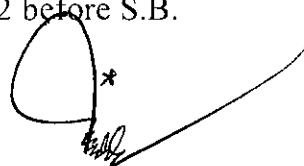


21.06.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General requested for time to submit reply/comments. Last opportunity is extended till the next date, in case, the respondents failed to submit reply/comments on the next date, their right for submission of reply/comments shall be deemed as struck off. Adjourned. To come up for reply/comments on 29.07.2022 before S.B.




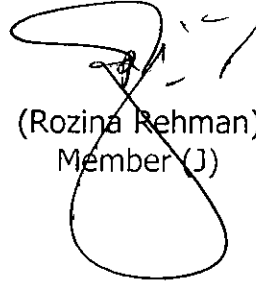
(Mian Muhammad)  
Member (E)

03.01.2022

Counsel for the appellant present. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments 10.03.2022 before the S.B.

  
10/01/22

  
(Rozina Rehman)  
Member (J)

10.03.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 30.05.2022 for the same as before.

  
Reader.

30<sup>th</sup> May, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General respondents present.

Written reply/comments not submitted. Learned AAG seeks time to submit written reply/comments on the next date. Granted but as a last chance. To come up for written reply/comments on 21.06.2022 before the S.B.



  
(Kalim Arshad Khan)  
Chairman

Form- A

### FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. - 7731 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/11/2021	<p>The appeal of Mr. Amshid resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>03/01/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal resubmitted today is incomplete which is returned again to counsel for the appellant with the remarks that some text are missing in annexures-D & F, more over the annexures of the appeal are unattested. Furthermore check list is not properly filled. The entire objection be completed and appeal may be resubmitted within 15 days.

No. 2197 /S.T,

Dt. 03/11 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

Respected Sir  
Annexure D & F were provided to the appellant through application by the deptt as the appellant has not provided inquiry report and he did not keep # of reply to show cause notice which may be requisite from the department

Resubmitted after compliance




5/11/2021

The appeal of Mr. Amshid, Ex-Constable No. 813, R/O Kaghazai P.S Cantt, District Kohat received today i.e. on 20.10.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Check list is not attached with the appeal.
2. Index of the appeal is incomplete.
3. Appeal has not been flagged/marked with annexures marks.
4. Annexures of the appeal may be attested.
5. Annexures are not in sequence.
6. Certificate given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal is not signed by the appellant.
7. Annexure B attached with the appeal are illegible which may be replaced by legible/better one.
8. Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2084 /S.T,

Dt. 20/10 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

*Respected Sec,*

*1- Removed*

*2- Removed*

*3- Removed*

*4- Removed*

*5- Annexure all place in sequence.*

*6- Removed*

*7- Annexure B is replace by ~~legible~~ legible copy.*

*8- Removed*

*Resubmitted after compliance*

*Taimur*

*11/2021*

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

SERVICE APPEAL NO. 7731 /2021

Amshid

V/S

Police Deptt:

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**INDEX**

S. No.	Documents	Annexure	P. No.
01.	Memo of appeal	-----	01-04
02.	Affidavit	-----	05
03.	Copy of FIR	A	06-07
04.	Copy of charge sheet	B	08
05.	Copy of letter dated 11.10.2021 and inquiry report	C&D	09-11
06.	Copies of show cause notice and reply to show cause notice	E&F	12-14
07.	Copy of order dated 30.12.2021 and departmental appeal	G&H	15-17
08.	Copies of bailout order dated 04.06.2021, rejection order dated 25.02.2021 and revision	I,J&K	19-25
09.	Vakalat Nama	-----	26

APPELLANT

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT

Room No. FR 8, 4<sup>th</sup> Flour,  
Bilour plaza, Peshawar cantt:  
Cell# 0333-9390916

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7757

Dated 20/10/2021

SERVICE APPEAL NO. \_\_\_\_\_/2021

Amshid, Ex-Constable No. 813,  
R/O Kaghazai P.S Cantt, Kohat.

(APPELLANT)

**VERSUS**

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Kohat Region Kohat.
3. The District Police Officer, Kohat.

(RESPONDENTS)

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APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974  
AGAINST THE ORDER DATED 30.12.2020, WHEREBY THE  
APPELLANT WAS DISMISSED FROM SERVICE AND  
AGAINST THE ORDER DATED 25.02.2021, WHEREBY THE  
DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN  
REJECTED FOR NO GOOD GROUNDS AND AGAINST NOT  
TAKING ACTION ON THE REVISION OF THE APPELLANT  
WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Medto-day  
Registrar  
20/10/2021  
PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER  
DATED 30.12.2020 AND 25.02.2021 MAY KINDLY BE SET  
ASIDE AND THE RESPONDENTS MAY FURTHER BE  
DIRECTED TO REINSTATE THE APPELLANT INTO HIS  
SERVICE WITH ALL BACK AND CONSEQUENTIAL  
BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST  
TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY  
ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWTH:**

**FACTS:**

1. That the appellant joined the department in the year 2009 and since his appointment, the appellant has performed his duty with great devotion and honesty, whatsoever assigned to him and no complaint has been filed against him regarding his performance.
2. That the appellant was falsely implicated in criminal case vide FIR No.1226 dated 08.11.2020 u/s 302,324,148,149 PPC, 15AA PS Cantt. The appellant was arrested in the said FIR and was behind the bar. **(Copy of FIR is attached as Annexure-A)**
3. That as the appellant was behind the bar, therefore, charge sheet along with statements of allegations were served to the appellant through Superintendent, central Prison Kohat, which was replied by the appellant in which he denied the allegations, however he did not keep the copy reply to charge sheet, which may be requisite from the department. **(Copy of charge sheet is attached as annexure-B)**
4. That on the basis of above criminal case, one sided inquiry was conducted against the appellant as the appellant was behind the bar and was never associated with the inquiry proceeding. Neither statements were recorded in the presence of the appellant or gave him opportunity of cross examination, but despite that the inquiry officer hold the appellant responsible, even the inquiry report was not provided to the appellant along with show cause notice and later on provided to appellant on 11.10.2021 through an application. **(Copies letter dated 11.10.2021 and inquiry report are attached as Annexure-C&D)**
5. That show cause notice was issued to the appellant in jail which was properly replied by the appellant in which he again denied the allegations and raised objection on the inquiry proceeding. **(Copies of show cause notice and reply to show cause notice are attached as Annexure-E&F)**
6. That the appellant was dismissed from service on the basis of above mentioned falsely implicated criminal case vide order dated 30.12.2020 against which he filed departmental appeal from jail on 28.01.2021. **(Copies order dated 30.12.2020 and departmental appeal are attached as Annexure-G&H)**
7. That the bail petition of the appellant was allowed on 04.06.2021 by the Honourable Peshawar High Court Peshawar and after release from



jail, the appellant asked about the fate his departmental appeal he was informed that his departmental appeal was rejected on 25.02.2021 and handed over the copy of departmental appeal. The appellant then filed revision on 28.06.2021 which was not responded within the statutory period of ninety days. **(Copies of bailout order dated 04.06.2021, rejection order dated 25.02.2021 and revision are attached as Annexure-I,J&K)**

8. That the appellant has no other remedy except to file the instant service appeal in this Honourable Tribunal on the following grounds amongst others.

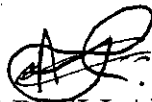
**GROUND:**

- A. That the impugned orders dated 30.12.2020, 25.02.2021 and against not taking action on the revision of the appellant within the statutory period are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B. That one sided inquiry was conducted against the appellant as the appellant was behind the bar at the time of inquiry proceeding and was never associated with the inquiry proceeding. Neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination which is violation of law and rules and the impugned orders are liable to be set aside on this ground alone.
- C. That no opportunity of defence was provided to the appellant during inquiry proceeding, which is violation of Article-10A of the Constitution of Pakistan.
- D. That the appellant was falsely implicated in criminal case and as per Civil Service Regulations, 194, the appellant should be suspended till the criminal case pending against him, but the appellant was dismissed from service without waiting to conclusion of criminal case pending against him, which is violation of CSR, 194.
- E. That as per superior court judgment that mere allegation of commission of an offence and registration of FIR against a person would not ispo facto made him guilty rather he would be presumed to be innocent until convicted by a competent court, but the appellant was dismissed from service merely on the basis of FIR, which is against the norms of justice and violation of Superior court judgment.

F. That the appellant has been condemned unheard and has not been treated according to law and rules.

G. That the appellant seeks permission of this Honourable Tribunal to advance others grounds and proofs at the time of hearing.

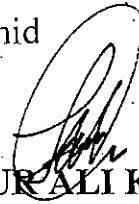
It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.



APPELLANT

Amshid

THROUGH:



(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

**CERTIFICATE:**

It is certified that no other similar service appeal between the parties has been filed earlier.



DEPONENT

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

SERVICE APPEAL NO. \_\_\_\_\_/2021

Amshid

V/S

Police Deptt:

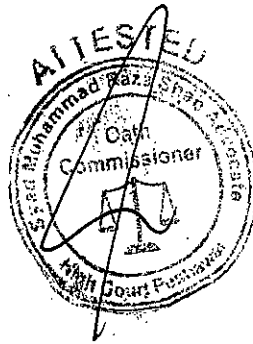
.....

**AFFIDAVIT**

I, Amshid Ex-Constable No. 813, R/O Kaghazai P.S cantt Kohat, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this august Court.

DEPONENT

*Amshid*  
(APPELLANT)



A

# ابتدائی اطلاعی رپورٹ

نومبر ۲۲، ۱۹۵۰

مدد شاہ قادیان ۱۴۳۶۹-۷۰۳۱۷۶۹-۲۰۳۱۷۶۹  
0300-9152879

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ منابطہ فوری  
منبع کو حفاط

تاریخ و وقت وقوعہ مورخہ ۸/۲۰ وقت ۸:۰۰:۳۰ بجے 1226

نام و سکونت ملزم	میرزا علی خان ولد حسین غلام سکنہ کاغذی
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وہ بیان کرو۔	میرزا علی خان ولد حسین غلام سکنہ کاغذی
تھانہ سے روانگی کی تاریخ و وقت	میرزا علی خان ولد حسین غلام سکنہ کاغذی
نام و سکونت ملزم	میرزا علی خان ولد حسین غلام سکنہ کاغذی
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تھانہ سے روانگی کی تاریخ و وقت	میرزا علی خان ولد حسین غلام سکنہ کاغذی

## بطور سیشن رپورٹ

ابتدائی اطلاع نیچے درج کرو اس وقت ایک تحریری مراسلہ محتاج قسمت ضلع SHO بدست کا عدان 12260 بطور سیشن رپورٹ موصول ہو کر درج ذیل ہے۔  
محرر تھانہ۔ وقوعہ کی اطلاع ملنے پر چہراہ نظری پولیس کے موقع واردات پر آگیا موقع پر پانچ افراد کے نقشہ مائے ① قبیر محمد (بی نیاز محمد خان پسران میرزا علی خان (بی جنید خان ولد خالد محمود (بی قاسم الدین ولد سیف الدین ساکنان کاغذی ⑤ عبدالرحمن ولد رشید اللہ شاہ سکنہ مانڈہ پراجیکٹان محمد زئی حال کاغذی موجود پائے جبکہ تین مجرمین ہسپتال لے جانا بیان ہوئے۔ بحق مقبولین موقع پر میرزا علی خان ولد حسین غلام سکنہ 77 سال سکنہ کاغذی 14301-2031769-7 مجموعہ منابطہ فوری 0300-9152879 رپورٹ کرتا ہے کہ میں اشید ولد رسول خان سکنہ دیہہ آم کی شادی تھی جس نے جائے وقوعہ پر مختلف موقعی کام پر گرام کر کے خواجہ سرالائے تھے۔ فضل موسیقی کیلئے پسران آم قبیر محمد، نیاز محمد بھیا آم جنید خان ودیگر ریشتم داران آم اور اہلیان دیہہ تھے۔ وقوعہ کی اطلاع ملنے پر موقع پر آگیا معلوم ہوا کہ بوقت چٹائے وقوعہ پر ملزمان ① مجاہد ولد تاج محل ② زاہد ولد شاہ نواز ③ اشید ولد طور گل (بی اشید ولد رسول خان ساکنان کاغذی نے پسران آم بھیا آم پر یہ ارادہ قبل بذالید اسلحہ آنتین مائٹنگ کر کے ہتکے فائدنگ سے پسران آم ④ قبیر محمد ② نیاز محمد خان بھیا آم ③ ضیہ خان ولد خالد محمود اور اہلیان دیہہ ④ قاسم الدین ولد سیف الدین ساکنان کاغذی (بی عبدالرحمن ولد رشید اللہ شاہ سکنہ مانڈہ پراجیکٹان محمد زئی حال کاغذی تک گرفتار کر کے اپنے سلطنت خان کی شادی کی فصل موسیقی میں پسران آم متذکرہ بالا اور ملزمان بالا کے پاس تکرار ہوا تھا اور پسران آم کو باقاعدہ دھکی دی گئی تھی کہ اگر میں موقع ملا تو آپ لوگوں کو انجام تک پہنچائیں گے۔ اس دھکی کے بارے میں مجھے پسران آم مقبولین نے خود بتایا تھا۔ وقوعہ پر موجود ملزمان کا چشم دید ہے۔ میں پسران آم بھیا آم اور دیگر دو اہلیان دیہہ متذکرہ بالا کے تعلق کا - در خلاف پر چار ملزمان بالا دعویٰ ہوں دستخط ادو۔ رپورٹ بالا کی تاہم طارق محمد ولد

باہر ہو کر تڑھ کر سنایا سمجھایا گیا۔ دست تسلیم کر کے ذہیر ایورٹ خود دستخط  
 لکھ لیا کرتا ہوں۔ ایورٹ کی تاثر طرف محمود نے کی دوران کینڈا کے بارے  
 ① عبدالرحمن سے ایفوب پستول 30 بورڈ لیبڈ فیکس، سپیئر چارجہ 30 عدد  
 پر 30 بورڈ کاش کینڈا ہرننگ فٹ (2) ذہیر خان سے ایفوب پستول 30 بورڈ  
 لیبڈ چارجہ (3) ضمیر محمد سے آری کاش ہرننگ مشین چارجہ آری چارجہ مہوکا 11  
 50 بورڈ (4) نیاز محمد خان سے ایفوب پستول 30 بورڈ سپیئر 1345 فیکس چارجہ کاش  
 کینڈا ہرننگ فٹ مہوکا 4 عدد کاشوں سے 50 بورڈ سپیئر ہو کر ہرننگ فٹ  
 پولیس کی ہر باغی نوز فٹولین نے کاشوں کو ہرننگ فٹ کے لیبڈ سے ہرننگ فٹ  
 ذہیر خان سے کینڈا کینڈا و جاہت حسین 1321 عم کارڈ ہرننگ فٹ محمد نواز ای  
 سرکاری کاشوں میں KDA کینڈا کاشوں کے ہرننگ فٹ کے لیبڈ سے ہرننگ فٹ  
 لیبڈ محمد خان 146 کو اطلاع دی گئی۔ ہرننگ فٹ کے صورت چہ آ باہر کے ہرننگ فٹ  
 ہے دراصل ہرننگ فٹ کے صورت کینڈا کاشوں کے صورت چہ آ باہر کے ہرننگ فٹ  
 لکھ لیا کرتا ہوں۔ ایورٹ کی تاثر طرف محمود نے کی دوران کینڈا کے بارے  
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 پولیس کی ہر باغی نوز فٹولین نے کاشوں کو ہرننگ فٹ کے لیبڈ سے ہرننگ فٹ  
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 سرکاری کاشوں میں KDA کینڈا کاشوں کے ہرننگ فٹ کے لیبڈ سے ہرننگ فٹ  
 لیبڈ محمد خان 146 کو اطلاع دی گئی۔ ہرننگ فٹ کے صورت چہ آ باہر کے ہرننگ فٹ  
 ہے دراصل ہرننگ فٹ کے صورت کینڈا کاشوں کے صورت چہ آ باہر کے ہرننگ فٹ

ملان خان  
 SI-PS-Cante  
 8-11-26

دستخط  
 عہدہ

Office of the  
District Police Officer,  
Kohat

Dated 11-11-2020

BO

9662-63/PA

CHARGE SHEET

I, MR. JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT,  
as competent authority under Khyber Pakhtunkhwa Police Rules  
(amendments 2014) 1975, am of the opinion that you Constable Amshid No. 813  
had rendered yourself liable to be proceeded against, as you have omitted  
the following act/omissions within the meaning of Rule 3 of the Police Rules  
1975. (amended 2014)

*You while posted at PS Lachi has been charged in case  
FIR No. 1226 dated 08.11.2020 u/s 302, 324, 148, 149  
PPC, 15 AA PS Cantt, which gross misconduct on your  
part.*

2. By reasons of the above, you appear to be guilty of  
misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to  
all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written  
statement within 07 days of the receipt of this Charge Sheet to the enquiry  
officer.

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

4. A statement of allegation is enclosed.

  
DISTRICT POLICE OFFICER,  
KOHAT 11/11

*language initiated*

  
SBPO HQ  
KOHAT



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar.

No. S/ 3853 /21, dated Peshawar the 11/10 /2021.

To : The Deputy Superintendent of Police,  
PAS, CPO Peshawar.

Subject: REQUEST FOR PROVISION OF PHOTOCOPY OF ENQUIRY  
REPORT VIDE FIR NO. 1226/2020 U/S 3302/324/248/249-PPC P.S  
CANTT KOHAT.

Memo:

Please refer to your office letter No. 4402-3/CPO/IAB/PAS, dated 04.10.2021  
on the subject cited above.

Photocopies of Show Cause Notice, Charge sheet and final enquiry report in  
respect of Ex-FC Asfand Yar No. 1353 <sup>and Amshid 313</sup> of Kohat district are send herewith as desired please.

(NOOR AFGHAN)

Registrar,

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

11/10  
Attest

Sub Divisional Police Officer  
HQrs: Kohat.

DEPARTMENTAL ENQUIRY AGAINST CONSTABLE AMSHID

NO. 813

The subject enquiry was referred to this office in the capacity as enquiry officer vide order of enquiry bearing endst: No.5662-63/PA dated 11.11.2020, to ascertain the alleged charge of misconduct on the part of above mentioned Constable with the following allegations; -

- i. **You while posted at PS Lachi has been charged in case FIR No. 1226 dated 08.11.2020 u/s 302,324,148,149 PPC, 15 AA PS Cantt, which is gross misconduct on your part.**

The undersigned conducted an enquiry to find out the actual facts regarding the above mentioned allegations.

For scrutinizing the conduct of defaulter Constable Amshid No 813 was served with charged sheet and summary of allegations. he was summoned for personal hearing, recorded his statement, in his written reply of charge sheet and summary of allegations, he defended himself innocence. He stated reason that regarding the allegation, on 08.11.2020 his cousin Amshid getting married and during the music faction in their village some vagabonds/ unknown person started firing, resultant he and his uncle got injuries. He was charged case FIR No. 1226 dated 08.11.2020 u/s 302/324/148/149/15 AA PPC Cantt. He further stated in his written statement that he and his cousin, beside uncle namely Tor Gul also injured in occurrence who reported to the local police station cantt: where case FIR No. 1228 dated 09.11.2020 322/148/149 PS Cantt was registered.

During the inquiry to determine facts. In the regard the following concerns were properly summon for record their statement and interview. OII Police Station Cantt, SHO Cantt Qismat Khan and DSB lcharge District Kohat. All the concerned of the case were heard in person and their statements were recorded (placed in file for ready reference). SHO concern and O.II written statements supported the version of case FIR No. 1226 dated 08.11.2020 u/s 302/324/148/149/15 AA PPC Cantt. and FIR No. 1228 dated 09.11.2020 322/148/149 PS Cantt. (Which is already placed in inquiry file)

Further that the concern branches OHC /SRC also summoned to furnish the detail service record of above defaulter constable (copy annexed) according to the service record report, the said defaulter constable was on leave 15 days and awarded censure one time and issued 11 warning regarding the absentee, treated without pay 3 time and awarded quarter guard 3 time for one day.

In the instant case, defaulter constable Amshid was arrested and confined District Jail Kohat. O.II SI Rizwan Khan thoroughly interviewed who presented a comprehensive report regarding the above mentioned FIR. Report / statement of O.II shows that defaulter constable Amshid No.813 getting married where he was present and Constable Asfandyar No. 1353 was also present at the wedding and Hance program commenced, it was a spectacle transgender people. The people who killed in the program, were also present Case FIR No. 1226 dated 08.11.2020 u/s 302/324/148/149/15 AA P Cantt on the report of Miza Ali Khan s/o Ghulam Hussain r/o Kaghzai Ko and second FIR registered on the report of Asfandyar father namely Tor Gul. Officer said that there are cross FIRs registered in the P. ... took place, defaulter Const. ... addi



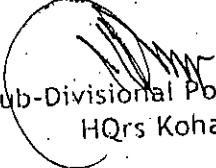
in music party.

Foregoing in view the above and thoroughly examine and re-  
examine the concern record and persons. I have come to conclusion that  
faulty constable Amshid No. 813 held the transgender music program,  
which came a bad name for the police department and created an  
embarrassment situation for the department. **It is therefore, Constable  
Amshid No. 813 is held guilty of charges and recommended for  
dismissal please.**

Inquiry report is enclosed with all relevant documents submitted  
for favour of perusal please.

(Enclosure *25 copies*)

741 /PA-Reader Dated 15, 12, 2020

  
Sub-Divisional Police Officer,  
HQrs Kohat



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

Tel: 0922-9260116 Fax 9260125

No. 6387 /PA dated Kohat the 16/12/2020

**FINAL SHOW CAUSE NOTICE**

1. I, Javed Iqbal, District Police Officer, Kohat as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, Constable Amshid No. 813 as fallow:-

i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 5662-63/PA dated 11.11.2020.

ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.


a. *You while posted at PS Lachi has been charged in case FIR No. 1226 dated 08.11.2020 u/s 302, 324, 148, 149 PPC, 15 AA PS Cantt, which gross misconduct on your part.*

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules **ibid**.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. The copy of the finding of inquiry officer is enclosed.

  
DISTRICT POLICE OFFICER,  
KOHAT 16/12

صبا عالی!

حوالہ آخری نوٹس اظہار وجود نمبر 6387 قرض 16<sup>12</sup>/<sub>20</sub> میں سائل پر التزام

کے لیے کہ وہ بیوالہ ایف آئی آر نمبر 1226 قرض 8<sup>11</sup>/<sub>20</sub> جرم 302/324 ISAAR P 148/149

چھوٹی میں چارج ہوا ہے جو کہ من سائل کی میں کنڈرکٹ کے ذریعے میں آتا ہے  
صبا عالی! مذکورہ بالا التزام کے جواب میں ثابت ہی نوڈ بانہ مرفوض ہے کہ -

نمبر 1: من سائل کے خلاف FIR میں دعوی داری غلط ہے بنیاد اور بدینہ کے بنیاد  
ہوتی ہے -

نمبر 2: یہ کہ من سائل کے خلاف کسی قسم کی واقعی یا عینی شہادت موجود نہ ہے -

نمبر 3: یہ کہ من سائل کے خلاف سابقہ دشمنی کے بنیاد پر مقدمہ درج دہسٹر کیا ہے -

نمبر 4: یہ کہ من سائل کی وضع پر وجودگی ثابت نہ ہے -

نمبر 5: یہ کہ من سائل بل جواز قرض 11 و 12 سے ڈسٹرکٹ جیل کھاتے میں قید ہے -

نمبر 6: یہ کہ من سائل کو ابھی تک نہ توقیفی کا حکم وصول ہوا ہے اور نہ ہی نوٹس اظہار

وجودہ ہے چارج شیٹ، Statement of charge وصول ہوئے ہیں -

نمبر 7: یہ کہ من سائل کو اسناد دفاع کرنے کیلئے ابھی تک محکمہ نہ انوائٹری کیلئے طلب نہیں کیا  
گیا ہے -

نمبر 8: یہ کہ یہ امر بڑا حیران کن ہے کہ آخری نوٹس اظہار وجود میں ظاہر کیا گیا

ہے کہ من سائل کے خلاف انوائٹری مکمل ہو چکی ہے - اور من سائل کے خلاف انوائٹری

افسر سزائی سفارش کی ہے -

نمبر 9: یہ کہ من سائل کے خلاف انوائٹری کا اجراء تکمیل نہ ہے - اور نہ ہی اسکو انوائٹری میں

اپنی دفاع کیلئے طلب کیا گیا ہے -

نمبر 10: یہ کہ مذکورہ بالا کی روشنی میں آخری نوٹس اظہار وجود کا کوئی قانونی

جواز موجود نہ ہے - اور بدین وجہ آپ صاحبان کیلئے نظر ثانی کا محتاج ہے -

نمبر 11: یہ کہ من سائل جیل میں قید ہے - اور مقدمہ مذکورہ کی سماعت ابھی تک

شروع نہیں ہوئی ہے جو کہ آئندہ چند دنوں میں شروع ہونے کی امید ہے -

ملٹری دکنی جادو - اس بارے میں جن سائل بنائے ہیں خود باتہ طریقے سے ستر۔۔۔  
 کورٹ آف پاکستان کا فیصلہ سال 2007ء اور سزائے موت مابین بشاور عالی کورٹ سیشنڈر 2019ء  
 کے لئے فیصلہ جات کا حوالہ بھی دینا چاہیے اور وہ خود لا فیصلہ جات کے فقورٹ لف  
 جواب میں لیا ہے۔ ان فیصلہ جات میں یہ فیصلہ/ حکم صادر کیا گیا ہے۔ کہ صرف FIR درج ہونا  
 ہی ایسی البکار کے خلاف جرم کا ثبوت نہ ہے۔ بلکہ عدالت البکار کے خلاف باقاعدہ انکوائری کی جاسکتی  
 عدالت البکار کو نتائج کو وقوع دیا جاسکا اور عدالت البکار عدالت فوجداری کے ستر ہانے کے  
 بعد چھلانگ طور پر بھی ستر کا مستحق ہوگا۔

سزائے موت XIII: یہ کہ ابھی تک جن سائل کو نہ تو نوٹس البکار وجوہ اور نہ ہی چارج شیٹ، نہ ہی  
 State ment of allegation نہ ہی انکوائری میں طلبی کا نوٹس وصول ہوا ہے۔ جسکی بناء پر جن  
 کو قانون کے تحت ستر دی جاسکتی ہے۔

سزائے موت XIV: یہ کہ جن سائل 15.08.09ء کا بھرتی شدہ ہے اور ایسی گیارہ سالہ طلبہ کے دوران کہیں بھی  
 ستر نہیں ملی۔ چونکہ جن سائل بمسئہ قانون کا تعلق ہے۔ اور ان ستران بالخصوص ان کے احکام کو جن  
 میں تسلیم کیا ہے اور ان پر عمل درآمد کیا ہے۔ جسکی وجہ سے ان ستران صاحبان بمسئہ جن سائل پر ایسی  
 تسلی اور اطمینان کا اظہار کرتے رہے ہیں۔ اور جن سائل کو نقد انعام، تفریحی اسناد بھی عطا کیے  
 جن

سزائے موت XV: یہ کہ دوران ستر جن سائل کو جناب ڈیپٹی ایسٹرن جنرل صاحب کو ماتے فرم 17 جولائی  
 08 نمبر 19822 بجلی دس فرار دوپہہ۔ II کے انعام سے نوازا ہے جو کہ جن سائل کی اچھی اور بہترین  
 کا ذکر بھی کیا گیا ہے۔

سزائے موت XVI: یہ کہ جن سائل کو جناب ڈیپٹی ایسٹرن جنرل صاحب کو ماتے فرم 17 جولائی  
 کی روشنی میں جن سائل کے خلاف آفری نوٹس البکار وجوہ و ایس لینے کا حکم صادر فرمایا جاوے  
 اور جن سائل کے چھلانگ کا دعویٰ نافذ مقدمہ مذکورہ بالا رولٹوی Pending دکنی جانے کا حکم  
 صادر فرمایا جاوے۔

جن سائل کو جناب ڈیپٹی ایسٹرن جنرل صاحب کو ماتے فرم 17 جولائی 2008-12-09  
 آئی جی ایف آئی کے ماتے فرم 17 جولائی 2008-12-09  
 آئی جی ایف آئی کے ماتے فرم 17 جولائی 2008-12-09



(15)

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT  
Tel: 0922-9260116 Fax 9260125

ORDER

This order will dispose of departmental proceedings conducted against constable Amshid No. 813, (hereinafter called **accused official**) of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Facts arising of the case are that on 08.11.2020, the accused official has arranged a music program in a marriage ceremony at his village. On the eventful time an incident of killing of five persons and fire arm injuries to 03 other persons took place. One Mirza Ali Khan s/o Hussain Ghulam r/o Kaghazai lodged a report to the incident, wherein the accused official alongwith 03 co-accused is charged by complainant for the aforesaid incident and case FIR No. 1226 dated 08.11.2020 u/s 302, 324, 148, 149 PPC, 15 AA PS Cantt is registered against the accused official and his co-accused.

On the above score of charges, charge sheet alongwith statement of allegations was issued against the accused official and SDPO HQrs Kohat was appointed as enquiry officer in order to scrutinize the conduct of accused official. He filed reply to the charge sheet to the enquiry officer and joined the proceedings. On conclusion the enquiry officer vide his report / finding held him guilty of the charge.

Final Show Cause Notice was issued and served upon the accused official, which was received by the accused official on 18.12.2020, but the accused official deliberately failed to submit reply within stipulated period. The accused official was also called for personal hearing, but failed to appear.

Record gone through, which indicates that the accused official being member of a disciplined department had arranged a dance / music program, wherein an altercation took place and he alongwith 03 other companion started indiscriminate firing, resultantly five persons were killed and 03 others sustained fire arms injuries. The incident created hype in social media, general public as well and earned bad name to the department. Besides, above the accused is involved not only in the murder of five persons and causing fire arms injuries to 03 others, but also committed serious violation of discipline by arranging an illegal gathering in which drugs, wine used openly & illegal weapons were also on display. From the above, I reached to the conclusion that the accused official has committed a gross professional misconduct in addition to a criminal act. Hence, the charge leveled against the accused official has been established beyond any shadow of doubt.

Therefore, in exercise of powers conferred upon me under the rules ibid I, Javed Iqbal, District Police Officer, Kohat, impose a major punishment of **dismissal** from service on accused constable Amshid No. 813 with immediate effect. Kit etc issued be collected.

Announced  
29.12.2020

DISTRICT POLICE OFFICER,  
KOHAT 29/12

OB No. 954  
Dated 29-12-2020  
No 6602-04 / PA dated Kohat the 30-12-2020.

- Copy of above to the:-  
1. Reader/Pay officer/SRC/OHC for necessary action.  
2. L.O for clearance & report

Handwritten notes and signatures on the left margin, including the name 'Javed Iqbal' and various initials.

H (16)

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE,  
KOHAT REGION KOHAT

Subject: APPEAL AGAINST THE ORDER OF DPO KOHAT  
BEARING OB NO. 954 DTED 29-12-2020 WHEREBY THE  
APPELLANT EX-CONSTABLE AMSHED NO. 813 WAS  
DISMISSED FROM SERVICE WITH IMMEDIATE EFFECT.

Respectfully Sheweth:

With great respect, the appellant prefers the instant appeal against the impugned order of DPO Kohat for consideration based on the following facts and grounds.

FACT:

Allegation against the appellant is that on 08-11-2020, the appellant arranged a music program in a marriage ceremony at his village. During the program, firing took place which resulted in the killing of five persons and injuries to three others. Complainant Mirza Ali lodged the report of the incident charging therein the appellant and his co-accused vide case FIR No. 1226 dated 08-11-2020 U/S 302-324/148-149 PPC / 15AA P.S Cantt Kohat.

SDPO HQ Kohat was reportedly appointed as enquiry officer on completion of inquiry, the enquiry officer held the appellant guilty of the charge. Acting upon the findings of the inquiry officer, the DPO Kohat passed the impugned order. Hence the instant appeal.

Grounds:


- j) That although the impugned order contained that charge sheet and summery of allegation was issued against the appellant, but it did not state that the charge sheet and summary of allegation was duly served upon the appellant. Mere issuance of the same against the appellant was not enough. It required service of the above documents upon the appellant. The appellant was arrested immediately of the occurrence and since 09-11-2020 is confined in District Jail Kohat. No show cause notice / charge sheet and summary of allegation was ever served upon the appellant till today. So the question of submitting reply to the same did not arise.
- k) The enquiry against the appellant was conducted unilaterly and the appellant was not associated with the inquiry proceedings by the enquiry officer. There is nothing on record that either the appellant was brought from Jail before the enquiry officer or the enquiry was conducted inside the District Jail Kohat.

- d) Final show cause notice only was served upon the appellant which was not accompanied with copy of the finding of the enquiry officer. Natural justice demanded copy of inquiry report to be furnished to the accused official to enable him to offer his explanation with regard to adverse finding if any recorded against him. such requirement cannot be brushed aside legally otherwise miscarriage of justice would be caused to the accused official.
- m) The evidence of witnesses if any, was recorded by the enquiry officer in the absence of the appellant as he was confined in the jail and was not brought before the enquiry officer. The appellant was thus deprived of his legal right to cross examine such witnesses.
- n) The impugned order contained that the accused official (the appellant was called for personal hearing but failed to appear. The question arises that how the appellant could appear before the DPO Kohat when he (the appellant) was and is still confined in the jail.
- o) Cross case was also registered against the complainant party of the above mentioned case and it was yet to be determined as to who was the aggressor and who was aggressed upon.
- p) The use of narcotics and wine in the program as alleged, is devoid of any force as such allegation was not substantiated through any evidence.
- q) The enquiry proceedings were conducted by the enquiry officer against the rules.
- r) The action taken by the DPO against the appellant is un-lawful and not sustainable under the law.

Prayer:

In view of the above submissions, it is prayed that by accepting the instant appeal, the appellant may be re-instated in service w.e.f. the date of his dismissal with all the back benefits please.

Yours Obediently

  
 Ex. Constable Amshed No. 813  
 S/o Rasool Khan  
 R/o Kaghazai P.S Cantt Kohat

Dated 28-01-2021

①

I 18

**BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR.**

Bail Petition No. 370/P/2021



1. Asfandyar S/o Toor Gul
2. Mujahid S/o Taj Gul
3. Zahid S/o Shah Nawaz
4. Amshaid S/o Rasool Khan, All R/o Kaghzai, District Kohat.....(Accused/Petitioners)

**VERSUS**

1. The State.
2. Mirzali Khan S/o Hussain Ghulam R/o o Kaghzai, District Kohat.....(Respondents)

**F.I.R NO: 1226, DATED: 08/11/2020,**  
**CHARGE UNDER SECTION 302, 324, 148,**  
**149 PPC, 15-AA, POLICE STATION CANTT**  
**KOHAT.**

**APPLICATION U/S 497 Cr.PC FOR THE**  
**RELEASE OF THE ACCUSED/PETITIONERS**  
**ON BAIL TILL FINAL DECISION OF THE**  
**CASE.**

**Respectfully Sheweth:**

1. That accused/ petitioners have falsely been involved  
-----  
in the above noted FIR and since then behind the

FILED TODAY

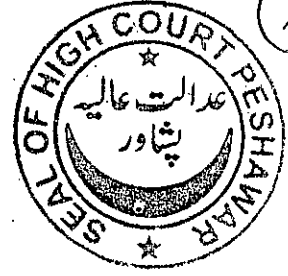
Deputy Registrar

02 FEB 2021

ATTESTED  
EXAMINER  
Peshawar High Court



**JUDGMENT SHEET  
PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT**



Cr. Misc. (BA) No. 370-P/2021.

**Asfandyar & another  
Vs  
The State & another**

Date of hearing: 04.06.2021

Petitioner (by): M/s Shan Asghar & Faqirullah Awan. Advocates

State (by): Mr. Muhammad Inam Yousafzal. Addl. AG

Complainant (by): Mr. Ishfaq Ahmad Afridi. Advocate

**JUDGMENT**

MUSARRAT HILALI, J.- Through the instant petition, accused-petitioners, Asfandyar, Mujahid, Zahid and Amshaid, seek their release on bail in case FIR No. 1226 dated 08.11.2020 under Sections 302/324/148/149 PPC / 15-AA, registered at Police Station, Cantt, District Kohat, wherein they are charged for murder of 05 innocent souls and injuring others.

Arguments heard and record perused.

2. The contents of the FIR shows that the complainant was not present on the place of occurrence at the time when the incident took place. He arrived at the place of occurrence upon receiving the information,

**ATTESTED**  
EXAMINER  
Peshawar High Court

20

however, there is nothing in the FIR that who informed him about the incident. The incident took place at a wedding party at the accused-petitioners' house where 400/500 persons were present, however, the FIR does not mention any eye witness of the occurrence. The site plan in the instant case has also been prepared on the pointation of complainant, but the record is silent as to who told him that who was standing at which point. There is no specification of the weapon used in the occurrence. As far as the motive put forth by the complainant in the FIR that a month prior to the occurrence, at the wedding party of one Azmat Khan s/o Ajaml, Tehsildar, there was a verbal altercation between the deceased and the accused party, wherein the accused issued life threats to the deceased. The deceased party took the threats so seriously that they even informed the complainant about it but despite threats the deceased went to attend the function of accused party without invitation armed with deadly weapons.

3. In view of the above details, this Court is of the opinion that involvement of the accused-petitioners

ATTESTED  
Peshawar High Court

21

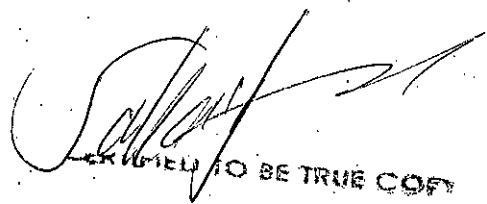
qua their guilt needs further probe in terms of sub-section (2) of Section 497 Cr.P.C. and as such they have succeeded in making out a case for their release on bail.

As far as the cross case FIR No. 1228 dated 09.11.2020 pertaining to the same occurrence lodged by Tor Gul, the uncle of accused Amshaid, wherein he charged the complainant party of the instant case in the same Police Station for firing at him, his son and nephews, who have been allowed bail on merits by the learned Additional Sessions Judge-III, Kohat on 14.01.2021, however, nothing has been brought on record that the accused respondents have misused the ibid bail order by any manner:

4. Above are the reasons for the short order of even date.

**Announced**  
04.06.2021

JUDGE



No. 10773  
Date of Presentation of Application 20/10/2021  
No of Pages 8  
Copying fee \_\_\_\_\_  
Total 321  
Date of Preparation of Copy 20/10/2021  
Date of Delivery of Copy 20/10/2021  
Received By [Signature]  
(S.B) Hon'ble Justice Musarrat Hilali.  
Noor Shah

DECLINED TO BE TRUE COPY

Magistrate  
District Court, Peshawar  
Authorized Under Article 47 of  
the Constitution of Pakistan

20 OCT 2021

22

JUDGMENT SHEET  
PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT

Cr. Misc. (BA) No.370-P/2021.

Asfandyar & another Vs The State & another



JUDGMENT

Date of hearing 04.06.2021

Petitioners (by) M/s Shan Asghar & Faqirullah Awan, Advocates

State (by) Mr. Muhammad Inam Yousafzai, Addl. A.G.

Complainant (by) Mr. Ishfaq Ahmad Afridi, Advocate

MUSARRAT HILALI, J.- For the reasons to be recorded

later, this petition is allowed and the petitioners are granted

bail in case F.I.R No.1226 dated 08.11.2020 u/ss 302/324/148

/149 PPC/15-AA of Police Station Cantt, District Kohat

provided each one of them furnishes bail bonds in the sum of

Rs.200,000/- with two sureties each in the like amount to the

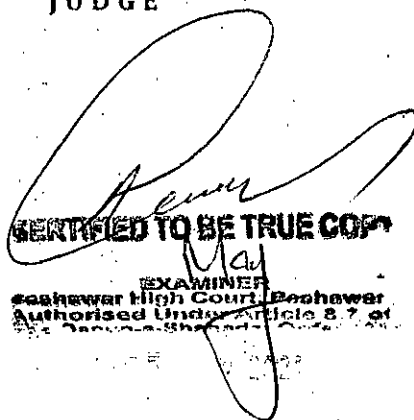
satisfaction of learned trial Court. The sureties shall be reliable

and men of means.

Announced  
04.06.2021

  
(S.B) (Hon'ble Justice Musarrat Hilali)

JUDGE

  
CERTIFIED TO BE TRUE COPY  
EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
the Constitution of Pakistan

37513 \*A.AH\*  
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POLICE DEPTT:

KOHAT REGION

J (23)

ORDER.

This order will dispose of an appeal preferred by Ex-Constable Amshed No. 813 (confined in district Jail Kohat) of Operation Staff Kohat through Jail Superintendent, against the punishment order, passed by DPO Kohat vide OB No. 954, dated 29.12.2020 whereby he was awarded major punishment of dismissal from service on the following allegations:-

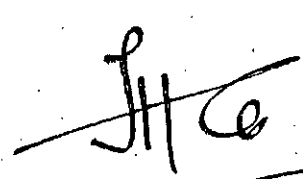
“The appellant arranged a music program in a marriage ceremony at his village Kaghazai, Kohat. On the eventful time an incident of killing of five person and firearm injuries to other 03 person took place. One Mirza Ali Khan s/o Hussain Ghulam r/o Kaghazai lodged a report of the incident wherein the appellant and his co-accused were charged by the complainant for the aforesaid incident and FIR No. 1226, dated 08.11.2020 u/s 302, 148, 149, PPC, 15-AA PS Cantt was registered against the appellant and his co-accused”.

Comments as well as relevant record were requisitioned from DPO Kohat. The appellant was called in Orderly Room scheduled on 18.02.2021 but he did not appear as he is behind the bar and his personal hearing was also not advisable.

Record gone through, which indicates that the appellant being member of a disciplined force arranged a musical program which caused killing of 05 persons including 03 injured and earned bad name to Police department.

Above in view, the undersigned reached to the conclusion that the allegations leveled against the appellant are fully proved and the same has also been established by the E.O in his findings. Hence, the impugned order passed by DPO Kohat is justified, upheld and the appeal is hereby rejected.

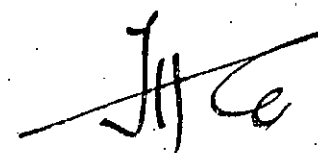
Order Announced  
18.02.2021

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

No. 2458 /EC, dated Kohat the 25/2 /2021.

Copy to District Police Officer, Kohat for information and necessary action w/r to his office Memo: No. 2341/LB, dated 15.02.2021. His Service Record and Fauji Missal / Enquiry File is returned herewith.

1. The appellant Ex-Const: Amshed No. 813 of Kohat

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

19/2

- ۱۶ جنوری

JK (24)

BEFORE THE WORTHY PROVINCIAL POLICE OFFICER, KHYBER  
PAKHTUNKHWA, PESHAWAR

SUBJECT: REVIEW PETITION AGAINST THE ORDER DATED 18-2-2021  
PASSED BY WORTHY DIG OF POLICE KOHAT REGION  
KOHAT REJECTING THE DEPARTMENTAL APPEAL FILED  
BY THE PETITIONER EX-CONSTABLE AMSHED KHAN NO.  
813 OF KOHAT DISTT: POLICE AGAINST THE IMPUGNED  
ORDER OF DPO KOHAT BEARING OB NO. 954 DATED 29-12-  
2020.

RESPECTFULLY SHEWETH,

With due respect, the petitioner prefers the instant "REVIEW PETITION"  
for your kind and judicious consideration on the bases of the following  
facts and grounds.

FACTS:- Concisely stated allegation against the petitioner was that he arranged a  
musical program in a marriage ceremony at his village Kaghzai (Kohat)  
where an incident of firing occurred resulting in the killing of five person  
and fire arm injuries to three other persons. The petitioner and co-accused  
were charged by the complainant Mirza Ali for offences vide FIR No. 1226  
dated:8-11-2020 u/s 302/148/149 PPC /15AA P.S Cantt , Kohat.

On the above count, departmental action was taken against the petitioner which  
ended in the dismissal of the petitioner from service vide the impugned order of  
DPO Kohat (Copy enclosed) based on the finding report of SDPO/ HQ Kohat i.e  
the enquiring officer. The petition filed by the petitioner before the DIG of police  
Kohat region against the order of DPO Kohat was rejected vide order dated 18-2-  
2021 (copy enclosed).


Hence this "REVIEW PETITION"

- A. That the petitioner had voluntarily surrendered before the police on next day of the  
occurrence and confined in the Distt: Jail Kohat. No charge sheet/ summary of  
allegation was served on the petitioner which fact is evident from the impugned  
order of DPO Kohat. The said order mentioned just its issuance to the accused but  
did not say that the same was served upon the petitioner. Moreover issuance of  
charge sheet/ summary of allegation was not enough rather its service upon the  
petitioner was required under the rules.

- (25)
- B. That the petitioner was not associated with the enquiry proceeding by the enquiry officer. There is nothing on record to show that either the petitioner was produced before the enquiry officer or the proceedings were carried out inside the district jail Kohat where the petitioner was confined.
  - C. That the witnesses, if any, were examined by the enquiry officer in the absence of the petitioner depriving him of his legal right of cross examination.
  - D. That the impugned order of DPO Kohat contained that the petitioner was called for personal hearing but he failed to appear. Since the petitioner was confined in Jail, how he could appear before the DPO for personal hearing. Thus non-appearance of the petitioner before the DPO Kohat was not deliberate and intentional.
  - E. That copy of the finding report of the enquiry officer was not provided to the petitioner alongwith the final show cause notice by the DPO Kohat before imposition of penalty upon the petitioner. Its supply to the petitioner alongwith final show cause notice was essential as it would have enabled the petitioner to offer his explanation to the adverse finding recorded against him. Such course of action would have been in accordance with the rule of "Natural Justice".
  - F. The impugned order of DPO Kohat contained that wine and narcotics were used in the program but such allegation was not corroborated by any evidence on record.
  - G. That cross case also existed against the complainant party of the above mentioned criminal case and it was yet to be determined by the trial court as to which party was aggresser and which party aggressed upon.
  - H. That the impugned order of DPO Kohat was based on the defective finding report of the enquiry officer therefore the impugned order was also legally defective and the same was not sustainable under the law.
  - I. That the worthy DIG of police Kohat region had not appreciated the submissions made by the petitioner in his appeal, therefore the order passed by DIG of police Kohat range dated 18-2-2021 required "REVIEW" BY YOUR GOOD SELF.

PRAYER:- In view of the above, it is prayed that by accepting this "REVIEW PETITION" the petitioner may kindly be conditionally re-instated in service w.e.f the date of his dismissal from service with all back benefits till the decision of the criminal case by the court pending against the petitioner please.

Dated 28/6/2021

Yours Obediently 

Ex-Constable Amshad Khan No. 813  
Of Kohat Distt: Police  
S/O-Rasool Khan R/O Khaghzai PS Cantt Kohat  
Cell No. 0333-9537402

**VAKALAT NAMA**

NO. \_\_\_\_\_/2021

IN THE COURT OF KP Service Tribunal Peshawar

Amshid (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Police Deptt (Respondent)  
(Defendant)

I/We, Amshid

Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

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

[Signature]  
(CLIENT)

ACCEPTED  
[Signature]  
**TAIMUR ALI KHAN**  
Advocate High Court  
BC-10-4240  
CNIC: 17101-7395544-5  
Cell No. 0333-9390916

**OFFICE:**  
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Cantt: Peshawar