

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL, PESHAWAR.

Appeal No. 497/2014

Date of Institution

08.04.2014

Date of Decision-

16.04.2018

Imran Khan S/o Mosam Khan, R/o Muhslim Bagh, Sirai Naurang, Lakki Marwat, Ex.C. no. 6577, P.S, Sirai Naurang, Lakki Marwat.

(Appellant)

VERSUS

1. Additional I.G.P/Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar and 2 others. (Respondents)

MR. ARBAB SAIFUL KAMAL,

Advocate

-- For appellant.

MR. ZIAULLAH,

Deputy District Attorney

--- For respondents

MR. AHMAD HASSAN,

--- MEMBER(Executive)

MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.-

This judgment shall dispose of the instant service appeal as well as connected service appeal no. 495/2014 titled Abdul Qayyum, no. 496/2014 titled Rafi Ullah and no. 549/2014 titled Habibullah as similar question of law and facts are involved therein.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The brief facts are that the appellant while posted at police post Sur Pul, some miscreants attacked the post on 04.11.2013 at 23:15hrs and started indiscriminate firing. As a result of firing constable Sher Nawaz got injured but subsequently succumbed to injuries and died. That disciplinary proceedings were initiated against



him for showing "cowardice" and upon conclusion major penalty of dismissal from service was imposed on him vide impugned order dated 06.01.2014. He filed departmental appeal 15.01.2014 which was rejected on 10.02.2014, hence the instant service appeal.

ARGUMENTS

Learned counsel for the appellant argued that while posted at police post Sur Pul, some miscreants attacked the post on 04.11.2013 at 23:15hrs and started indiscriminate firing. As a result of this firing Sher Nawaz got injured but succumbed to injuries and died. That disciplinary proceedings were initiated against him for showing "cowardice" and upon conclusion major penalty of dismissal from service was imposed on him vide impugned order dated 06.01.2014. He further argued that enquiry proceedings were not conducted in the mode and manner prescribed in the Police Rules 1975. Though statements of some officials were recorded during the enquiry proceedings but they were not witness of the incident. The appellant was the only eye witness of the incident. In the absence of any solid evidence regarding cowardice showed by him, the findings of the enquiry officer carry no weight. He was injured and taken to hospital but the statement of doctor was not recorded by the enquiry officer. Copy of enquiry was not annexed with the final show cause notice served on the appellant, which is a serious deficiency and is a sufficient ground to vitiate the entire enquiry proceedings. One Naqibullah involved in this case was awarded major penalty of compulsory retirement, while other accused Ismail was reinstated in service while Shuhada package was granted to constable Sher Nawaz. Reliance was placed on 2000 SCMR 669 and 2002 SCMR 433.

5. On the other hand learned argued that the appellant showed cowardice, fled away from the police post and took shelter in the house of Nisar Khan. The miscreants took away rifles of both the officials as such charge of showing cowardice during the encounter with the terrorists stood proved. Enquiry proceedings were conducted in accordance with the procedure laid down in the Police Rules 1975.

CONCLUSION

Scrutiny of enquiry report revealed that the enquiry officer recorded statement of Murad Ali Khan, Inspector Investigation, Ghulam Muhammad, SHO and Mira Khan, ASI and Gul Muhammad, Reader. One thing is clear beyond doubt that in this case the appellant was the only eye witness of the incident, so in the absence of any other eye witness what would be the evidentiary value of the statements of Police Officials recorded by the enquiry officer?. Moreover, no documentary evidence is available on record to substantiate whether these statements were recorded in front of the appellant and he was afforded an opportunity of cross examination. Though show cause notice was served on the appellant but the copy of enquiry report was not supplied to him which is a serious irregularity and is sufficient to vitiate the entire enquiry proceedings in the light of numerous judgments of the superior courts. Similarly the respondents have charged the appellant that after occurrence of incident he took shelter in the house of Nisar Khan but statement of Nisar Khan was not recorded. As confirmed by the respondents that the appellant was injured and taken to hospital but statements of doctors was not recorded are creates doubts about the fairness of the enquiry proceedings. So far as imposition of major penalty of compulsory retirement and exoneration of Naqibullah and Muhammad Ismail is a sufficient to proof of the

malfide and discriminatory attitude of the respondents. As such Article-25 of the Constitution of Islamic Republic of Pakistan 1973 was violated.

As a sequel to the above discussion, the appeal is accepted. The impugned order dated 08.02.2014 is set aside. The department is at liberty to conduct de-novo enquiry within a period of 90 days after receipt of this judgment. The issue of back benefits shall be subject to the final outcome of the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.

AHMAD HASSAN) MEMBER

(MUHAMMAD AMIN KHAN KUNDI) MEMBER

ANNOUNCED 16.04.2018 28.12.2017

Appellant in person and Addl: AG alongwith Mr. Safeerullah, S.I and Javed Iqbal, Inspector for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 12.02.2018 before D.B.

Member

12.02.2018

Clerk of the counsel for appellant present. Mr. Muhammad Jan, DDA for the respondent present. Counsel for the appellant is not in attendance due to general strike of the bar. To come up for arguments on 16.04.2018 before D.B.

Member

hairman

Order

16.04.2018

Counsel for the appellant and Mr. Ziaullah, DDA alongwith Mr. Javed Iqbal, Inspector and Mr. Safeerullah, S.I for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file, the appeal is accepted. Parties are left to bear their own cost. File be consigned to the record room.

Announced: 16.04.2018

(AHMAD HASSAN)

Member

(MUHAMAMD AMIN KHAN KUNDI) Member 17. 04.07.2017 Counsel for the appellant and Mr. Zia Ullah, Deputy District Attorney alongwith Mr. Safeer Ullah, H.C for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 14.09.2017 before D.B.

(Muhammad Hamid Mughal) Member

(Gul Zeb Khan) Member

14.09.2017

Appellant present. Learned Additional Advocate General alongwith Mr. Zafar Ullah, ASI for the respondents present. Appellant seeks adjournment. Adjourned. To come up for arguments on 20.10.2017 before D.B.

Member (Executive)

Member (Judicial)

20.10.2017

Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Mr. Muhammad Iqbal, Inspector and Mr., Safeer ullah, H.C for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 28.12.2017 before D.B.

Member (Executive) Member (Judicial)

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26.09.2016

None present for appellant and Addl. AG for the respondents present. Notice be issued to appellant and his counsel. To come up for arguments on 31.1.2017 before the D.B.

Mobber

Chairman

31.01.2017

Counsel for the appellant and Mr. Ziaullah, GP alongwith Mr. Safeerullah, H.C for respondents present. Learned GP submitted before the court that since the enquiry report is not available on file, hence adjournment be granted to requisition the same. Respondents are directed to produce the entire record on the next date. To come up for arguments on 07.04.2017 before D.B.

(MUHAMMAD AANAH NAZIR)

OUE TAID

MEMBER

07.04.2017

Counsel for the appellant and Addl. AG alongwith Mr. Ihsanullah, H.C for the respondents present. Enquiry report submitted. Learned Addl. AG requested for adjournment to submit enquiry report in identical appeal of Mr. Habibullah. Adjourned for final hearing to 4.7.2017 before the D.B.

0 Member Chairmar

27.1.2016

Counsel for the appellant and Mr. Younas Khan, ASI alongwith Mr. Ziaullah, GP for respondents present. Rejoinder submitted. To come up for arguments on 25.4.2016 before D.B.

Member

Chairman

25.04.2016

Counsel for the appellant and Ayub Khan, SI legal Lukki Marwat alongwith Mr. Adeel But, GP for official respondents present. The learned Judicial Member is on official tour to D.I. Khan, therefore, case is adjourned to 27.7.2016 before D.B.

Charrman

27.07.2016

Junior to counsel(Arbab Saif-ul-Kamal, Advocate) and Mr. Farman Ullah, Inspector alongwith Mr. Ziaullah, GP for respondents present. Junior to counsel for the appellant seeks adjournment as learned senior counsel is indisposed. To come up for arguments on 26.09.2016

Member

Member

4 20.03.2015

Appellant with counsel and Mr. Asmatullah, Head Constable for respondents alongwith Muhammad Jan, G.P present. Requested for adjournment. Adjourned for written reply to 30.6.2015.

MEMBER

30.06.2015

Counsel for the appellant and Addl: A.G for respondents present.

Written reply not submitted. Requested for adjournment: Last opportunity granted. To come up for written reply/comments on 12.10.2015 before S.B.

Charman

12.10.2015

Appellant with counsel and Mr. Younas Khan, ASI alongwith Addl: A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 200/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 21.12.2015 before S.B.

Chairman

21.12.2015

Counsel for the appellant and Mr. Younas Khan, ASI (legal) alongwith Addl: A.G for respondents present. Written reply submitted. Cost of Rs. 200/- also paid and receipt thereof obtained from the learned counsel for the appellant. The appeal is assigned to D.B for rejoinder and final hearing for 27.1.2016.

£1 Chairman 02.06.2014

Appellant Deposited Security & Process Fee Receipt is Attached with File. Appeal No. 497/2014 Mr. Imren Klan.

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 06.01.2014, he filed departmental appeal on 15.01.2014, which has been rejected on 10.02.2014, hence the present appeal on 08.04.2014. He further contended that the impugned order dated 10.02.2014, has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules 1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 19.08.2014.

Member

02.06.2014

This case be put before the Final Bench_

for further proceedings.

19.8.2014

The Hon'ble Bench is on tour to Abbottabad, therefore, case adjourned to 2.3.12.14

Reader

23.12.2014

Ms. Uzma Bibi, Advocate on behalf of counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 20.03.2015.

Form- A FORM OF ORDER SHEET

Court of	····
Case No	497/2014

	Case No	497/2014					
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate					
1	2	3					
1	08/04/2014	The appeal of Mr. Imran Khan presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the					
		Institution register and put up to the Worthy Chairman for					
	*	preliminary hearing.					
		DECISTRAD					
2	15-4-2011	This case is entrusted to Primary Bench for preliminary					
	15-4-2014	hearing to be put up there on $2-6-30/6$					
	·	Joseph Separation April 9.					
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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 497/2014

Imran Khan

Versus

Commandant & others

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Through

Dated. 8'.04.2014

Appellant

Saad Ullah Khan Marwat

Advocate.

21-A Nasir Mension, Shoba Bazar, Peshawar,

0300-5872676

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 497 /2014

Versus

- Additional I.G.P / Commandant, Frontier Reserve Police, KP, Peshawar.
- 2. Provincial Police Officer, KP, Peshawar
- 3. Superintendent of Police, FRP,

⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT,
AGAINST ORDER NO. 1154-55/EC

DATED 10.02.2014 OF R.NO.1 WHEREBY
DEPARTMENTAL APPEAL AGAINST OB NO. 13,
DATED 06.01.2014 DISMISSING APPELLANT
FROM SERVICE, WAS REJECTED FOR NO LEGAL
REASON.

⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. 8/4/34 That appellant was appointed as Constable on 30.05.2005 and since then he was performing his official duties to the best of the ability and to the entire satisfaction of the superiors.

That finally appellant was posted at Police Post, Sur Pul, situated in the suburb of Sirai Naurang. On 04.11.2013, 10/12 miscreants attacked the said post at 23:15 hours and indiscriminate / fierce firing took place between the miscreants and police officials. The miscreants decamp away from the spot by taking advantage of the night and bushes. After combat and checking the place Sher Nawaz, Constable was lying injured in serious condition. He was rushed to hospital for

treatment but there he succumbed to the injuries. (Copy of F.I.R as annex "A")

- 3. That on 11.11.2013, appellant was served with Charge Sheet and statement of allegation without assigning any specific reason to him. The charge sheet was replied on 11.11.2013. (Copies as annex "B" & "C")
- 4. That perhaps inquiry in to the matter was initiated by the authority but as is evident from the same, neither any statement of any witness (s) was recorded in presence of appellant nor he was afforded opportunity of cross examination what to speak of providing him opportunity of defence and personal hearing. All such requirements are mandatory in the law.
- 5. That thereafter, appellant was served with final show cause notice which was replied by denying the allegations. (Copies as annex "D" & "E")
- 6. That on 06.01.2014, appellant was dismissed from service. (Copy as annex "F")
- 7. That on 15.01.2014, appellant submitted representation before R. No. 2 which was rejected on 10.02.2014. Copy of the order was dispatched to appellant through postal service which was received by him on 10.04.2014. (Copies as annex "G" & "H")

Hence this appeal, inter alia, on the following grounds:-

GROUNDS:

- a. That it was an admitted fact and also confirmed by the Inquiry Officer that on the eventful night, appellant was on duty at the post.
- b. That legal procedure was not adhered to by the respondents as no regular inquiry was ever conducted nor appellant was afforded opportunity of personal hearing, cross examination, being mandatory.
- c. That the enactment under which appellant was dealt with, was never specified in the charge sheet. Formal inquiry was made basis for the proceedings which has no legal value in the eyes of law.
- d. That neither any coverdice was ever shown nor appellant was negligent in performance of his official duties. In combat with 10/12

miscreants, loaded with sophisticated weapons, 2 police officials cannot prevent them from terrorist activities.

That from the aforesaid stated legal point when appellant was neither e. associated with inquiry nor the same was conducted as per the mandate of law nor any statement of any one was recorded nor he was given opportunity of cross examination and self defence, so the impugned orders are then based on malafide and are ab-initio void.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 10.02.2014 of R.No.1 or order dated 06.01.2014 of R.No.3 be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Through

Dated. 8.04.2014

Saad Ullah Khan Marwat

Appellant

Arbab Saiful Kamal

Advocates.

دَ رَمَ إِنَّ تَعَدَادُه بِزَارِجِرْدِ مُورِقِد 22 أَنْ \$2006/ لِمَؤْرِدُونَا بِمِسْوْدِمايزٍ) مَنْ قَابِم (بِيس) السيكثر جنزل يوليس منوبه مرحدقارم نسر٣٧ ا بنترائی اطلاعی ر بورث ایل دست اندازی پیس ر در نشده زیر داری ۱۵۴م محوصهٔ ابله فوجداری جائة وقية فاصل قانب ادرمت حرك مسوركم كان على سيفه وكم تقريبًا إلى كاردائي جنفيش ك متعلق كافي الراطلاع درج كرنے ميں توقف مواموتو وجه بيان كرو البتدائي إطلاع فيح ورج كرو- روك ورس معدالل والحادي الموركل العيث في (5) 15 90 (we to Wit 24) on الما الما الما والما المرابي المرابي المرابي المرابي (16/0/186 b) W/b Add 6 26 Just 6 186 (1) bally let soll of the ball in the line of the 1 600 00 00 0 blo Cited of cited of with 11/1 (21/2) and (2) 6/12 w W/19/16/20

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CHARGE SHEET.

WHEREAS, I am satisfied that a Formal Enquiry as contemplated in the KPK, Police Rules 1975 is necessary and expedient,

AND WHEREAS, I am of the view that the allegations if established would call for a major penalty as defined in Rules-4 (b) of the aforesaid Rule.

NOB', THEREFORE, as required in 6-1, (a) of the aforesaid Rule, I. Bashar Khan, District Police Officer, Lakki Marwat as Competent Authority hereby charge you Const: Imran Khan No. 6577/FRP PP Surkh Pull the allegations are attached with this Charge Sheet.

AND I direct you further under rules 6-1 (b) of the aforesaid Rules to put in written desence within 07 days of the receipt of this Charge Sheet as to whether major or minor punishment as defined in Rules 4-1 (a) - (b) should no be imposed upon you also state at the same time whether you desire to be heard in person.

In case, your reply is not received within stipulated period without sufficient reason, it would be presumed that you have nothing to say in your defence and the undersigned would be at liberty to take ex-parte action suggests away against you

District Police Officer,

No. 805/-5/2 | SRC, Dated Lakki Marwat the

Copy, to :-

- 1. Mr. Syed-Liugat Shah DSP Naurang, Enquiry Offices for initiating enquiry proceeding against the defaulter police official under the Rules.
- 2. Const. Imran Khan No. 6377/FRP Surkh Pull is directed to appear before the Enquiry Officer/ Committee on due date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceedings and also to put in a written statement/ defence with in a period of 07 days.

District Police Officer. Ol. Lakki Marwat.

SUMMARY OF ALLEGATION

On the night between 4/5×11-2013 the terrorists ambushed Police Post Surkh Pull and opened indiscriminate firing upon Constables Sher Nawaz No. 6412 Constable Imran Khan No. 6577, as a result thereof, Constable Sher Nawaz sustained severe injuries and later expired in the Hospital, while Constable Imran Khan No. 6577 became senseless. The accused/ terrorists also took away Govt: Rifles No. 26009229 alongwith fitted magazine containing 30 rounds and also took away Govt: Rifles No. 26009229 alongwith fitted magazines loaded 90 rounds of the KK-Rifle No. 44815 alongwith band-lier containing three (3) magazines loaded 90 rounds of the same bore from the possession of the above noted officials and case FIR No. 592 dated 05.11.2013 u/s 302/324/353/404 PPC/7-ATA PS Naurang was registered.

- 1. That you being member of Police force of the said Police Post Surkh Pull in spite of repeated directions from the undersigned regarding vigilance and alert in the discharge of duties in the present prevailing Law & Order situation and wave of terrorism, failed to combat the above noted situation and showed great cowardice.
- 2. That being negligent and casual attitude in performance of your duty badly failed to combat the terrorists who ambushed the Police official who were on Sentary duty, which resulted in the death of constable Sher Nawaz No. 6412 and great loss caused to the Police Department.
- 3. That the above negligence in the performance of your duty as Police Constable speaks of inefficiency and suggest your unbecoming of good Police Officer and all this amount to gross misconduct on your part and liable to be punished under the Ruies-1975.

District Police Officer,

Alexander

IN RESPONSE TO THE CHARGE SHEET ISSUED VIDE NO. 8081-52 DATED 11-11-2013,

IT IS SUBMITTED AS BELOW:

- That I joined the police department in the year 2005 and remained posted at various posts.
 I performed my duties with great devotion and zeal to the entire satisfaction of my seniors.
- 2. That I was posted at Police Post "Surakh Pull" in the month of October 2013 and performing my duties till now to the best of my abilities.
- 3. That at the night of 04-11-2013, I was on sentry duty along with "Late" constable Sher Nawaz, when at about 11.00 pm a Dumper vehicle appeared on the spot, and I came out from "Sentry Posh" so as to check the vehicle leaving my rifle with my colleague Sentry "Late" Sher Nawaz constable who was also on duty with me.
- 4. That as soon as, I stepped up to check the vehicle, suddenly at the spur of moment 10/12 terrorists attacked over the post packet with indiscriminated firing. The attack was so quick and organized that I could not enter the "Sentry Posh" but turned however at that movement, I became senseless which was quite natural. I had no power to regain my senses as helpless to save myself. When I opened my eyes, I noticed that I was lying there in Civil hospital Serai Naurang. So what happened next I am totally unaware and having no further knowledge.
- 5. That I have neither failed to combat the terrorist nor have over looked the directives of the seniors

er was negligent of the situation but the terrorist attack was so organized and harsh that the police party was left with no chance/even to have our position.

- 6. That terrorism has became an open challenge and spreading like a wild fire though out the country, causing human and property losses at the high level but ways could not be sought out to keep pause upon this front.
- 7. That the police post- packet established at "Surkh Pull" is away from the High Way and situated in an area which is covered with Sugar cane and other crops and as such the terrorists could not be seen at night time unless they reach the target and that is why they succeeded to achieve their goals and escaped.
- 8. That a criminal case to this effect has also been registered at PS S. Naurang where in it is coming to the surface of investigation, that it was a terrorist attack like other terrorist activities which cannot be controlled being organized and planned crime with high skill with a view to prevail upon the Govt. Keeping in view the prevailing situation of terrorist activities and day to day causalities,

It is requested that I may please be exonerated from the charges and the charge sheet may be filed please.

I wish to appear before your good self for personal hearing.

Yours Faithfully,

FC. Imran Khan No. 6577NB Surkh Pull.

FINAL SHOW CAUSE NOTICE

On the night between 4/5 -11-2013 the militants attacked on police post Surakh pull and made firing upon constables on duty as a result constable Sher Nawaz No. 6412 was injured ad expired in the hospital while other constable Imran Khan No. 6577 became senseless. The terrorists also snatched government rifle No. 26099229 and rifle No. 44815 with fitted magazine and rounds from the possession of both the constables. A case FIR No.592 dated 05/11/13 u/s 302/324/353/404 PPC/7ATA has been registered at PS Naurang.

You constable Imran Khan No.6577 were charged for negligent and casual attitude in performance of your duty badly failed to combat the terrorist as sentry who ambushed the police officials who were on duty, which resulted in the death of the constable Sher Nawaz No.6412 and great loss caused to the police department in spite of repeated instructions from the senior officers regarding vigilance and alertness in the discharge of duties in the present prevailing wave of terrorism. Furthermore, you showed great cowardice and inefficiency and failed to combat the situation.

The DSP <u>Syed Liaqat Shah Sarai-e-Naurang</u> was appointed as inquiry officer and he conducted the inquiry and proved the charges. His findings received in this office was sent to the commandant FRP Headquarter Peshawar for guidance and the same received back in the office for awarding major punishment on the basis of the findings of the inquiry officer.

Therefore, I, Zarwali Khan SP FRP Range Bannu direct you through this final show cause notice to put in written statement/defense within seven days of receipt of this notice as to why the major punishment including dismissal should not be imposed upon you and also state at the same time whether you want to be heard in person. If your reply is not received within stipulated period it shall be presumed that you have no defense to offer and ex-parte action will be taken against you.

(Zarwali Khan) Superintendent of Police

FRP Range Bannu

بحوال شموله فائل شوکا زمعروض ہوں کہ بیرا پہلا بیان مفص ہے، جملہ الزامات میر ے قلاف بے بنیا داور علاق ہی پر بنی ہیں، میں نے اپنی ڈیوٹی میں کو تعملہ کی فقات اور بند دلی کا مظاہرہ نہیں کیا ہے، بلکسید لیک دہشت گردی کا دقعہ اعلیا تعملہ کو بنیا کردی کا دقعہ اعلی مفاہرہ نہیں کیا ہے، بلکسید لیک دہشت گردی کا دقعہ اعلیا تا نہ مزیدا گوائری پہلے اور آئے دن ہوتے رہے ہیں، اگر یدہشت گردی کا وقعہ نہ ہوتا، تو دورانِ تفتیش دہشت گردی کے دفعہ کا اطلاق نہ کیا جا تا، مزید اکوائری آفسر نے بلاکی شہادت کے جھے مور والزام ضہرایا ہے، نہ تو تفتیش آفر نہ سرکی بر دلی یا غفلت نابت ہو سکے۔

محف قیاس برجور پرالزام عفلت اور برد ولی کالگایا ہے، انکوائری آفسر نے بھی بھے بلاشہادت عفلت اور برد ولی کا ذمہ دار طهر ایا ہے۔
جن آفسران کے بیانات اُس نے تمام بند کئے ہیں، اُن کے بیانات بھی تعنی عائنہ کری ہے، کیونکہ بلاشہادت وہ کیونکر بجھے مور دالزام طهرا تا ہے جب وہ دوران دتو عدموجود عی نیس تھے، دہشت گردی کے جتنے بھی واقعات ہو چکے ہیں، یا ہدتے رہتے ہیں، وہ ایک منظم منصوبہ بندی پر جب وہ دوران دتو عدموجود عی نیس تھے، دہشت گردی کے جاتے بھی واقعات ہو جگے ہیں، یا ہدتے رہتے ہیں، وہ ایک منظم منصوبہ بندی پر ہوتے ہیں اور اُجا کے دونما ہو کرنقصان رسائی کی جاتی ہے۔ اس طرح یہ بھی دہشت گردی کا وقوعہ ہم میں میر اکوئی تصور یا غفلت برد ل

لہذا بچھے الزام سے بری الرمة قرار دیا جاد ہے اور شوکا زنوٹس داخلِ دفتر قریانی جاوے۔

العارض

Allest

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ORDER

On the night between 4/5/11-2013 the terrorists ambushed Police Post Surkh Pull and started indiscriminate firing upon on duty Constables Sher Nawaz No.6412 and Constable Imran Khan 6577, as a result of which, FC Sher Nawaz was seriously injured while FC Imran Khan became senseless. FC Sher Nawaz No.6412 succumbed to his injuries in the hospital. The militants succeeded also in snatching away Govt Rifle No.26099229 along with fitted magazine containing 30 rounds and K.K Rifle No.44815 along with bandolier consisting of 03 magazines of 90 rounds from the possession of both the aforesaid mentioned constables. SI/SHO Police Station Naurang reached the spot and register case FIR No.592 dated 05-11-2013 u/s 302/324/393/404 PPC read with 7 ATA police station Naruang District Lakki Marwat against the unknown terrorists. The District Police Officer Lakki Marwat suspended SI/PC Naqib Ullah In-charge Police Post Surkh Pull, Constable Imran Khan No.6577, Ismail No.6508, Abdul Qayyum No.6532 and Constable Rafi Ullah No.6407 for badly failing to combat with the accused and showed great cowardice vide order OB No.552 dated 08/11/2013.

The DPO as competent authority Lakkki Marwat charged Constable Imran No.6577 for the following misconduct.

- 1. That you being member of Police Force of the said police post Surkh pull in spite of repeated directions from the undersigned regarding vigilance and alert in the discharge of duties in the present prevailing law and order situation and wave of terrorism:
- 2. That being negligent and casual attitude in performance of your duty badly failed to combat the terrorists who ambushed the Police officials who were on sentary duty, which resulted in the death of Constable Sher Nawaz No.6412 and great loss caused to the Police Department.
- 3. That the above negligence in performance of your duty as police Constable speaks of inefficacy and suggest your unbecoming of good police officer and all this amount to gross misconduct on his part and liable to be punished under the Police Rules 1975.

Mr. Syed Liaqat Ali-Shah DSP Serai Naruang was appointed as enquiry officer for initiating enquiry proceedings. He conducted the formal enquiry properly and submitted his findings on 28-11-2013 with the conclusion that all the charges /

allegations framed on Constable Imran Khan No.6577 stands proved. The same findings along with enquiry papers was received in this office to proceed further under the rules. The same enquiry file was forwarded to Addl: IGP/Commandant FRP K.P.K Peshawar for information and the same departmental enquiry of Constable Imran Khan No.6577 received back vide this office diary No.1826 dated 23-12-2013 for awarding Major punishment on the basis of findings of Enquiry officer.

Final Show Cause Notice of Major Punishment including dismissal was given to Constable Imran Khan No.6577 on 27/12/2013 and similarly the findings of the enquiry officer was also handed over to him. He was asked in the Show Cause Notice to put in his written statement/defense within of days of the receipt of Final Show Cause Notice as to why Major Punishment including dismissal could not be imposed upon him and also stating at the same time whether wants to be heard in person or otherwise.

He has replied to the final Show Cause Notice within stipulated period which was studied and perused at length. He was also personally heard but his explanation to the Final Show Cause Notice and personal hearing was not found convincible and satisfactory. He was actually and physically on duty with the Shaheed Constable Sher Nawaz Nc.6412 but due to cowardice became senseless and did not make any response.

Constable Imran Khr.n No.6577 was recruited/enlisted as constable on 30-05-2005. Therefore, I Zar Wuli Khan SP/FRP Bannu as competent authority impose upon him the punishment of Dismissal from service with immediate effect defined in rule 4-B (ii) KPK Police Rules 1975 on the basis of proven charges.

OB No. 13

Dated: 06-01-2014

Allosed

Superistandent of Police

بحفور مناب كمانذنك درخب جمهر بنتونفواه بشاور

عوان - ایل برخلاف هم برخانگی من سائل عمران خان 6577/spl بول بواله آرڈریک نمبر 13 مورخہ: 2014-01-06

جناب عالى!

يدكمن سائل ذيل عرض كرتا مول_

-1 یک من سائل سال 2005ء میں محکمہ پولیس FRP میں تحسیق کشطیل بھرتی ہوا، اور بعد تممل کرنے ٹرینگ سائل نے واپسی پر ڈیوٹی کرنے کی رپورٹ کی سائل نے مختلف اوقات کار میں مختلف مقامات پرڈیوٹی کی، اور سائل نے اپنی ڈیوٹی اس خوش اسلو بی سے مرانجام دیا ہے کہ کس بھی آفر یا پرائیوٹ اوقات کار میں کوئی شکایت آئیں رہی جس کی ہوت میں سائل کار یکار ڈموجود ہے ۔
 -2 یہ کہ مقدمہ 592 مور خد : 2013 - 11 - 201 جم م 302/3:24/353/404/7 ATA میں تو ایس چوکی ایک ایسانیا قد میں قائم کی گئی ہے جن کا تھا نہ متعلی سے ہوتا ہے، اور اس پولیس چوکی کی نا گفتہ بہ حالات کے بارے میں وقوعہ کے فور آبعد فزیر بریادشاہ اکوائری آفر کرک نے بحوالہ دی ۔

مورند 2013-12-10روز نامچہ FRP نورنگ میں منصل ذکر کیا ہے، جن کی فوٹو کا پی ہمراہ لف ہے جو کہ من سائل اور دیگر پولیس المکاران معنیہ پولیس چوک ھذاک بے گنا ہی اور جرات کا مظاہرہ کرنے کیلئے کافی ہے لیکن جتنے بھی انکوائر کی آفسران نے وقعہ صدا کے بارے میں انکوائریاں کی ہے انہوں نے هیقت حال کو پھیا یا ہے، اگر ان انکوائر بوں کا بغور مطالعہ کیا جائے تو پولیس المکاران کی کوئی برد کی یا ڈر پوک سامنے ہیں آتی۔

خالیہ وقت میں تخریب کار ما ڈرن اسلحہ وآلات ہے لیس ہیں ، اور پیچھلے 6،6 سپال سے تخریب کاری سارے ملک ہیں جنگ کی شکل افسیار کر بھی ہے ، اور آئے دن بین کروں جانی و مالی نقصانات ہو جیکے ہیں کیونکہ مید کاروائی ایک منظم تنظیم کی طرف ہے ہور ہی ہے اسلئے محکومت کا اس پر عائی ، و نا بھی شکل ہے ، اس میں واقعات جس میں پولیش کسلم بلا ان کو نار گن کیا جا کر قبل کئے تین اور اسلو بھی کے بین جن میں میں ہور کی ہے۔ اس میں میں ہور کی ہے۔ اس میں میں ہور کی ہے۔ اس میں ہور کی ہے کہ بین اور اسلو بھی کے بین جن میں ہور کی ہے۔ اس میں میں میں ہور کی ہے۔ اس میں ہور کی ہے۔ اس میں ہور کی ہے بین جن میں ہے جند مندرجہ ذیل ہیں ، 1 مقدمہ نمبر 96جرم م 302/404/34/34/7 میں جند مندرجہ ذیل ہیں ، 1 مقدمہ نمبر 96جرم م 302/404/34/34/34 مور دیے۔ 22/04/2012 بورک

ئىيىىنى منڈى تقانىمنڈان بنول-2: مقدمەنمبر 523 جرم 148/149 /302/404/7ATA مورخە: 08/10/2012 چوكى ئىيىىنى منڈى تقانىمنڈان بنول، 3: مقدمەنمبر 407 جرم

302/324/395/404/353/7ATA/34 مراه لف ہے کین بیوتر تخریب کاری کئی گئی ہے۔ FIR مراه لف ہے کین بیوتر کاری کئی ہے۔

- ادروہ بھی شب درمیانی کونظر انداز کیاجا تا ہے، کیا 84 کا کنٹیلا ن ہمدونت جو کی میں چوکس رمینظے یا اُن کی صحت کیلئے کچھ نیندگی بھی اوروہ بھی شب درمیانی کونظر انداز کیاجا تا ہے، کیا 84 کا کنٹیلا ن ہمدونت جو کی میں چوکس رمینظے یا اُن کی صحت کیلئے کچھ نیندگی بھی ضرورت ہوتی ہوئے ہے اور شب وقوعہ کے وقت 3 کنٹلیلا ن ڈیوٹی پر ضرورت ہوتی ہوئے ہے ووقت 3 کنٹلیلا ن ڈیوٹی پر مامور سے، اور الیے میں اجب کی صورت میں اوسان خطاء ہونے میں کوئی گئجائش نہتی لیکن انگوائری آفر ادر SP/FRP نے ان حقائق کو تسلیم نہ کیا بلکہ قصد اروگر دانی کی۔
- 5۔ انگوائری آفسر کی انگوائر کی رپورٹ حقیقت حال سے بالکل برعکس ہے، کیونکہ آئیوں نے اپنے انگوائری میں حقائق کوتو ژمروژ کربیان کیا ہے۔ ہے اور حقیقت کو چھپایا ہے، مزید جن المکاران کابیان ریکار ڈ کئے گئے ہیں اُن بیانا، ننگی روشنی میں سائل پرکسی فتم کا الزام ثابت نہیں ہے۔
- انگوائری آفسر نے Finding سیجے وقت ریکارڈ پرلائے گئے مواد سے بالکل مند موڑ کراپی طرف سے جارج شیٹ کی تا ئید میں بغیر
 شوت کے ایسے الفاظ کھ دیے ہیں جن کا حقیقت سے کوئی تعلق نہیں ہے ، انگوائری طریقہ کار کے مطابق انگوائری آفسراس بات کا پابند
 موتا ہے کہ وہ جارج شیٹ کے الزابات کشیوت میں %100 سیجے شہاد شدر اکارڈ پرلائے گا، بصورت دیگر المکارگوالزابات سے بری
 قراردیگا اور یکی قانون وقت اور انگوائری طریقہ کار کا مقصد ہوتا ہے لیکن انگوائری آفسراور SP/FRP صاحب نے اصل حالات کو
 ہیں پیشت رکھ کرکاروائی کی ہے جوانصاف کے تقاضوں کے برخلاف ہے۔
- 7- انگوائری کے طریقہ کار کے مطابق جوآ ضربیارج شیٹ دے گا اور انگوائری آف مقرد کرے گاوہی آ ضرانگوائری کی Fiding وصول

 کرنے پرمزید کاروائی کرے گالیکن بہال پر جارج شیٹ OPO کی دیتا ہے انگوائری آ ضرمقرد کرتا ہے اور مزاکیلئے

 SP/FRP کوکا غذات بھینے جاتے ہیں، جو قانون کے برخلاف ہے، کیونگہ میرے جارج شیٹ کے جواب دہی میں جو نکات اُٹھائے

سے ہیں اُن کو تبول کرنے اور رد کرنے کیلئے اُس اتھارٹی کو اختیار ہے جو جارتی شیٹ دیتا ہے، لیکن ریکارڈ پرالی کوئی بات نہیں کہ میرے چارج شیٹ کے جواب کوآ نسران نے قبول آلیا یارد کیا۔

8۔ انگوائری آفسر کے Finding بیجنے کے بعدیہ SP/FRP صاحب پر شخصرتھا کہ وہ انگوائری آفسر Finding کوانگوائری کے مواد کی روشن میں بر کھنے اور بعد میں اپنا تھم سناتے ہیں لیکن SP/FRP صاحب کی Finding اور انگوائری آفسر کی Finding کا ملاحظہ کیا جائے تو دونوں میں کافی فرق اور تقناد ہے اور جارج شیٹ کے الزامات سے بالکل مختلف ہیں۔

مردج توانین کے مطابق جب کی اہلکار کو بڑی سزادی ہوتو اُن کواپنے دفاع کیلئے کمل موقع دیا جائے گالیکن میرے انکوائری میں نہ
انکوائری آفسر نے اور نہ SP/FRP صاحب نے تھم صادر کرتے وقت ان حالات کا با تورجائز ہلیا ہو کہ زیکار ڈپر ایسی شہادت لا گ
جائے کہ مور دِ الزام کی گردان میں رائ کمل طور پرفٹ آجائے لیکن یہاں پر ذبحیر کی ایک کڑی بھی ایسی نہیں کہ دوسری کڑی کے ساتھ
باندھاجائے لیکن پھر بھی بلا تبوت ومواد کے جھے مور دِ الزام تھمرایا گیا ہے ناکوائری آفر Finding کے مطابق اُس نے مرادعلی
انسیم نیام محمد SHO میر اجان OASI ، اور گل محمد ریڈر DSP/FRP کے بین لیکن انہی بیانات کو اُنہوں نے
سالیم نیس کے ہیں، پھر بھی مجھے مور دِ الزام تھمرایا گیا ہے۔

10- سائل ایک غریب آدی اورخاندان کا واحدخودکفیل ہے اس مہنگائی کے دور میز بشکل نے اپن تخواہ سے اپنی اورخاندانی ضروریات پوری

کرتے تھے۔گرسائل کو نہ کردہ گناہ پر بغیر کی شہادت کے نوکری سے برخاس نہ کیا گیا، جو کہ نمراسرظلم اور نا آنصائی ہے۔ لہندااستدعاہے کہ درج بالاحقائق کی روشی میں حکم SP/FRP صاحب بنوں آرڈ ربکہ . نمبر 13 مورخہ: 06/01/2014 کومنسوخ کر کے مسائل کونوکری پر بحال کیا جا کر سائل پر دتم کیا جاوے۔ سائل اور اُس کا خاندان ساری عمردعا تیں دینگے۔ نوٹ:۔ سائل جناب کے روبروخود چیش ہونا چا ہتا ہے تا کہ چھائق مزید زبانی واضح طور پر بیان کرسکے لہندا پیشی کی اجازت دی جاوے۔

موذاته: 15/01/2014

العارض

سائل ایکس کنسٹیل عمران مان او 6577/spl ایف آر پی بنوں ریخن بنوں۔

AWAL

ORDER.

17 10-2-14

This order shall dispose off on the appeal of Ex-Constable Imran Khan. No. 6577 FRP Bannu Range against the order of SP FRP Bannu Range.

Police Post Surkh Pull, started indiscriminate firing upon on duty Constables Sher Nawaz No. 6412; Imran Khan No. 6577 as a result of which FC Sher Nawaz was seriously injured while FC Imran Khan became senseless. FC Sher Nawaz No. 6412 succumbed to his injuries in the Hospital. The militants succeeded also in scatching away Govt. Rille No. 26099229 alongwith fitted magazine containing 30 rounds and KK Rifle No. 44815 along with banddler consisting of 03 magazines of 90 rounds from the possession of both the aforesaid mentioned. SI/SHO Ps: Naurang, reached the spot and register case FIR No. 592 dated 05.11.2013 u/s 302/324/393/404 PPC read with 7 ATA Police station Naurang District Lakki against the unknown terrorist. The DPO Lakki suspended SI/PC Nagib Ullah In charge PP Surkh Pull, FC Imrah Khan No. 6577, Ismail No. 6508, April Opyuum No. 6532 and Constable Rafi Ullah No. 6407 for badly failing to combat with the accused and showed great cowardice vide OB No. 552 dated 08.11.2013 The DPO Lakki charged him as under-

- 1. That being a member of Police Ferro, in spite of repeated directions regarding vigilance and alert white discharge of duties in the present prevailing law and order situation and wave of terrorism.
- That hoing nogligonoo and annual as bear to perform our of July finally failled in maintain the terrorist who ambushed the Police officials who were on sentry duty, which resulted the death of constate Sher Throniz 6412 and great loss casued to the Police Department.
- 3. That the above negligence in performance of duty as Potree constable speaks of in efficiency seems his un-becoming of a good Police Officer and this amount to gross missionduction part of the above partial secondaries liable to be punished under the Police Rules 1975.

In this connection Mr. Syed a squit Ali Shah DSF Serai Naruang was appointed as Enquiry officer. After enquiry a recommend the defaulter ex-constable for Major Punishment. He was issued Final Show Co. so Notice and also heard in person, but neither explanation nor personal hearing were feel convincible and satisfactory, therefore he was dismissed from service under Police Rules. 175 by SP FRP Bannu Range vide his OB No. 13 dated 06.01.2014.

Howaver from the most of record and record mendation of Enquiry officer there are no cogent reason to him to be subjected of the PRY Rannu Range. Therefore his appeal is rejected.

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Addl: IGP/Commandant Frontier Reserve Police ryber Pakhtunkhwa Peshawai

10 1 02

/2014.7-

No. 115455

/EC dated Post

منجانب المال ما مرت وعرد - J-1 (5'25') مق مدمن ومعنوان بالامين ابنى طرف سيخ واسط بروى وجواب دميى دكل كاروا كى متعلقة ال مقام لبناور كيسك سقد أعلب خان وقدت اليوكيط إني كورك كووكل مقرك إقرار كي جانب كرمام تموسوف كومقدم كالكامواني كاكابل امنتيار سجيكا نيزوكس صاحب كوكرن راضي نامروتقور ثالث وفنصار بملف مين جواب مهى اوراقبال دعوى اوربه مؤرز والري كرني اجراء اور وصولى جيك وروبيدا ورعرض دعوى اور درخواسوت مرشم كا تقديل اوران بيرتيخط كاختيار كها اختيار كها نيز بصور عدم پيروي يا ظاري كبطرفه يا ايل كى برامد كى اورنساخی نیز دار کرنے اپنی نگرانی و نیزونی کویے کا اختیار پڑگا اور بھورتہ فنرور تے مقدم میکور كي يأغرون ماروائي تي واسط اوروس يا تنار قانوني كو اين بمائه يا اين بمائه تفزر كا اختيار سوگا. ا ورصاعب مقرر شاه كروي ومبي جمله مذكوره بالا اختيارات عامل مول كي اوراس كا ساخته برواخته سناور قبول مؤكاه دوران مقدمة برجو خرج و برجانه النوار مقدم كم سبب سيوكا ال مستحق وكم ل صاحب بَوْسُونَ بِهِ لَ مِنْ يَعْدِ بِقَايَا وِخُرِصِيبِ كَي وَصُولِي رِزِي كَا بَعْنَى اخْتَيَارِ بَيْرً كَا أَكْر كُولِي بَارِيخِ بِيشَى مَقَامَ دوره بر ہو یا سے اہر ہو تو وکیل صاحب یا بند نہ ہوں کے کہ بیروی مذکور کریں۔ لہٰزا وکالت نامہ *بکھ* دیا کہ سنرسے۔ العراد العربا العار سفد النارفان مرقت 16014 Interior Son with مِن رُوسِينًا لِر الأوكياك

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR Appeal No. 497/2014.

Imran Khan S/o Mosam Khan, R/o Muslim Bagh	`			
Scrai Naurang, Lakki Marwat, Ex-Constable No.6577	. '	•		
PS Serai Naurang, Lakki Marwat				
			 · · · <i>·</i> · · · ·	(Appellant)

VERSUS

- 1) Addl: IGP/Commandant, FRP, KPK, Peshawar.
- 2) Provincial Police Officer KPK, Peshawar
- 3) Superintendent of Police, FRP, Bannu. (Respondents)

PARAWISE REPLY BY RESPONDENT NO. 1,2 & 3

Respectfully Sheweth:

PRELIMINARY OBJECTIONS

- 1) That the appeal is barred by laws / time.
- 2) That the appellant has concealed the actual facts from the Honorable Tribunal.
- 3) That the appellant has approached the Honorable Tribunal with unclean hands.
- 4) That the appellant is estopped to file the appeal due to his own conduct.
- 5) That the appellant has no cause of action.
- 6) That the appeal is bad for mis joinder and non joinder of necessary parties.

OBJECTIONS ON FACTS

- 1. Incorrect. The performance of appellant during his service was not satisfactory.
- 2. On night between 4, 5-11-2013, terrorists ambushed Police Post Surkh Pul and started indiscriminate firing upon on duty Constables i.e. appellant and Sher Nawaz No.6412 as a result of which Sher Nawaz was seriously, injured and passed away in Hospital. Appellant showed cowardice, fled away from the Police Post and took shelter in the House of Nisar Khan. The miscreants took away rifles of both the officials. Appellant including other staff of the Police Post has committed severe negligence and cowardice during the combat with the terrorist's militants.
- 3. Correct to the extent that appellant was served with charge Sheet on 11-11-2013. The specific reasons for which appellant was charged is evidently shown in the summery of allegation of the charge sheet. In-fact the allegations framed on the appellant for his mis-conducts were in the light of police Rulls of 1975, as such on the eventful night appellant was on duty and in-spite of repeated directions form the superiors circulated time and again regarding vigilance / cautions and alert in the discharge of duties, but on the spot of occurrence appellant showed great cowardice act & badly failed to combat the miscreants who ambushed the police officials who were on sentry duty which caused great loss to the Police Department. Similarly the above high negligence and cowardice act in performance of duty as Police Force member speaks of in efficiency and unbecoming of good Police officer.

- 4. Incorrect. All the statements were recorded in the presence of appellant and opportunity of cross examination and defense were provided to him in accordance with law/rules.
- 5. Correct to the extent of final Show Cause Notice and reply which was found unconvincing and unsatisfactory.
- 6. Correct to the extent that dismissal order was passed after observing all codal formalities.
- 7. Incorrect. On 07-02-2014, departmental appeal of appellant was rejected and he was informed immediately through SP FRP Bann.

OBJECTION ON GROUNDS

- a) Incorrect. He with other Constable was present on duty but was not alert and showed gross negligence; resultantly terrorists attacked them from the close and open side.
- b) Incorrect. All codal formalities were fulfilled.
- c) Incorrect. Police Rules 1975 (amended) special rules are applicable to Police and the appellant was dealt and proceeded under the said rules.
- d) Incorrect. During attack of about two militants/terrorists, the appellant and Shaheed Constable have shown gross negligence and cowardice. Due to fear, the appellant has fled away from the duty and taken shelter in the nearby private house. Their K.K rifles were taken away by the militants.
- e) Incorrect. All the legal and codal formalities were observed during inquiry process.

 Opportunities of cross examination over witnesses and defense were provided to appellant.

Prayer:

Keeping in view of the above facts and circumstances, it is humbly prayed that appeal of appellant, being barred by law & time may kindly be dismissed with costs.

Addl: IGP/Commandant FRP KPK/Peshawar

(Respondent No.1)

Provincial Police Officer,

(Respondent No. 2)

Superintendent of Police,

(Respondent No.3)

ORDER

On the night between 4/5/ 11-2013 the terrorists ambushed Police Post Surkh Pull and started indiscriminate firing upon on duty Constables Sher Nawaz No.6412 and Constable Imran Khan 6577, as a result of which, FC Sher Nawaz was seriously injured while FC Imran Khan became senseless. FC Sher Nawaz No.6412 succumbed to his injuries in the hospital. The militants succeeded also in snatching away Govt Rifle No.26099229 along with fitted magazine containing 30 rounds and K.K Rifle No.44815 along with bandolier consisting of 03 magazines of 90 rounds from the possession of both the aforesaid mentioned constables. SI/SHO Police Station Naurang reached the spot and register case FIR No.592 dated 05-11-2013 u/s 302/324/393/404 PPC read with 7 ATA police station Naruang District Lakki Marwat against the unknown terrorists. The District Police Officer Lakki Marwat suspended SI/PC Naqib Ullah In-charge Police Post Surkh Pull, Constable Imran Khan No.6577, Ismail No.6508, Abdul Qayyum No.6532 and Constable Rafi Ullah No.6407 for badly failing to combat with the accused and showed great cowardice vide order OB No.552 dated 08/11/2013.

The DPO as competent authority Lakkki Marwat charged Constable Imran No.6577 for the following misconduct.

- 1. That you being member of Police Force of the said police post Surkh pull in spite of repeated directions from the undersigned regarding vigilance and alert in the discharge of duties in the present prevailing law and order situation and wave of terrorism.
- 2. That being negligent and casual attitude in performance of your duty badly failed to combat the terrorists who ambushed the Police officials who were on sentary duty, which resulted in the death of Constable Sher Nawaz No.6412 and great loss caused to the Police Department.
- That the above negligence in performance of your duty as police Constable speaks of inefficacy and suggest your unbecoming of good police officer and all amount to gross misconduct on his part and liable to be punished under the ce Rules 1975.

Mr. Syed Liaqat Ali Shah DSP Serai Naruang was appointed as enquiry tiating enquiry proceedings. He conducted the formal enquiry properly his findings on 28-11-2013 with the conclusion that all the charges /

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allegations framed on Constable Imran Khan No.6577 stands proved. The same findings along with enquiry papers was received in this office to proceed further under the rules. The same enquiry file was forwarded to Addl: IGP/Commandant FRP K.P.K Peshawar for information and the same departmental enquiry of Constable Imran Khan No.6577 received back vide this office diary No.1826 dated 23-12-2013 for awarding Major punishment on the basis of findings of Enquiry officer.

Final Show Cause Notice of Major Punishment including dismissal was given to Constable Imran Khan No.6577 on 27/12/2013 and similarly the findings of the enquiry officer was also handed over to him. He was asked in the Show Cause Notice to put in his written statement/defense within 07 days of the receipt of Final Show Cause Notice as to why Major Punishment including dismissal could not be imposed upon him and also stating at the same time whether wants to be heard in person or otherwise.

He has replied to the Final Show Cause Notice within stipulated period which was studied and perused at length. He was also personally heard but his explanation to the Final Show Cause Notice and personal hearing was not found convincible and satisfactory. He was actually and physically on duty with the Shaheed Constable Sher Nawaz No.6412 but due to cowardice became senseless and did not make any response.

Constable <u>Imran Khan No.6577</u> was recruited/enlisted as constable on 30-05-2005. Therefore, I <u>Zar Wali Khan SP/FRP Bannu</u> as competent authority impose upon him the punishment of Dismissal from service with immediate effect defined in rule 4-B (ii) KPK Police Rules 1975 on the basis of proven charges.

OB No. 13

Dated: 06-01-2014

Superintendent of Police FRP Bannu

Superintendent Gy Police FRP/ Bannu

FINAL SHOW CAUSE NOTICE

On the night between 4/5 -11-2013 the militants attacked on police post Surakh pull and made firing upon constables on duty as a result constable Sher Nawaz No. 6412 was injured ad expired in the hospital while other constable Imran Khan No. 6577 became senseless. The terrorists also snatched government rifle No. 26099229 and rifle No. 44815 with fitted magazine and rounds from the possession of both the constables. A case FIR No.592 dated 05/11/13 u/s 302/324/353/404 PPC/7ATA has been registered at PS Naurang.

You constable Imran Khan No.6577 were charged for negligent and casual attitude in performance of your duty badly failed to combat the terrorist as sentry who ambushed the police officials who were on duty, which resulted in the death of the constable Sher Nawaz No.6412 and great loss caused to the police department in spite of repeated instructions from the senior officers regarding vigilance and alertness in the discharge of duties in the present prevailing wave of terrorism. Furthermore, you showed great cowardice and inefficiency and failed to combat the situation.

The DSP Syed Liaqat Shah Sarai-e-Naurang was appointed as inquiry officer and he conducted the inquiry and proved the charges. His findings received in this office was sent to the commandant FRP Headquarter Peshawar for guidance and the same received back in the office for awarding major punishment on the basis of the findings of the inquiry officer.

Therefore, I, Zarwali Khan SP FRP Range Bannu direct you through this final show cause notice to put in written statement/defense within seven days of receipt of this notice as to why the major punishment including dismissal should not be imposed upon you and also state at the same time whether you want to be heard in person. If your reply is not received within stipulated period it shall be presumed that you have no defense to offer and ex-parte action will be taken against you.

(Zarwali Khan) Superintendent of Police FRP Range Bannu.

Superintendent Of Police

FRP/ Banau

Name.)
Signature, 040/18
Date,
Date,
Mobile Number, 0302-8192182

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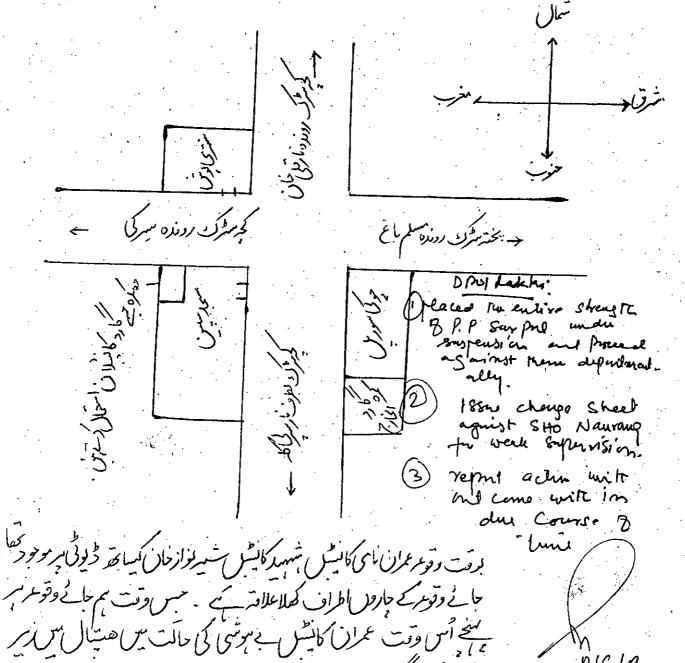
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DIGIR

07/1

و براگرس راوره و

عالی! بواله مقرملت بمر 594 کیل کے 1 کے جم 302-324-353 محالہ کو الم مقرم کا آلفیلی جوالہ مقارر الک معروض خدمت موں کر جائے وقوعہ کا آلفیلی حائزہ لیا . بدوران مُعائیز ایک عدد سک حلیدہ خون آکو دیل کرخوالہ 1:0 کیا گیا . جائے وقوعہ اور جائے وقوعہ کی آس باس محل وقوعہ سے لصاویر بھی گئے جو کہ ہراگریں رلورط کے میمراہ لف بی کارد کانڈر ، کانٹلال کے بیانات بھی گئے کئے . فقتہ موقع بخرص ملا حظرستی خدمت ہے ۔



PTO

علاج تلاياكيا.

كالورط كي ماسدكي. طنيان كار سي أس كه عي سلوم سي تقا . اور رات کی آماری کو خواز سانے کی کوشش کررمانھا ، عالانکے سنتری کوشل اور کارد کانڈر آور گاردے کرے کے درسان صرف جندندم کا فاصلے ۔ اگرفائرات کسائے وہ انرط ہوجاتے تو ستی محملف ہوتا ، کانشلان کے سیانات بھی لیے گئے ، تہوں کسائے وہ انرط ہوجاتے تو ستی محملف ہوتا ، کانشلان کے سیانات بھی لیے و في كارد كاندك سان كى تاميدى . أن كيسانات مي سوم سوامح كانسلان سي سے حسب الله 63 اور رفیع الله 6407 خوکستحد (عزی سامید) کے ساتھ ملتركيس سرفي موقعة الحروه مروقت الرف بوت اورملزمان كالتانب كيام تكل آتے. توإسى صورت ميں معى ملزمان كوإس طرح آسانى سے فرار سوفا اور سرکاری کلائنکون لیجانا آنیا آسان بنین مرتا میکن سے سے شردلی کے ترکب مرخي گارد كاندرادر كانسلان تح بيانات سمراه لف سرافي الاخطري مَ اللَّهُ اللَّهِ اللَّهِ اللَّهُ اللَّاللَّ الللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ الللَّهُ اللَّهُ اللَّا أس كا آپ كوك طرح بية جلا كروه كدهر بينه ؟ قراس نے تلا يا كرأس كى حادر كاني دور حانب شمال خاني اراصات سي ملي. اور وه مكان مستى شار ولدسان كنه ارسلطان محموس بناه بي حكاتما . شمى تأرف لعدازال مي تطلع كرديا -مر جوى سربل گاردكره داست شمال شقى سائىلىر ماكف كفترايك تعشر خشت كراس كس اور ندد هوندس ہے. میں تے مزدوران سے دریافت کی دریافت پر حلوم سوا کھررات کو غلام فرمد ولدكل مدن شاه كمنه بصورى مميل فواكنا مروالي ممين محفيل وضلح سول اور سروسر ولداطلس خان كنه سوريل علاقة عقائه لزرماك كي لفيه خست سي أكر لا لنه كي فريو في متى - دولون سردوران سے تنصلى سانات كئے جوكه مراه لف قابل ملافظين - سردومزدوران نے اسے سانات سي سلاما كدامك رسر (سُرك ما) كَارِّى جواسو ب مع دور شده تقى حاسب شمال رورد سے آئی اور جو کی کیسا کو موڑ کا دنتے فائر مگ لینی مرسط موئی ، مرسط ک معددو باشن سنگل فائر بربرجی سرے . سم درے مارے تھے خست س ياه لى. أس كالعد ماكر المك كالسلم عي ركا. اور وقوم ع الرس باتی بولس والون کے زبانی معلوم الرا PTO

اسے بعد سار ولدساں خان سک فارسلطان فحود حس کے ہاں کانسل عراب عمال کر بناه بی می کاهی تعفیل بیال نیا . حس نے اپ بیان سر اسلاما ، کوش س كوس موجود تما كه درواز بر دستك بولى . دروازه كه لي سر معلو) برا أي عران نای کانسل کے اوروہ کے لو لے کے قابل سی تھا۔ مزید سالحے ماریس درمافت کیا بحراس کی ماس کلاندنگوف سرکاری موجود تحقا ما مین ؟ توأس في بتا يا كدوه بالكل خالي المقومقا . شاركه الى عدالصد سي معي تنفيل سان سا عركم مراه لف وال الاخطراب اس كالعدوقة وتوم كومولظ ركفة موف حاس شمال رود مرجمله بعشرمة معدر مانت شروع کی . درمانت مرسطوم موا کرمرم محشر خشت واقع شاخ مى خان مورد سے دھر روزك لو دشدہ ما بخوس در اسور مقدر شاہ سكذ نامعلوم مطرت سلماع نعلی ہے۔ وراسور مذکورہ سے جب مومائل ہردقوعرے ما س درمانت کی قرآس فر تا یا که ده شمال کمطون سے حوفی کمیا کھ مور کا مر مرق رود مونی بدارت فاصلے برائے گیا . توسی نے فائرنگ کی آدازشی اورس وقت س سور کاط را محقا نوستری بوط تے تسمیحک كررما تما ملك دوساسترى مسترى البش سى ماركوا عما. أس فرمر مریمی فون سر شلایا کر نوبس می تھے سان باکسی تسم کی تعاون کملئے طلب کرنا جا ہے توسی حاصر آ تارمولاگا اس لدر عران كالسر ك كركة جوأب هسال س دُسيار ج سوحكا تما أسى تبايا كر دسر گاڑى أنى اور ميں سنترى بوش كيا منے كھ اتھا بحر كافئ لقوادسلخ نقاب يوش تق عربي سائد سي آجانك سي بر دهاوالول كر مع دهادیا . اور فائرنگ می موتی سی عباک گیا . قیے سرکاری رائفل مانی کو سترسی جلا اور بھے یہ علی ستہ بنیں جلا کر میں کس طرح اور کہاں پر اور کھی سیر بنیں جلا اور بھے یہ علی ستہ بنیں جلا کر میں کس طرح اور کہاں تك تعالى كياس سيب برسي موحكاتفا - بلسال سي موس أيا -مربدسرعی کہا ۔ کر میں مرگی (دراست کامرنص موں)

ت تسد کانش اور کانش عران کے موالی فرن قیمنہ میں انکے حوالہ 1:0 عنایت المار تعانه لوريات كو ادرأس بدات دى كه دولول توماتي ون عبرات كاستعلقة عظام سے تنفیل ڈیٹا ماصل اکر ہو ا عالحاه! مسر السب كيطالي على فاردىماندر أس وقت مكت حولی سے مار نظری سی جب مکل جارتی جاگئی کے . تو وہ گارد کم 9 ات سے ماسر نکاش جوکرشکس سردلی کے . کالیس عال جوکم سسركانس كسائة دلوق بروود تقا . وقوع كالبسم ومد كوآه جان تو ہے کنشنی شم سے تعاون سن کرما . اُسے وقور کاملائل ہے ۔ مری مراغ ترمطان وقور ایک یا دو مدمان نے کیا ہے ۔ اگردست گردسظم ہرتی توسرے مال س کارد کم ہ مات س سرنے ہوئے ملازس نوعي أساني سي نشار بنا سكت عني . اكر كانسل عمال كو صح اما وركسط كما عائي تومر بي مازم/ملزمان تك طرى أساقى سے جما مزمد مرجی آب صاحبان مونس می لانا جاسیا موں بھرگارد رسمٹر حیک کیاگیا۔ معلى سوا كر حرو (مورف 2017-201) سے تا مال كارد/ملازس كو علر سرونرزی آفسرن صوف دو برقه ملک کئے بی . رسمرے مطابق مرز 13 د.6- 10 کولائر آفر اور مورخ 13 .9- 7 کو ١٥٠٥ لازنگ نے جو کی گار حمک کرے ملازس کونس جرفی سوریل کو صروری بدارات رمنے س) ماتی کسی فعی جرکی کسطرف آنے تی زخت گوارہ سی کی کیے ۔ حوکہ عفلت اور لاسر واسی کے ۔ سنتری نوس عنر محفوظ اور نوسدہ ، کا کافی دور سے بھی اس کوطری أسانی سے نشانہ نیایا جاسکیا ہے۔ رمائشی کرہ جات تھی عمیر محفوظ سک ۔ اور حستر حال سُن . آئيده کسِي نقيان سے محنے في خاطر اِس کی ساسب تحمیر/مرت ازدومزوری کے عمل حالات عیس نظر لنزی كاتعداد كم ب مريد اكر مرهاني ما دے تو كار سركار كىلے PTO

مريد مرحوى سوريل سي كل أكافة لما هي سوف جيك في وقد نه مي اس کارد کانگر اند زانعن انجام د سي شي كارد كانسان سردل، لارواسي اور فزاد في سعفلت كي مع طراقے سے الحام د نے الکونس اس کی کیونلر نہ اس مربائي مزن قرمنه من لخ تق . نه بي موقع كسا كو شرد ك معير منه كمارس س ادر جمال عزن كافيس بأمذ موات أس ما مك مكان سے معی بالمات علما كئے بى . كارد كانبلان كارد كاندرك سانات مفروض اراسي نا اهلي كوفيمات كلي ميركوعلط وح دسا حاسم بني . ام المن ما سي لل كافير عان اور دمردامور مقررشاه سار نامعلوم مرمائل منر ما از در همررکا مرمانی ما ما ما از در همررکا مرمانی مرمانی ما ما ما از در همررکا مرمانی مرم لهذا إس مات دی او کروت اور ۱۶۶ او شکتر. مکروت كرمناسب بإيات دى داوي ربورا س سرحرگذاری 6.11.2013

JE.

Tid cles (40 dint (redistote 6. 26/10/1/10 63 804 11 15 wir Vit -i bir i De wind ty 1/3 961. 150 to 130 wee 1 18600 592 cm/20 - histile IN con/ 3 bud Cos so Sa Gan 5-629, 66° lid iw fr. 301-324-353 P3 5 11 jev Jo,6532 (30) Nr. 64.93 mipos, 6577 018 1 . 81 mi vie Gis - () 2 ft u3 5 () ; E () i m = m 630 m, mo الرئم نترى مردل كا نقلى ، ئى كى - ئورۇم كالى نىقى 3/1/201 میں مہرا سان سے ناسی جودرست Me (Hofe Vander 9 AllesTed me fixa by XXX 6577 UNE COPO/NG 12,200 gold 1919. Jelo JOS 20-11-013 E fun 6/2 (m) 6/2 (m) 8 il s 19 Levisons 11201-8388672-5

CHARGE SHEET.

WHEREAS. I am satisfied that a Lormal Enquiry as contemplated in the KPK, Police Rules 1975 is necessary and expedient.

AND WHEREAS, I am of the view that the allegations if established would call for a major penalty as defined in Rules-4 (b) of the aforesaid Rule.

NOW, THEREFORE, as required in 6-1 (a) of the aforesaid Rule, I, Bashar Khan, District Police Officer, Lakki Marwat as Competent Authority hereby charge you Const: Imran Khan No. 6577/FRP PP Surkh Pull the allegations are attached with this Charge

AND I direct you further under rules 6-1 (b) of the aforesaid Rules to put in written defence within 07 days of the receipt of this Charge Sheet as to whether major or minor punishment as defined in Rules 4-1 (a) - (b) should no be imposed upon you also state at the same time whether you desire to be heard in person.

In case, your reply is not received within stipulated period without sufficient reason, it would be presumed that you have nothing to say in your defence and the undersigned would be at liberty to take ex-parte action straight away against you.

> (Bashar Khan) District Police Officer, Lakki Marwat.

/ SRC, Dated Lakki Marwat the // /2013.

Copy to :-

1. Mr. Syed Liaqut Shah DSP Naurang, Enquiry Officer for initiating enquiry proceeding against the defaulter police officer/ official under the Rules.

2. Const: Imran Khan No. 6577/FRP Surkh Pull is directed to appear before the Enquiry Officer/ Committee on due date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceedings and also to put in a written statement/ defence with in a period of 07

11-11-13

District Police Officer.

Lakki Marwat.



SUMMARY OF ALLEGATION

On the night between 4/5-11-2013 the terrorists ambushed Police Post Surkh Pull and opened indiscriminate firing upon Constables Sher Nawaz No. 6412 Constable Imran Khan No. 6577, as a result thereof, Constable Sher Nawaz sustained severe injuries and later expired in the Hospital, while Constable Imran Khan No. 6577 became senseless. The accused/terrorists also took away Govt: Rifles No. 26099229 alongwith fitted magazine containing 30 rounds and KK-Rifle No. 44815 alongwith bandolier containing three (3) magazines loaded 90 rounds of the same bore from the possession of the above noted officials and case FIR No. 592 dated 05.11.2013 u/s 302/324/353/404 PPC/7-ATA PS Naurang was registered.

- 1. That you being member of Police force of the said Police Post Surkh Pull in spite of repeated directions from the undersigned regarding vigilance and alert in the discharge of duties in the present prevailing Law & Order situation and wave of terrorism, failed to combat the above noted situation and showed great cowardice.
- 2. That being negligent and casual attitude in performance of your duty badly failed to combat the terrorists who ambushed the Police official who were on Sentary duty, which resulted in the death of constable Sher Nawaz No. 6412 and great loss caused to the Police Department.
- 3. That the above negligence in the performance of your duty as Police Constable speaks of inefficiency and suggest your unbecoming of good Police Officer and all this amount to gross misconduct on your part and liable to be punished under the Rules-1975.

13 pu 040/2 11-11-2013

District Police Officer. الله Lakki Marwat.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 497/2014

Imran Khan

Versus

Commandant & others

REJOINDER

Respectfully Sheweth,

Preliminary Objections:-

All the 06 preliminary objection are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is barred by laws/time, appellant has concealed the actual facts, he has come with unclean hands, estopped to file the appeal due to his own conduct, he has no cause of action and appeal is bad for mis & non joinder of necessary parties.

ON FACTS

- 1. Not correct. The para of the reply is without proof regarding unsatisfactory service.
- 2. In response to this para of reply, it is submitted that nothing against the para of the appeal as brought on surface but the para of the appeal further explained by the respondent. Neither any cowardice or negligence was shown by the appellant but the police party indulged to shift the injured to hospital.
- 3. Admitted correct to the extent of service of charge sheet and reply thereto. Appellant along with others was quite alert in the discharge of duties but in meager numbers 5 personal could not combat with large number of miscreants. The recent incident of Army Public School in the heart of the city as well as Bacha Khan University where hundred and thousand police personals, FC and

Army Personal etc, were present but could not overcome the situation.

- 4. Not correct. The para of the appeal is correct regarding recording of statements in presence of appellant as well as cross examination over the witness(s).
- 5. As above. But here it would be not out of place to mention that similarly placed FRP Constable, namely Muhammad Ismail was reinstated in service by the respondent.
- 6. No codal formalities were ever observed. The final show cause notice was not supported by enquiry proceedings/report. The enquiry report it was admitted by the Inquiry Officer in the findings that appellant has never displayed any cowardice.
- 7. Not correct. The rejection order was not served direct by the appellant but the same was dispatched through postal service which was received by him on 10.04.2014.

GROUNDS:

- a. Not correct. Such fact of presence on duty was admitted by the respondents in this ground of the reply. He was quite alert and no negligence was shown by him.
- b. Not correct. Reply regarding conduct of enquiry has been given in the preceding paras of facts.
- c. Not correct. Law should have been mentioned in the charge sheet as well as the final show cause notice under which appellant was dealt with.

If cowardice was shown by the deceased police official namely, Sher Nawaz Khan then he should have not awarded with compensation of shaheed package of Rs. 30,00,000 etc.

- d. Not correct. The live examples were the incidents of Army Public School as well as Bacha Khan University.
- e. Not correct. The ground of the appeal is correct.

Dated: .01.2016

It is, therefore, most humbly requested that the appeal be accepted as prayed for.

عران کان Appellant

Through

Saadul<u>lah K</u>han Marwat

トート Arbab Saif Ul Kamal

Miss Rubina Naz Advocate,

AFFIDAVIT

I, Imran Khan S/o Mosam Khan, Appellant, do hereby solemnly affirm and declare that contents of **Rejoinder** are true and correct to the best of my knowledge and belief. While that of the reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

DEPONENT

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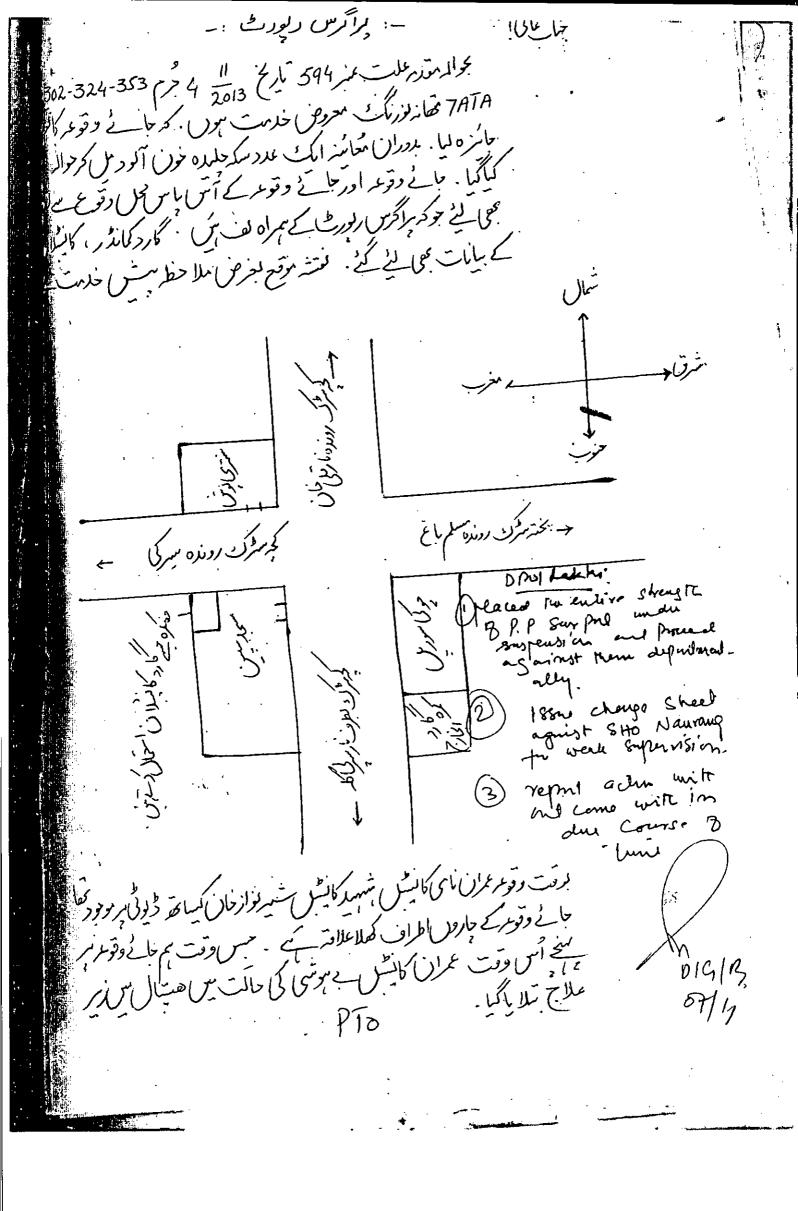
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رات کی آری کو جواز سانے کی کوشش کررہائقا . مالانکرسنتری کوشل اور کارد کانڈر آور گاردے کرے کے درمیان صرف جندتدم کا فاصلہ ہے۔ اگرفالی سیائے وہ ادر گار کا میں ایک کے درمیان صرف ایک کانٹلان کے سیانات می لین گئے: ایک کارد کا نظرے بیان کی تامید کیا۔ اُن کے بیانات سے می معلم بنوا کر کانٹلان سراس حبب الده 63 اور رونع الد 6407 جو کرسخد (عربی سائد) تسایة ملحقر كريس سوية موقع . أكروه مروقت الرك موت اور ملزمان كي تعا ملے نول آئے۔ تو اِسی صورت میں معی ملزمان کو اِس طرح آسانی سے فرار مونا ا مركارى كلاشيكوب ليجانا آسان منين بوتا - فيكن سي مب مردلك مرمًا مريني الرد كاندراور كايتلان عيمانات مراه لف برائ بلاحظين. جب كارد كمارد رسيسترارياكي كمي . كدكانس عمان جركم بوقت وقوع عمال كياعا أس كا آپ كوكس طرح بية جلا كروه كدهر نهي ؟ تواس نے تلا ما كرأس كى جادر كافى دورجانب شال خاني ارا صاب سي ملى . اور وه مكان مستى تأر ولومان ر سکنہ بارسلطان محروس بناہ ہے کا تھا . شتی تار نے لعدازاں میں مطلح کردیا۔ كراسيكس اور مرد هوندين -م جوتی سررل گارد کره حات کے شمال شرقی سائیڈ ہر بالکل ملحۃ ایک بھٹے خت کے میں کے مزدوران سے دریافت کی دریافت پر معلوم ہرا کررات کو غلام فرمد ولد على مدن ساه سكنه مصورى عميل والحامر والحي عمر حل محقيل وصلح مول ارر سرور ولداطلس خان كمنه سوريل علاقة تقانه وزناك كي لعبر خست مِسَ أَكُ فَوْ لِنَ يَ وَلِوْ فَيْ تَعْلَ - حولون مزدوران سے تنصل سانات لیے جود مهراه لف والى ملافظ بن - مردوم دوران نه الين سامات س تبلاما کرایک ڈسیر (بڑک ما) کاؤی جوامیو ریاسے موڈ شارہ تھی جانب شمال روڈ سے آئی اور جو کی کیساکھ موڑ کا کنے فائر نگ یعنی برسٹ ہوئی. برسٹ کے معددو ماشن سال فانرمزمد می سرے ، ہم خررے مارے تھی رخت میں يناه لى. أس كالعد ما كرناك كالسد عي ركا. اور وقوم كارس باقی پولس والول کے زّبانی سلوم سرا . PTO

اس کی بعد سآر ولدمیاں حان سکنہ نارسلطان فحود حس کے ہاں کا نیس عمر عَقَالِكُ كُرِينَاهُ فِي مَعَى ، كَا مَعِي مِيانِ مِيا فِي مِيانِ مِيانِ مِيانِ مِينَ مِيانِ مِينَ مِينَ مِينَ س الوس موجود تقا كم دروارك بردستك بوتي . دروازه كو لي سرمعلوم بر عران نای کا نیس کے اور دہ کھے لولے کے قابل نیس تھا۔ مزیر جب اسلی کے بارسيس درمانت كيا بكرأس كي باس كلاشنكوف سركاري موجرة عقاما بسن ؟ ترأس في ستا يا كروه ما كول خالى المقوعقيا . شارك عبا في عبد الصمد سے مح ا تبقى سان سا عركم مراه لف قابل الاخطراب . اس كالعاد وقت وقوعر كوموز ظرار كھتے ہوئے جانب شمال روز سرجملہ تھ شمت معدريانت شروع كى وريانت برمعلوم مواكرمرم عيشه نست واقع شاخ معی خان موڑ ہے ڈمیر روٹرک کو ڈیٹرہ مالحقول ڈرائٹور مقدرشاہ سکنہ نامعلو بربائر) من الم الم 664 484, 0300-566484 وتوبر سے کھے کھا۔ تیل مطرت سلماع نفی ہے . فراسور مذکورہ سے جب مرمائی مردقوعرے مار س درمانت کی ۔ تر اُس فِ مَا مَا ، که ره شمال کمطرف سے حو کی کمیا کھ مور کا کے بطرف مرق روز عربی مند کرے فاصلے رائے گیا . فرس نے فائر لگ کی أوازشي أورس وقت س مور كاط رباعقا بوسترى بوط ترسته عفك مررما عقامل دوساستری مستری در می سنتری در این مرسر مرسر می این عقار این استری در می می می این این این مرسر میر تعی فون بر تلایا کر بوکس سے بھی تھے بیان ماکسی سے کی تعاون کمیدہ طلب کرما جا ہے توسی حاصر آ نار ہو دگا۔ اس لعد عران كايشر ك لفركة حوار هيار من و سيارج برحاعا. أس بتایا کر دسر گاڑی آئی اور میں سنری بوش کیا منے کھوا تھا تح کافی اندرادسلے نقاب موسی تھے عزلی سائر سے اُجانک ہم ہر دھاوالول کر تھے دھکا دیا ۔ اور فائر نگ بھی ہوتی ۔ میں تعالیٰ گیا ۔ جھے سرکاری رائیس می کومتیرسی جلا اور بھے میر می ستہ بنس جلا کر میں کس طرح اور کہاں من تعالی آیاس - سی ب برمی مرجعاتها - بستال سی سرش آیا ۔ رمدسر على كلم ميل برك (دور سرت كامرلفي مول).

مسیدکانش اور کانش عران کے موبائن فون قبصہ میں امکر حوالہ 1:0 عنیات اللہ تعانه لورتاك كالم اورأس بلات دى كه دولول توماتل ون منزات كأسعلة عظم سے تنفیل ڈیٹا ماصل کریں۔ عالحاه! مرے دانسے کے مطابق تلک فارد کمانڈرے اُس وقت مکت حرتی سے مار نظے سی میں جب مکل جاموشی جھالئی ہے . تو وہ گاردکم ہ مدكات ل كسائق دلو في مرحود عقا . وقوع كالجسم دمد كواه ك مكن جان تو ہے کونشی شم سے تعاون س کرما . اُسے و توبر کا مکو علم ہے ۔ مری لائے ترمطانی و قوعران کی ما دو ملزمان نے کیا ہے . اگردست گردسظم مرتی توسرے نیال میں گارد کرہ جات میں سرنے ملازمین کوری اَسانی سے نشانہ نیا سکتے تھے . اگر کانٹن عران کو سمجے ایما ورکسط كأ على في تومير عنال من ملزم/ملزمان تك طرى أساقى سيجها *- بىنى سكتى بن* . مزىدىيى آب صاحبان موسى سى لاما جاسما مون بحرگارد زمر و جلك كمالكا -معلوم سوا كر رحر (مورند 2012 - 7- 20) سے تا حال كارد/ملاز س اكو حمله سرویزری آمیرے صرف وز مرتبر ملک کئے بی . رسٹرے مطابق ررند 13 - 6- 10 کولائن آنسر اور مورند 13 - 9- 7 کو ١٥٥٥ لازنگ نے جو کی گارد حمل کرے ملازس وئی حول سورل کو صروری بدامات رنيس الق كسى فعي حوى كمطرف أن محى زخت گواره بسي کی کیے . حور عفلت اور لاہر واسی نے . سنترى بوش منر محفظ اور بوسده م کل کانی دور سے بعی اس کوشری سانی سے نشانہ ساما حاسکیائے۔ رمائشی کمرہ حات تعی عمیر فحفوظ شک ۔ اور خسته حال سُن - اَسُرُه مُسِي نَعْمَان سے بحنے فی خاطر اِس کی شامب العمر/مرست ازدرمزری نے - حکرحالات عیش نظر لازی ك تعداد كم ب، مزيد اگرمز هائي ما وے تو كارمركار كملے مور

در بل س کل آگھ کلیظ مروف جیکٹ مٹرے۔ م دينين گارد كاندر ادر جمارے عزان کا بسول ا سے تعی بیانات ملمند کئے بی . کارد کانبلا(كاردكا نذرك سانات مفروض ارآسي ناأهلي كوفيما كلي مترسر كرعلط رُح دينا حامع من من . اص گذی مات مسخف کسک کافتر عال اور دسر داشور ر نامول مرمانل منر - 184ه 665 6331-5664 - مركوانارركميث كما حا با ازد لهذا إس بات دی او کروت اور عی الوشکتر، مکرد نومناسب بلامات دی حاوی · ربورك مرت برخركز ارترك 6.11.2013

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110 1-1499371.1 En us vois osif viico المن الموارق المرك المعالية المركة المر 10 st 10 p 20.5. 13 3354 108 113. Ul in ist 6 402 je 013 113. and walker 03, 203 2 1/2 032 130 ركور ورف 3-6.6 مع جول مركارس كفينات رماسي. \$ 3 19.2.13)19151 -18 (19 6532 (gd) we is a eight fire, ist for a go of ect. Us so so so so اور مركور بولى سرال من كفينا در ال 1 2 10 0 (31.01-13 in 6577 1) 15 3 الارائة ورف مع المرائد Cristin xij DS/ 1 9. 8. 13 Ex 6407 in gel 3. 4 35,1 in St 9-10,91. List si Jin 33, 2 14 is - well singlike 139 by 6508 July Sight. 5 رور في عرف من المراج المعام المراب المعام المراب ال من مرا سال می دو دهست ار منی دورالی رو دور ب Simerin - de XXX 14,9 way & colo col col. 5 6 10 505 6. 20/11/13 و فرس فرد کرس کی شیم کی (D) Nawang 3/000012

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 861/ST

Dated 24 / 04 / 2018

To

The Superintendent of Police, FRP, Government of Khyber Pakhtunkhwa,

Bannu.

Subject:

ORDER/JUDGEMENT IN APPEAL NO. 497/2014, MR. IMRAN KHAN

AND THREE OTHERS.

I am directed to forward herewith a certified copy of Judgment/Order dated 16/04/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR. The worthy Chief Secretary,

Govt. of Khyber Pakhtunkhwa,

Civil Secretariat, Peshawar.

Through:

Proper Channel

Subject:

AGAINST: THE REPRESENTATION DEPARTMENTAL

SOE-V/E&AD/13/02/2018 NOTIFICATION NO.

DATED

PESHAWAR.

May it please your good-self,

Being aggrieved of the Notification ibid, the appellant submits this departmental Representation on the following facts and grounds:-

1. That I am an employee of Khyber Pakhtunkhwa Service Tribunal Peshawar. I initially joined the service on 03-08-1993 and at present is serving as Junior Clerk. I will hardly promote to Assistant in my coming 38 years of service, because of the benison bestowed by the said notification upon the Law Drafter, Assistant Registrar and Cashier cum Assistant

As a Organogram Shows Below.

