



382/2018

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	02.04.2019	<p><u>Present.</u></p> <p>Mr. Taimur Ali Khan, .. For appellant Advocate</p> <p>Mr. Muhammad Riaz Khan Paindakhel, ... For respondents Asstt. Advocate General</p> <p>Vide our detailed judgment of today in Appeal No. 381/2018 (Iftikhar Ali Shah Vs. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others), we allow the appeal in hand and set aside the impugned order dated 07.11.2017. Resultantly, the appellant is reinstated into service, however, the period he remained out of duty/service shall be counted towards leave of the kind due.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p style="text-align: center;">  Member </p> <p style="text-align: center;">  Chairman </p> <p><u>ANNOUNCED</u> 02.4.2019</p>

19.12.2018


Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned Additional General requested for adjournment on the ground that the some record is not available on him. Adjourned. To come for record and arguments on 28.01.2019 before D.B.


(Hussain Shah)
Member


(Muhammad Amin Kundi)
Member

28.01.2019

Appellant with counsel present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Muhammad Farooq Khan, Inspector (Legal) for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 18.02.2019 before D.B.


(Ahmad Hassan)
Member

(M. Hamid Mughal)
Member

18.02.2019

Appellant with counsel and Mr. Zia Ullah learned Deputy District Attorney alongwith Yaqoob Khan H.C for the respondents present. Learned DDA states that the statement of witnesses record^{ed} in the first round of the inquiry against the appellant is not available before the Tribunal today. The said record is necessary in the matter, therefore, request^d for adjournment in order to produce the same. Adjourned to 02.04.2019 before D.B.


Member


Chairman

16.07.2017

Appellant present for the appeal. Additional Advocate General along with Mr. Asghar Ali H.C present. Written reply submitted. To come up for rejoinder, if any and arguments on 03.09.2018 before D.B.

~~respondents present. Learned Additional General requested for adjournment on the ground that the some record is not available~~

~~on him. Adjourned. To come for record and arguments on 23.01.2019 before D.B.~~

03.09.2018

Appellant absent. Learned counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. (Hussain Shah) Member (Muhammad Amin Kundi) Member Learned counsel for the appellant submitted rejoinder and seeks adjournment for arguments. Adjourned. To come up for arguments on 12.10.2018 before D.B.

(M. Amin Khan Kundi)
Member

(M. Hamid Mughal)
Member

12.10.2018

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Muhammad Farooq, Inspector (Legal) for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 16.11.2018 before D.B.

(Ahmad Hassan)
Member

(Muhammad Amin Khan Kundi)
Member

16.11.2018

The Hon'able Chairman has not yet been assumed the charge, therefore, the case is adjourned for the same on 19.12.2018 before D.B.

Reader

10.04.2018

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 07.11.2017 whereby the appellant was dismissed from service in the light of de-novo inquiry report. Appellant filed departmental appeal against the original order dated 7.11.2017 but the same was not responded.


Point raised needs consideration. Admitted, for regular hearing subject to all just/ legal objections. The appellant is directed to deposit security and process within (07) days thereafter, notice be issued to the respondents department for written reply/comments on 04.06.2018 before S.B.

Appellant Deposited
Security & Process Fee


Member

04.06.2018

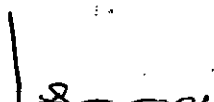


Counsel for the appellant and Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 15.07.2018 before S.B.


(Ahmad Hassan)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 382 /2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	16/03/2018	<p>The appeal of Mr. Irfan Ullah resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	19/03/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/04/18.</u></p> <p style="text-align: right;"> MEMBER</p>
	02.04.2018	<p>Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 10.04.2018 before S.B</p> <p style="text-align: right;"> Member</p>

The appeal of Mr. Irfanullah Ex-Constable No. 1858 Police Station City Bannu received today i.e. on 13.03.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is not signed by the appellant.
- 2- Copy of departmental appeal is not attached with the appeal.
- 3- Wakalat Nama in favour of appellant be placed on file.

No. 529 /S.T,

Dt. 14/03 /2018


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

Respected Sir,

1- Removed

*2- Copy of Departmental appeal is attached as
Annexure - 0*

3- Removed

Resubmitted after compliance



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 382/2018

Giffan ullah

V/S


Police Deptt:

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APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,
&
ASAD MAHMOOD
(ADVOCATE HIGH COURT)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 382/2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 369

Dated 13/03/2018

Irfan Ullah, Ex- Constable, No.1858,
Police Station City, Bannu.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, KPK, Peshawar.
2. The Regional Police officer, Bannu Region Bannu.
3. The District Police Officer, Bannu.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 07.11.2017, WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE AND AGAINST NOT TAKING ACTION THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 07.11.2017 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day

Registrar
13/3/18

Re-submitted to -day
and filed.

Registrar
16/3/18

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant joined the police force in the year 2003 and completed all his due training etc and also have good service record throughout.
2. That serving in Police station Bannu the appellant on 17/5/2013 was deputed with Additional SHO namely Dam Saz Khan for Gusht in the area of Sabzi Mandi Bannu and submitted his Rawangi Report vide Mud No 10 at 8:45 am and remained with the ASHO till 04:30 pm as per Wapasi report vide Mudd No.30 and in this respect the ASHO also gave his statement that the appellant was present with him on 17.05.2013. **(Copies of the rawangi report, wapasi report and statement of the ASHO are attached as annexure-A,B&C)**
3. That when the appellant returned from gusht, he was called by SHO PS Bannu City at 6:PM on 17.50.2013 and told him that a complainant namely Muhammad Sadiq has made a complaint against him and he entered it in the Roznamcha Report. In said complaint, it was alleged by the complainant that the appellant has beaten him and also snatched two rings from a girl while they staying in room No.27 of Madina Hotel. **(Copy of Roznamcha report is attached as Annexure-D)**
4. That on the basis of above reason, charge sheet was issued to the appellant which was duly replied by the appellant in which denied all the allegations with proof, but the appellant was dismissed from service on 8.07.2013 on a so called inquiry draft by SDPO Bannu without providing chance of defence to the appellant and against dismissal order, the appellant filed departmental appeal. **(Copy of charge sheet, statement of allegation, reply to charge sheet, dismissal order and Departmental appeal are attached as Annexure-E,F,G,H&I)**
5. That against the impugned orders, the appellant filed Service Appeal No.1306/2013 in this august Tribunal and the Honourable Tribunal dismissed the service appeal of the appellant on dated 15.03.2016. **(Copy judgment dated 15.03.2016 is attached as annexure-J)**
6. That the appellant filed CPLA no.1342/2016 in Supreme Court which was decided on 13.12.2016 in which the impugned Service Tribunal judgment dated 15.03.2016 and impugned dismissal order 08.07.2013 were set aside with the direction to the department to conduct a

denovo inquiry in accordance with the law against the appellant.
(Copy of supreme Court judgment is attached as Annexure-K)

7. That the appellant was reinstated for the purpose of denovo inquiry by the respondent department and SP Investigation was appointed as inquiry officer for denovo inquiry. The denovo inquiry was conducted against the appellant in which the inquiry officer gave the following conclusion.
 1. On 17.05.2013 the appellant made a departure at 8:45 hours for routine gashte with Mr. Damsaz Khan ASHO PS city vide DD item No. 10 dated 17.05.2013 and made their arrival report from gashte at 16:30 hours vide DD item No.30 dated 17.05.2013 PS city.
 2. Mr. Shabaz Khan the then SHO Ps city had entered report of complainant Mohammad Sadiq Khan s/o Qadam Khan r/o Wanda Lozai Serai Nuarang, lakki Marwat, but neither his signature had been depicted on the report entered in daily diary nor his NIC No. had been noted with the name of the complainant vide DD item No.33 dated 17.05.2013 PS City. The mobile Number of the complainant shown in the daily diary is not use.
 3. In the report the complainant showed the occurrence in Madina Hotel Bannu while during the enquiry proceedings statement of witness Mr Abdur Rehman of Rashid hotel Bannu City was recorded.
 4. That time of occurrence shown 1:00 hours while report has been made at 1800 hours, the laps between the report and occurrence are 07:00 hours but no reason for delay of report has been shown in daily diary.
 5. Statement of SI Damsaz khan the then ASHO PS city is worth clear that the appellant was entirely on duty with him and no such occurrence had been taken place during the entire duty.
 6. Home address of the complainant was enquired through SHO PS Serai Naurang District Lakki Marwat while he stated that the said Wanda is not located at Serai Naurang. The said complainant also did not pursue the report till now.
 7. As per statement of ASI Zafer Khan Moharir PS City, the ear rings are laying in the Malkhana and no one arrived till now to PS City for collection of the said rings.

8. No statement of the sister of the complainant has been recorded.
9. No opportunity for cross examination was provided to the appellant to prove his innocence and it seems that an impartial proceeding has been made against him

on the basis of above conclusion, the inquiry officer recommended that denovo inquiry against the appellant may kindly be filed without further proceeding. **(Copy of 1st denovo inquiry is attached as annexure-L)**

8. That the authority was not agree with the recommendation of the inquiry officer and therefore directed to conduct anther denovo inquiry against the appellant and SP Elite was nominated as inquiry officer. As the authority violating the order of the Supreme Court by initiating another denovo inquiry, therefore the appellant filed Criminal Original petition No.54/2017 in the Honourable supreme Court, however the inquiry officer conduct denovo inquiry in which he mentioned that the complainant Muhammad Sadiq was tried to search through his known address but in vain and was found through his cell phone number address that the complainant was residing in the jurisdiction of PS Dail Wala and was directed through local police to attend the office of undersigned on 23.5.2017 and all the parties were appeared on 23.05.2017. The appellant submitted an application that he had submitted Crl.Org.No. 54/2017 in the Honourable Supreme Court with regard to the said inquiry and requested that the inquiry proceeding may be kept pending till the decision of the court. The complainant was also asked about recording his statement by the inquiry officer, but he requested/sought time for tomorrow for recording his statement, but he did not appear tomorrow and the inquiry officer suggested that guidance may be solicited from the high ups as whether the denovo proceeding, in such like circumstances, may continue or otherwise, on which the matter was forwarded to AIG legal which directed for denovo inquiry on which the inquiry officer again summoned complainant, the appellant and relevant police officers. The complainant filed an application that he did not want to purse his complainant and the appellant also appeared before inquiry officer and as per appellant he was told by the inquiry officer to sign on blank paper on which he refused, but the inquiry officer allegedly mentioned in his inquiry report that the appellant was not willing to record his statement and stated that the undersigned has got no other option except to rely on the statements of the witnesses. **(copy of 2nd denovo inquiry report is attached as Annexure-M)**

9. That on the basis of irregular 2nd denovo inquiry, the appellant was again dismissed from service vide order dated 07.11.2017 without issuing charge sheet and show cause notice to the appellant. The appellant filed departmental appeal on 04.12.2017 against the dismissal order which was not respondent within the statutory period of ninety days. **(Copies of dismissal order and departmental appeal are attached as Annexure-N&O)**
10. That now the appellant come to this august tribunal on the following grounds amongst others.

GROUND:

- A) That the impugned order dated 07.11.2017 and not taking action on the departmental appeal of the appellant within the statutory period of ninety days are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the in 2nd denovo inquiry, no opportunity of defence was provided to the appellant as neither the statement of the complainant and the girl was recorded in the presence of the appellant nor gave him opportunity of cross examination, even the complaint gave application in the 2nd denovo inquiry that he did not want to pursue the complaint further and did not record his statement. Which show that no proper chance of defence was provided to the appellant which is great miscarriage of justice and fair play. **(Copy of application is attached as annexure-P)**
- C) That the in 2nd denovo inquiry, the inquiry officer mentioned that although the appellant and complaint parties do not want to pursue the inquiry proceeding, however, witnesses are standby on their statements. In such like circumstances, the undersigned has got no other option except to relay on the statement of witnesses which are mostly in the favour of the prosecution. Which show that the inquiry was not conducted according to the prescribed procedure and the appellant was dismissed from service only on the basis of prosecution statements only, which is not permissible under the law.
- D) That in the 1st denovo inquiry, the inquiry officer did not found guilty the appellant and recommended that inquiry proceeding may be filed without further proceeding, but the authority did not observe that

recommendation and directed for another denovo inquiry without giving reason for conducting 2nd denovo inquiry.

- E) That no charge sheet was served to the appellant before passing the impugned order of dismissal from service, which is the violation of law and rules.
- F) That even show cause notice was not issued to the appellant before passing the impugned order of dismissal which is violation of law and rules.
- G) That the appellant was present with ASHO Damsaz Khan on the day of occurrence and in this respect, the clearly mentioned in his statement that on 17.05.2013 the appellant was present with him from 8:45 hours to 16:30 hours on duty at Sabzi Mandi and no accident was take place during performing duty, which was also endorsed by the of inquiry officer (SP, Investigation) in conclusion of his inquiry report, which shows that the appellant was present with ASHO at the time of alleged accident.
- H) That Mr. Shabaz Khan the then SHO PS city had entered report of complainant Mohammad Sadiq Khan s/o Qadam Khan r/o Wanda Lozai Serai Nuarang, lakki Marwat but neither his signature had been depicted on the report entered in daily diary nor his NIC No. had been noted with the name of the complainant vide DD item No.33 dated 17.05.2013 PS City. The mobile Number of the complainant shown in the daily diary is not use which was also endorsed by the inquiry officer in his inquiry report.
- I) That the complainant Muhammad Sadiq in his complaint shows his address as Wanda Huzai Serai Nurang, but the revenue department as well the SHO PS Serai Naurang District Lakki Marwat stated that the said Wanda is not located at Serai Naurang which was also endorsed by the inquiry officer in his inquiry report. **(Copy of record is attached as Annexure-Q)**
- J) That the Abdur Rehman in his statement mentioned that the accident occurred in Rashid Hotel while the complainant mentioned in his complaint that he was staying in Madina Hotel and the accident was occurred in Madina Hotel which show great contrast in the statement of the Abdur Rehman (Witness) and the Muhammad Sadiq (complainant) which was also endorsed by the inquiry officer (SP

Investigation) in conclusion in the 1st denovo inquiry. **(Copy of the statement of Abdur Rehman is attached as annexure-R)**

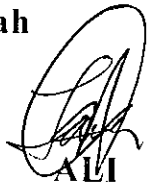
- K) That the Manager of the Madina Hotel also gave his statement that no such accident was take place in the hotel on 17.05.2013 **(Copy of the statement of Manager is attached as Annexure-S)**
- L) That as per appellant, the inquiry officer told to the appellant to sign on blank paper on which he refused on which the inquiry officer mentioned in his inquiry report that the appellant did not want to record his statement.
- M) That the witness Abdur Rehman who gave his statement was in Hawalat at the time of occurrence i.e 17.05.2013 as per report of registrar, Abdur Rehman was present at 10:00 Hours in Hawalat, while the complainant mentioned in his complaint that the accident occurred at 11:00 Hours. **(Copy of Hawalat Registrar is attached as annexure-T)**
- N) That the appellant was not according to law and rules and was punished for no fault on his part.
- O) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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



APPELLANT
Irfan Ullah

THROUGH:



(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,
&
(ASAD MAHMOOD)
ADVOCATE HIGH COURT

A (8)

20

دعا

"A"

(18)

تعداد 19 اور سہ ماہیہ 17 $\frac{5}{13}$ خط بھول

10 راجہ صاحب سہ ماہیہ 1540 اور 17 $\frac{5}{13}$ دست 45-08

پہلے سے سہ ماہیہ 1148 اور 1858

لکھنے میں خط بھول تعداد سہ ماہیہ کا بھول

قائم

تعداد بھول



Handwritten signature

21-5-13

ATTESTED

Handwritten signature

21

B 9

"B"

مہاجرین

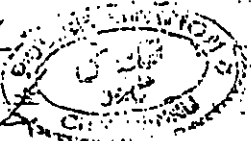
تاریخ

5

نظر روز سونا 5 17/13

فالی 1 شمارگان 540 شد 5 17/13 وقت 16:30 سے اس وقت
 میں مع میرا ان وقت کھانا اور 19 سالہ لہو اور کھانا کھانا
 سے داریں آج۔ بیورن کھانا صبر صبریت رہی۔ اس کے بعد
 رہا اور کھانا کھانا کھانا کھانا کھانا کھانا کھانا کھانا
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مہاجرین
 محمد علی احمد
 محمد علی احمد



21.5-11

ATTESTED

15

22

بیلن اڑالان در مساز فان 0 ASH 0 تقانہ سٹی مورف

13-5-17 کو کنسیبل عرفان 1858، افتخار 1148

میرے ساتھ 08:45 بجے سے بیکر 16:30 بجے

تک پیرانہ سبزی منڈی میں پیراہ ڈیوٹی

گی ہیں بدوران ڈیوٹی کوئی بھی ناخوشگوار

واقفہ رونما نہیں ہوا میرا بیان سن

لیا جو کہ درست ہے۔

ATTESTED



- 24 -

E (2)

CHARGE SHEET:

WHEREAS I am satisfied that a formal enquiry as contemplated in the NWFP, Police Rules, 1975 is necessary and expedient.

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

NOW, THEREFORE, as required in 6-1 (a) of the aforesaid Rule I, **ABDUL GHAFUOR KHAN AFRIDI** District Police Officer, Bannu, as competent authority, hereby charge you constables **Iftikhar Khan No.1148** and **Constable Irfan Ullah No.1858** of PS City for the allegations, attached with this charge sheet.

AND I direct you further under rules 6-1 (b) of the aforesaid Rules to put in written defense within 7 days of the Receipt of this Charge sheet as to whether major OR Minor punishment as defined in Rules 4-1(a)-(b) should not be awarded to you. Also state at the same time whether you desire to be heard in person.

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


District Police Officer,
Bannu.

21-05-2013

ATTESTED


F (13)

- 25 -

SUMMARY OF ALLEGATIONS:

You Constables Iftikhar Khan No.1148 and Constable Irfan Ullah No.1858 of PS City were found to indulge in misconduct under the following allegations:

1 • That as per report of Muhammad Sadiq Khan S/O Qadam Khan R/O Wanda Lozai Sarai Naurang duly forwarded by SHO PS City, they Constables Iftikhar Khan No.1184 and Constable Irfan Khan No.1858 while performed Gasht duty in the limit of PS City.

2

That they beat Muhammad Sadiq Khan at about 11:00 hours in Madina hotel without any cogent reason best known to them.

175/13

3

That they take Illegal gratification of one (Thola Golden Rings) from the complainant sister.

4

That their cruel action gross misconduct on their part being a members of Police Force.

5

That all the above amounts gross misconduct on your part meaning thereby that they have ceased to become a good police officer.

DSP / Shafiqul Bannu District is appointed to hold departmental proceedings and submit his findings to the undersigned after observing legal formalities.

[Signature]
District Police Officer,
Bannu.
21-05-2013

Received.

ATTESIED *[Signature]*
27.5.13

SRC 444
dt 22-5-13

20
14
11

ذات اذال ما نیل عرفان اللہ B58 صفینہ میانہ میں ہوں حال ہونا
 ڈرامہ خارج مہینہ ستمبر کے لیے ایف ایس سٹینڈرڈ 144-SRC کے لیے فارسی میں ہونا ہے۔

22.5.13

یہاں

المذاہب میں صفحہ المزاج حاضر ہیں۔

۱۔ یہ ہے اور نیل انجیل ماہ ۱۸۱۸ تکلف چہ صدفی دل دردم ما سکہ سر لورڈ
 آئیہ درجہ ۵۰۰ کے ساتھ جس میں آئیہ ہے۔ جس میں آئیہ ہے۔ یہ
 ۲۔ ہم دونوں کشتیاں کے درمیان ۱۳/۱۳ درجہ ۱۱۰۰ کے ساتھ سر لورڈ ماہ ۱۸۱۸
 یہ جاننے کے لیے اس نے کوئی حجم نہیں کیا ہے اور
 ۳۔ اسکی بہن صفا تھا نہ بی بی جان سے آئیہ لہذا بالیاں لی ہیں
 ۴۔ یہاں یہ فعل ظالمانہ اور قابل واخذہ ہے
 ۵۔ میں یہ ۳ سے آئیہ اچھے لائیں آفرنی لے کر تمہ نہیں بھیج سکتی

حاجت

المزاجات بالائی تردد کرتے ہوئے جو با جو دبانہ ہوتی ہیں۔

۱۔ ۱۳/۱۳۔ ہم دونوں کشتیاں کو وقت ۵:۴۵ تا ۳:۱۵ اور دسمبر ۱۱/۵۱۵
 لاکھ سبزی بندی میں موجود رہے۔ اس دوران ہم اس اور ہم اس آئیہ میں
 اس ماہ ۱۱/۵۱۵ سے بوجھا جائے۔ (تفصیلات روچی درجہ لیجئے ہیں)
 ۲۔ جہاں تک چہ صدفی کے بارے میں ۳۳ درجہ تا ۱۳/۱۳ آئیہ درجہ میں صحت اور تیار
 ذہن کیا ہے۔ یہ تو میں وہاں ہوں ۱۱۰۰ آئیہ میں دن لیا ہوں۔ یہ ہی اسے مارا
 بیٹا ہے۔ اور نہ ہی اسکی بہن بھی بالیاں لگائی ہیں۔
 ۳۔ درجہ ۷ کے درجہ کی روشنی میں ہم وہاں بیٹھ کر ایک ہوئی ہے۔ مات صبت
 ہوئی۔ ہر ایک کے ماتہ کے ہمیں آئیہ کے روبرو رکھی ہے۔ جس میں آئیہ ہے۔ یہ ۱۳/۱۳
 آئیہ ہوئی میں اس قسم کی کوئی واردات دیکھا نہیں ہوا ہے۔ آئیہ صدفی بالی
 شخص نے اسکو ہونے میں طرہ ۱۳ کو مستقل ہر وہ ہر قابل لیا ہے۔ لیکن اس نے کوئی طور
 اس دن ہوئی ہر ایک کے لئے ہے۔ رتھور لے ہے)
 ۴۔ اسی طرح ذرا پھر کریم جان کے حکایت ہوئی ہے۔ لیکن ذرا پھر سے حکایت
 دلدادہ ہر اس دن چہ صدفی یا اسکی بہن آئیہ اور درجہ ۷ میں نہیں آیا
 ۵۔ دل لگی سے وہیں آ کر صدفی سے بچے طلب کیا۔ اور یہاں وہ بالیاں لکھے ہیں۔
 ۶۔ وہاں ہونے میں آئیہ طرہ سے لی ہیں۔ لیکن کا علی ما اظہار کیا۔ تو اسکو ماتہ بہتی

یہاں

ATTESTED

1 - باوردی صاحب مدنی اپنی شہزادی - اور جو سے پہری ذالی رقم منہم

2 - 3 مار مار مطالبہ ہر حال درم میں کرتا۔

3 - اس سے ہا اور زر دوسرے کے لئے لے لئے۔ اور من طرف سے ہر روز دوسرے کے لئے ذالی

4 - یہاں سے ہا اور زر دوسرے کے لئے لے لئے۔ اور من طرف سے ہر روز دوسرے کے لئے ذالی

5 - اس سے ہا اور زر دوسرے کے لئے لے لئے۔ اور من طرف سے ہر روز دوسرے کے لئے ذالی

6 - یہاں سے ہا اور زر دوسرے کے لئے لے لئے۔ اور من طرف سے ہر روز دوسرے کے لئے ذالی

7 - اس سے ہا اور زر دوسرے کے لئے لے لئے۔ اور من طرف سے ہر روز دوسرے کے لئے ذالی

8 - یہاں سے ہا اور زر دوسرے کے لئے لے لئے۔ اور من طرف سے ہر روز دوسرے کے لئے ذالی

9 - اس سے ہا اور زر دوسرے کے لئے لے لئے۔ اور من طرف سے ہر روز دوسرے کے لئے ذالی

10 - یہاں سے ہا اور زر دوسرے کے لئے لے لئے۔ اور من طرف سے ہر روز دوسرے کے لئے ذالی

11 - اس سے ہا اور زر دوسرے کے لئے لے لئے۔ اور من طرف سے ہر روز دوسرے کے لئے ذالی

12 - یہاں سے ہا اور زر دوسرے کے لئے لے لئے۔ اور من طرف سے ہر روز دوسرے کے لئے ذالی

13 - اس سے ہا اور زر دوسرے کے لئے لے لئے۔ اور من طرف سے ہر روز دوسرے کے لئے ذالی

14 - یہاں سے ہا اور زر دوسرے کے لئے لے لئے۔ اور من طرف سے ہر روز دوسرے کے لئے ذالی

15 - اس سے ہا اور زر دوسرے کے لئے لے لئے۔ اور من طرف سے ہر روز دوسرے کے لئے ذالی

محمد

محمد

انیس مئی خان الہ خان لہر 1858 سال مغل آٹاں

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محمد

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ORDER:

My this order will dispose of departmental proceedings against constable Iftikhar Khan No. 1148 and constable Irfan Ullah No. 1858. Allegations were, that both the constables took away earrings from a girl, who they apprehended in city area along with a boy Mohammad Sadiq Khan,

Proper proceeding were initiated and the Enquiry Officer established the charges leveled against both the constables. The earrings weighing roughly half of tola were recovered from the two constables and is now in the possession of SHO PS City. The girl obviously is not coming forward hence not claiming the gold earrings.

Both the constables were also heard in person but they could not refute the charges.

Since retention of such policemen in a force will further tarnish the image of police, therefore, I, MUHAMMAD IQBAL KHAN, District police officer, Bannu, being a competent authority, in exercise of the power vested in me under police rule 1975, hereby award Major punishment of dismissal from service upon constables Iftikhar Khan No. 1148 and Irfan Ullah No. 1858 with immediate effect.

OB No. 11836
Dated: 8/7/2013



District Police Officer,
Bannu

No. 8587-93 / Dated Bannu, the 8/7/2013.

Copy of above is submitted to the:

- ✓ 1. Iftikhar Khan No. 1148 S/O Muhammad Nawaz Shah village Hassani Kalla P/O Nezam Bazar PS Basia Khel Tehsil & District, Bannu.
2. Irfan Ullah No. 1858 S/O Sakhi Marjan r/o Shahbaz Shah Sheikhan PS Saddar Tehsil & District, Bannu.
3. SHO PS City for information.
4. RI/LO Police Line Bannu.
5. Pay officer.
6. SRC.
7. OASI, for completion of record.

ATTESTED



۱۔ ترجمہ صدر کی اور نہ ہی رسمی پیش کو طلب کیا گیا تھا۔ تاہم ہمارے رولز و ریگولیشنز
 ۲۔ تیار کرنا۔ اور ہمیں حرج؟ تو تیار دینے۔
 ۳۔ ۴۰ سالہ سے دستاویز اس کے بارے میں بیان طلب کیا گیا ہے۔ جس میں انہوں
 ۴۔ کے حلف بیان کرنا ہے۔ کہ پھر دلوں میں سبیل کی سہولت یا ۱۶.۳۰ کی اس کے گھرانے
 ۵۔ ڈگری پر رہے۔ صحت و وقت وغیرہ ۱۱.۰۰ کی رہنا ہونا بیان ہو گیا ہے۔ اور
 ۶۔ درجہ ۱۸.۰۰ کی درجہ ہو گیا ہے۔ جبکہ ہماری درسی ۱۶.۳۰ کی درجہ ہے۔
 ۷۔ گورنمنٹ جسے یہ کئی مصلح ہو۔ نہ اس کے بیان سے کچھ سے آئیے تو کم یا لیاں لیاں
 ۸۔ رکھائی ہے۔ حالانکہ اس بارے میں تمنا ہے کہ بیان مفصل ہے۔ ۳۔ لکھنے میں
 ۹۔ موجود ہے۔
 ۱۰۔ بدینہ روئے ہے تاہم اس بارے میں کوئی ڈیٹیل بیان دینا ہے۔ جس میں اس کے
 ۱۱۔ کہ اس دن اسے سہولت میں کسی قسم کی سہولت دینا نہیں ہو گیا ہے۔
 ۱۲۔ جبکہ صحت کے آگے ہوا ہے۔ غرض کہ اگر یہ ہو گیا ہے۔ حالانکہ قانون تو یہ ہے۔ کہ جس وقت
 ۱۳۔ کسی کو فیاضی تمنا ہے کہ اسے درجہ حاضر ہو۔ تو درجہ ریٹائرمنٹ میں درجہ لیا جائیگا۔ لیکن ایسا
 ۱۴۔ نہیں ہوا ہے۔
 ۱۵۔ نہ تو اس کے بارے میں اس کے پیش نظر کہ تیار ہیں۔ اور نہ ہی وکلاء یا لیاں کا
 ۱۶۔ مطالبہ کرتے ہیں۔
 ۱۷۔ آرٹ میں یا لیاں ملتی ہیں؟ وزن آرٹ تو کم ہے۔ جبکہ اس کے خلاف حاشیہ یا لیاں
 ۱۸۔ دیکھا گیا ہے۔ اور اگر اس کے خلاف کوئی نہیں بنا سکتا ہے۔ حالانکہ اگر یہ کئی مصلح ہے۔
 ۱۹۔ ۱۸۹۱۰ کے بیان کو آرٹ کے خلاف لکھ دیا گیا ہے۔ اور ۴۰ سالہ سے اصل حقائق
 ۲۰۔ چھپائے ہیں۔
 ۲۱۔ جو فہم ہے کہ وہ یہ نہیں ہے بن دیکھے فائل ریکارڈ میں اس کے خلاف ظلم کے مجھے
 ۲۲۔ ضرورت ہے کہ اس کے خلاف کوئی کارروائی نہ ہو۔ لیکن اس کے خلاف کوئی کارروائی نہیں ہو رہی ہے۔
 ۲۳۔ حال فائنل ہے۔ اور حکیم کے نام کے خلاف کوئی کارروائی نہیں ہو رہی ہے۔

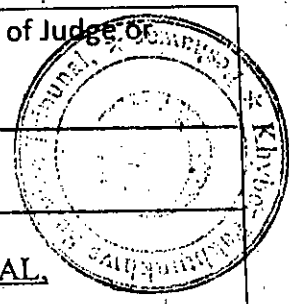
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 ۳۸۔ ۳۹۔
 ۴۰۔ ۴۱۔

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۱۱۰۶ / ۰۳۳۲-۹۷۳۳۶۶

J
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①

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	15.03.2016	<p><u>BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR</u></p> <p>1. Appeal No. 1305/2013, Iftikhar Shah, 2. Appeal No. 1306/2013, Irfanullah Vs. Inspector General of Police, KPK Peshawar etc.</p> <p><u>JUDGMENT</u></p> <p><u>PIR BAKHS SHAH, MEMBER.-</u> Appellants with counsel (Mr. Ghulam Nabi, Advocate) and Government Pleader (Mr. Muhammad Jan) for the respondents present.</p> <p>2. Having common facts and questions of law, we propose to dispose off the above appeals by way of this single judgment.</p> <p>3. Appellants were dismissed from service vide impugned order dated 08.7.2013. Their departmental appeals were also rejected on 07.08.2013, hence these separate appeals under Section 4 of the KPK Service Tribunal Act, 1974.</p> <p>4. Appellants, Police Constables at the relevant time, were serving in district Bannu. According to record one Muhammad Sadiq Khan came to P.S City, Bannu at 1800 hours and reported to the effect that he alongwith his sister</p>



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Secretary, Peshawar

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Jehanzeba were present in a rented room in Madina Hotel. At 11.00 hours two constables came inside the room and after beating them up also snatched one Tola of the golden ear rings from his sister Jehanzeba. He named the constables to be Irfanullah and Iftikhar Shah (appellants). According to record on the body search of the constables ^{Sulameral} by SHO P.S City Bannu namely Shah Baz Khan, ^{he} also recovered the same ear rings from possession of constable Irfanullah. After the charge sheet and statement of allegations issued to the appellants, the matter was enquired into by Mr. Muhammad Shafiq, then SDPO/Rural-II, Bannu, who after recording statements of witnesses as well as of the appellants and perusal of Daily Diary No. 33, dated 17.05.2013, concluded that the charges stand proved against the appellants. Consequently, the appellants were dismissed from service and their departmental appeals also failed.

5. Arguments heard and record perused.

6. The learned counsel for the appellants submitted that it is evident from the enquiry report that Mr. Muhammad Sadiq Khan had exonerated the appellants and the appellants when once exonerated or acquitted, they should not have been dismissed from service. He further contended that there is contradiction in the statements of Muhammad Sadiq Khan according to which the occurrence took-place in Madina Hotel whereas according to witness Abdur

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Rahman it was Rashid Hotel. He also submitted that at the relevant time appellants were performing duties with Mr. Damsaz Khan, Addl.SHO which is evident from record, and Damsaz Khan has also deposed that no occurrence of the sort took-place during the course of this duty. He also defended the appellants by stating that per entry of the Register Hawalat the said witness Abdur Rahman at the relevant time was confined in the lock up, hence the question that he would be an eye witness of the occurrence does not arise. Reliance was placed on 1998-SC,R-1993, PLD 2010 Supreme Court-695 and 2012-SCMR-165.

7. The learned Government Pleader submitted that the appellants while in the police uniform, has brought a bad name for the department and even if Muhammad Sadiq Khan may have exonerated the appellants, the department is not bound by the said concession of Muhammad Sadiq. He further submitted that recovery of the golden ear rings was effected from one of the constables by SHO of the P.S City Bannu and this SHO has fully supported before the enquiry officer case against the appellants. He further submitted that sufficient materials were available on record against the appellants and it is also evident that full opportunity of defence and hearing has been provided to them besides that all codel formalities of charge sheet etc. have been fulfilled.

8. We have heard pro & contra arguments and have

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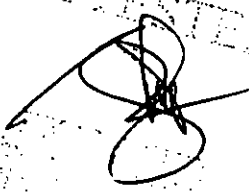
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 Khwaja Muhammad
 Secretary, Bannu
 Peshawar

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perused the record.

9. The action taken against the appellants is evidently one of serious in nature and the appellants have not shown any malafide of the departmental authorities as to why only appellants were selected for this alleged victimization? This being so, it is also evident that Mr. Shah Baz Khan, SHO P.S City Bannu fully supports that ear rings were recovered from possession of Constable Irfanullah. The record also shows that after the occurrence, the appellants were also kept in quarter guard which was not possible without substance against the appellants. Even DPO in his impugned order has observed that ear ring is available with SHO P.S City but as the concerned lady is not forthcoming, therefore, the same is yet in the possession of SHO. Complaint of Muhammad Sadiq Khan before SHO and its further corroboration by independent witness Abdur Rahman a waiter in Rashid Hotel show that the charges against the appellants stand proved. So far entry of the name of Abdur Rahman in Register Hawalat is concerned, so this piece of evident was not appended with the appeal but appended at later stage with rejoinder and secondly it was not shown as to why and in what offence Abdur Rahman was confined in the lock up? In the stated position, we find that as charges against the appellants are proved on record and as opportunity of defence was provided to the appellants, therefore, the appeals devoid of merits, are dismissed. The car rings so recovered by SHO

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if any proceeds

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may be deposited in the Government treasury in accordance with law and procedure through senior officer at the RPO level. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
15.03.2016

Sd/- Pir Bakhtish Shah
Member
Sd/- Abdul Latif
Member

Certified (A) to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 21-03-2016
Number of Words 2400
Copying Fee 14-00
Urgent 2-00
Total 16-00
Name of Copy [Signature]
Date of Completion 21-03-2016
Date of Delivery of 21-03-2016

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[Signature]

P:1

23
R

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
M.R. JUSTICE SH. AZMAT SAEED
M.R. JUSTICE UMAR ATA BANDIAL

CIVIL PETITIONS NO.1330 AND 1342 OF 2016
(On appeal from judgment dated 15.3.2016, passed
by the KPK Service Tribunal, Peshawar in Appeals
No.1305 and 1306/2013)

Iftikhar Shah (in CP.1330/2016)

Irfan Ullah (in CP.1342/2016) ... Petitioner (s)

Versus

Inspector General of Police,
Government of KPK, Peshawar and
others ... Respondent (s)
(in both cases)

For the Petitioner (s) : Mr. Muhammad Shoaib Shaheen,
ASC with
Mr. Ahmed Nawaz Chaudhry, AOR

For Respondent (s) : Mr. Waqar Ahmed Khan,
Addl. A.G. KPK with
Muhammad Farooq Khan,
Inspector (Legal), DIG Office, Bannu

Date of Hearing : 13.12.2016

ORDER

SH. AZMAT SAEED, J.- Both the Petitioners are
policemen, who were dismissed from service vide Order
dated 08.07.2013. The learned counsel for the Petitioners
has taken great pain to point out that due process of law
and right of hearing was necessary, even for a
departmental inquiry, which have not been complied with,

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Signature
Supreme Court of Pakistan
Islamabad

On the instant cases, prior to imposition of the major penalty i.e. dismissal from service.

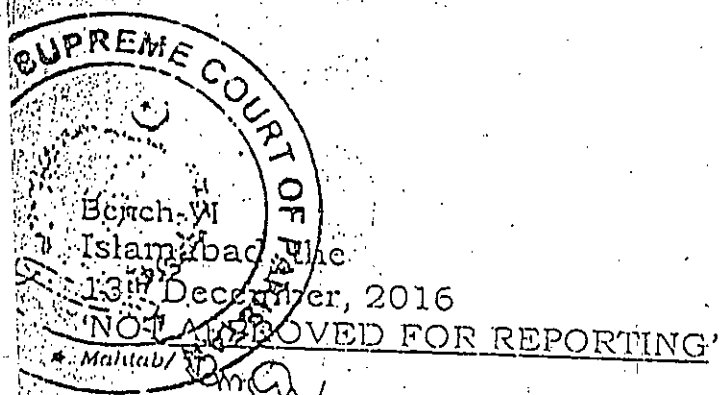
2. The learned Additional Advocate General, KPK, has controverted the contentions raised on behalf of the Petitioners but was unable to persuade us from the available record that due process has been complied with.

3. In the circumstances, we consider it appropriate that a de novo inquiry be conducted, in these cases to which at least the learned counsel for the Petitioners is agreeable. Consequently, the impugned judgment of the learned Service Tribunal dated 15.03.2016 as well as the impugned Order of dismissal dated 08.07.2013 are set aside. However, the Department shall conduct a de novo inquiry in accordance with the law. No back benefits shall be paid to the Petitioners, at this stage, but shall follow the final outcome of the de novo inquiry.

4. Consequently, both the Civil Petitions are converted into Appeals and are disposed of accordingly.

Sd/- Sh. Azmat Saeed, J.
Sd/- Umar Ata Bandial, J.
Certified to be True Copy

[Signature]
16/12/16
Court Associate
Supreme Court of Pakistan
Islamabad



[Signature]
16/12/16

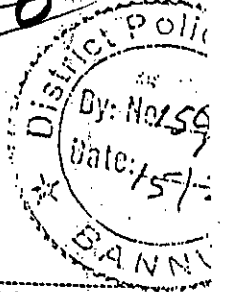
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P:5

OFFICE OF THE
SUPERINTENDENT OF POLICE,
INVESTIGATION, BANNU.



Phone No: 0928-9270178.

Fax No: 0928-9070141

No. 566 / 1

Dated: 14/102/2017.

To: The District Police Officer, Bannu.

Subject: DENOVO DEPARTMENTAL ENQUIRY AGAINST EX-CONSTABLES IFTIKHAR KHAN NO. 1148, IRFAN ULLAH. 1858.

Memo:

Kindly refer to your Office Diary No. 848 dated 26.01.2017 on the subject cited above.

The subject Denovo Departmental Enquiry against Constables Iftikhar Khan No. 1148 and Irfan Ullah No. 1858 entrusted to the undersigned for conducting enquiry and final outcome.

SHORT BRIEF.

Both the officials were charge sheeted on the basis of following allegations:

1. That as per report of Mohammad Sadiq Khan s/o Qadam Khan r/o Wanda Laloza Sarai Naurang duly forwarded by SHO PS City, constables Iftikhar Khan No. 1148 and Irfan Ullah No. 1858 while performed Gasht duty in the limit of PS City.
2. That they beat Mohammad Sadiq Khan at about 11:00 hours in Madina Hotel without any cogent reason best known to them.
3. That they have taken illegal gratification of one (Thola Golden Rings) from the complainant sister.
4. That their cruel actions gross misconduct on their part being members of Police Force.
5. That all the above amounts gross misconduct on their part meaning that they have ceased to become a good police officer.

The said enquiry was initially marked to the then DSP/Rural, Bannu for conducting proper enquiry against them. The then DSP/Rural, Bannu conducted departmental enquiry against the defaulter constables and stand proved the allegations leveled against them (Copy is attached). On recommendation of the Enquiry Officer the then District Police Officer, Bannu dismissed both the official from service vide OB No. 836 dated 08.07.2013 (Copy is attached).

The said constables submitted appeal before the worthy RPO, Bannu Region, Bannu and they were heard in person.

ATTESTED

Region, Bannu order Endst: No. 1804/EC dated 07.08.2013 (Copy is attached)

In the officials filed appeal in CPO, Peshawar and filed their appeal at CPO, Peshawar. Both the officials filed Service appeal in Service Tribunal KPK, Peshawar and the Honorable Judge of Service Tribunal dismissed their appeals. They filed Civil Petition before the Supreme Court of Pakistan. The Supreme Court of Pakistan passed the order to the effect that " Both the petitioners are Policemen, who were dismissed from service vide Order dated 08.07.2013. The learned counsel for the petitioners has taken great pain to point out that due process of law and right of hearing was necessary, even for departmental enquiry, which have not been complied with, in the instant cases, prior to imposition of the major penalty i.e. dismissal from service.

The leaned Additional Advocate General, KPK has controverted the contentions raised on behalf of the petitioners but was unable to persuade us from the available record that due process has been complied with.

In the circumstances, we consider it appropriate that a denovo inquiry be conducted, in these cases to which at least the learned counsel for the petitioners is agreeable. Consequently, the impugned judgment of the learned Service Tribunal dated 15.03.2016 as well as the impugned order of dismissal dated 08.07.2013 are set aside. However, the department shall conduct a denovo inquiry in accordance with the law. No back benefits shall be paid to the Petitioners, at this stage, but shall follow the final outcome of the denovo inquiry.

Consequently, both the Civil Petitions are converted into Appeal and are disposed of accordingly"

In light of the above judgment of Honorable Supreme Court of Pakistan dated 13.12.2016 as well as W/RPC, Bannu Region, Bannu Office Endst: No. 08/EC dated 03.01.2017 both the ex-constables were provisionally re-instated into service subject to the denovo enquiry against them vide OB No. 30 dated 10.01.2017.

To conduct the denovo enquiry, the undersigned summoned both the officials and recorded their statements. Similarly Mr. Javed Khan SHO PS Serai Naurang, FC Mohammad Yamin Khan No. 1704 DFC PS City and FC Shah Baz Ali Shah No. 907 PS Cantt: were summoned and recorded their statements.

STATEMENT OF IFTIKHAR SHAH POLICE LINES, BANNU.

He narrated the previous statement.

STATEMENT OF IRFAN ULLAH KHAN POLICE LINES, BANNU.

He narrated the previous statement.

STATEMENT OF MR. JAVED KHAN SHO PS NAURANG LAKKI MARWAT.

He stated that the on 08.02.2017 he was received direction/information from the SP/Investigation Office, Bannu to inform Mr. Mohammad Sadiq Khan s/o Qadam Khan r/o Wanda Lozai Serai Naurang District Lakki Marwat to appear before the SP/Investigation, Bannu in connection of enquiry. DFC Naushad Khan was directed to inform the said person. The said DFC PS Naurang

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the said area but not found. From MHC PS Naurang it was confirmed, he said

is not located in the jurisdiction of PS Naurang.

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STATEMENT OF FC MOHAMMAD YAMEEN KHAN NO. 1704 DFC PS CITY, BANNU.

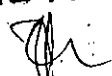
He stated that Mr. Abdur Rehman s/o Habib Ur Rehman r/o Amandi Sheikh Amir District Bannu has left the service of Rashid Hotel and had gone to abroad.

STATEMENT OF FC SHABAZ ALI SHAH NO. 907 DFC PS CANTT, BANNU.

He stated that Mr. Abdur Rehman s/o Habib Ur Rehman r/o Amandi Sheikh Amir District Bannu had gone to abroad to Saudi Arabia.

In light of the recorded statements and complete record as well as papers of the enquiry conducted by the then DSP/Rural, Bannu as well as other relevant records, the undersigned reached to the following conclusions:

1. On 17.05.2013 both the official made departure at 08:45 hours for routine gashte with Mr. Damsaz Khan ASHO PS City vide DD Item No. 10 dated 17.05.2013 and made their arrival report from gashte at 16:30 hours vide DD Item No. 30 dated 17.05.2013 PS City (DD Items are attached).
2. Mr. Shabaz Khan the then SHO PS City had entered report of the complainant Mohammad Sadiq Khan s/o Qadam Khan r/o Wanda Lozai Serai Naurang, Lakki Marwat but neither his signature had been depicted on the report entered in daily diary nor his NIC No. had been noted with the name of the complainant vide DD Item No. 33 dated 17.05.2013 PS City. The Mobile Number of the complainant shown in the daily diary is not use. (DD Item is attached)
3. In the report the complainant showed the occurrence in Madina Hotel Bannu while during the enquiry proceedings statement of witness Mr. Abdur Rehman of Rashid Hotel Bannu City was recorded.
4. The time of occurrence shown 11:00 hours while report has been made at 1800 hours, the laps between the report and occurrence are 07:00 hours but no reason for the delay of report has been shown in daily diary.
5. Statement of SI Damsaz Khan the then ASHO PS City is worth clear that both the officials were entirely on duty with him and no such occurrence had been taken place during the entire duty.
6. Home address of the complainant was enquired through SHO PS Serai Naurang District Lakki Marwat while he stated that the said Wanda is not located at Serai Naurang. The said complainant also did not peruse the report till now.


ARRESTED


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7. As per statement of ASI Zafer Khan Moharir PS City, the ear rings are lying in the Malkhana and no one arrived till now to PS City for collection of the said rings.
8. No statement of the sister of the complainant has been recorded.
9. No opportunity for cross examination was provided to both the official to prove their innocence and it seems that an impartial proceeding has been made against them.

Therefore, it is recommended the denovo enquiry against both the officials Mohammad Iftikhar Shah and Irfan Ullah Khan may be filed without further proceeding, please.


Superintendent of Police,
Investigation, Bannu.

ATTESTED




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M 30

OFFICE OF THE
DISTRICT POLICE OFFICER,
BANNU.

Ph: No. 0928 - 9270038

Fax # 0928 - 9270045

To: - The Deputy Inspector General of Police,
Enquiry & Inspection,
Khyber Pakhtunkhwa, Peshawar.

No:- 15167 /Dated Bannu, the 16 /10/2017.

Subject: - DENOVO DEPARTMENTAL ENQUIRY AGAINST EX-CONSTABLES IFTIKHAR ALI SHAH NO.1148 AND IRFAN ULLAH NO. 1858.

Memo:-

Kindly refer to your office Memo No.1068/E&I, dated 18.07.2017 on the subject cited above.

It is submitted that the denovo enquiry file against Ex: Constable Iftikhar Ali Shah No. 1148 and Irfan Ullah No. 1858 has been sent to SP Elite Force, Bannu & D.I.Khan Regions for finalization in the light of AIG/Legal, CPO Peshawar.

Fresh findings of the denovo departmental enquiry file containing pages (70) received from SP Elite Force, Bannu & D.I.Khan Regions vide his office Endst: No. 477/EF, dated 06.10.2017.

As the case is under trial in Honorable Supreme Court of Pakistan. Next date of hearing is expected shortly.

Therefore, for the purpose of production of original record before the Honorable Supreme Court of Pakistan, the original Enquiry file on the subject cited above has been kept on record at this office and a photo copy of finding report of fresh denovo departmental enquiry alongwith complete enquiry file containing pages (70) of Ex-Constables Iftikhar Ali Shah No. 1148 and Irfan Ullah No. 1858 conducted through Mr. Kifayat Ullah, SP/Elite Bannu is submitted herewith for favour of kind perusal and order, please.


District Police Officer,
Bannu.

ATTESTED


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(84)

(31)

2016
2016
13/10

FINDING

The instant departmental proceedings relate to Constables Irfan Ullah ex-constabulary No.1858 and Iftikhar Ali Shah ex-constabulary No. 1146 who while Posted to PS City were proceeded departmentally under police rule 1975 and as a result of which, they were dismissed from service vide DPO Office order Book No.836 dated 08-07-2013.

BRIEF DESCRIPTION OF THE PREVIOUS PROCEEDINGS

One Muhammad Sadiq Khan reported to PS City at 18:00 hours to the effect that he along with his sister Jehanzeba was present in a rented room in Madina Hotel. At 11:00 hours, two constables came inside the room and after beating them, snatched one tola of the golden ear rings from his sister Jehanzeba. He named the accused constables to be Irfanullah and Iftikhar Shah. According to record, on the body search of accused constables by SHO PS City Bannu namely Shahbaz Khan, recovered the same ear rings from possession of constable Irfan Ullah. After the charge sheet based upon statement of allegations issued to the accused, the matter was enquired into by Mr. Mohammad Shafiq, the then SDPO/Rural-II Bannu, who after recording statements of witness as well as of the accused and perusal of Daily Diary No. 33 dated 17-05-2013, concluded that the charges stand proved against the accused. Consequently, the accused were dismissed from service. Their appeals/Mercy petitions were filed and dismissed by RPO, PPO KPK Peshawar, and the Court of Service tribunal, KPK, Peshawar respectively. At last, they moved civil petitions No. 1330 and 1342/2016 in the Supreme Court of Pakistan that were converted into appeals and disposed of the same in their favour by setting aside the impugned Judgment of the learned Service Tribunal dated 15-03-2016 as well as the impugned order of dismissal dated 08-07-2013 vide order dated 13-12-2016. The department was directed to conduct De novo inquiry into the allegations in accordance with law. Resultantly, the enquiry papers were interested to SP Investigation, Bannu for De novo proceeding. SP Investigation, Bannu, accordingly, conducted De novo departmental proceedings into the allegations vide his office letter No. 566 dated 14-02-2017 who, after recording the statements; of (1) Iftikhar Shah No. 1148 (accused), (2) Irfan Ullah No.1858(accused);(3) Javed Khan, the then SHO PS Naurang,(4) Mohammad Yameen Khan No. 1704, (5)DFC PS City, and (5) S.I Shahbaz Khan, the then SHO of PS City; recommended the De novo proceedings to be filed.

DPO/ Bannu, vide his office No.2894 dated 20-02-2017, submitted the findings of SP Investigation to CPO, Peshawar, wherefrom, the said findings were returned to DPO/Bannu, vide CPO Peshawar letter No. 376-79 /E&I dated 23-02-2017, with the observations "that the enquiry officer has not tried to go to the depth of the facts but he has based his report on the statements of the accused constables and no value has been given to the earlier enquiry. Matter required further clarification through another officer" and in the last, the undersigned was suggested as enquiry officer for re-inquiry under the direct supervision of DPO/Bannu.

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PROCEEDINGS OF THE INSTANT DENOVO ENQUIRY.

After receiving the file of previous enquiries, the undersigned summoned time and again the accused officials as well Sadiq, complaint of the case. At last, the accused officials were served with show cause notices on 10-05-2017. They were also directed to submit reply within 07 days as stipulated in the charge sheet but they did not submit reply to the charge sheet within the fixed period. Hence, on 22-05-2017, they were called through parwana with the direction to appear before the undersigned at 09:00 hours on 23-05-2017. Similarly, the complainant of the case Mr. Sadiq S/O Qadam Khan R/O Wanda Lozai was tried to search through his known address but in vain. At last, his address was searched by locating his cell phone number's address and it was found that the complainant was residing in the jurisdiction of PS Dadil Wala. That is why; the complainant was directed through the local police of PS Dadi Wala to attend the office of the undersigned on 23-05-2017.

Both the parties; accused party namely Irfan Ullah ex-constabulary No.1858 and Iftikhar Ali Shah ex-constabulary No. 1146 and complainant Sadique appeared before the undersigned on 23-05-2017. Accused party was asked about the reply of the charge sheet. In response, they submitted a joint application duly forwarded by L.O Bannu, wherein, they requested that they had submitted appeals No. 52 & 54/2017 in the apex court of Supreme Court of Pakistan with regards to the said enquiry and further requested that the enquiry proceedings may be kept pending till the decision of the court.

Complainant Sadiqu was also asked about recording his statement. He requested/sought time by tomorrow for recording his statement. Hence, he was given the requested time and directed him to ensure his appearance on 24-05-2017. Other relevant police officials/officers were also summoned to ensure their appearance before the undersigned on 24-05-2017 for recording their statements but neither the complainant nor the other relevant persons/officers attended the office of the undersigned on the prescribed date. Resultantly, the enquiry file was submitted to DPO/Bannu vide this office endst: No. 250/EF dated 19-06-2017 seeking guidance as follow:

- 1) That the first Denovo departmental proceeding has been conducted by SP/Investigation Bannu in the light of decision of Apex Court of Supreme Court of Pakistan, wherein, SP investigation has recommended the inquiry proceedings to be filed.
- 2) That the accused party is reluctant to pursue the second Denovo proceeding as directed by DIG Inquiry & Inspection, KPK Peshawar and that is why; they have knocked at the door of Apex court of Supreme Court of Pakistan. Similarly, the posture of complainant, Sadiqu also depicts that he is not interested to associate himself with the enquiry proceedings for one reason or the other.
- 3) That there is also ambiguity as to whether second De novo proceedings is permissible under the law or otherwise, likewise, the matter is sub-judiced in

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the court of law which needs to be clarified as to whether the department can process/interfere in the matter which is sub-judiced in the court of law. DPO/ Bannu accordingly, solicited guidance from CPO, Peshawar in the light of the above. CPO, Peshawar vide his office letter No. 1651/legal dated 13-07-2017 and letter number 1068/E&I dated 18-07-2017 directed that proper decision may be taken and the accused officer may be associated with the proceeding and opportunity of defense may be provided.

In the light of the guidance of the CPO, Peshawar, accused party, complainant and relevant police officers were again summoned through proper parwan. Complainant Sadiq appeared before the undersigned and recorded his statement, wherein, he stated that he did not want to pursue his complaint. Similarly, accused party also appeared before the undersigned but they were not willing to record their statements as well as defense the charges on the basis of plea that their case is subjudiced in the Higher Courts (their written application to this effect has been placed on the enquiry file). They were also given opportunity to cross examine the prosecution witness but they refused to avail the same. Prosecution witnesses were still standby on their previous statements. As the accused and complaint parties do not want to pursue the enquiry proceedings, however, witnesses are standby on their statements. In such like circumstances, the undersigned has got no other option except to rely on the statements of witnesses which are mostly in favour of the prosecution.

Submitted please.

(KIFAYAT ULLAH WAZIR) QPM/PSP
SP/ELITE FORCE, BANNU & D.I.KHAN,
REGION

No. 477 /EF dated ^{Bannu} 06-10 /2017.

Copy of above along with complete enquiry file is submitted to DPO/Bannu with reference to his office dy No.11691 dated 07-08-2017.

(KIFAYAT ULLAH WAZIR) QPM/PSP
SP/ELITE FORCE, BANNU & D.I.KHAN,
REGION

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ORDER:

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ON 39

This order of the undersigned will dispose of the denovo departmental proceedings in the light of Deputy Inspector General of Police, Enquiry and Inspection Khyber Pakhunkhwa Peshawar, Memo No.1393/E&I, dated 26.10.2017 initiated against accused Constable Iftekhhar Ali Shah No.1148 and Irfan Ullah No.1858 under general proceeding of Police Rule 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification No. 27th of August 2014) for committing the following commissions/omissions:-

- That as per report of Muhammad Sadiq Khan s/o Qadam Khan r/o Wanda Lozai Sarai Naurang duly forwarded by SHO PS City, they Constable Iftekhhar Ali Shah No.1148 and Irfan Ullah No.1858 while performed Gasht duty in the limit of PS City.
- That they beat Muhammad Sadiq Khan at about 11.00 hours in Madina Hotel without any cogent reason best known to them.
- That they take illegal gratification of one Thola Golden ring from the complainant sister.
- That their cruel actions gross misconduct on their part being members of Police Force.
- That all the above allegations amounts to gross misconduct on their part meaning thereby that they have ceased to become a good Police Officer.

From the perusal of denovo departmental enquiry and complete personal files of the above named accused officials it came to light that both the Constables had been dismissed from service vide DPO Office OB No.836 dated 08.07.2013. The accused Constables filed appeals before the Regional Police Officer, Bannu Region Bannu, which were rejected vide order Endst No.1804/EC dated 07.08.2013. Then the accused Constable knocked the door of Court filed an appeal before the Court of Service Tribunal Peshawar. The Service Tribunal Peshawar also rejected their appeal vide judgment dated 15.03.2016.

They preferred an appeal in the Supreme Court of Pakistan against the judgment of the Service Tribunal Peshawar which was allowed by the Apex Court with the directions that both of them be re-instated for the purpose of Denovo enquiry. In the light of the order/ directions of the Apex Court, Mr. Kifayat Ullah, SP/Elite Force, Bannu was appointed as enquiry officer vide Deputy Inspector General of Police, Enquiry and Inspection Khyber Pakhunkhwa Peshawar, Memo No.376/E&I, dated 23.02.2017.

In the light of SP/Elite Force, Bannu finding report of denovo departmental enquiry, the DIG/E&I Khyber Pakhunkhwa Peshawar issued orders to the undersigned vide Memo No.1393/E&I dated 26.10.2017 to proceed further in the light of recommendations of the enquiry officer. According to final report of SP/Elite Force, Bannu as well as perusal of previous record, the case has been proved in the denovo enquiry. Both the accused officials found guilty of the charge.

Keeping in view the afore mentioned facts I, SADIQ HUSSAIN, District Police Officer, Bannu in exercise of the power vested in me under Police Disciplinary Rules 1975 (As amended vide Khyber Pakhtunkhwa Gazette Notification No.27th of August 2014), Constable Iftekhhar Ali Shah No.1148 and Irfan Ullah No.1858 are hereby dismissed from service in the light of denovo enquiry reports with immediate effect. The intervening period from the date of re-instatement for the purpose denovo enquiry is treated as duty. 1909

OB No. 1061
Dated: 07/11 /2017.

(SADIQ HUSSAIN) PSP
District Police Officer,
Bannu.

No. 16050-16104 /SRC dated Bannu, the 07 / 11 /2017

Copy of above is submitted for favour of information to:-

1. The Deputy Inspector General of Police, Enquiry and Inspection Khyber Pakhunkhwa Peshawar w/r to his office Memo No.1393/E&I, dated 26.10.2017.
2. The Regional Police Officer, Bannu Region, Bannu.
3. The Superintendent of Police, Elite Force, Bannu & D.I.Khan Regions.
4. Pay Officer, Bannu.
5. The Fauji Missal Clerk along with complete enquiry file for necessary entries and placing in the Fuji Missal of concerned officials.

(SADIQ HUSSAIN) PSP
District Police Officer,
Bannu.

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محکم دلائل سے مزین و متنوع ومنفرد موضوعات پر مشتمل مفت آن لائن مکتبہ

عنوان :- شیخ اسحاق علی صاحب مدظلہ العالی ملازمت
آرٹھوڈوکس سیریل برخاستگی، ۵.۵.۲۰۱۷

1- گزارشات کے تحت انور سعید کے مسائل کو خود ساختہ، بغیر
تفصیلات کے بنا دیا گیا۔ تاہم انہیں میں ہر جہاں سے بے گناہ
تھیں پولیس سے برخواستہ گئے ہیں۔ جو کہ سرسبز ملک اور زیادتی پر
مبنی ہے اور خلاف ضابطہ، صرف پولیس لائنز / غیر قانونی
اور عدالت عظمیٰ کا تقدس کو پامال کیا گیا ہے۔

2- یہ کہ جتنی بھی وہاں ۲۰۱۷ میں ڈیوائسز کے بحالوں کا قانون مکمل
کئے اور ان کو ترمیم کرنے کے لیے جبکہ نقل و حرکت کے لیے
Investigation

3- یہ کہ مسائل کے خلاف بذریعہ کنستبلانڈ کی ری اسٹریکشن کے
عدالت عظمیٰ سے آرڈر کی خلاف ورزی ہے۔ جس کو وجہ سے ہم سب
نے اپنی دفاع کیلئے ایپلز ۵۲-۵۶ دائر کیے جس میں تناقضاً
کیشیاں ہوتی ہیں۔ 2017

4- یہ کہ بحالیوں اور شیڈ جی ایس ایس کے ساتھ پیش کی گئی
ATTESTED
جس کو نقل و حرکت کے لیے ہے۔

5- یہ کہ ان کو ترمیم کرنے کے لیے ایس ایس کے سفیرانہ اور
آرڈر ان کے ترمیم کو فروری کے ترمیم کے لیے کوئی مالٹہ نہیں

صفحہ 2

6- یہ کہ آئین سے صدف زکریٰ کے لکھنے اور ہر کیا گیا ہے اور زکریٰ بیانا مستعمل نہیں ہے جو کہ میں گواہی لکھ رہا ہوں

7- یہ کہ 5840 مساز خان کا بیان تجارت حق میں ہے جس کے تحت چھدرہ لکھا ہے

8- یہ کہ لکھتے ہوئے آئین کے تحت ہر وقت جو کہ زکریٰ لکھ رہا ہے اور والے کے ہمراہ لکھا ہے

9- یہ کہ شیخ دین محمد عبدالرشید لکھتے ہوئے بندہ یا فوارات قائم تھا جس کے تحت میں کر دیں گے اور میں موجود ہے اس کے تحت ہم ہمراہ لکھ رہے ہیں

10- یہ کہ مدنی مقدمہ کے رفرنس پر دستخط ہے اور نہیں انہوں نے ثابت کیا ہے جو جعلی رفرنس ہے اور لکھا گیا ہے جو کہ پولیس اولرہ 5-22 کی صدف زکریٰ اور 5840 شہباز کے صدف کاروان نہیں لکھا ہے۔ تشریح چھدرہ لکھا ہے

11- 5840 شہباز کے صدف ایک امداری بیانا ہے دیا ہے جس کی تشریح ملو ہے مگر اس کا افسر نے اس کے صدف کو لکھا اور انہیں گرا ہے جو کہ اس بات کا ثبوت ہے کہ اس وقت رفرنس اور 5840 شہباز آپس میں تکرار نہ کیے جاتے ہیں

12- یہ کہ رفرنس پر شہباز کی کارڈ نمبر نہ نہیں لکھا اور یہی جو ہوا ہو گا اس کے تحت لکھا ہوا ہے جو کہ اس کے ساتھ نہیں ہے

13- یہ کہ مدنی کا رفرنس لکھنا اور اس کے تحت کارڈ نمبر نہ لکھنا اس کے تحت کوئی بیٹنوں یا امداری معاشرہ میں کر کے نہیں ہے

ATTESTED
بالکلیں ایف جی کے اور ہر کسی شخص کو فوراً معاف کیا جائے گا
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معتبر

کاروائی نہ کرنا سبب مذاق ہے۔ جبکہ خود ساقہ
ملتان نے مدھی کو کوئی ننواتے سے کیا ہوا وہ یہی
کشمکش دستوراً یا دیگر دستور سے مطابق معافی
کا در خواست کی ہے کیا مذاق ہے
اس کا معافی کرنا موجودہ زمانے میں کوئی واپس
یا غوث سے نہیں کر سکتا ہے سبب مذاق ہے
سبب مذاق ہے

12۔۔۔ کہ اب تک اس عورت سے گھنے پیمانہ لیا ہے / عورت ہی اس کا
کہ وہ کا معافی نہ کیا ہے کہ وہ زخمی رہا نہیں اگر زخمی ہے تو ڈاکٹر سے
واقعہ کیا ہے یا نہیں بالیا کی شہادت پر تو کیا ہے یا نہیں / اس کا
یہی اصل راز ہے کہ نہیں

13۔۔۔ کہ حال قدر سالوں سے نکال چکا ہے میں پڑا ہے جو کہ اور
ہونے کے بعد

14۔۔۔ کہ وہ شہباز خان نے ایک تقریباً 30
کہ شہباز خان عورت سے آنے کا دعوت میں پڑا ہے کیا
شہباز خان کو اس عورت کا یہ نہیں ہے کہ اس
عورت کو نہ ہے جہاں سے اس کا

15۔۔۔ کہ اسٹیشن انکوائری سے ڈرنے والے نہیں
اس کے بارے میں ساق ہے

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صفحہ 4

اور عدالت عظمیٰ جی 52-54 کئی دفعہ کو ریز
کا فیصلہ دین۔ 2017

16
جس کے بغیر سنگی اقدام ری انٹرنی وائل اقدام سے
بہ زیادہ غیر قانونی اقدام ہے اور عدالت عظمیٰ کے تقدیر
کو پامال کیا ہوا ہے

لہذا استدعا ہے کہ اس ضمن نوٹس و قیام کی خدمت
کیلئے لٹا جا کر اس کے ساتھ بحال کر کے عدالت
سابقہ ضمن کاروخ موڑ دین۔
العارض

سائین محمد بھرو خان اور بیٹے
فقط شریک 2017-11-04

سائین! محمد نثار شاہ 2 عرفان اللہ خان
shah.2017

ATTESTED
[Signature]



خدمت جناب اعلیٰ قوری صاحب اسلم علیکم

میں آپ کو گزارش کرتا ہوں۔ کہ یہ مسئلہ آپ کی

آج غم آروں میں لقمہ یافتہ سٹوڈنٹس ہوں۔ مجھے اسی مسئلے سے نکال دوں۔ بلکہ اس کے سالانہ جو قانون کروائی ہوگی۔ بس آج کے بعد میرے طرف سے یہ آزاد ہے۔ بس اس کے خلاف آگے کوئی ایکشن یا کروائی نہیں لیا جائے۔ لہذا میں تمام صاحبانوں کو گزارش کرتا ہوں کہ آج کے بعد اس کے خلاف کوئی کروائی نہیں لیا جائے۔ اس کے خلاف جو قانون کروائی ہوگی۔ بس آج کے بعد اس کا کوئی لکھتے نہ ہوں۔ میری ان کوں ہم لوگوں نے سب کچھ الیہ کے معاف کروں۔ رائے میری ان کا میرا اور اس کے خالی پر اضم کروں۔ یہ مسئلہ جو لوگوں نے اٹھایا ہے۔ بس میرے طرف سے یہ بالکل آزاد ہے۔

آج کے بعد ارشد علی قوری

ATTESTED

کتابت جناب AAC صاحب مجلس سمران نورستان

عنوان دینے جانے / فراہم کرنے کے لیے
دائرہ نورستان سران نورستان

جناب عالی: گزارش ذیل

۱۔ سائنس اور ایگریکلچر کے شعبہ میں
در قدم خانہ دائرہ نورستان کے متعلق
درکار ہے

۲۔ سائنس و ٹیکنالوجی کے شعبہ میں
میں سائنس اور ایگریکلچر کے شعبہ میں

۱۔ ابتدائی سطحی سائنس اور ایگریکلچر کے
متعلق حصول ڈیگ్రی کے لیے

15.9.2019

۱۔ سائنس اور ایگریکلچر کے شعبہ میں
میں سائنس اور ایگریکلچر کے شعبہ میں

11/01/1464010.7

ATTESTED
15/9/19

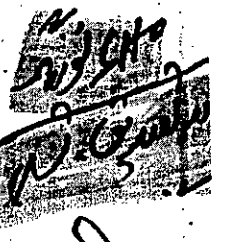
Tehsildar
Report No. 50

مقامی طور پر
تعمیرات کے لیے
مقررہ علاقوں میں
مقررہ علاقوں میں
مقررہ علاقوں میں

تبدیل فیما بین ~~...~~ بیاید در اینجا در زمانه آن زمانه

دیکم اصبهان

عنوان در خواست در باره تعلیمات فرا بلع مجب خودم و فرزندانم



Handwritten signature and date: 17/9/14

جناب عالی گنبد از محضر جناب عالی

بسم الله من ماسٹر کامیاب در خواست جناب AAC صاحب
خدمت میں مدد فرمائیے کہ اگر دو سال تک یا زیادہ در خواست
کیا گا در ان لئے مہینے تا نوین تک تعلیمات فرا بلع مجب خودم و فرزندانم
پیدا کیجئے گا در ان ملک میں ہے

جناب عالی در لاشان چہند در خواست ہذا بعنوان ورنہ لکھو
تعلیمات فرا بلع تعلیمات فرا بلع تعلیمات فرا بلع
در لاشان لکھو کہ ثابت نہ ہو سکے۔ چنانچہ در خواست
البراستہ رسید



جناب عالی در لاشان اب ایہ صاحب جناب گنبد
کہ اگر حوالے سے مرا مسئلہ حل فرمائے گا ورنہ
انہ ورنہ لکھو کہ انہ کسی خدمت فرا بلع فرا بلع فرا بلع
ورنہ لکھو کہ انہ لکھو کہ انہ لکھو کہ انہ لکھو کہ انہ
در لاشان لکھو کہ انہ لکھو کہ انہ لکھو کہ انہ لکھو کہ انہ

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محمد رفیق ریاضی دبیر گنبد از لاشان لکھو کہ انہ لکھو کہ انہ لکھو کہ انہ لکھو کہ انہ

ATTESTED

Handwritten signature and date: 17/9/14

30

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Handwritten signature or name in Urdu script.



ATTESTED

Handwritten mark or signature below the word "ATTESTED".

34-11

18

بیان انان عبد الرحمن ولد حبیب الرحمن ولد اشدن
 لبر 23/24 سال مجھ سے بد ریاضت پر لیا گیا تھا جبکہ میں
 پیدل سے کلبورہ و شیرکام برتا گیا۔ جو منظر 13/7 پر ثبت ہے
 میں نے یہاں پر رہا اور اس زمانہ میں یہاں گیا تھا۔ وہ لیا گیا اور وہ
 کٹلڈا یا روہی پیدل سے لیا گیا اور اس پر وہ کلبورہ میں
 چلے گئے اور وہاں پہلے سے کٹلڈا نامی ایک مکان میں رہا
 میں وہ ایک مرد اور ایک عورت کے ساتھ رہا۔ کٹلڈا نامی
 کتبہ میں وہ جوڑے لڑکے درمیان میں رہا اور یہ ایک چیت ہے
 کٹلڈا نامی کتبہ کا مسئلہ ہے کہ وہ رہا اور وہ کتبے کے ساتھ
 عورت کے شرم و حیا کا لحاظ برقرار رکھے گئے ان کے مکان میں
 گئے انکیاں قلعہ میں رہا اور اس کے قتل مرتان کے عورت
 مانعوں سے بائیاں انار کر جیل میں رہے۔ کٹلڈا نامی مرد
 نے عورت کے ساتھ رہا اور وہ کٹلڈا نامی عورت کے ساتھ رہا
 نما پڑ گیا۔ لہذا ملکہ و مشورہ سے چیت ہے۔ کٹلڈا کو یہ
 پیلے سے جانتا ہے۔ ایک نام مرتان کے دوسرے کا نام
 ہے۔ یہاں سے رہا ہے۔ جو کہ درست ہے۔

محمد الرحمن

ATTESTED

[Signature]

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رجسٹر برائے رہائش مستحقین

33339732453

مدینہ منورہ

نمبر	تاریخ	نام	رقم	مکتبہ	آد	وقت	وقت	مکتبہ	تاریخ	نمبر
400	16/03/2013	محمد اکرم والا	11501	محمد اکرم والا	محمد اکرم والا	محمد اکرم والا	محمد اکرم والا	محمد اکرم والا	16/03/2013	400
450	18/03/2013	رسول خان والا	21504	رسول خان والا	رسول خان والا	رسول خان والا	رسول خان والا	رسول خان والا	18/03/2013	450
450	19/03/2013	حرم سہیلہ خاتون	36302	حرم سہیلہ خاتون	حرم سہیلہ خاتون	حرم سہیلہ خاتون	حرم سہیلہ خاتون	حرم سہیلہ خاتون	19/03/2013	450
100	03/04/2013	میر صاحب اللہ خان	50102	میر صاحب اللہ خان	میر صاحب اللہ خان	میر صاحب اللہ خان	میر صاحب اللہ خان	میر صاحب اللہ خان	03/04/2013	100
		محمد صاحب		محمد صاحب	محمد صاحب	محمد صاحب	محمد صاحب	محمد صاحب		
		محمد صاحب		محمد صاحب	محمد صاحب	محمد صاحب	محمد صاحب	محمد صاحب		

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983

ATTESTED

[Signature]

Page 13

ضریب خان ASI

بہنوں کو بیخیل فاطمہ ضیل بہنوں

محلہ ادیبہماج بنوں

17.5.13
10:00

رہبر حور لالت

ضریب خان ASI

12.5.13

بہنوں کو بیخیل خان محلہ شاہراہ ز خان سنگتہ کو بیخیل فاطمہ ضیل بہنوں

محلہ ادیبہماج بنوں

ک 17 صفت 10:00 بجے

1. محمد خان میر گل بیگم خان مکنہ بی بی قون

2. نادر خان ولد صہم ذرخان سنگتہ اسما بیل بیل

3. عبدالرحمن ولد مصیب الرحمن سنگتہ لھوری شیخ آہر

یا سہن جمال خان ASHO

19.5.13

عہدہ والی ولاد محمد زحرفات سنگتہ بی بی امیر خان

031.8753428

4. عدنان صدیقی ولد حفزت صدیقی سنگتہ علم بہنوں

5. محمد علی ولد نور محمد سنگتہ

6. خذرفان ولد صوبان خان سنگتہ محمد حسن بیگم سنگتہ

7. 20.5.13 محلہ ادیبہماج بنوں

12.5.13

ضریب خان ASI

رہبر حور لالت

بہنوں کو بیخیل خان محلہ شاہراہ ز خان سنگتہ کو بیخیل فاطمہ ضیل بہنوں

محلہ ادیبہماج بنوں

ک 14 شمار موراد خور ایاز سنگتہ موکتری اختر دیوان

محمد عہد لالت خان ولاد لائق خان سنگتہ موکتری اختر دیوان

14.5.13

اسلام محمد ولد شیخ HC

عالم خان ولد نور زوی خان سنگتہ علم بہنوں سنگتہ

نور بی بی 27.5.13

مناجت 54 نے بہنوں کو خالات کو

محمد شراب خان ولد محمد آرمین خان سنگتہ

5. محمد ولد محمد بی بی در سنگتہ کو بیخیل فاطمہ ضیل بہنوں

6. شہدیت بی بی ولد صہب خان سنگتہ موکتری اختر دیوان

7. نور دراز ولد محمد خان سنگتہ بازار امام خان

8. اصفا زخہ ولد محمد ایوب خان سنگتہ علم بہنوں خان

9. لائق زمان ولد غلام حیدر سنگتہ فتح خیال

ATTESTED

[Signature]

VAKALAT NAMA

NO. _____/201

IN THE COURT OF Service Tribunal Peshawar

Isfan Ullah (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt. (Respondent)
(Defendant)

I/We, Isfan Ullah

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

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

Dated _____/20


(CLIENT)

ACCEPTED


TAIMUR ALI KHAN
Advocate High Court

OFFICE:
Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR
Appeal No. 382/2018.

Irfan Ullah Ex-Constable No. 1858
Police Station City, Bannu.

(APPELLANT)

VERSUS

- (1) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
- (2) Regional Police Officer, Bannu Region, Bannu
- (3) District Police Officer, Bannu

(RESPONDENTS)

PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the appeal of the appellant is badly time-barred.
- 2) That the appeal is not maintainable in its present form.
- 3) That the appellant has concealed the actual facts from this Honorable Tribunal.
- 4) That the appeal is bad in law due to mis-joinder and non-joinder of necessary parties.
- 5) That the appellant has approached the Honourable Tribunal with unclean hands.
- 6) That the appellant has got no cause of action and locus-standi to file the instant appeal.
- 7) That the appellant has been estopped by his own conduct.

OBJECTIONS ON FACTS

- (1) Incorrect. The appellant Irfan Ullah was enlisted as Constable in District Police Bannu on 09.06.2007. The appellant has served in police Department for about 6½ years and since then he has a painted service record.
- (2) Correct to the extent that on 17.05.2013, he performed duty with ASHO namely Dam Saz Khan but after duty in the way to police Station city, the appellant along with Iftikhar Ali Shah entered into Madina Hotel beaten Muhammad Sadiq and his sister and forcibly snatched one tola golden rings. The said golden rings were recovered from their possession by Shahbaz Khan the then SHO PS city. Naqal mud is enclose as Annexure "A".
- (3) Pertains to record. Hence, needs no comments.
- (4) Incorrect. His reply to show cause notice was unsatisfactory, proper departmental enquiry followed by charge sheet based upon summary of allegations. Enquiry officer (Muhammad Shafiq DSP) conducted enquiry and all the opportunities of defense was provided to the appellant. During enquiry proceedings the appellant and his colleague were found responsible for the

misconduct committed by them. Thereafter dismissal order was passed after hearing the appellant. Departmental appeal of appellant was also rejected/filed by appellate authority. Show-cause notice, charge-sheet Annexure "B", reply Annexure "C" and inquiry finding Annexure "D".

- (5) Correct. Needs no comments.
- (6) Correct. Needs no comments.
- (7) Pertains to record. Hence, needs no comments.
 - (1) Pertains to record. Hence, needs no comments.
 - (2) Pertains to record. Hence, needs no comments.
 - (3) Pertains to record. Hence, needs no comments.
 - (4) Pertains to record. Hence, needs no comments.
 - (5) Pertains to record. Hence, needs no comments.
 - (6) Pertains to record. Hence, needs no comments.
 - (7) Pertains to record. Hence, needs no comments.
 - (8) Pertains to record. Hence, needs no comments.
 - (9) Pertains to record. Hence, needs no comments.
- (8) Correct to the extent that the authority was not agree with the recommendations of the inquiry officer because there is no order or directions of the Supreme Court of Pakistan of stopping or suspending the proceedings of de-novo inquiry. Under the law and rules the authority are competent and empowered to agree or disagree with the findings of inquiry officer. The authority is also empowered to entrust the proceeding to another officer for inquiry or make decision on the basis of available material irrespective of the conflicting opinion of the inquiry officer. Rest of the para pertains to record, needs no comments.
- (9) Incorrect. Proper de-novo departmental inquiry was initiated, charge sheet, statement of allegations was issued to the appellant but he badly failed to submit his reply within stipulated period of 7 days. Rest of the para is also incorrect, the appellant was dismissed from service after establishment of the charges in de-novo inquiry.
- (10) The respondent department also submit their reply on the following grounds


OBJECTIONS ON GROUNDS.


- A. Pertains to record, hence needs no comments.
- B. Incorrect. Proper opportunity of defense was provided to the appellant but he badly failed to establish his innocence.


- C. Incorrect. The departmental inquiry was conducted according to the prescribed procedure/ law. Charge sheet, statement of allegations was issued to the appellant but he badly failed to submit his reply within stipulated period of 7 days.
- D. Reply has already been given in Para-8.
- E. Incorrect. His reply to show cause notice was unsatisfactory and proper departmental enquiry was followed by charge sheet based on summary of allegations. Enquiry officer (Muhammad Shafiq DSP) conducted enquiry and all opportunities of defense was provided to the appellant. During enquiry proceedings the appellant and his colleague were found responsible for the misconduct committed by them. Thereafter dismissal order was passed after hearing the appellant. Departmental appeal of appellant was also rejected/filed by appellate authority.
- F. Incorrect. The appellant and his colleague have committed gross misconduct in uniform by illegally entering into room beating and snatching golden rings from the complainant Muhammad Sadiq and his sister. Departmental inquiry based upon show cause notice and charge sheet were issued to appellant. All the opportunities of defense were offered to appellant and there is no malafide intention on the part of Respondents department.
- G. Correct to the extent that on 17.05.2013, he performed duty with ASHO Dam Saz Khan but after duty in the way to police Station City, he along with Iftikhar Ali Shah entered into Madina Hotel beaten Muhammad Sadiq and his sister and forcibly snatched one tola golden rings. The said golden rings were recovered from their possession by Shahbaz Khan the then SHO PS City.
- H. Pertains to record. Hence, needs no comments.
- I. Incorrect. Inquiry conducted by SP Elite Kifayat Ullah, the complainant address was found correct and his statement was recorded.
- J. Incorrect. Report of complainant Muhammad Sadiq is supported by statement of Abdur Rehman waiter of the Hotel.
- K. Incorrect. Owner of the Madina Hotel was not present on the day of occurrence.
- L. Incorrect. Proper inquiry was conducted according to laid down procedure/ law, relevant statement of the concerned witnesses were recorded, from the statements of witnesses and the charges were proved.
- M. Incorrect. As per statement recorded by Abdur Rehman waiter of the hotel, he was present in the hotel on the day of occurrence.
- N. Incorrect: The order is based on facts, justice and in accordance with law/rules.
- O. That the respondents may be allowed to advance any other grounds & material as evidence on the time of arguments.

Prayer:

In view of the above explained circumstances, it is humbly prayed that the appeal of appellant is not maintainable, may kindly be dismissed with costs.


District Police Officer,
Bannu.
(Respondent No.3)


Regional Police Officer,
Bannu Region, Bannu
(Respondent No.2)


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR
Appeal No. 382/2018.

Irfan Ullah Ex-Constable No. 1858
Police Station City, Bannu.

(APPELLANT)

VERSUS

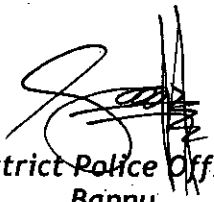
- (1) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
- (2) Regional Police Officer, Bannu Region, Bannu
- (3) District Police Officer, Bannu

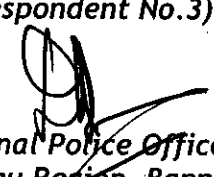
(RESPONDENTS)


AUTHORITY LETTER.

Mr. Muhammad Farooq Khan, Inspector Legal Bannu is hereby authorized to appear before The Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited case.

He is authorized to submit and sign all documents pertaining to the instant appeal.


District Police Officer,
Bannu.
(Respondent No.3)


Regional Police Officer,
Bannu Region, Bannu
(Respondent No.2)


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR
Appeal No. 382/2018.

Irfan Ullah Ex-Constable No. 1858
Police Station City, Bannu.

(APPELLANT)


VERSUS

- (1) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
- (2) Regional Police Officer, Bannu Region, Bannu
- (3) District Police Officer, Bannu

(RESPONDENTS)

AFFIDAVIT

I, **Muhammad Farooq Khan**, Inspector Legal representative for Respondent Nos. 1, 2 & 3 do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.


DEPONENT
11101-1483421-1

18/10

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 382/2018

Irfan Ullah

VS

Police Deptt:

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-7) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

1. Incorrect. The appellant has performed his duty with great devotion and honesty during his service.
2. First portion of Para 2 is admitted correct, hence no comments. While the rest of Para is incorrect, hence denied as the appellant on the day of occurrence was deputed with Additional SHO namely Dam Saz Khan for Gusht from 8:45 Am and remained with the him till 04:30 pm and in this respect the ASHO also gave his statement which is attached as Annexure-C with the appeal, while the complainant stated in his complaint that the occurrence was took place on 11:Am, which shows that the appellant was present with ASHO at the time of alleged accident.
3. No comments.
4. Incorrect. The inquiry was not conducted in accordance with the prescribed procedure and the appellant was dismissed from service on so called inquiry draft by SDPO Bannu which is violation of law and rules and against the norms of justice and against the impugned dismissal order the appellant filed departmental appeal which was not responded within the stipulated period.

5. No comments.
6. Admitted correct. Hence no comments.
7. Admitted correct by the respondents as the record of the appellant is present with the respondent department.
 1. Admitted correct by the respondents as the record of the appellant is present with the respondent department.
 2. Admitted correct by the respondents as the record of the appellant is present with the respondent department.
 3. Admitted correct by the respondents as the record of the appellant is present with the respondent department.
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 8. Admitted correct by the respondents as the record of the appellant is present with the respondent department.
 9. Admitted correct by the respondents as the record of the appellant is present with the respondent department.
8. First portion of para 8 is incorrect, hence denied as 1st denovo inquiry was conducted against the appellant on the direction of Honourable Supreme Court of Pakistan in which the inquiry officer found the appellat innocent and recommended that the denovo inquiry against the appellant may kindly be filed without further proceeding, but 2nd denovo inquiry was initiated against the appellant without giving any reason for not agreeing with the recommendation of 1st denovo inquiry and that 2nd denovo inquiry was conducted against the appellant without proper association of the appellant as per appellant he was told by the inquiry officer to sign on blank paper on which he refused, but the inquiry officer allegedly mentioned in his inquiry report that the appellant was not willing to record his statement and stated that the undersigned has got no other option except to relay on the statements of the witnesses. which is against the norms of justice and fair play and the rest of the para is admitted correct by the respondents as the record of the appellant is present with the department.
9. Incorrect. Denovo inquiry was not conducted against the appellant in prescribed manner as no chance of defense was provided to the appellant as neither charge sheet and show cause notice were communicated to the appellant as nor proper chance of association with the inquiry proceeding was provided to the appellant. Moreover

the appellant was dismissed from service on basis of irregular inquiry which can also be endorsed from the finding of the inquiry report.

GROUND:

- A) Admitted correct by the respondents as the record of the appellant is present with the respondents department.
- B) Incorrect. No proper opportunity of defense was provided to the appellant which can also be endorsed from the finding of the inquiry report.
- C) Not replied according to para C of the appeal. Moreover para C of the appeal is correct.
- D) Reply has already has been given in para 8.
- E) Not replied according to para E of the appeal. Moreover para E of the appeal is correct.
- F) Not replied according to para F of the appeal. Moreover para F of the appeal is correct.
- G) Incorrect. the appellant on the day of occurrence was deputed with Additional SHO namely Dam Saz Khan for Gusht from 8:45 Am and remained with the him till 04:30 pm and in this respect the ASHO also gave his statement which is attached as Annexure-C with the appeal while the complainant stated in his complaint that the occurrence was took place on 11:Am, which shows that the appellant was present with ASHO at the time of alleged accident.
- H) Admitted correct by the respondents as the record is present with the respondents department.
- I) Incorrect. While para I of the appeal is correct.
- J) Incorrect. While para J of the appeal is correct.
- K) Subject to proof.
- L) Incorrect. While para K of the appeal is correct.
- M) Incorrect,. While para M of the appeal is correct.
- N) Incorrect. The order is not in accordance with law rules, facts and material, therefore not tenable and liable to be set aside.

O) Legal.

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



APPELLANT

Through:



**(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT.**

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



DEPONENT

ATTEST



3-9-218