

Or.....01
07.12.2017

Accused-petitioner Nisar Mohammad son of Dost Mohammad resident of Khyber Agency Peshawar in person present and filed instant pre-arrest bail petition. It be entered in the relevant Register.

Accused-petitioner named above apprehends arrest in case F.I.R No. 416 dated 17.08.2017 under sections 365/438/355/342 of the Pakistan Penal Code (P.P.C), 1860 Police Station Karak and contends malafides on the part of the prosecution/complainant. The application is supported by an affidavit and copy of FIR.

So, for the time being in the absence of record and in view of the contention supported with an affidavit, I admit the accused-petitioner to ad-interim pre-arrest bail on furnishing bail bond in the sum of Rs. 1,00,000/- (one hundred thousand rupees) with two local, reliable and mem of means sureties in the like amount to the satisfaction of this Court for regular appearance in the case. In the meanwhile the accused-petitioner is given a copy of this order and is directed to associate with the investigating agency as and when required and also to appear before the Court regularly. Notice be issued to the State/complainant for record and hearing on 12.12.2017/17.


Nasrullah Khan Gandapur,
Sessions Judge, Karak.

07-01-18

B.B.A No.446/4 of 2017

Nisar Mohammad...Vs...The State etc.

ORDER
12.12.2017

Accused-petitioner with his counsel Mr. Baghdad Khan Advocate present. Mr. Taj Muhammad, Deputy Public Prosecutor (D.P.P) for the State, present. The parties alleged compromise and complainant along with his son in the mean time came forward with affidavit of compromise and got recorded their joint statement.

Nisar Mohammad, accused-petitioner, seeks pre-arrest bail in case F.I.R No.416 dated 17.8.2017 registered under sections 365/438/355/342 of the Pakistan Penal Code (P.P.C), 1860 at Police Station (P.S) Karak.

According to prosecution complainant Adil Khan on 15.8.2017 made a report against unknown persons for taking away his son Tariq Zaman over hidden motive while alleged abductee in his statement under section 164 Cr.P.C recorded on 20.8.2017 charged accused Nisar Mohammad (petitioner) & others for the present offences but he did not disclose his source of satisfaction with regard to the name and identification of the accused-petitioner. The accused-petitioner is the complainant of the case registered in P.S Hayat Abad Peshawar against Tariq Zaman, the alleged abductee, for depriving him of Rs. 25,00,000/-

13.12.2017
Nisar Mohammad

05/12/18

B.B.A No.446/4 of 2017

Nisar Mohammad... Vs... The State etc.

Order dated 12.12.2017 continued.....

The complainant Adil Khan along with his son Tariq Zaman, the alleged abductee, at the very outset voluntarily appeared before this court and got their joint statement recorded wherein they stressed that they effected compromise with accused-petitioner, pardoned him in the name of Almighty ALLAH and would have got no objection, if instant pre-arrest bail petition of the accused-petitioner was confirmed. They added that accused-petitioner got registered F.I.R No.751 dated 16.8.2017 under sections 419/450/357/34 P.P.C at P.S Hayat Abad, Peshawar against the alleged abductee and in that case the parties also reached compromise. The complainant party in this case produced an affidavit which was placed on file and marked as Ex.PA. They also produced an arbitration deed executed between the parties for the resolution of both the cases between the parties which was returned while its photocopy was placed on file and marked as Ex.PB. The complainant party of the present case is not interested to prosecute the accused-petitioner because of the compromise in this case as well as in the above said case registered against the alleged abductee. The sending of the accused-petitioner behind the bars in the above said

13.12.2017
Nisar Mohammad

13-12-18

B.B.A No.446/4 of 2017

Nisar Mohammad... Vs... The State etc.

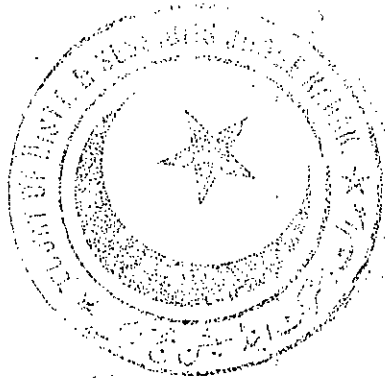
Order dated 12.12.2017 continued.....

circumstances especially when the complainant party lost interest to proceed him would serve no useful purpose.

Keeping in view the above, the instant application of the accused-petitioner is accepted and anticipatory bail already granted to him is confirmed on existing bonds.

File to Record Room.

Announced:
12.12.2017



[Signature]
Nasrullah Khan Gandapur,
Sessions Judge, Karak

[Signature] 09-01-18
Karak

[Signature] 09-01-18
Copy
Branch
Karak

180
900
09-01-18
Nasrullah
09-01-18
09-01-18
Date of Birth
Date of Service of Notice

B

Joint statement of (i) complainant Adil Khan aged about 63/64 years son of Badshah Noor and (ii) Tariq Zaman (abductee) aged about 31 years son of Adin Khan residents of Algadi Karak Tehsil & District Karak:-

Stated that I (Adil Khan) have charged the accused-petitioner Nisar Mohammad vide case F.I.R No. 416 dated 17.8.2017 under sections 365/438/355/342 of Pakistan Penal Code, 1860 (P.P.C) Police Station Karak. Now through the intervention of elders of the locality, we have effected compromise with the accused-petitioner in the present case and has pardoned him in the name of ALLAH almighty. We would have got no objection if the BBA petition of the accused-petitioner was confirmed. Moreover, accused-petitioner Nisar Mohammad son of Dost Mohammad resident of Khyber Agency, Hayat Abad has also lodged F.I.R No.751 dated 16.8.2017 under sections 419/420/357/34 P.P.C at P.S Hayat Abad, Peshawar against me (Tariq Zaman) and in that F.I.R complaint-petitioner has also patched up the matter with us. We produce an affidavit to this effect which is Ex.PA alongwith agreement deed copy of which is placed on file as Ex.PB (original perused and returned) which correctly bears our signatures.

RO and AC.

12.12.2017

Adil Khan

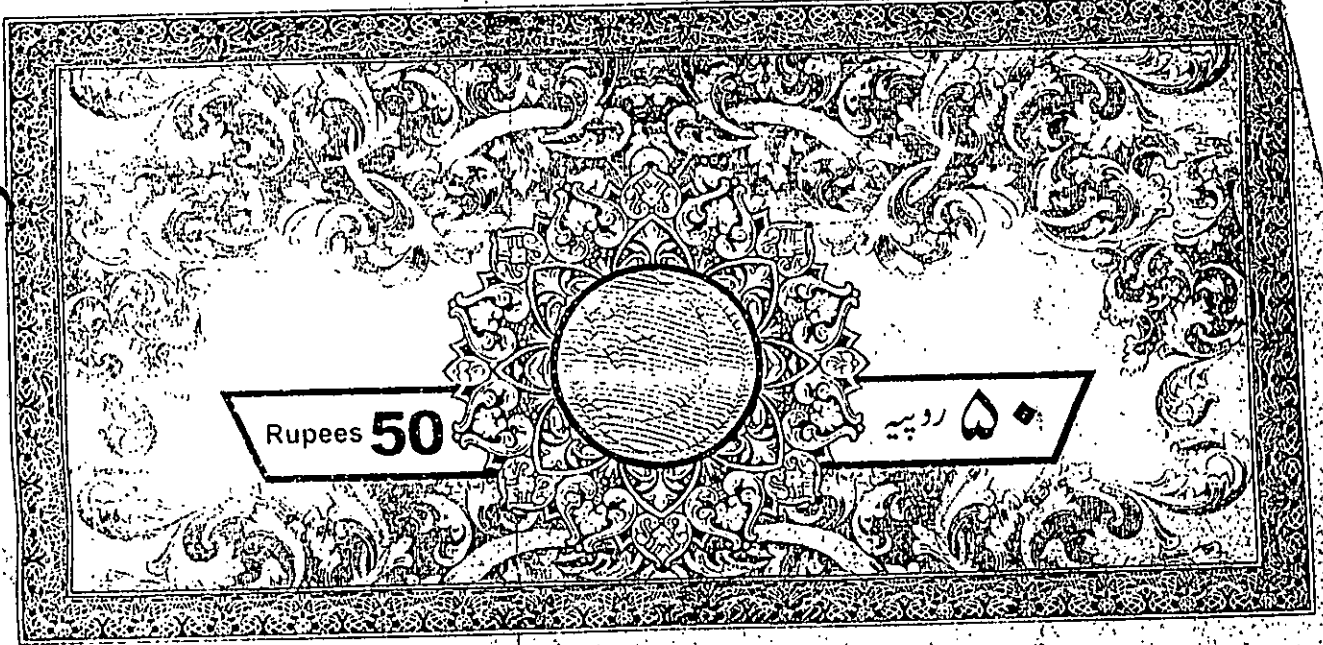
CNIC No. 14202-3560676-7

Tariq Zaman

CNIC No. 14202-623685-7

Nasrullah Khan Gandapur,
Sessions Judge, Karak.

05-01-18



Ex. PB
Kawala
12/12/2017

بیان علمی راضی نامہ مابین فریقین

1. عادل خان ولد بادشاہ نور سکنہ اللہ آباد
2. محمد نیاز ولد دوست محمد سکنہ جین پٹی خاں حیات آباد

ہو گیا مابین فریق اول و فریق دوم تنازعہ فریاری تھا۔ فریق اول نے فریق دوم پر لٹاؤ پر
اور فریق دوم نے فریق اول پر FIR درج کئے تھے

فریق اول نے برخلاف فریق دوم
365, 438, 355, 342
PPC

تھانہ کرب مورخہ 2017-8-17

جیکہ فریق دوم نے برخلاف فریق اول
مقدمہ علت 751 بم 357 420 419
دورہ 8
2017

09-01-18

ہیں درج کئے تھے۔
2. اب مابین فریقین تنازعات حل کرنے میں بذراہہ آٹالٹان MPA مل صاحب
صاحب چلفہ PK اور چیف صاحب ذر دار زمان ملک نے اہم کردار کیا۔ بروئے فیصلہ
دونوں فریق گھبر مابین راضی نامہ دیا۔ راضی نامہ ملا کسی دباؤ یا لاپرواہی کے کیا۔ اور
دونوں فریق نے قبول کیا۔ دونوں فریق... کے مشورے سے فریق اول نے فریق دوم پر لٹاؤ پر
کی قیادت میں تمام سرگت کے ڈس کرب مورخہ 10-13 پرور جمع ہو کر لٹاؤ پر لکیر
کے نکلنے کے دورے اور فریق اول نے فریق دوم پر لٹاؤ پر لکیر

7
راضی نامہ مابین فریقین سند
کریس نیوٹر... فریقین کے درمیان
شرف میں

1. عادل خان ولد بادشاہ نور
سکنہ اللہ آباد
2. طاہر زمان ولد عادل خان سکنہ اللہ آباد
کرب۔ کھیل و نیل کرب... فریق اول

17301-1091877-9
محمد نیاز ولد دوست محمد آباد
جین پٹی خاں حیات آباد

گواہ شدہ
سین ایچ جانی ولد اورنگ بادشاہ
سکنہ عینک و تھرہ
کھیل و نیل کرب
173013536164-1

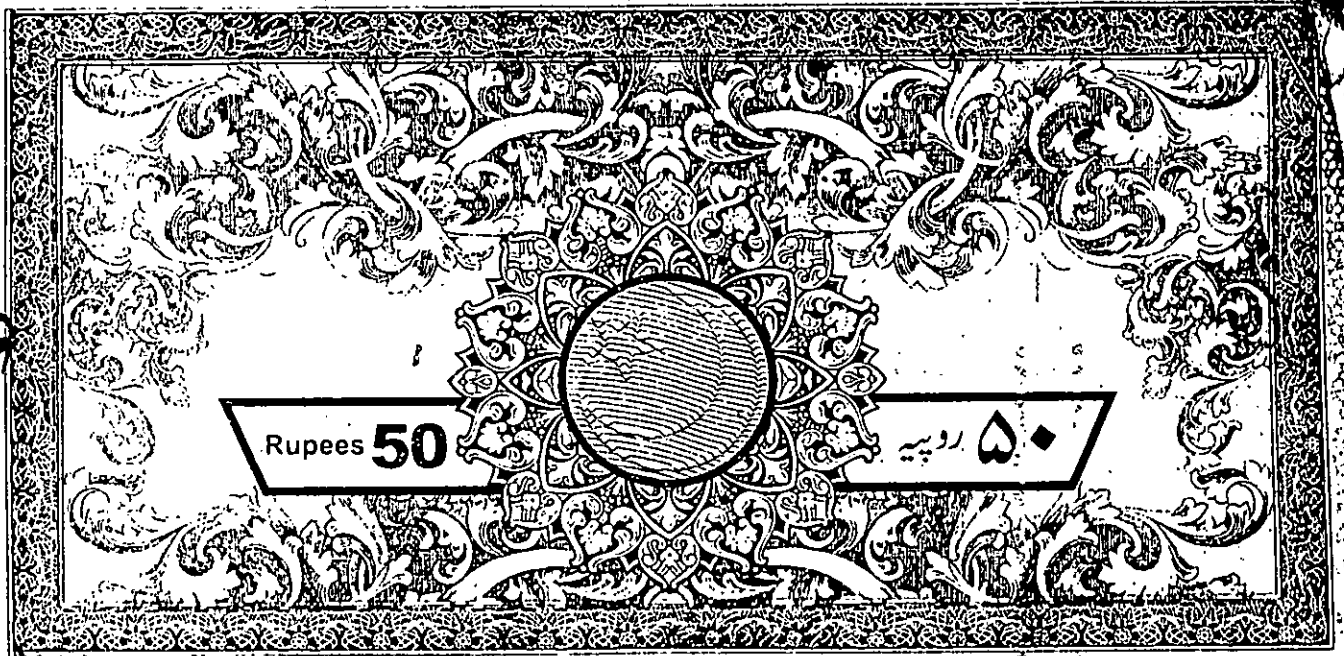
نور: اورنگی سندھو راہ لاہور
ملا لٹاؤ پر لکیر میں لکیر

912928
 16/10/2017
 راجی تانہ بین فرانس (روٹی) عادل خان ولد ابا، شاہ زہ سکینہ، اگلے سڑک کے پل کے پاس
 فریقہ دوم = ۱۰۰ روپے
 محمد رفیق صاحب، سکینہ فیض الرحمن، محلہ کلاں، ضلع ساہیوال، پاکستان

07-10-50
 ۱۰۰ روپے

RECEIVED
 16 SEP 2017
 KANPUR
 TREASURY

Staras Varday
 Muslim Nizam
 16/10/2017



Rupees 50

۵۰ روپیہ

EX 2A

راہی نامہ / بیانِ جلیفی

Kawal
2/11/2017

عائیکہ مسیحیان عادل خان ولد بادشاہ نور و طارق زمان ولد عادل خان اساتذہ
 اللہ ہی کرک پر جلیفی بیان کرتے ہیں کہ من جائفان مقدمہ عدالت نمبر 416
 عرصہ 8/17۔ جتانہ کرک زیر دفعہ 365 PP میں مستفیضان ہیں
 من جائفان نے مقدمہ بعنوان بالا میں شمار محمد ولد دوست محمد ساکن چیرا جلیفی
 حال گل آباد پٹی اور کوہلزم نافرذ کیا تھا۔ اب مستران ملائمہ کی وسالت
 سے فریقین کے مابین راہی نامہ ہو چکا ہے۔ اور من جائفان نے ملزم بالا
 کو فی سبیل اللہ عافا کیا ہے اور اس کے خلاف فریقہ قانونی کارروائی
 کا ارادہ نہیں ہے۔ اگر عدالت حضور ملزم مقدمہ بالا کی BBA تفویض
 ضمانت پر راجا کرے اور بعد میں بری کرے تو من جائفان کو کوئی
 اعتراض نہ ہوگا۔

القبر

طارق زمان ولد عادل خان

عادل خان ولد بادشاہ نور

14202-6236685-7

14202-3560676-7



Departmental Enquiry Against Liaqat Ali SI
FINDINGS

In connection with case FIR No. 416 dated 17.08.2017 u/s 365 /458/355/34 PPC PS Karak the competent authority issued charge sheets and statements of allegations on 24.08.2017 and 15.09.2017 against the defaulter SI Liaqat Ali the then SHO Police Station Karak, however, since facts of both the charge sheets are one and the same therefore circumstances have arisen from the aforementioned single case that facts in respect of the defaulter SI Liaqat Ali are common in both the charge sheets, therefore, I propose to dispose of both the charge sheets in one common finding.

Facts:-

Facts of the instant departmental enquiries against SI Liaqat Ali are:-

1. That he while posted as SHO Police Station Karak helped and assisted secretly with malafide intention the accused party prior to the commission of offence who later on kidnapped the kidnappee namely Tariq Zaman s/o Adil Khan r/o Algaddi Karak at the gun point. This action of the accused was entered in the daily diary No. 33 dated 15.08.2017 which was subsequently converted into proper FIR No. 416 dated 17.08.2017 u/s 365/45/355/34 PPC Police Station Karak.
2. That being SHO he tasked DFC Muhammad Jalal No. 666 of Police Station Karak for identification of house of kidnappee Tariq Zaman to the accused party.
3. That he failed to take immediate action for the arrest of accused and recovery of kidnappee.
4. That he managed to get the relevant photo state copies of FIR and statement of the kidnappee recorded U/s 164 Cr.PC which were delivered by him to the accused for managing their bails.
5. That on 12.08.2017 accused duly armed in two different vehicles entered into the house of Adil Khan and kidnapped his son Tariq Zaman.

When the enquiry was commenced the defaulter SI submitted his written reply to the charge sheets which are placed on file and thereafter statement of LHC Muhammad Jalal No. 666/DFC Police Station Karak and Inspector Muhammad Yousaf Investigation wing Police Station Karak were recorded while at the end when the defaulter SI was asked to record his statement he stated that statements in reply to the charge sheets already submitted by him may be considered as statements in the enquiry.

Muhammad Jalal DFC No. 666/LHC stated that during the days of occurrence he was performing the duty as DFC and still performing the said duty. According to him during the days of occurrence SI Liaqat Ali was SHO

Police Station Karak. The SHO directed him to get information about Tariq Zaman s/o Adil Zaman and one another person whose name was not remembered by him. According to him he collected information about Tariq Zaman and informed the SHO Liqat Ali that Tariq Zaman was present at his house located in Algaddi Karak while he could not trace the other unknown person. The DFC further stated that he was again directed by Liqat Ali SHO Police Station Karak to ascertain about the location of the house of Tariq Zaman. He accordingly did so and informed the SHO that as directed, he traced the location of house of Tariq Zaman. The DFC further added that when he was given the task by the SHO one driver and three other persons were handed to him by the said SHO and thereafter he pointed out house of Tariq Zaman to them. The DFC stated that after 10/12 days he came to know that Tariq Zaman was kidnapped. In reply to a question the DFC stated that SHO Liqat Ali did not disclose to him any issue between Tariq Zaman and the four persons accompanying him. According to him the SHO only directed him to point out house of Tariq Zaman to them.

Inspector Muhammad Yousaf stated that he is investigating the case FIR No. 416 dated 17.08.2017 u/s 365/45/355/34 PPC Police Station Karak. He stated that on 23.08.2017 SHO Liqat Ali on telephone called him to Police Station Karak. When he arrived the Police Station Karak he asked him to hand over copy of FIR of the case and statement of Tariq Zaman kidnappee recorded u/s 164 Cr.Pc. The witness sent his driver to Bazar who got photo stat copies of the said documents and accordingly delivered to Liqat Ali the then SHO Police Station Karak. According to him at the time of delivery of the documents in the room of Muharrir alongwith SHO Liqat two unknown persons were also present. Liqat Ali told Yousaf Khan that these persons were sent by Azmat Khan SHO Police Station Shakardara Kohat for collection of the documents so that accused may apply for BBA. Muhammad Yousaf in reply to his question stated that being SHO he was supervisory officer of both investigation and operation therefore he delivered him photo copies of FIR and statement of the kidnappee.

The defaulter SI stated that his reply to the charge sheet may be considered as his statements in these enquiries however, in reply to a question he stated that he never visited the house of kidnappee after the occurrence.

From the statement recorded during enquiry the following facts have been established beyond any shadow of doubt:-

1. Before the occurrence of kidnapping, the defaulter SI SHO Liaqat Ali directed his DFC to associate four unknown person to the house of kidnappee Tariq Zaman and further directed him to point out the house of Tariq Zaman to them. He accordingly pointed out house of Tariq Zaman to the four said unknown persons.

2. After some days of the pointation of the house by the DFC to four unknown persons, case of kidnapping took place in the limit of Police Station Karak.

3. Intelligence of the defaulter SI, the then SHO Liaqat Ali was so weak that he could not get information about the two vehicles consisting of armed accused who entered to his area of responsibility and successfully kidnapped Tariq Zaman.

4. Even after the occurrence the defaulter SI Liaqat Ali failed to visit house of the kidnappee for consolation of the relatives of the kidnappee.

5. Even after getting information about the kidnapping in his area of responsibility he failed to take immediate action for the arrest of accused and recovery of kidnappee.

6. The defaulter SI Liaqat Ali collected photo stat copies of FIR and statement of the kidnappee recorded U/s 164 Cr.PC from the investigation officer Muhammad Yousaf Inspector in order to deliver the same to the accused so that they may arrange their bails from the court of law.

All the above stated facts lead us to the following conclusion:-

a. That the defaulter SI was in league with the kidnappers.

b. The defaulter SI Liaqat Ali facilitated the accused to commit the offence of kidnapping in his area of jurisdiction.

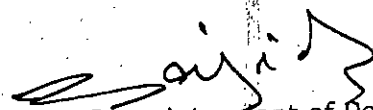
c. The defaulter SI got identified house of the kidnappee to the accused through his DFC.

d. The defaulter SI was so interested in the accused that he arranged documents from the I.O so that accused may apply for bail from the court of law.

e. Offence of kidnapping is a very serious offence. As soon as information is received to the SHO concerned he is required to take prompt action for the arrest of accused and recovery of kidnappee but in the present case the defaulter SI was having connection with the accused party therefore he did not take any offensive or defensive measures against the accused.

f. It can also be concluded that the defaulter SI kept his self interest above the interest of his service and department.

Nutshell of the above discussion is that the defaulter SI Liaqat Ali the then SHO Police Station Karak is held guilty of the charges leveled against him. He is recommended for one of the major punishment please.


Superintendent of Police,
Investigation Wing, Karak

CHARGE SHEET

1. I, Abdur Rashid, District Police Officer, Karak as competent authority, hereby charge you **SI Liaqat Ali Khan, the then SHO Police Station Karak** as follow:-

"You SI Liaqat Ali while posted as SHO at PS Karak helped and assisted secretly with malafide intention the accused party prior to the commission of offence who later on kidnapped the kidnappee namely Tariq Zaman s/o Adil Khan r/o Algadi Karak at gun point. This action of the accused party was entered in the Daily Diary No. 33 dated 15.08.2017 which was subsequently converted into proper FIR No. 416 dated 17.08.2017 u/s 365,458,355,34 PPC.PS Karak.

Being SHO you tasked DFC Muhammad Jalal No. 666 of PS Karak for identification of the house of kidnappee to accused party. Upon your directions, the DFC after doing the needful submitted verbal compliance report to you on his return.

Furthermore, even during and after the commission of offence, the silence on your part established criminal act and professional disinterest by not taking immediate action for the arrest of accused and recovery of kidnappee. This also speaks that you were in-league with the accused.

Moreover, after the commission of offence, you managed to get the relevant photo copies of case etc for the accused party from Inspector Muhammad Yousaf Oll of PS Karak which is quite adverse on your part.

All this shows your malafide intention and criminal act being SHO. Such act on your part is not only against service discipline but also amounts to gross misconduct."

2. By reason of your commission / omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department and have rendered yourself liable to all or any of the penalties specified in Police Rule-1975 ibid.

3. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer **Mr. Qazi Sajid Ud Din, SP, Investigation Wing Karak** is appointed for the purpose of conducting enquiry.

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

4 Intimate whether you desire to be heard in person.

5 A statement of allegation is enclosed.

Anashud
District Police Officer, Karak

(3)

DISCIPLINARY ACTION

1. I, Abdur Rashid, District Police Officer, Karak as competent authority, is of the opinion that **SI Liaqat Khan, the then SHO Police Station Karak** has rendered herself liable to be proceeded against on committing the following act / commission within the meaning of Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department.

STATEMENT OF ALLEGATION

"SI Liaqat Ali while posted as SHO at PS Karak helped and assisted secretly with malafide intention the accused party prior to the commission of offence who later on kidnapped the kidnappee namely Tariq Zaman s/o Adil Khan r/o Algadi Karak at gun point. This action of the accused party was entered in the Daily Diary No. 33 dated 15.08.2017 which was subsequently converted into proper FIR No. 416 dated 17.08.2017 u/s 365,458,355,34 PPC PS Karak.

Being SHO, he tasked DFC Muhammad Jalal No. 666 of PS Karak for identification of the house of kidnappee to accused party. Upon his directions, the DFC after doing the needful submitted verbal compliance report to him on his return.

Furthermore, even during and after the commission of offence, the silence on his part established criminal act and professional disinterest by not taking immediate action for the arrest of accused and recovery of kidnappee. This also speaks that he was in-league with the accused.


Moreover, after the commission of offence, he managed to get the relevant photo copies of case etc for the accused party from Inspector Muhammad Yousaf Oll of PS Karak which is quite adverse on his part.

All this shows his malafide intention and criminal act being SHO. Such act on his part is not only against service discipline but also amounts to gross misconduct."

2. The enquiry Officer **Mr. Qazi Saïd Ud Din, SP, Investigation Wing Karak** in accordance with provision of the Police Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record her finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

3. The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.


District Police Officer, Karak

No. 465 / PA (Enq), dated 15/8 / 2017. 

Copy to:-

85. The enquiry Officer for initiating proceeding against the accused under the Provision of the Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department with the directions to flag previous enquiry papers with this enquiry.

2. SI Liaqat Khan, Police Lines, Karak

(7)

جناب عالی!

مشمولہ چارج شیٹ اینڈ سمری آف الیکیشن نمبر (Eng) 464/PA مورخہ 15-09-2017 بجاریہ جناب DPO صاحب کرک کے بارے پیرا دائرہ معروض ہوں کہ،

1- مورخہ 26-09-1988 کو بطور کانسٹیبل پولیس فورس میں بھرتی ہو چکا ہوں۔ اچھی کارکردگی کی بناء پر وقتاً فوقتاً ترقیاب ہو کر سب انسپٹر تک پہنچا ہوں۔ مورخہ 25-05-2017 کو تھانہ کرک سٹی بحیثیت SHO تعینات ہو چکا ہوں۔ کافی کچھ کارروائی کی ہے۔ اور اس سلسلہ میں جناب DPO صاحب ضلع کرک نے ایک چارج شیٹ نمبر 435/PA مورخہ 24-08-2017 کو جاری فرما کر مفصل بیان دے چکا ہوں۔ طارق زمان ولد عادل خان سکناہ الگڈی کرک جو نبی اغواء ہوا میں گشت پر تھا۔ اطلاع ملتے ہی میں نے خود سبغ نفری کے دوڑ دھوپ کیا مگر کامیابی نصیب نہ ہوئی۔ محرر نے SDPO صاحب ہیڈ کوارٹر کے نوٹس میں بات لاتے ہوئے روزنامہ پورٹ درج کرنے کی ہدایت ہوئی تھی۔ جس کا باقاعدہ روزنامہ میں رپورٹ درج کر کے دریافت شروع کی۔ معظم ASI کو نامور دریافت کیا۔ بعدہ حسب احکم افسران بالا صاحبان باقاعدہ مقدمہ علت 416 مورخہ 17-08-2017 بجرم 34-355-458-365 تھانہ کرک سٹی رن رجسٹر ہو کر یوسف خان انسپٹر KBI نے تفتیش شروع کی۔

2- چند کسان وقوع سے قبل آئے تھے جنہوں نے ہمیں بتلایا کہ ان کسان کا طارق زمان کے ساتھ معاملہ تھا۔ اب اسکا فیصلہ کرنے کیلئے آئے ہیں۔ لیکن چونکہ وہ مہمان تھے بدیں وجہ DFG محمد جلال ان کے ساتھ بھجوا یا۔ جنہوں نے پتہ براری کر کے مہمان کو وہاں پہنچائے۔ لیکن اس وقت طارق زمان اسکو نہیں ملا تھا۔ انہوں نے کہا کہ اب وہ موجود نہیں ہے۔ بعد میں وہ دوبارہ آ کر اسکے ساتھ کو فیصلہ کریں گے۔ ہمیں یہ کوئی علم نہیں تھا کہ متذکرہ کسان کا نسبت مجرمانہ ہے۔ ورنہ کیوں اس کی مدد کرتا۔

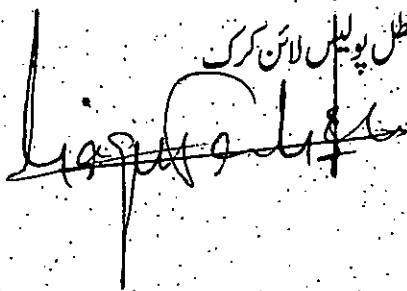
3- اس میں شک نہیں کہ میں نے کافی دوڑ دھوپ بابت گرفتاری کی ہے۔ اور ہر لمحہ پر یہ کوشش کر رہا تھا کہ ملزمان کی گرفتاری، مغوی برآمدگی ہو جائے۔

4- جہاں تک یوسف خان انسپٹر نے نقل کاپی دی ہے۔ یوسف خان انسپٹر ہے۔ جبکہ میں سب انسپٹر ہوں۔ کیا ایسا ممکن ہو سکتا ہے کہ میں یوسف خان انسپٹر کو حکم دوں کہ وہ کوئی غلط کام کرے۔ جبکہ اصل حقیقت یہ ہے کہ عصمت خان انسپٹر SHO تھانہ شکر درہ حال لاپچی ضلع کوہاٹ نے دو کسان شکر درہ کے بغرض نقولات حوالہ کرنے بھجوائے تھے۔ جو کہ میں نے یوسف خان کو بھجوائے تھے۔ اور یوسف خان نے خود نوٹو کاپی ان کے حوالہ کئے تھے۔ اگر واقعی بددیانتی والا فعل ہوتا تو ہونا یہ چاہئے تھا کہ نقولات حوالہ کرنے کے بجائے اس وقت میرے خلاف روزنامہ پورٹ درج کرتے جو کہ ریکارڈ پر موجود نہیں اور نہ کوئی ماتحت افسر کسی سینیئر آفیسر کو کسی قسم کی ہدایات (حکم) نہیں دے سکتا۔ نیز اس سلسلہ میں من سائل جناب DPO صاحب کو بنفس نفیس وضاحت اردلی روم میں کر سکتا ہوں۔ سائل کی اس میں کسی قسم کی بدینتی شامل نہیں تھی لہذا معافی ہی جاوے۔

العارض،

سائل: لیاقت علی سی، حال معطل پولیس لائن کرک

NO: 0346-9295637



CHARGE SHEET

1. I, Abdur Rashid, District Police Officer, Karak as competent authority, hereby charge you SI Liaqat Ali Khan, the then SHO Police Station Karak as follow:-

P.L. W.A.

You SI Liaqat Ali while posted as SHO at PS Karak helped and assisted secretly with malafide intention the accused party prior to the commission of offence who later on kidnapped the kidnappee namely Tariq Zaman s/o Adil Khan r/o Algadi Karak at gun point. This action of the accused party was entered in the Daily Diary No. 33 dated 15.08.2017 which was subsequently converted into proper FIR No. 416 dated 17.08.2017 u/s 365,458,355,34 PPC PS Karak.

Being SHO you tasked DFC Muhammad Jalal No. 666 of PS Karak for identification of the house of kidnappee to accused party. Upon your directions, the DFC after doing the needful submitted verbal compliance report to you on his return.

Furthermore, even during and after the commission of offence, the silence on your part established criminal act and professional disinterest by not taking immediate action for the arrest of accused and recovery of kidnappee. This also speaks that you were in-league with the accused.

Moreover, after the commission of offence, you managed to get the relevant photo copies of case etc for the accused party from Inspector Muhammad Yousaf Oll of PS Karak which is quite adverse on your part.

All this shows your malafide intention and criminal act being SHO. Such act on your part is not only against service discipline but also amounts to gross misconduct."

2. By reason of your commission/ omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department and have rendered yourself liable to all or any of the penalties specified in Police Rule-1975 ibid.

3. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer Mr. Qazi Sajid Ud Din, SP, Investigation Wing Karak is appointed for the purpose of conducting enquiry.

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

4 Intimate whether you desire to be heard in person.

5 A statement of allegation is enclosed.

Abdur Rashid
District Police Officer, Karak

Mr

BBAC
دائری نوٹس کارڈ سے معصوم
اور اس کے بارے میں فی الحال کوئی
تعمیراتی کارروائی نہیں ہو رہی ہے

DISCIPLINARY ACTION

(6)

1. I, Abdur Rashid, District Police Officer, Karak as competent authority, is of the opinion that SI Liaqat Khan, the then SHO Police Station Karak has rendered herself liable to be proceeded against on committing the following act / commission within the meaning of Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department.

STATEMENT OF ALLEGATION

"SI Liaqat Ali while posted as SHO at PS Karak helped and assisted secretly with malafide intention the accused party prior to the commission of offence who later on kidnapped the kidnappee namely Tariq Zaman s/o Adli Khan r/o Algadi Karak at gun point. This action of the accused party was entered in the Daily Diary No. 33 dated 15.08.2017 which was subsequently converted into proper FIR No. 416 dated 17.08.2017 u/s 365,458,355,34 PPC PS Karak.

Being SHO, he tasked DFC Muhammad Jalal No. 666 of PS Karak for identification of the house of kidnappee to accused party. Upon his directions, the DFC after doing the needful submitted verbal compliance report to him on his return.

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Moreover, after the commission of offence, he managed to get the relevant photo copies of case etc for the accused party from Inspector Muhammad Yousaf Oll of PS Karak which is quite adverse on his part.

All this shows his malafide intention and criminal act being SHO. Such act on his part is not only against service discipline but also amounts to gross misconduct."

2. The enquiry Officer Mr. Qazi Sajid Ud Din, SP, Investigation Wing Karak in accordance with provision of the Police Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record her finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

3. The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

Arashid
District Police Officer, Karak

No. 465 / PA (Enq), dated 15/8 / 2017.

Copy to:-

85. The enquiry Officer for initiating proceeding against the accused under the Provision of the Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department with the directions to flag previous enquiry papers with this enquiry.

2. SI Liaqat Khan, Police Lines, Karak

ایس ڈی آر ایف کے پاس اس کی کاپی دینا
ایس ڈی آر ایف کے پاس اس کی کاپی دینا

دینہ ایسٹریٹس

عسکری علاقوں میں اور دیگر نواح میں

Alt
25/9/2017

25/9/2017

سوال: اگر یہ تمام علاقے نوکریوں کے لئے کھلے ہوں گے تو

بغیر ان علاقوں کے اور یہاں پر کتنے لوگ کام میں آسکیں گے؟
دولوں کا ترقی پزیر ہونا اور یہاں پر کام کی فراہمی

یہاں پر کام کی فراہمی اور یہاں پر کام کی فراہمی
یہاں پر کام کی فراہمی اور یہاں پر کام کی فراہمی

یہاں پر کام کی فراہمی اور یہاں پر کام کی فراہمی
یہاں پر کام کی فراہمی اور یہاں پر کام کی فراہمی

یہاں پر کام کی فراہمی اور یہاں پر کام کی فراہمی
یہاں پر کام کی فراہمی اور یہاں پر کام کی فراہمی

25-9-2017

Alt
25/9/2017

بیان از ان سائنٹ علی خان ایڈیٹور جامعہ اسلامیہ کالج لویں

بیان ریاست میں نے فارغ التحصیل کا جو جواب دیا ہے وہ ہے
میرا بیان لکھو پورے

~~علی خان~~
سائنٹ علی خان

سائنٹ از وقوع اب صوفی کے گروہ کے؟
ہی ہیں۔

FIR کی تاریخ پوری

FIR کی تاریخ پوری 17/11/16
Beat کی تاریخ پوری وقوع کے مطابق ایسے بتانا تھا؟
Beat کی تاریخ پوری وقوع کے مطابق تھی صوفی نہیں تھی

Attested
25.9.13

رہا اس کے بعد سائنٹ علی خان نے جمع کر دی
طرف زبان کا جو مضمون لکھا گیا ہے اس کا
تساؤ جو مضمون لکھا اور پورے میں سے اس کا
ہیں خود سر بتایا کہ تاریخ زبان کا مضمون لکھا گیا
تو زبان کے گروہ صوفیوں کو لکھا گیا ہے۔ جب
راشوار اور دیگر شخص افراد کو 25/11/16 کو
کو طرف زبان کا جو مضمون لکھا گیا اور میں نے
تو زبان کا جو مضمون لکھا گیا اور میں نے
جلد 1م طرف زبان کے احوال ہوئے۔

میرا بیان ہے۔ محمد طاہر

صفا بیان رسالہ میں تمنا رک میں بطور DF اپنے فرائن
 منہی ایچ رہا رہا ہوں اور مقوم کے دنوں میں بھی میں بطور
 DF تمنا رک تمنا وقوع کے دنوں میں سائنٹ عمل خانہ زی بطور
 ان دو اشخاص کا طرفی زمان و اعداد حال اور ان اشخاص کی معلوم
 کیا جائے۔ جو کہ میں نے معلوم کیا کہ طرفی زمان الٹری کرتے ہیں
 موجود ہے جسے دوسرا شخص بسا کہ خارج ہے معلوم نہیں ہے کہ کس
 نہ رہا۔ اس کے بعد سائنٹ عمل خانہ کے مجمع کو ہدایت دی
 کہ طرفی زمان کا جو معلوم کریں میں نے اس کی تفصیل کرتے
 اس کا جو معلوم کیا اور اس کا بین مندرجہ 5:1 کا سامر کو
 زمانہ بطور سر بتایا کہ طرفی زمان کا جو معلوم کیا ہے یہ
 طرفی زمان کے کوئی معلوم کر رہا تھا تو اس وقت تک
 ڈرائیور اور ریڈر میں افراد کہ 5:1 کے ہرے جوان کے کچھ کہ
 ان کو طرفی زمان کا کوئی معلوم اور میں نے اس کے مطابق ان کو
 طرفی زمان کا جو معلوم کر لیا۔ لہذا 10/12 دن بعد ہی صحیح
 صحیح معلوم طرفی زمان اعوان ہوا ہے۔

سوال: کیا میں نے اس کو کیا تھا اس بات کو فقہ رکھا ہے
 جواب: نہیں ہے اس کے مجمع اسکا ہدایت ہر حال صحیح ہے۔
 محمد حلیہ DF
 666

سوال: اس میں لاء دیکھو کیا تھا، مذکورہ شخص نے 25/9/54ء کو
کچھ ان کا کوئی معنی طرہی زمانہ کیا تو انہیں جو عمل کیا

جواب: یہ عمل ہے۔ اب نے طرہی زمانہ اور ان کے ساتھ درمیان
میں کا کوئی ذکر نہیں کیا تھا صرف یہ تھا کہ ان طرہی زمانہ
کا کوئی زمانہ ہے۔

سوال: یہ لکڑیاں ہیں بطور 25/9/54ء کو لکڑیاں یا ان کے دوران
میں ان کو لکڑیاں یا ان کے دوران میں کیا ہے یا نہیں ہے۔

جواب: یہ نہیں ہے۔ اس کے اس عرصے کے دوران میں کوئی لکڑی
نہیں ہے۔

سوال: جو کہ انہیں نے ان کو لکڑیاں یا ان کے دوران میں لکڑیاں اور لکڑیاں
طرہی زمانہ کو میں عمل میں لکڑیاں یا ان کے دوران میں لکڑیاں اور
اس کے اطلاع میں ہے۔

جواب: یہ نہیں ہے! اس کے دوران میں لکڑیاں یا ان کے دوران میں لکڑیاں
نہیں ہے۔

شکر درت لکھ گیا
DR
6/6

Alta
25.9.54

CHARGE SHEET

1. I, Abdur Rashid, District Police Officer, Karak as competent authority, hereby charge you **SI Liaqat Ali Khan, the then SHO Police Station Karak** as follow:-

"You SI Liaqat Ali while posted as SHO at PS Karak helped and assisted secretly with malafide intention the accused party prior to the commission of offence who later on kidnapped the kidnappee namely Tariq Zaman s/o Adil Khan r/o Algadi Karak at gun point. This action of the accused party was entered in the Daily Diary No. 33 dated 15.08.2017 which was subsequently converted into proper FIR No. 416 dated 17.08.2017 u/s 365,458,355,34 PPC PS Karak.

Being SHO you tasked DFC Muhammad Jalal No. 666 of PS Karak for identification of the house of kidnappee to accused party. Upon your directions, the DFC after doing the needful submitted verbal compliance report to you on his return.

Furthermore, even during and after the commission of offence, the silence on your part established criminal act and professional disinterest by not taking immediate action for the arrest of accused and recovery of kidnappee. This also speaks that you were in-league with the accused.

Moreover, after the commission of offence, you managed to get the relevant photo copies of case etc for the accused party from Inspector Muhammad Yousaf Oll of PS Karak which is quite adverse on your part.

All this shows your malafide intention and criminal act being SHO. Such act on your part is not only against service discipline but also amounts to gross misconduct."

2. By reason of your commission / omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department and have rendered yourself liable to all or any of the penalties specified in Police Rule-1975 ibid.

3. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer **Mr. Qazi Sajid Ud Din, SP, Investigation Wing Karak** is appointed for the purpose of conducting enquiry.

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

4 Intimate whether you desire to be heard in person.

5 A statement of allegation is enclosed.

Arashid
District Police Officer, Karak

66/9/2017

DISCIPLINARY ACTION

1. I, Abdur Rashid, District Police Officer, Karak as competent authority, is of the opinion that **SI Liaqat Khan, the then SHO Police Station Karak** has rendered herself liable to be proceeded against on committing the following act / commission within the meaning of Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department.

STATEMENT OF ALLEGATION

"SI Liaqat Ali while posted as SHO at PS Karak helped and assisted secretly with malafide intention the accused party prior to the commission of offence who later on kidnapped the kidnappee namely Tariq Zaman s/o Adil Khan r/o Algadi Karak at gun point. This action of the accused party was entered in the Daily Diary No. 33 dated 15.08.2017 which was subsequently converted into proper FIR No. 416 dated 17.08.2017 u/s 365,458,355,34 PPC PS Karak.

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All this shows his malafide intention and criminal act being SHO. Such act on his part is not only against service discipline but also amounts to gross misconduct."

2. The enquiry Officer **Mr. Qazi Sajid Ud Din, SP, Investigation Wing Karak** in accordance with provision of the Police Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record her finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

3. The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.


District Police Officer, Karak

No. 465 / PA (Enq), dated 15.9 / 2017.

Copy to:-

85. The enquiry Officer for initiating proceeding against the accused under the Provision of the Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department with the directions to flag previous enquiry papers with this enquiry.

2. SI Liaqat Khan, Police Lines, Karak

بیان محمد یوسف الشکر الفوسی کے قتل کے بارے میں

محمد یوسف الشکر الفوسی کے قتل کے بارے میں بیان کرتا ہوں۔

میرے قتل کے بارے میں 23/17 کوٹھن میں بیان کیا گیا ہے۔

میں نے قتل کرنے کے لیے کہا کہ آپ کو قتل کیا جائے گا۔

میں نے قتل کرنے کے لیے کہا کہ آپ کو قتل کیا جائے گا۔

میں نے قتل کرنے کے لیے کہا کہ آپ کو قتل کیا جائے گا۔

میں نے قتل کرنے کے لیے کہا کہ آپ کو قتل کیا جائے گا۔

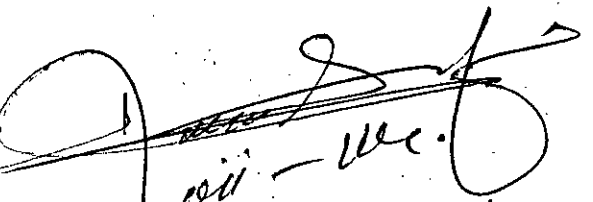
میں نے قتل کرنے کے لیے کہا کہ آپ کو قتل کیا جائے گا۔

میں نے قتل کرنے کے لیے کہا کہ آپ کو قتل کیا جائے گا۔

(P.T.O)

بظن
مستور

در خصوص بلقیس زکریا کوٹ میں زبردستی (188) کا واقعہ
میں ملحقہ ضلعی طور پر ایک کیلئے نقل FIR اور 164 ضلع
کی نقل میں 5440 لاہور علی خان ٹھکانہ کو
خوش کر دی ہے۔ مذکورہ کی نقل ضلعی طور پر
میں رکھی جائے گی۔ نقل FIR ضلعی طور پر 416 ٹھکانہ
اور ضلعی طور پر 164 ضلع ضلعی طور پر قاریان ضلع۔ 5440 لاہور
2 ضلعی طور پر 5440 ضلعی طور پر ضلعی طور پر
بیان ہے۔ جو درست ہے۔


0345-9411986.

بیان آزان محمد حلال $\frac{666}{DFC}$ تھانہ آرک

بیانی ہو کہ میں DFC تھانہ میں موجود تھا۔ کہ HHO کی صاحب
نے بڑی بڑی مرد فخر حسن تاویج معلوم نہیں بلکہ عشر و بلا طلب
کیا۔ دفتر روزنامہ میں HHO کی صاحب چند کسان کیساتھ جو دفتر میں
ووہو تھا۔ HHO صاحبانے طارق زمان ولد عادل خان سکندر الگڑی آرک
عبدالرازق ولد اسلازادہ سے متعلق معلومات کی حد پتہ لگائی۔

جس کو میں نے ایک چٹ پر تحریر کر کے اپنے پاس رکھ لیا۔ جس پر میں
DFC الگڑی آرک جا کر قسمی طارق زمان بالائی معلومات لگائی۔ جبکہ قسمی
عبدالرازق کی معلومات حاصل نہ کر سکا۔ واپس تھانہ آیا۔ علم حاصل
سے HHO صاحب کو آگاہ کیا۔ جس پر HHO صاحب نے قسمی طارق زمان بالائی
گو کہ بارت میں معلومات نہ لے کر گیا۔ جس پر HHO کیساتھ جو بھٹے سوئے اشخاص
نے کیا کہ بیمارے ساتھ ماٹری میں جا کر ہمیں کوئی نشاندہی نہ کرے۔ پھر میں HHO
صاحب کی حد پتہ پر چار کسان کیساتھ اس کے موٹو مار میں دلہند الگڑی آرک
جا کر قسمی طارق زمان بالائی گوئی نشاندہی نہ کر لگائی۔ واپس تھانہ آئے۔
تھانہ میں مذکورہ چار کسان میں سے ایک نے ایک نیا روپے انعام دیکر
HHO صاحب نے میں DFC کو فارغ کیا۔ بعد میں علم ہوا کہ قسمی
طارق زمان کو کسی نے اغوا کر لیا ہے۔ قبیلہ ٹرہڑی سرحدہ چٹا کو بعد میں DSP
صاحب کو حوالہ کیا گیا۔

DFC B. 66

جناب عالی!

گزارش ہے کہ سائیکل کی ریڈیکیشن / رجسٹریشن باغیہ سب اسٹیشن سے پیٹرینٹل H/c ہو چکا ہے۔ اور یہ کہ سائیکل 595 B No. مورف کی فوٹو گالی بغیر ایبل درکار ہے۔ 5-10-2017

رہی ہے کہ مذکورہ B کی فوٹو گالی دیگر منگور فرمائیں

عین نوازش ہوگی
مہا 9/10/17

الغرض

H/c ایف اے علی خان مقیمہ پوسٹ آفس آفیسر

[Handwritten signature]

Sir,
Forwarded

with
copy of
copy of

[Handwritten signature]

District Police Officer
(Karak) 13.10.2017.
[Handwritten signature]

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 197 /ST Dated 31 /01 / 2019


To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Karak.

Subject: - JUDGMENT IN APPEAL NO. 62/2018, MR. LIAOAT ALI KHAN.

I am directed to forward herewith a certified copy of Judgement dated 18.01.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

①

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 62 / 2018

Liaqat Ali Khan S/o Said Hussain R/o Zar Khan Kala Tehsil

Takht-e-Nasrati District, Karak Appellant

Versus

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 52

Dated 17-1-2018

1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. The Regional Police Officer, Kohat Region, Kohat
3. District Police Officer, Karak.
4. Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar

..... Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED 03/01/2018 ISSUED ON
04/01/2018 OF RESPONDENT NO. 2 BY WHICH
APPEAL/REPRESENTATION FILED BY APPELLANT AGAINST
ORDER DATED 05/10/2017 PASSED BY RESPONDENT NO. 3
HAS BEEN REJECTED

PRAYER

By accepting this service appeal, the punishment awarded to the appellant through impugned orders dated 05/10/2017 and 03/01/2018 may graciously be set aside by declaring it illegal, void, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable and the appellant is entitled for all back benefits of pay and service.

Respectfully Sheweth;

1. That appellant was appointed as Constable in Police Department on 26/09/1988 served the police department for long 29 years and has rendered satisfactory service in the Department for the past so many years and performed his duties with full zeal and enthusiasm. Due to his continuous struggled appellant has been promoted to the post of Sub- Inspector.

Filed to
Registrar
17/1/2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 62/2018

Date of Institution ... 17.01.2018

Date of Decision ... 18.01.2019

Liaqat Ali Khan S/O Said Hussain R/o Zar Khan Kala Tehsil Takht-e-Nasrati
District, Karak. ... (Appellant)

VERSUS

Provincial Police Officer/Inspector General of Police Khyber Pakhtunkhwa,
Peshawar and three others. ... (Respondents)

MR. SHAHID QAYYUM KHATTAK,
Advocate

--- For appellant.

MR. MUHAMMAD RIAZ KHAN PAINDAKHEL,
Assistant Advocate General

--- For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER (Executive)
--- MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER. - Arguments of the learned counsel for the
parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that he was appointed as
Constable in the Police Department on 26.09.1988. He has more than 29 years
unblemished service at his credit. Departmental proceedings were instituted
against the appellant on the allegations of misconduct and finally major penalty of
reversion from the rank of officiating Sub-Inspector to ASI and reduction from
substantive rank of ASI to H.C was awarded to him vide impugned order dated
05.10.2017. Feeling aggrieved, he filed departmental appeal on 12.10.2017 which

was dismissed on 04.01.2018 followed by the present service appeal. Penalty was imposed on the appellant on the basis of unfounded and baseless charges. Impugned order was against the spirit of the principles of natural justice.

3. On the other hand learned Assistant Advocate General argued that while posted as SHO Police Station Karak, the appellant assisted a private party resulting in kidnapping of one Tariq Zaman at gunpoint. Prior to that he had also deputed DFC Muhammad Jalal to collect information above the said kidnapee. Despite being a cognizable offence, the appellant entered the same in daily diary no.33 dated 15.05.2017 which was subsequently converted into FIR 416 dated 17.08.2017. Action on the part of the appellant appeared to be gross misconduct. All codal formalities were observed before passing the impugned order. The appellant has been treated in accordance with law and rules.

CONCLUSION

4. We have gone through the relevant record and observed that the appellant was prosecuted in accordance with laws/rules and ample opportunity of defense. He failed to justify his act why FIR was not lodged in the first instance rather matter was recorded in daily diary? All codal formalities were observed before passing the impugned order.

5. The only defect appeared in the impugned order was that time span given in F.R.29 was not indicated, hence, there is justification to modify the impugned order.

6. As a sequel to above, the appeal is partially accepted and penalty of reduction from the substantive rank of ASI to H.C shall be effective for a period of

one year from the date of issuance of the impugned order. Parties are left to bear their own costs. File be consigned to the record room.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


(AHMAD HASSAN)
MEMBER

ANNOUNCED
18.01.2019

①

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 62 / 2018

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Provincial Police Officer/Inspector General of Police Khyber Pakhtunkhwa,
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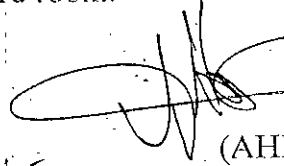
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4. We have gone through the relevant record and observed that the appellant was prosecuted in accordance with laws/rules and ample opportunity of defense. He failed to justify his act why FIR was not lodged in the first instance rather matter was recorded in daily diary? All codal formalities were observed before passing the impugned order.

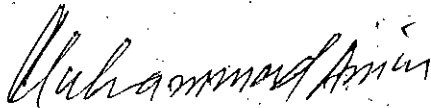
5. The only defect appeared in the impugned order was that time span given in F.R.29 was not indicated, hence, there is justification to modify the impugned order.

6. As a sequel to above, the appeal is partially accepted and penalty of reduction from the substantive rank of ASI to H.C shall be effective for a period of

one year from the date of issuance of the impugned order. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

ANNOUNCED
18.01.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 62/2018

Date of Institution ... 17.01.2018

Date of Decision ... 18.01.2019

Liaqat Ali Khan S/O Said Hussain R/o Zar Khan Kala Tehsil Takht-e-Nasrati
District, Karak. ... (Appellant)

VERSUS

Provincial Police Officer/Inspector General of Police Khyber Pakhtunkhwa,
Peshawar and three others. ... (Respondents)

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Advocate

--- For appellant.

MR. MUHAMMAD RIAZ KHAN PAINDAKHEL,
Assistant Advocate General

--- For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER (Executive)

--- MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the
parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that he was appointed as Constable in the Police Department on 26.09.1988. He has more than 29 years unblemished service at his credit. Departmental proceedings were instituted against the appellant on the allegations of misconduct and finally major penalty of reversion from the rank of officiating Sub-Inspector to ASI and reduction from substantive rank of ASI to H.C was awarded to him vide impugned order dated 05.10.2017. Feeling aggrieved, he filed departmental appeal on 12.10.2017 which

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CONCLUSION

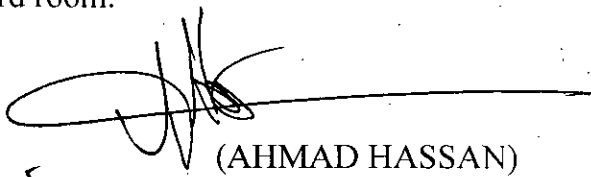
4. We have gone through the relevant record and observed that the appellant was prosecuted in accordance with laws/rules and ample opportunity of defense. He failed to justify his act why FIR was not lodged in the first instance rather matter was recorded in daily diary? All codal formalities were observed before passing the impugned order.

5. The only defect appeared in the impugned order was that time span given in F.R.29 was not indicated, hence, there is justification to modify the impugned order.

6. As a sequel to above, the appeal is partially accepted and penalty of reduction from the substantive rank of ASI to H.C shall be effective for a period of

one year from the date of issuance of the impugned order. Parties are left to bear their own costs. File be consigned to the record room.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


(AHMAD HASSAN)
MEMBER

ANNOUNCED
18.01.2019

05.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 10.12.2018.


READER

10.12.2018

Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Irshad SI present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 18.01.2019 before D.B.


Member


Member


Order

18.01.2019

Counsel for the appellant present. Mr. M. Riaz Khan Paindakhel, Asst: AG for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is partially accepted and penalty of reduction from the substantive rank of ASI to H.C shall be effective for a period of one year from the date of issuance of the impugned order. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
18.01.2019


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member


16.04.2018


Junior counsel for the appellant and Addl: AG alongwith Mr. Habib Khan, S.I for the respondents present. Written reply submitted. To come up for rejoinder and arguments on 02.07.2018 before D.B.


Member

02.07.2018

Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant submitted rejoinder which is placed on file. Adjourned. To come up for arguments on 21.08.2018 before D.B.


(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

21-8-2018

*DUE TO EID-UL-AZHA VACATION
THE CASE IS ADJOURNED TO 17-10-18*


Rendex

*Note:- On the application of the appellant,
the date is now fixed on 2-10-2018*


10.9.2018

02.10.2018

Learned counsel for the appellant and Mr. Muhammad Jan DDA for the respondent present. Learned counsel for appellant seeks adjournment. Adjourned. To come up for arguments on 05.11.2018 before D.B


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

29.01.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that he joined the Police Department as Constable on 26.09.1986 and has more than 29 years service at his credit. Disciplinary proceedings were initiated and upon conclusion major penalty of reversion from officiating rank of S.I to ASI and reduction from substantive rank of ASI to H.C was imposed on him vide impugned order dated 05.10.2017. He preferred departmental appeal on 12.10.2017 which was rejected on 04.01.2017, hence, the instant service appeal. Allegations leveled against the appellant are baseless and penalty was awarded without following the due process of law and opportunity of fair trial to the appellant.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 19.03.2018 before S.B.

Appellant Deposited
Security Process Fee

(AHMAD HASSAN)
MEMBER

19.03.2018 Appellant in person present. Mr. Kabir Ullah Khattak Additional AG for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 03.04.2018 before S.B.

(Muhammad Amin Khan Kundi)
Member

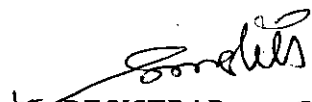

03.04.2018 Appellant in person present. Mr. Kabir Ullah Khattak, Additional AG for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 16.04.2018 before S.B.

Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 62/2018

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 17/1/2018 | <p>The appeal of Mr. Liaqat Ali Khan presented today by Mr. Shahid Qayum Khattak Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2- | 19/01/18. | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29/01/18.</u></p> <p style="text-align: right;"> MEMBER</p> |

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. *62* /2018

Liaqat Ali Khan Appellant

Versus

Provincial Police Officer and others.....Respondents

INDEX

| S.No. | Description of Documents | Annex | Pages |
|-------|---------------------------------|-------|-------|
| 1. | Memo of appeal with affidavit | | 1-5 |
| 2. | Address of the parties | | 6 |
| 3. | Charge Sheet | A | 7-8 |
| 4. | Reply to charge sheet | A-I | 9 |
| 5. | Show Cause notice | B | 10 |
| 6. | Reply of appellant | B-I | 11 |
| 7. | impugned order dated 05/10/2017 | C | 12 |
| 8. | Copy of Departmental Appeal | D | 13-14 |
| 9. | Impugned order dated 03/01/2018 | D-1 | 15 |
| 10. | other documents | | 16-17 |
| 11. | Wakalat Nama | | |

Liaqat Ali Khan
Appellant

Through

Shahid Qayum Khattak

Shahid Qayum Khattak
Advocate, High Court
Peshawar
Mob No: 0333-9195776

Dated: *16*/01/2018

①

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 62 / 2018

Liaqat Ali Khan S/o Said Hussain R/o Zar Khan Kala Tehsil

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..... Respondents

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PRAYER

Filed to-day
Registrar
17/1/2018

By accepting this service appeal, the punishment awarded to the appellant through impugned orders dated 05/10/2017 and 03/01/2018 may graciously be set aside by declaring it illegal, void, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable and the appellant is entitled for all back benefits of pay and service.

Respectfully Sheweth;

1. That appellant was appointed as Constable in Police Department on 26/09/1988 served the police department for long 29 years and has rendered satisfactory service in the Department for the past so many years and performed his duties with full zeal and enthusiasm. Due to his continuous struggled appellant has been promoted to the post of Sub- Inspector.

2. That respondent No. 3 issued a charged sheet and statement of allegation to the appellant on 15/09/2017 containing the allegation of miss-conduct which has properly been replied by the appellant. (Copies of charge sheet and reply are attached as Annexure "A" and "A-I")
3. That after conducting enquiry contrary to the rule and regulation respondent No. 3 issued a final show cause notice bearing No. 49/PA(Enq) dated 26/09/2017 alleging therein that appellant helped and assisted secretly with malafide intention the accused party prior to the commission of offence who later on kidnapped the kidnappee namely Tariq Zaman etc. Proper reply has been submitted by the appellant to the Show Cause Notice wherein he denies the allegation leveled against him (Copy of the SCN and Reply are attached as Annexure "B" and "B-I")
4. That respondent No. 3 without providing proper opportunity of hearing held appellant responsible for the allegation leveled against him in the show cause notice and awarded a major punishment of reversion from offg: rank of SI to ASI and reduction from the substantive rank of ASI to Head Constable and reinstated in service from the date of suspension.. (Copy of the Impugned order is attached as Annexure "C")
6. That appellant filed departmental appeal (the fact and ground taken therein may please be considered an integral part of this appeal) against the impugned order before worthy respondent No. 2 who vide order dated 03/01/2018 issued on 04/01/2018 rejected the same without complying the codal formalities. (Copy of the representation and order are attached as Annexure " D" and "D-I")
7. That the appellant feeling aggrieved from the above orders hence, filling this appeal on the following amongst other grounds inter alia

GROUND:

- a. That both the impugned orders of the respondents are illegal, unlawful, without authority, based on mala fide intention, against the nature justice, violative of the Constitution and Service Law and equally with out jurisdiction, hence the same are liable to be set aside in the best interest of justice.

3

- b. That both the impugned orders passed by respondent are very much harsh, without any evidence based on surmises & conjectures and is equally against the principle of natural justice.
- c. That respondent No. 3 has not taken into consideration the detail and plausible reply to the show cause notice but brushed aside it without any reason and grounds. Furthermore respondent No. 2 has not adopted proper procedure for disposal of departmental appeal/ representation thus the impugned orders are nullity in the eyes of law and are liable to be set aside.
- d. That mala fide of the respondent is very much evident that earlier on 24/08/2017 they have issued to appellant another charge sheet and statement of allegation but when they sense that appellant can not be penalized on those charges they stage another drama against appellant and issue instant charge sheet and statement of allegation 15/09/2017, which is totally contrary to the service rules, regulation, equally against the principle of nature justice and also comes under the principle of double jeopardy.
- e. That the allegation leveled against the appellant are baseless, without any proof and cogent evidence and is based on malafide intention and are concocted one. No proper opportunity of personal hearing has been provided to appellant. Respondents have not adopted proper procedure nor any statement of any witness are recorded in his presence nor any opportunity of proper cross examination has been provided to him.
- f. That appellant in his departmental appeal raised number of material grounds and his progress reports (the same may please be taken as integral part of this appeal too) but the same has not been taken into consideration at all.
- g. That the impugned orders has been passed in violation of law and rules of disciplinary proceedings and principles of natural justice. The authority wrongly and malafidly based the

(4)

impugned orders on assessments and speculations, therefore the impugned order is bad in law.

- h. That the disciplinary proceedings against appellant suffered from gross infirmities, illegalities and irregularities.
- i. That major penalty of reduction and pay has been passed against appellant without conducting any proper enquiry and without examining any witness in support of the charges in presence of appellant. Similarly no documentary evidence was brought on record to substantiate the allegations leveled against appellant, therefore, the impugned orders based on assessment is bad in law and has been passed in violation of settled principles governing the disciplinary action against the Police Officers. Similarly no period has been specified in the impugned order which also make it a void order.
- j. That the alleged abductees has been recovered within 3 days but he never charge appellant for commission of any offence nor any evidence whatsoever has been procured that appellant has assisted assailant in the commission of offence. Furthermore the matter has now been pitch up between the parties but still the appellant has been penalized.
- k. That the learned respondent has not taken into consideration that the rules under which the appellant has been charged are not applicable on him which clearly shows that the act of respondent is totally based on discrimination undue victimization beside that the impugned order is suffered from gross infirmities, illegality , based on no evidence totally contradictory.
- l. That the entire service record of the appellant is unblemished therefore, the impugned order would be a black stigma on the clean service career of the appellant, therefore, the same is liable to be set aside.
- m. That respondent No. 2 has not decided the departmental appeal / representation in accordance to the rules and regulation which clearly shows mala fide intention thus, has no sanctity in the eyes of law thus the act of respondent No. 2 and 3 is totally

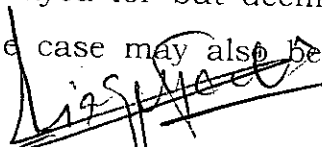
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based on mala fide intention which clearly shows discrimination and undue victimization.

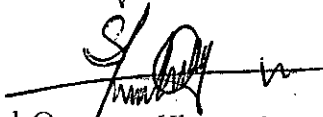
n. That respondent have not taken into consideration the clear cut directions of the government that any proceeding on any anonymous, pseudonymous letters/ complaints has to be entertained in any government department but still appellant has been make escape goat on the basis of anonymous report.

It is, therefore, most humbly prayed that on accepting this service appeal, the punishment awarded to the appellant through impugned orders may graciously be set aside by declaring it illegal, void, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable and the appellant is entitled for all back benefits of pay and service.

Any other relief not specifically prayed for but deem appropriate in the circumstances of the case may also be granted.

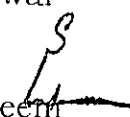

Appellant

Through


Shahid Qayum Khattak
Advocate, High Court
Peshawar

Dated: /01/2018

&

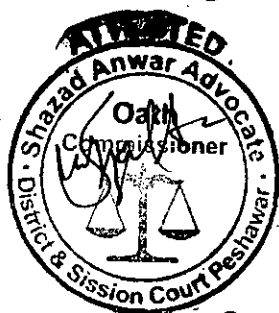

Shahab Faheem
Advocate

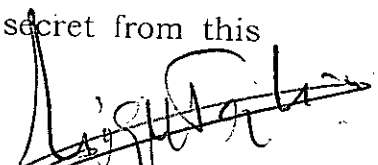
Certified that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.


Advocate

Affidavit

I, Liaqat Ali Khan S/o Said Hussain R/o Zar Khan Kala Tehsil Takht-e-Nasrati District, Karak do hereby solemnly affirm and declare on Oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.




Deponent

17-01-18

6

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2018

Liaqat Ali Khan Appellant

Versus

Provincial Police Officer and others..... Respondents

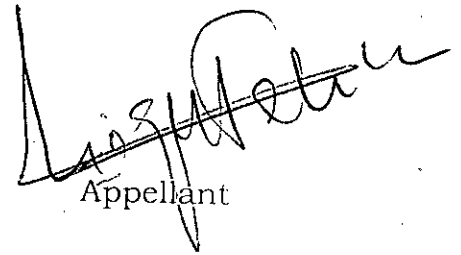
ADDRESSES OF THE PARTIES

APPELLANT

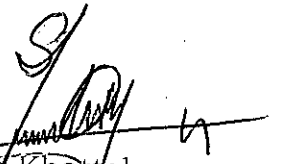
Liaqat Ali Khan S/o Said Hussain R/o Zar Khan Kala Tehsil
Takht-e-Nasrati District, Karak

RESPONDENTS

1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. The Regional Police Officer, Kohat Region, Kohat
3. District Police Officer, Karak.
4. Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar


Appellant

Through


Shahid Qayum Khattak
Advocate, High Court
Peshawar

Dated: /01/2018

Annex-A
No. 464 /PA(Enq)
Dated 15/9/2017

(7) (A)
CHARGE SHEET

1. I, Abdur Rashid, District Police Officer, Karak as competent authority, hereby charge you **SI Liaqat Ali Khan, the then SHO Police Station Karak** as follow:-
P.L. [Signature]

"You SI Liaqat Ali while posted as SHO at PS Karak helped and assisted secretly with malafide intention the accused party prior to the commission of offence who later on kidnapped the kidnappee namely Tariq Zaman s/o Adil Khan r/o Algadi Karak at gun point. This action of the accused party was entered in the Daily Diary No. 33 dated 15.08.2017 which was subsequently converted into proper FIR No. 416 dated 17.08.2017 u/s 365,458,355,34 PPC PS Karak.

Being SHO you tasked DFC Muhammad Jalal No. 666 of PS Karak for identification of the house of kidnappee to accused party. Upon your directions, the DFC after doing the needful submitted verbal compliance report to you on his return.

Furthermore, even during and after the commission of offence, the silence on your part established criminal act and professional disinterest by not taking immediate action for the arrest of accused and recovery of kidnappee. This also speaks that you were in-league with the accused.

Moreover, after the commission of offence, you managed to get the relevant photo copies of case etc for the accused party from Inspector Muhammad Yousaf Oll of PS Karak which is quite adverse on your part.

All this shows your malafide intention and criminal act being SHO. Such act on your part is not only against service discipline but also amounts to gross misconduct."

2. By reason of your commission / omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department and have rendered yourself liable to all or any of the penalties specified in Police Rule-1975 ibid.

3. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer **Mr. Qazi Sajid Ud Din, SP, Investigation Wing Karak** is appointed for the purpose of conducting enquiry.

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

4. Intimate whether you desire to be heard in person.

5. A statement of allegation is enclosed.

[Signature]
District Police Officer, Karak

[Signature]

[Signature]

③

DISCIPLINARY ACTION

1. I, Abdur Rashid, District Police Officer, Karak as competent authority, is of the opinion that **SI Liaqat Khan, the then SHO Police Station Karak** has rendered herself liable to be proceeded against on committing the following act / commission within the meaning of Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department.

STATEMENT OF ALLEGATION

"SI Liaqat Ali while posted as SHO at PS Karak helped and assisted secretly with malafide intention the accused party prior to the commission of offence who later on kidnapped the kidnappee namely Tariq Zaman s/o Adil Khan r/o Algadi Karak at gun point. This action of the accused party was entered in the Daily Diary No. 33 dated 15.08.2017 which was subsequently converted into proper FIR No. 416 dated 17.08.2017 u/s 365,458,355,34 PPC PS Karak.

Being SHO, he tasked DFC Muhammad Jalal No. 666 of PS Karak for identification of the house of kidnappee to accused party. Upon his directions, the DFC after doing the needful submitted verbal compliance report to him on his return.

Furthermore, even during and after the commission of offence, the silence on his part established criminal act and professional disinterest by not taking immediate action for the arrest of accused and recovery of kidnappee. This also speaks that he was in-league with the accused.


Moreover, after the commission of offence, he managed to get the relevant photo copies of case etc for the accused party from Inspector Muhammad Yousaf Oll of PS Karak which is quite adverse on his part.

All this shows his malafide intention and criminal act being SHO. Such act on his part is not only against service discipline but also amounts to gross misconduct."

2. The enquiry Officer **Mr. Qazi Sajid Ud Din, SP, Investigation Wing Karak** in accordance with provision of the Police Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record her finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

3. The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

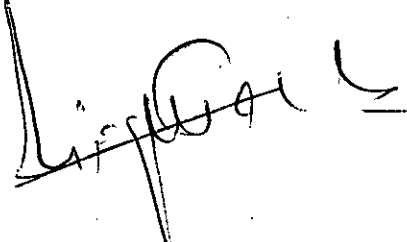

District Police Officer, Karak

No. 465 /PA (Enq), dated 15/ 9 /2017. 

Copy to:-

85. The enquiry Officer for initiating proceeding against the accused under the Provision of the Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department with the directions to flag previous enquiry papers with this enquiry.

2. SI Liaqat Khan, Police Lines, Karak



جناب عالی!

مشمولہ چارج شیٹ اینڈ سمری آف الیکیشن نمبر (Eng) 464/PA مورخہ 15-09-2017 مجاریہ جناب DPO صاحب کرک کے بارے پیراوازمعرض ہوں کہ،

1- مورخہ 26-09-1988 کو بطور کانٹریبل پولیس فورس میں بھرتی ہو چکا ہوں۔ اچھی کارکردگی کی بناء پر وقتاً فوقتاً ترقیاب ہو کر سب انسپکٹر تک پہنچا ہوں۔ مورخہ 25-05-2017 کو تھانہ کرک سٹی بحیثیت SHO تعینات ہو چکا ہوں۔ کافی کچھ کارروائی کی ہے۔ اور اس سلسلہ میں جناب DPO صاحب ضلع کرک نے ایک چارج شیٹ نمبر 435/PA مورخہ 24-08-2017 کو جاری فرما کر مفصل بیان دے چکا ہوں۔ طارق زمان ولد عادل خان سکنہ الگڈی کرک جو نبی اغواء ہوا میں گشت پر تھا۔ اطلاع ملتے ہی میں نے خود جمع تفری کے دوڑ دھوپ کیا مگر کامیابی نصیب نہ ہوئی۔ محرر نے SDPO صاحب ہیڈ کوارٹر کے نوٹس میں بات لاتے ہوئے روزنامچہ رپورٹ درج کرنے کی ہدایت ہوئی تھی۔ جسکا باقاعدہ روزنامچہ میں رپورٹ درج کر کے دریافت شروع کی۔ معظم ASI کو مامور دریافت کیا۔ بعدہ حسب الحکم افسران بالا صاحبان باقاعدہ مقدمہ علت 416 مورخہ 17-08-2017 بجرم 34-355-458-365 تھانہ کرک سٹی درج رجسٹر ہو کر یوسف خان انسپکٹر KBI نے تفشیش شروع کی۔

2- چند کسان وقوع سے قبل آئے تھے جنہوں نے ہمیں بتلایا کہ ان کسان کا طارق زمان کے ساتھ معاملہ تھا۔ اب اسکا فیصلہ کرنے کیلئے آئے ہیں۔ لیکن چونکہ وہ مہمان تھے بدیں وجہ DFC محمد جلال ان کے ساتھ بھجوا یا۔ جنہوں نے پتہ براری کر کے مہمان کو وہاں پہنچائے۔ لیکن اس وقت طارق زمان اسکو نہیں ملا تھا۔ انہوں نے کہا کہ اب وہ موجود نہیں ہے۔ بعد میں وہ دوبارہ آ کر اسکے ساتھ کو فیصلہ کریں گے۔ ہمیں یہ کوئی علم نہیں تھا کہ متذکرہ کسان کا نیت بجرمانہ ہے۔ ورنہ کیوں اس کی مدد کرتا۔

3- اس میں شک نہیں کہ میں نے کافی دوڑ دھوپ بابت گرفتاری کی ہے۔ اور ہر لمحہ پر یہ کوشش کر رہا تھا کہ ملزمان کی گرفتاری، مغوی برآمدگی ہو جائے۔

4- جہاں تک یوسف خان انسپکٹر نے نقل کاپی دی ہے۔ یوسف خان انسپکٹر ہے۔ جبکہ میں سب انسپکٹر ہوں۔ کیا ایسا ممکن ہو سکتا ہے کہ میں یوسف خان انسپکٹر کو حکم دوں کہ وہ کوئی غلط کام کرے۔ جبکہ اصل حقیقت یہ ہے کہ عصمت خان انسپکٹر SHO تھانہ شکر درہ حال لاجی ضلع کوہاٹ نے دو کسان شکر درہ کے بغرض نقولات حوالہ کرنے بھجوائے تھے۔ جو کہ میں نے یوسف خان کو بھجوائے تھے۔ اور یوسف خان نے خود نوٹو کاپی ان کے حوالہ کئے تھے۔ اگر واقعی بددیانتی والا فعل ہوتا تو ہونا یہ چاہئے تھا کہ نقولات حوالہ کرنے کے بجائے اس وقت میرے خلاف روزنامچہ رپورٹ درج کرتے جو کہ ریکارڈ پر موجود نہیں اور نہ کوئی ماتحت افسر کسی سینیئر آفیسر کو کسی قسم کی ہدایات (حکم) نہیں دے سکتا۔ نیز اس سلسلہ میں من سائل جناب DPO صاحب کو بنفس نفیس وضاحت اردلی روم میں کر سکتا ہوں۔ سائل کی اس میں کسی قسم کی بددیانتی شامل نہیں تھی لہذا معافی دی جاوے۔

العارض،

سائل: لیاقت علی SI، حال معطل پولیس لائن کرک

FINAL SHOW CAUSE NOTICE.

1. I, Abdur Rasheed, District Police Officer, Karak as competent authority under the Police Rule-1975 do hereby serve you *SI Liaqat Ali Khan, the then SHO PS Karak* as follow:- *P. L. Abd*

That consequent upon the completion of enquiry conducted against you by Enquiry Officer *Mr. Qazi Sajid Ud Din, SP, Investigation Wing Karak.*

2. On going through the finding and recommendation of the Enquiry Officer and materials on the record and other connected papers including your defense before the said Enquiry Officer, the charge against you was proved and you have committed the following acts / omission specified in Police Rule-1975: -

"You SI Liaqat Ali while posted as SHO at PS Karak helped and assisted secretly with malafide intention the accused party prior to the commission of offence who later on kidnapped the kidnappee namely Tariq Zaman s/o Adil Khan r/o Algadi Karak at gun point. This action of the accused party was entered in the Daily Diary No. 33 dated 15.08.2017 which was subsequently converted into proper FIR No. 416 dated 17.08.2017 u/s 365,458,355,34 PPC PS Karak.

Being SHO you tasked DFC Muhammad Jalal No. 666 of PS Karak for identification of the house of kidnappee to accused party. Upon your directions, the DFC after doing the needful submitted verbal compliance report to you on his return.

Furthermore, even during and after the commission of offence, the silence on your part established criminal act and professional disinterest by not taking immediate action for the arrest of accused and recovery of kidnappee. This also speaks that you were in-league with the accused.

Moreover, after the commission of offence, you managed to get the relevant photo copies of case etc for the accused party from Inspector Muhammad Yousaf OII of PS Karak which is quite adverse on your part.

All this shows your malafide intention and criminal act being SHO. Such act on your part is not only against service discipline but also amounts to gross misconduct."

3. As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Rule-1975.

4. 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.

5. If no reply to this Notice is received within Seven days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

[Handwritten signature]

[Handwritten signature]
District Police Officer, Karak.

بحوالہ فائل شوکاژ نوٹس احکام نمبر 491/PA Dated: 26/09/2017 مجاریہ جناب DPO صاحب کرک معروض ہوں۔

1۔ مورخہ 26/09/1988 کو بطور کانسٹیبل پولیس فورس میں بھرتی ہو چکا ہوں۔ اچھی کارکردگی کے بناء پر وقتاً فوقتاً ترقی یاب ہو کر سب انسپکٹر تک پہنچا ہوں۔ مورخہ 25/05/2017 کو تھانہ کرک سٹی تختیت SHO تعینات ہو چکا ہوں۔ کافی کچھ کاروائی کی ہے، اور اس سلسلہ میں جناب DPO صاحب ضلع کرک نے ایک چارج شیٹ نمبر 435/PA مورخہ 24/08/2017 کو جاری فرما کر مفصل بیان دے چکا ہوں۔ طارق زمان ولد عادل خان سکنہ الگڈی کرک جوہی اغوا ہوا میں گشت پر تھا۔ اطلاع ملتے ہی میں نے خود بمعہ نفری کے دوڑ دھوپ کیا مگر کامیابی نصیب نہ ہوئی۔ مخبر نے SDPO صاحب ہیڈ کوارٹر کے نوٹس میں بات لاتے ہوئے روزنامہ رپورٹ درج کرنے کی ہدایات ہوئی تھی جسکا باقاعدہ روزنامہ میں رپورٹ درج کر کے دریافت شروع کی۔ معظم خان ASI کو مامور دریافت کیا۔ بعدہ حسب الحکم افسران بالا صاحبان باقاعدہ مقدمہ علت نمبر 416 مورخہ 17/08/2017 مجرم 34-355-458-365 تھانہ کرک سٹی درج رجسٹر ہو کر یوسف خان انسپکٹر KBI نے تفتیش شروع کی۔

2۔ چند کسان وقوع سے قبل آئے تھے جنہوں نے ہمیں بتلایا کہ آن کسان کا طارق زمان کے ساتھ معاملہ تھا اب اسکا فیصلہ کرنے کے لیے آئے ہیں لیکن چونکہ وہ مہمان تھے بدیں وجہ DFC محمد جلال ان کے ساتھ بیجوایا۔ جنہوں نے پتہ براری کر کے مہمان کو وہاں پہنچائے۔ لیکن اس وقت طارق زمان اسکو نہیں ملا تھا۔ انہوں نے کہا کہ وہ اب موجود نہیں ہے۔ بعد میں وہ دوبارہ آکر اُسکے ساتھ فیصلہ کریں گے۔ ہمیں یہ کوئی علم نہیں تھا کہ متذکرہ کسان کی نیت مجرمانہ ہیں۔ ورنہ کیوں اُنکی مدد کرتا۔

3۔ اس میں شک نہیں کہ میں نے کافی دوڑ دھوپ بابت گرفتاری کی ہے۔ اور ہر لمحہ پر یہ کوشش کر رہا تھا کہ ملزمان کی گرفتاری، مغوی برآمدگی ہو جائے۔

4۔ جہاں تک یوسف خان انسپکٹر نے نقل کاپی دی ہے۔ یوسف خان انسپکٹر ہے جبکہ میں سب انسپکٹر ہوں۔ کیا ایسا ممکن ہو سکتا ہے کہ میں یوسف خان حکم دوں کہ کوئی غلط کام کرے۔ جبکہ اصل حقیقت یہ ہے کہ عصمت خان انسپکٹر SHO تھانہ شکر درہ حال لاجی ضلع کوہاٹ نے دو کسان شکر درہ کے نقولات حوالہ کرنے بیجوائے تھے۔ جو کہ میں نے یوسف خان کو بیجوائے تھے۔ اور یوسف خان نے خود نوٹو کاپی ان کے حوالے کئے تھے۔ اگر واقع فعل ہوتا تو ہونا یہ چاہئے تھا کہ نقولات حوالہ کرنے کے بجائے اس وقت میرے خلاف روزنامہ رپورٹ درج کرتے جو کہ ریکارڈ پر موجود نہیں ماتحت افسر کسی سینئر آفیسر کو کسی قسم کی ہدایات (حکم) نہیں دے سکتا۔ نیز اس سلسلہ میں من سائل جناب DPO صاحب کو بنفس نفیس وضاح کر سکتا ہوں۔ سائل کی اس میں کسی قسم کی بدینتی شامل نہیں تھی۔ لہذا معافی دی جائے۔

العارض

سائل لیاقت علی SI، حال معطل پولیس لائن کرک۔

Yusuf Khan

ORDER

12

Ann - 2

My this Order dispose off the departmental enquiry against SI Liaqat Ali Khan (suspended) of this district Police.

Facts are that SI Liaqat Ali while posted as SHO at PS Karak helped and assisted secretly with malafide intention the accused party prior to the commission of offence who later on kidnapped the kidnappee namely Tariq Zaman s/o Adil Khan r/o Algadi Karak at gun point. This action of the accused party was entered in the Daily Diary No. 33 dated 15.08.2017 which was subsequently converted into proper FIR No. 416 dated 17.08.2017u/s 365,458,355,34 PPC PS Karak.

Being SHO, he tasked DFC Muhammad Jalal No. 666 of PS Karak for identification of the house of kidnappee to accused party. Upon his directions, the DFC after doing the needful submitted verbal compliance report to him on his return.

Furthermore, even during and after the commission of offence, the silence on his part established criminal act and professional disinterest by not taking immediate action for the arrest of accused and recovery of kidnappee. This also speaks that he was in-league with the accused party.

Moreover, after the commission of offence, he managed to get the relevant photo copies of case etc for the accused party from Inspector Muhammad Yousaf Oll of PS Karak which is quite adverse on his part. All this shows his malafide intention and criminal act being SHO. Such act on his part is not only against service discipline but also amounts to gross misconduct.

He was issued Charge Sheet and Statement of allegations. Mr. Qazi Sajid Ud Din, SP, Investigation Wing Karak was appointed as Enquiry Officer to conduct proper departmental enquiry against him and to submit his findings within the stipulated period.

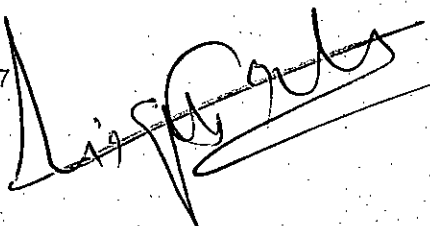
The Enquiry Officer reported that SI Liaqat Ali Khan, the then SHO PS Karak is held guilty of the charges leveled against him. Therefore, the E.O recommended him for major punishment.

He was issued with Final Show Cause Notice which was properly served upon him, in response to the Final Show Cause Notice, the accused SI submitted his reply, which is found unsatisfactory.

He was called and heard in person in the Orderly Room held in this office on 05.10.2017 but he could not produce any cogent reason in his defense.

Keeping in view of the available record, perusal of enquiry papers and recommendation of the Enquiry Officer, he is found guilty of the charges, therefore, he is awarded major punishment of reversion from offg: rank of SI to ASI and reduction from the substantive rank of ASI to Head Constable and reinstated in service from the date of suspension.

OB No. 595
Dated 05/10/2017




District Police Officer, Karak

(13)

Ann- D

To:- The Deputy Inspector General
Of Police, Kohat Region, Kohat

SUBJECT:- DEPARTMENTAL APPEAL

Respected Sir,

Appellant submits departmental appeal against order of District Police Officer, Karak bearing OB No. 595 dated 05.10.2017 vide which appellant was awarded major punishment of reversion from offg: SI to ASI and reduction from the substantive Rank of ASI to Head Constable.

FACTS:-

1. That the appellant was posted as SHO of Police Station Karak and in that time one Tariq Zuman s/o Adil Khan r/o Algadi karak was kidnapped by some unknown accused and upon his kidnapping the appellant was awarded major punishment of reversion from offg: SI to ASI and reduction from the substantive Rank of ASI to Head Constable with the allegation of proving helps to the accused party before the occurrence. Binary punishments have been awarded to the appellant which is contrary to the Rules of Law.
2. That on the kidnapping of kidnaped and on the receipt of information of the occurrence the appellant tried to arrest the accused and to effect the recovery; search of the accused was carried out and report of the occurrence was entered into daily diary No. 33 dated 15.8.2017, later on, FIR No. 416 dated 17.08.2017 was registered which indicates the personal interest of the appellant in the recovery and arrest of accused. There was no malafide intention of the appellant was involved in the occurrence.
3. That No direction to help the accused party through DFC was given, no assistance to the accused party has been provided either by himself nor by subordinate staff.

(14)

4. That no attempts has been made by the appellant to provide photocopies daily diaries to the accused party because after registration of FIR the entire investigation process is concluded by the investigation staff which a separate and impartial investigating agency.

5. GROUND:-

- A. That the appellant has falsely been implicated in the kidnapping case and there is no evidence available regarding the involvement of appellant in the kidnapping in the shape of Black and white or any other material.
- B. That the accused party reportedly belonging to FR Kohat while there is no identification and relationship of the appellant with them. Therefore my involvement in that incident is unbelievable and beyond the facts.
- C. That the previous rank of service of applicant is unblemished. Ex part /departmental proceeding were conducted. No chance of defense was provided to applicant. No one was examined in process of appellant. No chance of cross examination of witness was provided to applicant. Thus the entire departmental find was propassed in violation of law and rules.
- D. That matter was finding report of inquiry officer was not supplied to applicant nor final show cause notice was issued to applicant. Thus no opportunity of defense was provided to applicant.

It is therefore requested that impugned order may kindly be set aside with back benefits.

Yours Obediently


HC Haji Liaqat Ali
Police Lines Karak

12-10-017

(15)

Ann-D-I

ORDER.

This order will dispose of a departmental appeal, moved by HC Liaqat Ali No. 41 of Karak district Police against the punishment order, passed by DPO Karak vide OB No. 595, dated 05.10.2017 wherein he was awarded major punishment of Reversion from the rank of SI to ASI and reduction in rank from ASI to Head Constable for the allegations of helping / assisting accused party and not taking any prompt action for their arrest as well as producing relevant papers to the accused.

He preferred appeal to the undersigned, upon which comments were obtained from DPO Karak and his service record was perused. He was also heard in person in Orderly Room, held in this office on 03.01.2018.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved and the punishment order passed by DPO Karak is correct. Hence, his appeal being devoid of merits is hereby rejected.

Order Announced
03.01.2018

Awal Khan

(AWAL KHAN)
Regional Police Officer,
Kohat Region.

No. 130 / EC, dated Kohat the 04/01 / 2018.

Copy to the District Police Officer, Karak for information w/r to his office Memo: 14998/LB, dated 06.12.2017. His Service Record / Fauji Missal alongwith enquiry file is enclosed herewith.

Awal Khan

(AWAL KHAN)
Police Officer,
Kohat Region

Liaqat Ali

(16)

No. 435 /PA(Enq)
Dated 24/8 /2017

CHARGE SHEET

1. I, Abdur Rashid, District Police Officer, Karak as competent authority, hereby charge you SI Liaqat Ali Khan, SHO Police Station Karak as follow:-

"On the midnight of 15.08.2017, some unknown accused duly armed in two different vehicles came to your area of responsibility, entered into the house of Adil Khan and kidnapped his son Tariq Zaman on gun point. Being SHO of the area of PS Karak, you SI Liaqat Ali totally failed in the discharging of official duty and neither you stopped the event nor took immediate action in the release of the said abductee which is quite adverse on your part and shows cowardice, negligence and carelessness being a supervisory officer. Such act on your part is against service discipline and amounts to gross misconduct."

2. By reason of your commission / omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department and have rendered your-self liable to all or any of the penalties specified in Police Rule-1975 ibid.

3. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer Mr. Qazi Sajid Ud Din, SP, Investigation Wing Karak is appointed for the purpose of conducting enquiry.

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

4. Intimate whether you desire to be heard in person.

5. A statement of allegation is enclosed.

Amashid
District Police Officer, Karak
ju

Liaqat Ali Khan

DISCIPLINARY ACTION

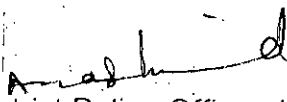
1. I, Abdur Rashid, District Police Officer, Karak as competent authority, is of the opinion that **SI Liaqat Khan, SHO Police Station Karak** has rendered herself liable to be proceeded against on committing the following act / commission within the meaning of Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department.

STATEMENT OF ALLEGATION

On the midnight of 15.08.2017, some unknown accused duly armed in two different vehicles came to his area of responsibility, entered the house of Adil Khan and kidnapped his son Tariq Zaman on gun point. Being SHO of the area of PS Karak, SI Liaqat Ali totally failed in the discharging of official duty and neither he stopped the event nor took immediate action in the release of the said abductee which is quite adverse on his part and shows cowardice, negligence and carelessness being a supervisory officer. Such act on his part is against service discipline and amounts to gross misconduct."

2. The enquiry Officer **Mr. Qazi Sajid Ud Din, SP, Investigation Wing Karak** in accordance with provision of the Police Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record her finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

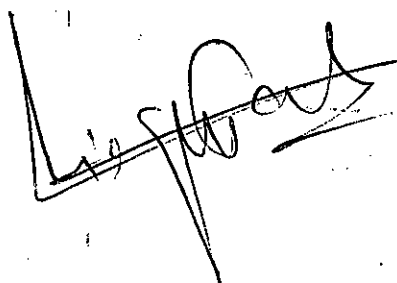
3. The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.


District Police Officer, Karak
jr

No. 436 / PA (Enq), dated 24/8 /2017.

Copy to:-

- 80. The enquiry Officer for initiating proceeding against the accused under the Provision of the Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department.
- 2. SI Liaqat Khan, SHO Police Station Karak



فوق

نمبر
50



23199

ایڈوکیٹ: مشاہد ضحیم صاحب
بار کونسل ایسوسی ایشن نمبر: bc-10-7677
رابطہ نمبر: 0333-9195776

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سروس ٹریڈنگ کمپنی اور

| | |
|----------|-----------|
| مخانب: | دعویٰ: |
| Appellon | علت نمبر: |
| | مورخہ: |
| | جرم: |
| | تھانہ: |

کیا متعلقہ قس بنام حکومت

باعت تحریر آتکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام پشاور کیلئے مشاہد ضحیم صاحب کی طرف سے طیسٹ اور وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، البتہ کالات اپنے کے ساتھ ساتھ سند ہے

المرقوم: 16 جنوری 2017

المقام پشاور

واہ شد

المقام پشاور

نوٹ: اس کالات نامہ کی نوٹو کاپی ناقابل قبول ہوگی۔

لیاقت علی خان ولد سید حسین سائین
زر فاق کلہ
کھس کھس کھس کھس کھس

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

Service Appeal No. 62/2018

Liaqat Ali

..... Appellant

VERSUS

PPO / Inspector General of Police,
Khyber Pakhtunkhwa & others

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectively Sheweth:

Parawise comments are submitted as under:-

Preliminary Objections:

1. That the appellant has got no cause of action.
2. That the appellant has got no locus standi.
3. That the appellant is estopped to file the instant appeal due to his own act.
4. That the appeal is not maintainable in its present form.
5. That the appeal is not maintainable due to misjoinder and non-joinder of necessary parties.
6. That the appellant has not approached this Honorable Tribunal with clean hands.

Facts:

1. The services rendered by the appellant are not satisfactory and service record is different.
2. The appellant, while posted SHO, Police station City Karak, helped and assisted secretly with malafide intention the accused party prior to the commission of offence, who later on kidnapped one Tariq Zaman s/o Adil Khan r/o Algadi Karak, on gunpoint. Furthermore, prior to the occurrence, the appellant deputed DFC Muhammad Jalal for getting information about Tariq Zaman. The DFC informed him that Tariq Zaman was present at his house alongwith another unknown person. Despite a cognizable offence, the appellant entered the action of accused in daily diary 33 dated 15.08.2017, which was subsequently converted into FIR vide No. 416 dated 17.08.2017 U/Ss 365, 355, 458, 34 PPC, PS City Karak. The appellant being a responsible officer committed intentionally a gross professional misconduct. Therefore, the appellant was proceeded with departmentally under Khyber Pakhtunkhwa, Police Rules (amended 2014)-1975.

SP Investigation, Karak was appointed as inquiry officer. The inquiry officer vide his finding established the charge levelled against the appellant, held him guilty of the charges and recommended him for major punishment. As required under the rules, the appellant was served with final show cause notice, reply received unsatisfactory. The appellant was heard in person in orderly room held on

05.10.2017, but he failed to submit any plausible explanation to the charges established against him.

4. Incorrect, the appellant was afforded opportunity of defense by the inquiry officer, during inquiry proceedings. The appellant was also afforded ample opportunity of defense by respondent No. 3 particularly, he was heard in person during orderly room.
5. The departmental appeal of the appellant was processed in accordance with rules by respondent No. 2. The appellant was also heard in person by respondent No. 2 during orderly room held on 03.01.2018 and a legal order was passed on merit.
6. The appellant is estopped to file the instant appeal due to his own act.

Grounds:

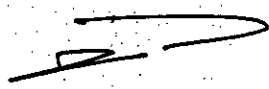
- a. Incorrect, the appellant was proceeded against departmentally in accordance with law & rule on the charges of his professional gross misconduct.
- b. Incorrect, the appellant while posted as SHO, held a responsible position committed a gross professional misconduct and earned bad name to Police department.
- c. Incorrect, the appellant was treated in accordance with law & rules and all codal formalities were fulfilled accordingly.
- d. Incorrect, the appellant was proceeded with departmentally on the charges of commission of serious misconduct.
- e. Incorrect, sufficient evidence has been collected during the course of inquiry and established by the inquiry officer. Furthermore, the statement of DFC also corroborated the misconduct of the appellant.
- f. Incorrect, progress of appellant are not concerned with the charges established against the appellant.
- g. Incorrect, legal and speaking orders are passed by the respondents No. 2 & 3, after fulfilling all codal formalities.
- h. Incorrect.
- i. Incorrect, proper departmental inquiry was conducted against the appellant in accordance with law & rules and the appellant was associated in inquiry proceedings as well as afforded defense opportunity.
- j. The appellant helped and assisted the kidnappers / accused for kidnapping of Tariq Zaman.
- k. Incorrect, all codal formalities were observed during the departmental proceedings conducted against the appellant.
- l. Incorrect, the appellant cannot get benefit of his past service to the commission of present misconduct.
- m. Incorrect, the departmental appeal was decided in accordance with available evidence / record and law & rules.

Handwritten signature and date: 12/3/2018
Stamp: State General Manager, Jammu & Kashmir, Jammu

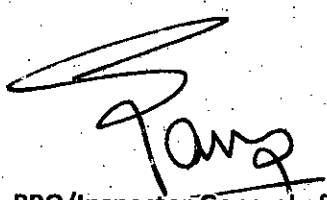
n. incorrect, the intentional malafide has been established by registering cognizable offence in daily diary and deployment of DFC unofficially for getting information regarding presence of kidnappee. Furthermore it has been established that the appellant helped the accused in kidnapping of Tariq Zaman.

Prayer

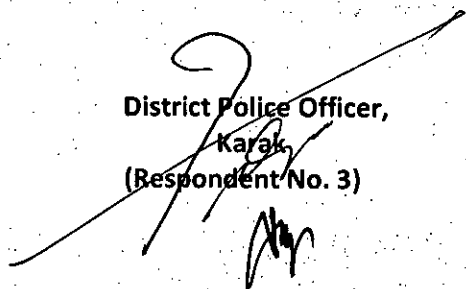
Keeping in view of the above, it is submitted that the appeal is without merit substance and against fact, it is therefore, prayed that the instant appeal of the appellant may kindly be dismissed with cost.



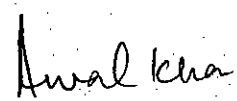
Govt of Khyber Pakhtunkhwa
Through Chief Secretary Peshawar
(Respondent No. 4)



PPO/Inspector General of police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)



District Police Officer,
Karak
(Respondent No. 3)



Regional Police Officer,
Kohat
(Respondent No.2)

21/8/18

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 62 /2018

Liaqat Ali..... Appellant

Versus

Provincial Police Officer and others..... Respondents

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;

Preliminary objection

That the reply/para-wise comment has not been competently filed and nor any affidavit has been filed in accordance with law nor the same has been properly attested, hence the same has no value in the eyes of law.

Rejoinder to Preliminary objection

Preliminary objection raised by respondents are erroneous, frivolous, based on male fide intention and having no factual and legal backing. Respondents have failed to explain as why the appeal is not based on facts; how the appeal is not maintainable in the present form; who are the necessary parties to the appeal; and what matter facts has been concealed by the appellant from this Hon'ble Tribunal. No plausible explanation has been given by the respondents. No specific and due objection regarding the controversial question of facts and law involved in the instant service appeal has provided, therefore, appellant is unable to submit proper rejoinder to the preliminary objection raised by the respondents.

Rejoinder to Facts of Reply/ Parawise comments

1. Para No. 1 and 2 of the reply / parawise comments needs no reply. However it is submitted that respondent have not attached any such document which can be used against appellant to justify the allegation leveled against him. Furthermore whether it is not the duty of the respondent to prove allegation leveled against appellant.

2. In response to para No. 3,4, and 5 it is submitted that these paras are properly and comprehensively explained by appellant in his memo of appeal and no plausible explanation/ comments have been submitted to these para by the respondents therefore, needs no reply.
3. Para No. 6 and 7 of the reply / parawise comments it is submitted that appellant being a Civil Servant has wrongly been proceeded with under the Police Rules 1975 nor adopted proper procedure. Further it submitted that proper procedure for disposal of appeal has not been adopted by respondent No. 2 envisages in the N.W.F.P Civil Servants (Appeal) Rules, 1986.

Rejoinder to the Grounds of Reply/ Parawise comments


- a) Para No. a- c of the reply / parawise comments are incorrect and that of memo of appeal are correct. Both the orders are illegal, unlawful, without authority, based on mala fide, void abinitio. The appellant has been proceeded with the rules and regulation which are not applicable to him nor proper procedure has been adopted by the respondents to determine the guilt of appellant. No evidence whatsoever has been procured against appellant.
- b) Para No. d- h of the reply / parawise comments are incorrect hence denied. Detail given in the memo of appeal is correct the same has not been properly replied. Under the law in opportunity of cross examination of witnesses is the unalienable right of appellant but no opportunity of hearing has been provided to him. The penalty imposed on appellant is only on the basis of surmises and conjunctures without taking into consideration the documents and evidence provided by the appellant. The stance forwarded by the appellant has not been taken into consideration. Whether a person can be penalized only on here say evidence. and whether this important aspect of the case has been considered by the respondent while awarding punishment to appellant. And whether it is justified under any canon of law that a good performance of a person has to be based for his punishment. No evidence whatsoever has been attached with the Parawise Comments which speaks the truth of veracity of the accusation.

c) Para No. i- n of the reply / parawise comments are incorrect hence denied. No proper procedure of enquiry or awarding of punishment has been adopted by the respondent. The appellant being Civil Servant has wrongly been proceeded with. It is the ultimate purpose of law and rights guaranteed by the Constitution that no body has to be condemned unheard but here the basic right of the appellant has been violated and he has been condemned unheard, hence both the orders are liable to be set aside in the best interest. The Learned respondent No. 2 has not adopted proper procedure as mentioned in the N.W.F.P Civil Servants (Appeal) Rules, 1986. The question arises that whether there is any evidence regarding the allegation leveled against appellant and whether the punishment awarded to appellant being a civil servant is in accordance with law, rule and regulation. The procedure adopted by the respondents clearly show male fide intention, discrimination and undue victimization of the appellant and the appellant approaches this Hon'ble Tribunal being the final and highest forum of appeal. It is further submitted that rules and regulation are always in support of substantive law and substantive law always prevails over it. The stance taken in memo of appeal are true and correct.

It is therefore, most humbly prayed that by accepting this rejoinder and the ground of main appeal the order of respondent No. 2 & 3 may please be set aside

Appellant

Through


Shahid Qayum Khattak
Advocate, High Court
Peshawar

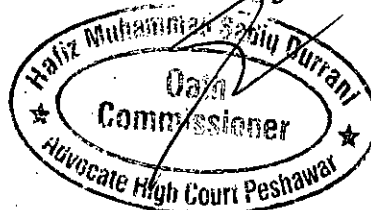
Dated: /05/2018

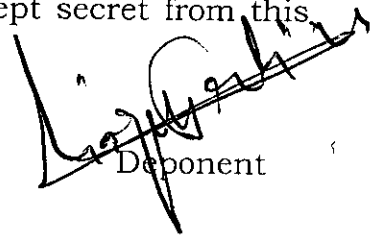
Affidavit

I, do hereby solemnly affirm and declare on Oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.

15 MAY 2018

ATTESTED




Deponent

**BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 62 /2018

Liaqat Ali..... Appellant

Versus

Provincial Police Officer and others..... Respondents

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;

Preliminary objection

That the reply/para-wise comment has not been competently filed and nor any affidavit has been filed in accordance with law nor the same has been properly attested, hence the same has no value in the eyes of law.

Rejoinder to Preliminary objection

Preliminary objection raised by respondents are erroneous, frivolous, based on male fide intention and having no factual and legal backing. Respondents have failed to explain as why the appeal is not based on facts; how the appeal is not maintainable in the present form; who are the necessary parties to the appeal; and what matter facts has been concealed by the appellant from this Hon'ble Tribunal. No plausible explanation has been given by the respondents. No specific and due objection regarding the controversial question of facts and law involved in the instant service appeal has provided, therefore, appellant is unable to submit proper rejoinder to the preliminary objection raised by the respondents.

Rejoinder to Facts of Reply/ Parawise comments

1. Para No. 1 and 2 of the reply / parawise comments needs no reply. However it is submitted that respondent have not attached any such document which can be used against appellant to justify the allegation leveled against him. Furthermore whether it is not the duty of the respondent to prove allegation leveled against appellant.

2. In response to para No. 3,4, and 5 it is submitted that these paras are properly and comprehensively explained by appellant in his memo of appeal and no plausible explanation/ comments have been submitted to these para by the respondents therefore, needs no reply.
3. Para No. 6 and 7 of the reply / parawise comments it is submitted that appellant being a Civil Servant has wrongly been proceeded with under the Police Rules 1975 nor adopted proper procedure. Further it submitted that proper procedure for disposal of appeal has not been adopted by respondent No. 2 envisages in the N.W.F.P Civil Servants (Appeal) Rules, 1986.

Rejoinder to the Grounds of Reply/ Parawise comments


- a) Para No. a- c of the reply / parawise comments are incorrect and that of memo of appeal are correct. Both the orders are illegal, unlawful, without authority, based on mala fide, void abinitio. The appellant has been proceeded with the rules and regulation which are not applicable to him nor proper procedure has been adopted by the respondents to determine the guilt of appellant. No evidence whatsoever has been procured against appellant.
- b) Para No. d- h of the reply / parawise comments are incorrect hence denied. Detail given in the memo of appeal is correct the same has not been properly replied. Under the law in opportunity of cross examination of witnesses is the unalienable right of appellant but no opportunity of hearing has been provided to him. The penalty imposed on appellant is only on the basis of surmises and conjunctures without taking into consideration the documents and evidence provided by the appellant. The stance forwarded by the appellant has not been taken into consideration. Whether a person can be penalized only on here say evidence and whether this important aspect of the case has been considered by the respondent while awarding punishment to appellant. And whether it is justified under any canon of law that a good performance of a person has to be based for his punishment. No evidence whatsoever has been attached with the Parawise Comments which speaks the truth of veracity of the accusation.

c) Para No. i- n of the reply / parawise comments are incorrect hence denied. No proper procedure of enquiry or awarding of punishment has been adopted by the respondent. The appellant being Civil Servant has wrongly been proceeded with. It is the ultimate purpose of law and rights guaranteed by the Constitution that no body has to be condemned unheard but here the basic right of the appellant has been violated and he has been condemned unheard, hence both the orders are liable to be set aside in the best interest. The Learned respondent No. 2 has not adopted proper procedure as mentioned in the N.W.F.P Civil Servants (Appeal) Rules, 1986. The question arises that whether there is any evidence regarding the allegation leveled against appellant and whether the punishment awarded to appellant being a civil servant is in accordance with law, rule and regulation. The procedure adopted by the respondents clearly show male fide intention, discrimination and undue victimization of the appellant and the appellant approaches this Hon'ble Tribunal being the final and highest forum of appeal. It is further submitted that rules and regulation are always in support of substantive law and substantive law always prevails over it. The stance taken in memo of appeal are true and correct.

It is therefore, most humbly prayed that by accepting this rejoinder and the ground of main appeal the order of respondent No. 2 & 3 may please be set aside

Appellant

Through


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Advocate, High Court
Peshawar

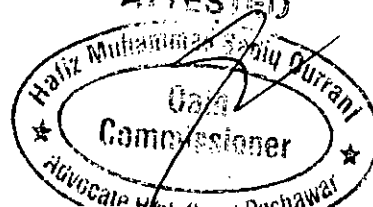
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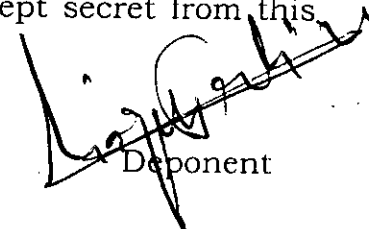
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5 MAY 2018

ATTESTED




Deponent

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Rejoinder to the Grounds of Reply/ Parawise comments

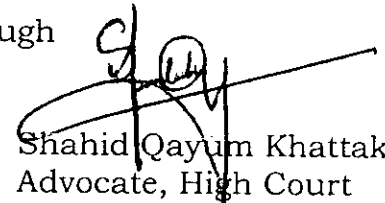
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c) Para No. i- n of the reply / parawise comments are incorrect hence denied. No proper procedure of enquiry or awarding of punishment has been adopted by the respondent. The appellant being Civil Servant has wrongly been proceeded with. It is the ultimate purpose of law and rights guaranteed by the Constitution that no body has to be condemned unheard but here the basic right of the appellant has been violated and he has been condemned unheard, hence both the orders are liable to be set aside in the best interest. The Learned respondent No. 2 has not adopted proper procedure as mentioned in the N.W.F.P Civil Servants (Appeal) Rules, 1986. The question arises that whether there is any evidence regarding the allegation leveled against appellant and whether the punishment awarded to appellant being a civil servant is in accordance with law, rule and regulation. The procedure adopted by the respondents clearly show male fide intention, discrimination and undue victimization of the appellant and the appellant approaches this Hon'ble Tribunal being the final and highest forum of appeal. It is further submitted that rules and regulation are always in support of substantive law and substantive law always prevails over it. The stance taken in memo of appeal are true and correct.

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Appellant

Through


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Advocate, High Court
Peshawar

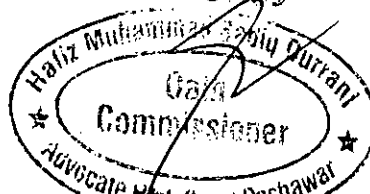
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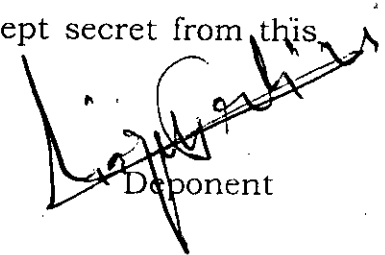
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ATTESTED




Deponent

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Para No. 6 and 7 of the reply / paras comments it is submitted that appellant being a Civil Servant has wrongly been proceeded with under the Police Rules 1972 not adopted proper procedure. Further it submitted that proper procedure for disposal of appeal has not been adopted by respondent No. 2 envisaged in the W.P. Civil Servants (Appeal) Rules, 1986.

Grounds of Appeal / Paras comments

a) Para No. a-c of the reply / paras comments are incorrect and that of memo of appeal are correct. Both the orders are illegal, unlawful, without authority, based on mala fide, void ab initio. The appellant has been proceeded with the rules and regulation which are not applicable to him nor proper procedure has been adopted by the respondents to determine the guilt of appellant. No evidence whatsoever has been procured against appellant.

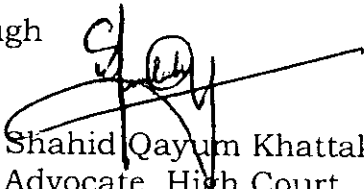
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Appellant

Through


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Peshawar

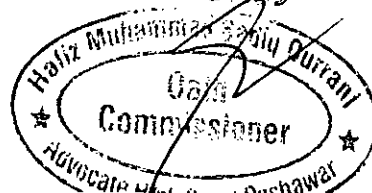
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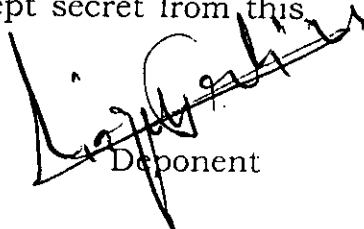
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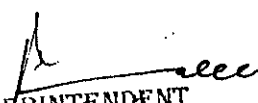



Deponent

Form "A"
FORM OF ORDER SHEET

Court of: Sessions Judge, Karak

B.B.A No. 4464 of 2018

| Serial # of Order or Proceeding 1 | Date of Order or Proceedings 2 | Order or other proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3. |
|--------------------------------------|-----------------------------------|--|
| | 7-12-2017 | <p align="center">Bail before arrest application presented by Mr. <u>Boghdad Idan</u> Advocate. To be checked and put up for orders before the learned Sessions Judge, Karak today.</p> <p align="right">  SUPERINTENDENT Sessions Court, Karak Superintendent Sessions Court Karak </p> <p align="right"> ما جاك پښتانه قبي د لوندو كورنۍ مشر ارزښت له لخوا په قبي مشر له قونډو په درنه د پښتانه د كورنۍ مشر د قبي مشر له لخوا د پښتانه د كورنۍ </p> |

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027-01-18

Before The Service Tribunal, Peshawar

Liaqat Ali Khan Vs Police

Put up to the court
with appeal.

Service appeal no: 801/18.

10/9/18
Application for early hearing
of instant appeal

Respectfully sheweth!

- (i) That above titled appeal is pending adjudication before this hon'able forum and is fixed for 17/10/2018.
- (ii) That valuable rights of petitioner are involved in instant appeal, which requires earlier disposal.
- (iii) That applicant seeks earlier fixation of the instant appeal.

Attended by
on 2/10/18. Noia be
issued to the
respondents
del. fixed.

It is therefore humbly prayed that upon acceptance of this application the instant appeal may graciously be fixed on early possible date.

Dated: 10/09/18

Applicant
Through Shahab
Shahab Fakhem
(Advocate)