

08.06.2022

Junior to counsel for the appellant present.

Lawyers are on general strike, therefore, case is adjourned. To come up for preliminary hearing on 26.07.2022 before S.B.



(Rozina Rehman)
Member (J)

The appeal of Mr. Muhammad Hanif, PASI, Operation Staff Kohat received today i.e. on 16.03.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Checklist is not attached with the appeal.
2. Annexures of the appeal may be attested.
3. Affidavit attached with the appeal is not attested by the Oath Commissioner.
4. Copy of first departmental appeal against order dated 17-09-2019 is not attached with the appeal which may be placed on it.
5. Copy of Annexure D attached with the appeal is illegible which may be replaced by legible/better one.

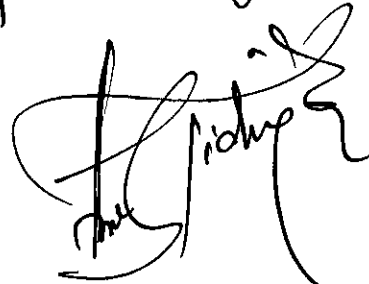
No. 685 /S.T,

Dt. 17-3- /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Azmat Ullah Afridi Adv. Pesh.

*Re-Submitted after necessary
Completion.*



28/3/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 444 /2022

Muhammad Hanif.....Appellant

V E R S U S

The Inspector General of Police Khyber Pakhtunkhwa
Peshawar & others.....Respondents


I N D E X

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Through Appellant


Azmat Ullah Afridi

&


M Zeeshan Shinwari
Advocates High Court

Dated 10.03.2022

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 444 /2022

Muhammad Hanif, PASI
Operation Staff Kohat.....**Appellant**

V E R S U S

1. The Inspector General of Police Khyber Pakhtunkhwa Peshawar
2. District Police Officer, Kohat
3. Regional Office Officer, Kohat Region/PSP
4. Additional Inspector General of Police, Headquarter Khyber Peshawar PSP/PPM
5. Deputy Inspector General of Police, Kohat Headquarter Khyber Peshawar**Respondents**

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 IMPUGNING THEREIN THE ORDER DATED 22.01.2021 TO THE EXTENT (I) WHEREIN STOPPAGE OF ONE INCREMENT FOR TWO YEARS IS IMPOSED UPON THE APPELLANT, CONTRARY TO THE LAW AND JURISPRUDENCE. (II) WHEREIN ALSO, THOUGH THE APPELLANT IS REINSTATED BUT UNTIL NOW THE PREVIOUS SALARIES W.E.F. 17.09.2019 HAS NOT BEEN GIVEN TO THE APPELLANT AND EVERY FRESH MONTHS GIVES RECURRING CAUSE OF ACTION TO THE APPELLANT, HENCE THE

RESPONDENTS MAY KINDLY BE DIRECTED TO PAY THE PREVIOUS SALARIES W.E.F. 17.09.2019 TO THE APPELLANT AND IMPUGNED ORDER DATED 22.01.2021 ALLOWING IMPOSITION OF STOPPAGE OF ONE INCREMENT FOR TWO YEARS UPON THE APPELLANT MAY PLEASE BE SET-AT-NAUGHT; BEING UNCALLED FOR; AGAINST JURISPRUDENCE

Respectfully Sheweth:

1. That appellant proud to be a part of esteemed department of KPK Police, on strength to appoint as PASI, on the score of replacement of his real brother officer named Roshan Ali, who was brutally met to martyrdom, while serving his parent department of police, in the year of 2000.
2. That the worthy police department being care taker of the aggrieved family of martyred Roshan Ali, while replaced his services, by devoting the PASI Service to the appellant and since appointment being PASI, the appellant remained unblemished record of his services, while performing his duties and successfully hold the inherited post of his beloved martyred brother.
3. That on 24.08.2019 the diseased "Muhammad Asim Amin Son of Amin Gul nominated accused in the FIR No.1236 dated 22.08.2019 under section 30/34 PPC

Police station MRS Kohat, was apprehended and proceeded to concerned police station of MRS Kohat
(Copy of the FIR is attached as annexure "A")

4. That it is unfortunate to say that the said arrested nominated accused had committed suicide in the premises of the MRS police station; appellant along with other police officials held responsible for the above mentioned suicide of the accused negligence consequently dismiss from the services.
5. That the worthy authority of DPO Kohat when passed dismissal order of the appellant employment on 17.09.2019 the valuable core auspicious corners of the case, did not thoroughly perused and considered and in the respect a per method and such practice of order of dismissal, has also not been required adopt. **(Copy of order of the DPO is also attached as annexure "B")**.
6. That appellant against the order passed by worthy DPO Kohat, preferred his departmental appeal to the worthy RPO Kohat region but the same is unfortunately also stand rejected by the RPO Kohat vide order dated 07.05.2020. **(Copy of the order of RPO is attached as annexure "C")**
7. That the very extra ordinary astonished case of the reinstatement of the employment of appellant, clearly well evidence beside the corroborative evidences

available on the face of the record, according to which sight, it has very much clear that appellant is absolutely innocent in the above allegation of negligence, which caused death of the accused in the premises of police station MRS, Kohat.

8. That consistent with the above para, it is important to mention here to skip your authoritative intention towards the most auspicious core of fact that there is a allegation that it was the duty of the appellant to properly well search body of the deceased accuse, when he was arrested and proceeded to the police station but neither worthy DPO nor worthy RPO deceased accuse did not commit suicide while he was retain in his seat in the police station but it is well established that he had nothing weapon in his possession, when the was proceeded to Police Station but right at the time he rushed to his already parked Rikshaw vehicle with in the building of Police Station an brought his pistol from the deviation of the case fact not realize by the competent both authorities hence obviously reached to wrong collusion.
9. That appellant cannot even think about to blame his own martyr real brother police official, by committing such negligence it is however otherwise required to keep under consideration that the said deceased accused was psycho patient, as he already committed such suicide attempt earlier on and in this respect a

separate FIR No.120 dated 26.03.2015 Under section 325/15AA is lying on the face of the record against the said deceased, according to which it can be easily determined that all histone in the case of the appellant, not contained appealing as responsible so the finding of the lower fora is totally result of misunderstanding actual facts of the case.

10. That appellant preferred a departmental appeal against the impugned order of regional Police Officer, Kohat region dated 25.06.2020 according to which the order of dismissal from service of the appeal is maintained before the Hon'ble Inspector General of police KPK Peshawar. The Inspector General of Police accepted the departmental appeal and the qppellant has been reinstate into service and the only punishment which was given is stoppage of one increment for two years. **(Copy of Departmental Appeal & Order is attached as annexure "D" & "E")**.
11. That the appellant has been reinstated and has not been mentioned that he has been reinstated from 22.01.2021; hence it has to be presumed that the appellant has been reinstated from the date of dismissal i.e. 17.09.2019.
12. That every month the appellant expecting that the respondent would give his due share in shape of monthly salary w.e.f 17.09.2021 in this regard the

appellant also filed Applications but were left unattended till date. **(Copy of Applications are attached as annexure "F" & "G")**

13. That feeling aggrieved the appellant approached esteemed office of IGP through application
14. That aggrieved the appellant now approached this Hon'ble Tribunal for impugning order dated 22.01.2021 to the extent of directing the respondents to pay the previous salaries w.e.f 17.09.2019 along with the current salaries on the following grounds inter alia.

GRUNDS:-

- A. That the impugned order dated 22.01.2021 to the extent of uncalled for; contrary to law and well-settled jurisprudence.
- B. That the impugned order is issued without taking into consideration the relevant record unblemished service career of the petitioner; malafide floating on the surface as such the edifice built is liable to crumble down on that score alone.
- C. That the impugned order is in sheer violation of general rule of restitution of employee/reinstate in service; an employee whose wrongful dismissal or removal has been set aside goes back to his service as he was never dismissed or removed from service, as such the restitution of employee, in this context, means that there

has been no discontinuance in his service and for all purpose he had never left his post hence entitled to arrears of pay for the period he was kept out of service.

- D. That treatment in dissonance with law/rules and jurisprudence smacks malice and ill will on the part of respondents
- E. That carte-blanche exercise of power abdicates well entrenched principle of "structured discretion".
- F. That palpable omissions stands in violation of the law laid down by the Hon'ble the Supreme Court of Pakistan in Qaiser Iqbal case, was held that "Rule of law meant supremacy of law as opposed to arbitrary authority of the government; said supremacy guaranteed three concepts first, the absence of arbitrary power; second, equality before law and third the rights of a citizen.
- G. That it is cardinal principle of law and justice that what cannot be done directly cannot be done indirectly.
- H. That "expressio unis Est. Exclusio Alterius" commanding that when law requires a thing to be done in a particular manner as anything done in conflict of the command of law shall be unlawful being prohibited.
- I. That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Court.

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It is therefore most humbly prayed that on acceptance of this Service Appeal, the impugned order dated 22.01.2021 to the extent (i) wherein stoppage of one increment for two years is imposed upon the appellant, contrary to the law and jurisprudence. (ii) wherein also, though the appellant is reinstated but until now the previous salaries w.e.f. 17.09.2019 has not been given to the appellant and every fresh month gives recurring cause of action to the appellant, hence the respondents may kindly be directed to pay the previous salaries w.e.f. 17.09.2019 to the appellant and impugned order dated 22.01.2021 allowing imposition of stoppage of one increment for two years upon the appellant may please be set-aside; being uncalled for; against jurisprudence.

Any other relief which has not been asked for in the circumstances of the case may also be passed in favour appellant.

Through


Appellant


Azmat Ullah Afridi

&


M Zeeshan Shinwari
Advocates High Court

Dated 10.03.2022

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

Muhammad Hanif.....**Appellant**

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa
Peshawar & others.....**Respondents**

AFFIDAVIT

I, Muhammad Hanif, PASI Operation Staff Kohat, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

Muhammad Hanif.....**Appellant**

V E R S U S

The Inspector General of Police Khyber Pakhtunkhwa
Peshawar & others.....**Respondents**

**APPLICATION FOR CONDONATION OF
DELAY IN FILING THE CAPTIONED
SERVICE APPEAL**

Respectfully Sheweth:

1. That the instant service appeal is being filed before this Hon'ble Tribunal which is yet to be fixed for its hearing.
2. That the grounds of the accompanying appeal may be read as integral part of this appeal.
3. That the delay, if any, in filing of instant appeal, is neither intentional nor deliberate but due to the reason the appellant was expecting order in respect of Application earlier filed by the appellant to the commanding authorities which upto now is pending adjudication.

4. That financial matter/monitory benefit are involved also on every month the appellant accrued fresh cause of action as the matter is one of recurrent cause of action
5. That the law favours adjudication on merit rather non-suiting the litigant on technicalities.
6. That it is just, fair and in the large interest of justice that the delay in filing instant appeal be condone.

It is, therefore, most humbly prayed that by accepting this application, the delay in filing the instant service appeal may please be condoned.


Appellant

Through


Azmat Ullah Afridi

&


M Zeeshan Shinwari
Advocates High Court

Dated 10.03.2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

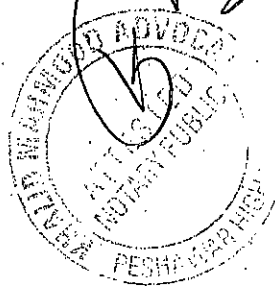
Muhammad Hanif.....**Appellant**

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa
Peshawar & others.....**Respondents**

AFFIDAVIT

I, Muhammad Hanif, PASI Operation Staff Kohat, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application for condonation of delay** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

Muhammad Hanif.....**Appellant**

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa
Peshawar & others.....**Respondents**

ADDRESSES OF PARTIES

APPELLANT:

Muhammad Hanif, PASI
Operation Staff Kohat

RESPONDENTS

1. The Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. District Police Officer, Kohat
3. Regional Office Officer, Kohat Region/PSP
4. Additional Inspector General of Police, Headquarter Khyber Peshawar PSP/PPM
5. Deputy Inspector General of Police, Kohat Headquarter Khyber Peshawar

Through

Appellant

Azmat Ullah Afridi

&

M Zeeshan Shinwari
Advocate High Court

Dated 10.03.2022

تاریخ و وقت وقوع: 24/08/2008 وقت 10:15 بجے	
1239	10:30
24/08/2008	2053270-14203
0333-9624947	325
SAJJAD AHAMMED	SAJJAD AHAMMED
24/08/2008	3295397-4301
0333-9624947	

استدلالی اطلاع نیچے درج کرو جس میں مقام ملدس MRS اور ان کے بیٹے کے بارے میں بتایا گیا ہے۔
 مقدمہ نمبر 3295397-4301 میں ملدس اور ان کے بیٹے کے بارے میں بتایا گیا ہے۔
 مقام ملدس اور ان کے بیٹے کے بارے میں بتایا گیا ہے۔
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 مقام ملدس اور ان کے بیٹے کے بارے میں بتایا گیا ہے۔

pe Amerture B''

15

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT



~~Amerture A~~
~~R T~~

ORDER

This order is passed on the departmental enquiry against PASI Muhammad Hanif under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that on 24.08.2019, accused official alongwith HC Mukhtiar Hussain No. 672 (co accused official) apprehended Muhammad Asim Ameen s/o Ameen Gul r/o Kamal Khel Kohat wanted in case FIR No. 1236 dated 24.08.2019 u/s 302 PPC PS MRS and brought to Police station MRS. He (accused official) alongwith above named official did not make proper body search of the accused and let him to sit inside room, where the accused allegedly committed suicide with arms in his custody / presence in Police station. Case vide FIR No. 1239 dated 24.08.2019 u/s 325 PPC PS MRS was registered against the deceased.

The incident created hype in social media, in general public as well and damaged the image of Police professionalism.

Therefore, departmental proceedings are initiated against the accused official under the relevant law. Charge sheet alongwith statement of allegations was issued to the accused official and SP Operations Kohat was appointed as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer vide his detail report held the accused official guilty of charges as the deceased accused was not search properly by the arresting officer.

In the light of report of enquiry officer and available record, Final Show Cause Notice was served upon him. Reply was received and found unsatisfactory.

Therefore, the accused official was called in Orderly Room, held on 16.09.2019 and heard in person, but he failed to submit any plausible explanation to his gross misconduct.

In view of above, and available record, I reached to the conclusion that the accused official alongwith other official had arrested the alleged accused of FIR No. 1236/2019, brought to Police station and let him to sit inside room instead of lockup. Further, the accused official did not make proper search of the accused / deceased person and he committed suicide in the jurisdiction of Police station. This speaks of inefficiency, non-professionalism, willful negligence on the part of accused official. Therefore, the charges leveled against the accused official have been established beyond any shadow of doubt. Therefore, in exercise of powers conferred upon me a major punishment of Dismissal from service is imposed on accused official PASI Muhammad Hanif with immediate effect.

Announced
16.09.2019

CAPT. @ WAHID MEHMOOD (PSP)
DISTRICT POLICE OFFICER,
KOHAT 16/9

OIB No. 1126
Date 17-9-2019

No 20091-85 /PA dated Kohat the 17-9-2019.

- Copy of above is submitted for favour of information to the:-
1. Regional Police Officer, Kohat please.
 2. District Account Officer, Kohat
 3. Reader/Pay officer/SRC and OHC for necessary action

CAPT. @ WAHID MEHMOOD (PSP)
DISTRICT POLICE OFFICER,
KOHAT 16/9

Attest
[Signature]

AAJA "B1"

16

To The Regional Police Officer,
Kohat Region

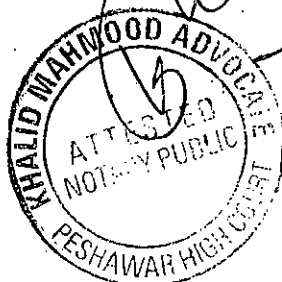
Subject DEPARTMENTAL APPEAL

Respected Sir,

With profound regards and great veneration, appellant submits departmental appeal against the order of learned District Police Officer Kohat dated 16 08 2019 bearing OB No. 1126 vide which appellant was dismissal from service.

FACTS

- 1 That appellant was directly inducted as Assistant Sub Inspector in Khyber Pakhtunkhwa Police against Shuhada quota, successfully qualified the basic training and is undergoing probation courses.
- 2 That appellant was posted in police station Mohammad Riaz Shaheed district Kohat. On 22 08 2019, station clerk recorded the report of one Miraj Ahmad in Daily Diary vide Serial No 64. According to the report complainant was forcibly deprived of two (02) "Tola" gold by three unknown accused and then fled away from the scene of the occurrence in Rickshaw.
- 3 That the station clerk marked the report recorded in daily diary to Mukhtiar Hussain HC for verifying the truth of the occurrence. During course of enquiry it came to light that one Mohammad Asim Amin and others were involved in the occurrence. Therefore that Station House Officer registered proper case vide FIR 1236 dated 24 08 2019 under section 382,34 PPC PS MRS
- 4 That on 24 08 2019, Mukhtiar Hussain HC had reportedly received spy information about the presence of Rickshaw driver involved in the occurrence in the premises of "Moza" Bahadar Kot. Appellant accompanied by Mukhtiar Hussain HC rushed to the spot for the recovery of Rickshaw and arrested of accused
- 5 That on reaching the spot, Rickshaw and driver namely Mohammad Asim Amin were found. The driver did not resist his arrest and he was thoroughly searched with a view to safe driving of Rickshaw to Police Station. The driver was not handcuffed and accordingly he alongwith Rickshaw was shifted to Police Station under proper escort.
- 6 That on reaching the Police Station, the Rickshaw was parked. The accused driver was debarked from Rickshaw and while proceeding towards the office of the Police Station, the accused Rickshaw driver placed request for properly locking the accessories of the Rickshaw. He was allowed and then he was shifted to office under proper escort
- 7 That the accused driver was seated inside the record Room situated opposite to the office of station clerk. The station clerk was busy in interaction with private persons and he was asked to admit the accused to lock up
- 8 That in the meanwhile, a report of fire shot coming from Record Room side was, heard the police officers and the private persons rushed to the record Room and found accused Rickshaw driver in injured condition alongwith 30 bore pistol. The injured was shifted to Hospital under proper escort. Criminal case on charges of



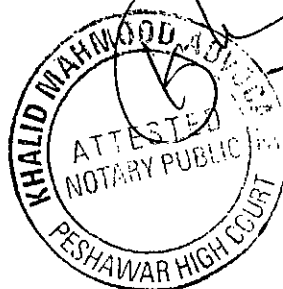
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commission of attempt of suicide was registered against the accused vide FIR No 1239 under section 325 PPC in PS MRS.

- 9) That later on, the accused driver succumbed to his injuries and the social Media highlighted the occurrence. Learned District Police Officer Kohat in order to defuse the situation, issued suspension order of the appellant and other followed by issuance of charge sheet based on allegations of commission of negligence in his duty and showing in efficiency by not conducting proper body search of the accused driver which led to commission of attempt of suicide inside the Police Station.
- 10) That appellant submitted detailed and plausible reply in response to the charge sheet. Enquiry officer conducted ex parte proceedings and the departmental proceedings initiated against appellant which culminated in passing the impugned order, hence this departmental appeal is submitted on the following grounds.

GROUNDS:-

- a. That the impugned order has been passed without application of mind to factual and legal aspects of the proceedings. Appellant accompanied by Mukhtiar HC, while acting upon a tip of information quickly responded to the call of duty and ensured safe arrest of accused and recovered the case property Rickshaw. The lower authority did not take into account the above good performance, professionalism and efficiency of appellant while passing the impugned order.
- b. That this is on the record that the charges levelled against appellant were the outcome of pressure developed by social Media about the occurrence of commission of attempt of suicide inside the Police Station as the lower authority has categorically observed in the impugned order that the incident created hype in social media. Therefore the impugned order was not sustainable as it has been passed under influence of the side winds emanating from social media.
- c. That the findings of guilt recorded against appellant were not based on any evidence. The impugned order explains the story of the occurrence and no evidence has been referred to in support of the charges of commission of negligence in his duty and displaying in efficiency. The only reference to the find-up report of enquiry officer is not tenable because the findings were not supplied to the appellant despite submission of application for grant of copy of findings.
- d. That the enquiry officer as well as the lower authority has not considered the plausible defence advanced by appellant in shape of reply in response to the charge sheet. The principle of natural justice requires provision of proper opportunity of defence to the accused officer were ignored. The enquiry officer did not associate the appellant in the enquiry proceedings. No witness was examined in the presence of appellant. No opportunity of cross-examination of witnesses was provided to appellant. Therefore the superstructure of the impugned order based on proceedings conducted in violation of law and rules is worth set aside.



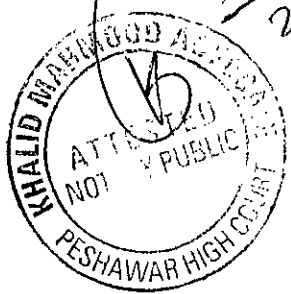
- e. That the lower authority and the enquiry officer have not explained the alleged negligence in duty committed by appellant. Accused driver of the Rickshaw was properly searched and he was not in hand cuffed to enable him for driving the case property Rickshaw. He was safely shifted to police station. He reportedly picked up pistol from the hidden cavity of the Rickshaw inside the police station. Appellant displayed efficiency by making arrested of the accused and recovery of case property Rickshaw. Therefore, none of the charge was proved against appellant.
- f. That the lower authority has wrongly assessed the facts and evidence on record. Offences against person are inevitable and are beyond the control of human being control on crimes against property is the main criteria for judging the efficiency and professionalism of a police officer. Appellant quickly responded to the call of duty. Arrested the accused wanted in Robbery case and recovered the case property Rickshaw.
- g. Harsh penalty of dismissal from service was imposed on appellant on charges of commission of offence of attempt of suicide by accused arrested in Robbery case. Therefore the impugned order has been passed in violation of principles of natural Justice.
- h. That the whole departmental file has been prepared in violation of disciplinary rules. Appellant was not associated in the enquiry proceedings officer finding were not supplied to the appellant. The defence advanced by appellant was not considered. Therefore, the impugned order is worth set aside.
- i. That the authority did not consider the unblemished record of service of appellant. Harsh penalty of dismissal from service was imposed on appellant on the basis of trivial charges of negligence in duty.
- j. That award of penalty of dismissal from service amounts to award of punishment to all the members of the finding of police officer.

It is therefore, requested that the impugned order may be set aside with all back and consequentially benefits, please.

Dated 09/10/2019

Muhammad Hanif
28-10-22

Yours obediently,
Muhammad Hanif
Ex-PASI
District Police Kohat



"Annexure C"

POLICE DEPTT:

KOHAT REGION

18

ORDER.

This order will dispose of a departmental appeal, moved by Ex-PASI Muhammad Hanif of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 1126, dated 17.09.2019 whereby he was awarded major punishment of dismissal from service on the allegations of negligence in discharge of official duty and not properly searching the accused which resulted in his suicide inside the Police Station.

He preferred an appeal to the undersigned upon which comments were obtained from DPO Kohat and his service documents were perused. He was also heard in person in Orderly Room, held on 25.06.2020. During hearing, he did not advance any plausible explanation in his defense to prove his innocence.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same has also been established by the E.O. in his findings. Therefore, his appeal being devoid of merits is hereby rejected.

Order Announced
25.06.2020

(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

No. 7020 /EC, dated Kohat the 7/7 /2020.

Copy to DPO/Kohat for information w/r to his office Letter No. 21262/LB, dated 02.12.2019. His Service Record containing 02 Service Books, Service Roll & Fauji Missal / Enquiry File is returned herewith.

Special case for Mr. Hanif

[Handwritten signature]
27/7/20

(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

5

e^o Annexure D

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Most Respected,
Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar.

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER OF
WORTHY REGIONAL OFFICER KOHAT REGION DAED-25.06.2020,
ACCORDING TO WHICH THE ORDER OF DISMISAL FROM SERVICE OF
THE APPLICANT IS MAINTAINED, HENCE REQUIRED ITS SET ASIDE BY
REINSTATING THE APPLICANT ON SERVICE.

Sir,

I am humbly submitting as under :

1. That applicant proud to be a part of esteemed department of KPK Police, on the strength to appoint as PASI, on the score of replacement of his real father Police officer named Roshan Ali, who was brutally met to martyrdom, while serving his parent department of police, in the year of 2011.
2. That worthy police department being care taker of the aggrieved family of martyred Roshan Ali, while replaced his services, by devoting the PASI services to the applicant and since appointment being PASI, the applicant maintained unblemished record of his services; while performing his duties to successfully hold the inherited post of his beloved martyred brother.
3. That on 24/08/2019 the diseased "Muhammad Asim Amin" S/o Amin Gul was nominated accused in the FIR No 1236 dated 22/08/2019 under section 229, 24 PPC Police station MRS Kohat, was apprehended and proceeded to MRS Kohat police station of MRS Kohat. (Copy of the FIR is enclosed herewith for reference)
4. That it is unfortunate to say that the said arrested nominated accuse have committed suicide in the premises of the MRS police station, against which the appellant along with other police officials held responsible for the above suicide of the accuse and consequently dismiss from the services.
5. That the worthy authority of DPO Kohat when passed dismissal order of the applicant employment on 17/09/2019 the valuable core auspicious corners of the case, did not thoroughly perused and considered and in the respect a proper method and such practice of order of dismissal, has also not been followed. (copy of order of the DPO is also attached herewith.
6. That appellant against the order passed by worthy DPO Kohat, preferred departmental appeal to the worthy RPO kohat region but the same is unfortunately also stand rejected by the RPO Kohat vide order dated 25/12/2019. (copy of the order of RPO is also appended herewith)

(31)

It is the very extraordinary astonished case of reinstatement of the employment of appellant, clearly well evident beside the corroborative evidence available on the face of the record, according to which sight, it has been clear that appellant is absolutely innocent in the above alleged negligence, which caused death of accuse in the premises of police station in MRS Kohat .

8. Contrary to the above Para, it is important to mention here to skip your authority the intention towards the most auspicious core of the fact that there is a allegation that it was the duty of the appellant to properly well search the bag of the deceased accuse , when he was arrested and proceeded to the police station but neither worthy DPO nor worthy RPO taken into account of the matter under their kind consideration that the deceased accuse did not commit suicide while he was retain in his seat in the police station but it is well established that he had nothing weapon in his possession, when he was proceeded to police station but right at the time he reached to his already parked Rikshaw vehicle with in the building of police station and brought his pistol from the secret cavity and finally he shot himself. However this worth turn and deviation of the case fact not really in the competent both authorities hence obviously reached to wrong conclusion .

9. That appellant cannot even think about to blame his own martyr real brother police official, by committing such negligence it is however others are required to keep under consideration that the said deceased accused was a psycho patient, as he has already committed such suicide attempt earlier on and in this respect a separate FIR bearing No 120 dated 26/01/2019 under section 325/ 15AA, is lying on the face of the record against the said deceased , according to which it can be easily determined that negligence in the case of the appellant, not contained appellant as responsible to the finding of the lower fora is totally result of mismanagement of the actual facts of the case .

10. That facts and grounds of earlier filed departmental appeals to DPO and RPO should be read as an integral part of this departmental appeal .

It is therefore humbly prayed that in the light of above facts , elaborated in the subsequent paras, the appeal in hand may graciously please be accepted and the services of the appellant may be restored.

Yours Obediently

(Signature)

EX-PASI Muhammad Hanif
Station Police Kohat



LEGIBLE COPY

To,

Most Respected,
Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER OF WORTHY REGIONAL OFFICER KOHAT REGION DATED 25.06.2020, ACCORDING TO WHICH THE ORDER OF DISMISSAL FROM SERVICE OF THE APPLICANT IS MAINTAINED, HENCE REQUIRED ITS SET ASIDE BY REINSTATING THE APPLICANT ON SERVICE.

Respected Sir,

It is most humbly submitting as under:

1. That the Applicant proud to be a part of esteemed department of KPK Police, on the strength to appoint as PASI, on the score of replacement of his real brother Police Officer names Roshan Ali, who was brutally met to martyrdom, while serving his parent department of police, in the year of 2000.
2. That worthy Police Department being care taker of the aggrieved family of martyred Roshan Ali, while replaced his services by devoting the PASI services to the Applicant and since appointment being PASI, the Applicant remained unblemished record of his services, while performing his duties and successfully hold the inherited post of his beloved martyred brother.
3. That on 24.08.2019 the diseased "Muhammad Asim Amin" S/o Amin Gul nominated Accused in the FIR No. 1236 dated 22.08.2019 under Section 382/34 PPC police station MRD Kohat, was apprehended and proceeded to concern police station of MRS Kohat. (copy of the FIR is enclosed herewith this Appeal)
4. That it is unfortunate to say that the said arrested nominated Accused have committed suicide in the premises of the MRS Police Station, against which the Appellant along with other police officials held responsible for the above suicide of the accuse and consequently dismiss from the services.
5. That the worthy authority of DPO Kohat when passed dismissal order of the Applicant employment on 17.09.2019 the valuable core auspicious corners of the case, did not thoroughly perused and considered and in the respect a proper method and such practice of order of dismissal has also not been required adopt. (Copy of order of the DPO is also attached herewith)
6. That Appellant against the order passed by worthy DPO Kohat, preferred his departmental Appeal to the worthy RPO Kohat region but the same is unfortunately also stand rejected by the RPO Kohat vide order dated 25.6.2020. (Copy of the Order of RPO is appended herewith)

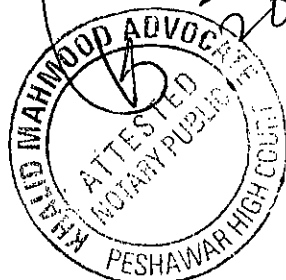


7. That it is very extra ordinary astonished case of reinstatement of the employment of Appellant, clearly well evident beside the corroborative evidences available on the face of the record, according to which slight, it has very much clear that Appellant is absolutely innocent in the above allegation of negligence, which caused death of accuse in the premises of police station MRS Kohat.
8. Consistent with the above para, it is important to mention here to skip your authoritative intention towards the most auspicious core of the fact that there is a allegation that it was the duty of the Appellant to properly well search body of the deceased accuse, when he was arrested and proceeded to the police station but neither worthy DPPO nor worthy RPO taken this fact of the matter under their kind consideration that the deceased accuse did not commit suicide while he was retain in his seat in the police station but it is well established that he had nothing weapon in his possession, when he was proceeded to police station but right at the time he rushed to his already parked Rikshaw vehicle with in the building of police station and brought his pistol from the secret cavity and finally he met to death. However this worth turn and deviation of the case fact not realize by the competent both authorities hence obviously reached to wrong conclusion.
9. That Appellant cannot even think about to blame his own martyr real brother police official, by committing such negligence it is however otherwise required to keep under consideration that the said deceased accuse was a psycho patient, as he has already committed such suicide attempt earlier on and in this respect a separate FIR bearing No 120 dated 26.03.2015 under Section 325/15-AA is lying on the fact of the record against the deceased, according to which it can be easily determined that all his done in the case of the Appellant, not contained Appellant as responsible so the finding of the lower for a is totally result of misunderstanding the actual facts of the case.
10. That facts and grounds of earlier filed departmental appeals to DPO and RPO, may be read as integral part of this departmental Appeal.

It is, therefore, most humbly prayed that in the light of above facts, elaborated in the subsequent stanzas, the Appeal in hand may graciously please be accepted and the services of the Appellant may be restored.

Yours obediently

**Ex-PASI Muhammad Hanif
District Police Kohat
27.07.2020**





24

"Annexure E"

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 240 /21, dated Peshawar the 22/9/2021.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-PASI Muhammad Hanif. The petitioner was dismissed from service by District Police Officer, Kohat vide OB No. 1126, dated 17.09.2019 on the allegations that on 24.08.2019, he alongwith HC Mukhtiar Hussain No. 672 apprehended Muhammad Asim Ameen s/o Ameen Gul wanted in case FIR No. 1236 dated 24.08.2020 u/s 302 PPC Police Station MRS and brought to Police Station MRS. He alongwith above named official did not make proper body search of the accused and let him to sit inside room, where the accused allegedly committed suicide with arms in his custody/presence in Police Station. A case vide FIR No. 1230, dated 24.08.2019 u/s 325 PPC Police Station MRS was registered against the deceased. His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 7020/EC, dated 07.07.2020.

Meeting of the Appellate Board was held on 24.12.2020, wherein the petitioner was present and heard in detail.

His co-accused Mukhtar was treated leniently in his appeal, by the previous authority. As per the principle of consistency and considering the punishment being harsher than the delinquency, therefore, the Board decided that he is hereby re-instated into service and his punishment is converted to stoppage of one increment for two (02) years.

Sd/-

DR. ISHTIAQ AHMED, PSP/PPM
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 241-48 /21,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. Two Service Books, one Service Roll and one Fauji Missal/enquiry file of the above named PASI received vide your office Memo: No. 9557/EC, dated 03.09.2020 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa. CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-III, CPO Peshawar.
8. Officer concerned.

(RAI BAJAR SAEED) PSP
Deputy Inspector General of Police, HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

PP Annexure f
(25)

جناب عالی!

درخواست برادری عالی مراعات ملازمت

گزارش کی جاتی ہے کہ سائل محکمہ پولیس ضلع کوہاٹ میں بطور PASI سال 2016 کو بھرتی ہوا اور دوران سروس آپے فرائض میں ہمیشہ نہایت خوش اسلوبی سے سرانجام دیے۔

سائل درخواست گزار 240/21 مورخہ 22.01.2021 کو دفتر صوبائی پولیس سربراہ نے ملازمت سے برطرف عرصے سے آپے عہدے پر دوبارہ بحال (Re-instated) کیا ہے تاہم سائل کو ابھی تک (Back benefits) نہیں ملی ہیں کیونکہ بحالی حکم نامہ میں Re-instated کی اصل تاریخ کی صحیح وضاحت موجود نہیں ہے۔

بذریعہ درخواست استدعا ہے کہ سائل کی بحالی کی آرڈر (Re-instated) میں اصل تاریخ کی وضاحت کی جائے تاکہ سائل کو سابقہ تمام مراعات (Back benefits) مل سکیں۔ سائل دعا گو رہے گا۔
(آرڈر نمبر 240/21 مورخہ 22.01.2021 مراعات ہے)

عین نوازش ہوگی

تحریر 05.08.2021

العارض

ایک پاسی PASI محمد حنیف متعینہ گاویہ ریٹیک سنٹر

محمد حنیف

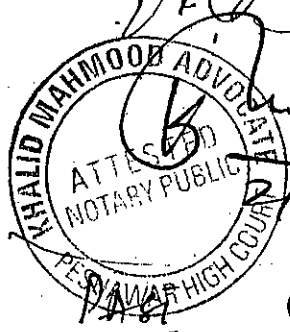
بخدمت مناب السلام سنٹرل آف پولیس (KPK)

مناب عالی

درخواست نمبر بھالی ۴۴۴۴۴۴۴۴




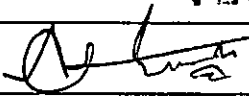
گزشتہ آبیاتی قلم سائل حکم پولیس کو بیات
میں کلور PASTI سال 2016 کو کرنی خوا اور دوران
روس اینڈ فرانس میں بیات کوئی اسلوبیہ
کرائیگ دیکھی یہ کہ آپ مناب نے سائل کو دوبارہ
انڈیا فرانس اور توری لہ بھالی کیا جس میں بھالی
تاریخ کا جو تہہ کدی نہ نہ لیا اس لئے سائل وہ
ان کے شہزادہ و علم اعلیٰ کے سلسلے میں دفتر کے
تکلیفاً ضابطے اور شہزادہ لہو فرم 17/9/2019 سے
سائل کو ادا نہ کیئے۔

بذریعہ درخواست اسٹیم ما جس سائل کے ساتھ
نماز علم اعلیٰ و شہزادہ ادا کی جائے

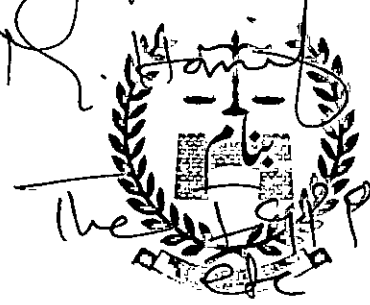


27-3-2019
آبیا لہو فرم

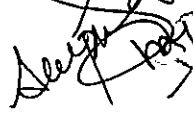
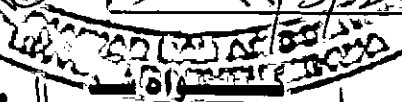
29-9-2019

50	7281			
ایڈوکیٹ: 		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: BC 12-3677		رابطہ نمبر: 033 65656555		

بعدالت جناب: حیدر پختونخواہ کسٹومرز ٹریبونل پشاور

منجانب: <u>Appellant</u>	دعویٰ: <u>Service Appeal</u>
	علت نمبر: <u>1</u>
	مورثہ: <u>1</u>
	جرم: <u>1</u>
	تھانہ: <u>1</u>

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام سید احمد شاہ کو وکیل مقرر کیا گیا ہے۔
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقررات و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا ٹکڑے یا ایبل 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
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اختیار ہوا ہے۔ تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ کر تاکہ سند رہے
 المرقوم: 16/3/2020



19. Hafiz S/o Imran Ali
R/o Kohat City