

Respected sir,

It is submitted that FC Fazal Qadeem 2599 of Police Line was directly charged in a criminal case vide FIR No. 92, dated 17.09.2019, U/S 302, 34, 7A 1A, PS CID. After the occurrence the absconding official remained absent for a period of (01.07.2018 to 17.10.2018 DARI, 03 months and 16 days, (17.10.2018 to 21.01.2019 Police line), 03 months and 04 days in total 06 months and 20 days. During his absence he was proceeded against. He was summoned by the enquiry officer but he deliberately failed to appear before the enquiry officer. Therefore the enquiry officer found him guilty of misconduct.

Now the delinquent official has obtained bail from the Court and have file an application for the delay of enquiry proceedings. He was summoned time and again by the enquiry officer for recording of his statement and may be heard in person, but as per report of MASI Police line the delinquent official is absent from 12.02.2020 almost from 07 months till date. The DD report is enclosed herewith for a ready reference.

After going through the relevant record and other material available on file the undersigned came to the conclusion that FC Fazal Qadeem 2599 is directly charged in a heinous crime and deliberately avoiding appearing before the enquiry officer for recording of his statement, which shows that he has nothing in his defense. Therefore he is found guilty of his long absence as well as involved in a criminal case, which clearly reflects that he is ill disciplined and disinterest official. His retention in a discipline force may encourage other officials.

Keeping in view the aforementioned facts and circumstances he is recommended for major punishment for his proved guilt, if agreed please.

Enquiry report is submitted please.

[Signature]
Reserve Inspector / HQrs:
CCP Peshawar.

W/SP/HQrs:-

ATTESTED

Issue Final
Show 2nd notice

[Signature]
Superintendent of Police
Peshawar

(16)

(H)

(18)

(2)

CHARGE SHEET

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Fazal Qadeem No.2599 of Capital City Police Peshawar with the following irregularities.

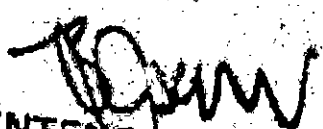
"That you Constable Fazal Qadeem No.2599 while posted at DAR, Peshawar were involved in criminal case vide FIR No.92/2016 dated 17.07.2016 u/s 302/34-PPC/7-ATA PS CTD. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

(17)

(2)

DISCIPLINARY ACTION

1. Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Fazal Qadeem No. 2599 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

STATEMENT OF ALLEGATIONS

That Constable Fazal Qadeem No. 2599 while posted at DAR, Peshawar was involved in criminal case, vide FIR No. 92/2016 dated 17.07.2016 u/s 302/34-PPC/7-ATA PS-CTD. This amounts to gross misconduct on his part and is against the discipline of the force.

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and Mr. Raza Khan is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

[Signature]
SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 141 JE/PA, dated Peshawar the 31 / 07 / 2018

1. _____ is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned

ATTESTED

[Signature]
Leader

[Signature]
Call him for enquiry proceedings

(18) (ک)

ثبایت ادب کے ساتھ مروض خدمت ہوں۔ کہ سائل کے خلاف مقدمہ علت 92

مورخہ 17/07/2016 جرم 302/34/7 ATA پشاور درج رجسٹر ہو کر جسکی بناء پر

سائل کے خلاف محکمانہ کارروائی عمل میں لائی گئی ہے۔

چونکہ سائل نے مقدمہ عنوان بالا میں عدالت سے رجوع کر کے اپنے آپ کو قانون کے حوالہ کر کے

عدالت سے "Bail" ضمانت حاصل کیا ہے۔ سائل بے گناہ ہے۔ اور موجود الوقت ضمانت پر رہائی کے بعد

باقاعدہ طور پر ڈیوٹی سرانجام دے رہا ہے۔

اس لئے درخواست بھجور انور ہے کہ سائل کے خلاف جاری محکمانہ کارروائی کو تافیصلہ عدالت پندنگ




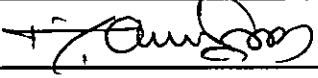
رکھنے کا حکم صادر فرما کر مشکور فرمائیں۔ عمر بردعا گور ہونگا۔


مورخہ: 12/02/2020

اپکا تابعدار کانشیبل فضل قدیم نمبر 2599 حال پولیس لائن


ATTESTED

(19)

قیمت 50 روپے	105245			
ایڈوکیٹ: 		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ایسوسی ایشن نمبر: 11-1617-11				
رابطہ نمبر: 0313-9552529				

بعدالت جناب:  سر سروس سروس سروس

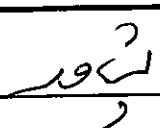
مخاتب: ایسٹریٹ	دعویٰ: Appeal
فضل قدیم	علت نمبر:
بنام	مورخہ:
آئی جی خیبر پختونخواہ	جرم:
	تھانہ:

باعت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دور مہیا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے

Accepted

فضل قدیم

المرقوم: 19-11-2021
بمقام:  کے لیے منظور ہے۔