



780/2018

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
	19.3.2019	<p><u>Present.</u></p> <p>Mr. Mubarak Zeb Khan, ... For appellant Advocate</p> <p>Mr. Muhammad Jan, ... For respondents Deputy District Attorney</p> <p>Vide our detailed judgment of today in Service Appeal No. 779/2018 (Muhammad Dawood Vs. The Commandant FRP, Khyber Pakhtunkhwa Peshawar and one other), the appeal in hand is allowed and the appellant is reinstated into service from the date of his dismissal. The respondents may undertake departmental proceedings against the appellant afresh but only in accordance with law and the rules. The denovo proceedings, if taken, shall positively be concluded within ninety days from the receipt of copy of instant judgment, wherein the appellant be provided fair opportunity of defending himself in accordance with law. The issue of back benefits in favour of appellant shall follow the outcome of denovo proceedings.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p> Member</p> <p> Chairman</p> <p><u>ANNOUNCED</u> 19.3.2019</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Appeal No. 780 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1034

Dated 05/6/2018

Ibrahim Gul

Ex-Constable No 2590 FRP Peshawar Range, Peshawar

.....Appellant

VERSUS

1. The Commandant Frontier Reserve Police Khyber Pakhtunkhwa, Peshawar.
2. Superintendent of Police FRP Peshawar Range, Peshawar.



..... Respondents

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974 AGAINST THE IMPUGNED ORDER
DATED 06.04.2018 WHEREBY THE
APPELLANT HAS BEEN AWARDED THE
MAJOR PENALTY OF DISMISSAL FROM
SERVICE AGAINST WHICH THE
DEPARTMENTAL APPEAL HAS BEEN
DISMISSED ON 10.05.2018.

filed to-day

5/6/18

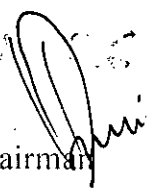
780/2018

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
	19.3.2019	<p><u>Present.</u></p> <p>Mr. Mubarak Zeb Khan, ... For appellant Advocate</p> <p>Mr. Muhammad Jan, ... For respondents Deputy District Attorney</p> <p>Vide our detailed judgment of today in Service Appeal No. 779/2018 (Muhammad Dawood Vs. The Commandant FRP, Khyber Pakhtunkhwa Peshawar and one other), the appeal in hand is allowed and the appellant is reinstated into service from the date of his dismissal. The respondents may undertake departmental proceedings against the appellant afresh but only in accordance with law and the rules. The denovo proceedings, if taken, shall positively be concluded within ninety days from the receipt of copy of instant judgment, wherein the appellant be provided fair opportunity of defending himself in accordance with law. The issue of back benefits in favour of appellant shall follow the outcome of denovo proceedings.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p> Member</p> <p> Chairman</p> <p><u>ANNOUNCED</u> 19.3.2019</p>

06.12.2018

Counsel for the appellant and Addl. AG alongwith Ihsanullah, ASI for the respondents present.

The requisite written reply is submitted on behalf of the respondents. To come up for arguments before the D.B on 29.01.2019. The appellant may submit a rejoinder within a fortnight, if so advised.


Chairman

29.01.2019

Appellant in person present. Mr. Ziaullah, DDA for respondents present. Appellant seeks adjournment. Adjourned. Case to come up for arguments on 19.03.2019 before D.B.


(Ahmad Hassan)
Member

(M. Hamid Mughal)
Member

16.08.2018

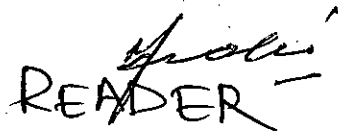
Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. written reply/comments not submitted. Case to come up for written reply/comments on 21.09.2018 before S.B.



Chairman

22.9.2018

Due to muharram ul Haram vacations the case was not heard on 20.9.2018 & adjourned for 22-10-18


READER

22.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 06.12.2018.

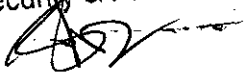

Reader

20.06.2018

Counsel for the appellant Ibrahim Gul present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Frontier Reserve Police (FRP). It was further contended that the competent authority dismissed him from service vide order dated 06.04.2018 on the allegation of his involvement in narcotic case as well as absence from duty, the appellant filed departmental appeal (undated) which was rejected on 10.05.2018. Hence the present service appeal on 05.06.2018. It was further contended that the appellant was acquitted by the competent authority vide judgment dated 13.03.2018. It was further contended that the absence of the appellant was due to his involvement in the aforesaid case and was in custody. It was further contended that neither proper inquiry was conducted nor opportunity of personal hearing was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter notice be issued to the respondents for written reply/comments for 16.08.2018 before S.B.

Appellant Deposited
Security & Process Fee






(Muhammad Amin Khan Kundi)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 780 /2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	05/06/2018	<p>The appeal of Mr. Ibrahim Gul presented today by Mr. Mubarak Zeb Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 5/6/18</p> <p>2-</p>		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/6/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. 780 /2018

Ibrahim GulAppellant

VERSUS

The Commandant Frontier & othersRespondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-7
2.	Affidavit		8
3.	Copy of FIR dated 21.12.2017	A	9
4.	Copy of P.A / Session Judge	B	10-12
5.	Copy of charge sheet and copy	C and	13
6.	Copy of inquiry report	D	14-17
7.	Copy of order dated 06.04.2018	E	18-19
8.	Copy of departmental appeal and dismissal order	and F G	20-22
9.	Wakalat Nama		23

Ibrahim Gul
Appellant

Through

Mubarak Zeb
MUBARAK ZEB
Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1034

Dated 05/6/2018

Appeal No. 780 /2018

Ibrahim Gul

Ex-Constable No 2590 FRP Peshawar Range, Peshawar

.....**Appellant**

VERSUS

1. The Commandant Frontier Reserve Police Khyber Pakhtunkhwa, Peshawar.
2. Superintendent of Police FRP Peshawar Range, Peshawar.

..... **Respondents**

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974 AGAINST THE IMPUGNED ORDER
DATED 06.04.2018 WHEREBY THE
APPELLANT HAS BEEN AWARDED THE
MAJOR PENALTY OF DISMISSAL FROM
SERVICE AGAINST WHICH THE
DEPARTMENTAL APPEAL HAS BEEN
DISMISSED ON 10.05.2018.

Filed to-day

Registrar

5/6/18

Prayer in Appeal:

On acceptance of this appeal the impugned order dated 06.04.2018 may graciously be set aside and the Appellant may kindly be reinstated in service with all back wages & back benefits of service or any other relief not specifically ask for may also be granted.

Respectfully Sheweth:

1. That the Appellant was initially appointed as Constable in Frontier reserve police in 07.09.2009.
2. That ever since his appointment the Appellant has performed his duties as assigned with Zeal and devotion and there was no complaints whatsoever regarding his performance. His performance was always appreciated by the high up.
3. That on dated 21.12.2017, I along with constable **Muhammad Dawood** No 3148 FRP Peshawar Range, Peshawar went to Kharkhano Market for shopping some articles and thereafter we went to Jamrud Bazar for buying generator.
4. That on return from Jamrud we both sit in a local taxi car and travelling some distance another passenger also sit in the same taxi car.

5. That when we reached to the takht Baig checkpost, the levis/khasadar stop the car for searching and during searching the levis force recovered heroin from the personal possession of one passenger namely Rajwali and the levis for arrested we all i.e we two constable, Rajwali Passenger and driver of the car for the purpose of interrogation.
6. That on the same day dated 21.12.2017 an FIR No 3239 was registered by the Khasadar against us and it is clearly mention in the FIR No 3239 dated 21.12.2017 that the alleged heroin was recovered from the personal possession of Accused Rajwali. **(Copy of FIR dated 21.12.2017 is attached as Annex A)**
7. That on 12.03.2018 the Hon'ble Political Agent/Sessions Judge Khyber Agency acquitted the Appellant along with 2 other Accused in the said case and convict the Accused Rajwalil in the said case on the ground that the Alleged heroin was recovered from the personal possession of Accused Rajwali. **(Copy of P.A / Session Judge is attached as annex B)**
8. That Appellant was served charge sheet and summary of allegation containing the same false and baseless allegation of having tainted reputation and involvement in Anti social activities. That

Appellant duly reply the charge sheet and denied the allegation leveled against him. **(Copy of charge sheet ~~are~~ are attached as annex C ~~is~~)**

9. That the partial inquiry was conducted and the inquiry officer without properly associating the Appellant with the inquiry proceedings, he however while concluding the inquiry submitted his finding wherein the inquiry officer recommended the Appellant for major punishment. **(Copy of inquiry report is attached as annex E)**

10. That the competent authority without his prudent mind while agreeing with the inquiry recommendations awarded the Appellant with major punishment of dismissal from service vide order dated 6.04.2018. **(Copy of order dated 06.04.2018 attached as Annex F)**

11. That aggrieved from the order of his dismissal from service the Appellant submitted his departmental appeal before the commandant FRP Peshawar Range Peshawar, however the same was dismissed on 10.05.2018. **(Copy of departmental appeal and dismissal order is attached as annex G & H)**

12. That the Appellant prays for the acceptance of the instant appeal inter alia on the following grounds:

18

GROUND OF SERVICE APPEAL:

- A. That the Appellant has not been treated in accordance with law, hence his right secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before awarding the penalty to the Appellant, nor property impartial inquiry has been conducted, neither he has been properly associated with the inquiry proceeding, nor any witness has been examined, the inquiry officer gave his finding on surmises and conjunctures hence the proceeding so conducted are violative of law and thus not tenable.
- C. That the Appellant has not been given proper opportunity of personal hearing thus he has been condemned unheard.
- D. That the Appellant arrested on suspicion by the levis force and detained in custody for 97 days so his absence from service is not deliberate but to the above reason and later on the Appellant was honorably acquitted from the charged leveled against him.
- E. That the proceedings conducted under the police Rules 1975 (amended 2014) are illegal and result miscarriage of justice therefore the proceeding so

conducted are liable to be struck down on this score alone.

- F. That the inquiry officer has not carried out the inquiry as per the prescribed rules and the finding based on for imposing major penalty upon the Appellant is defective having no legal support from record as a single iota from evidence has not been brought on record to fix responsibility upon the Appellant of the alleged charges as such the order of dismissal is harsh, illegal & tenable at all.
- G. That the case of the Appellant does not come in the purview of misconduct and the inquiry officer has unlawfully held him guilty of misconduct by proposing major penalty just for no fault which is illegal, harsh and injustice.
- H. That the absence from service is not deliberate and the Appellant never involved in such like practices like relation with drug mafia, so the awarding of major penalty dismissal from service is against law & constitution.
- I. That the Appellant has at his credit a long and spotless service career of more than 8 years. However his unblemished service record has never been taken into consideration before imposition of penalty upon the Appellant.

- J. That the facts and grounds taken in the replies of the charges sheet & Departmental appeal of the Appellant may also be taken as integral part of this appeal.
- K. That the penalty imposed upon the Appellant is too harsh and is liable to be set aside.
- L. That the Appellant is jobless since the illegal dismissal from service.
- M. That the Appellant seeks permission of this Hon'ble Tribunal to rely on additional grounds at the time of hearing of the appeal.

It is, therefore, prayed that on acceptance of this appeal the impugned order dated 06.04.2018 may please be set aside and the Appellant be re-instated in service with all back benefits of service.

Through


Appellant


MUBARAK ZEB
Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. _____/2018

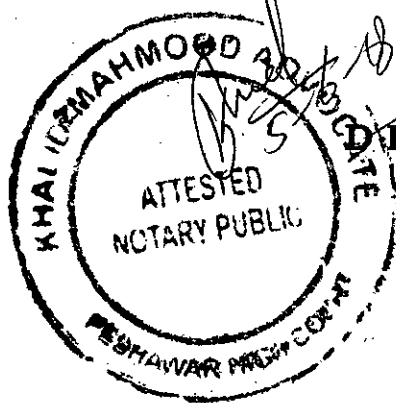
Ibrahim GulAppellant

VERSUS

The Commandant Frontier & othersRespondents

AFFIDAVIT

I, **Ibrahim Gul** Ex-Constable No 2590 FRP Peshawar Range, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


 A circular notary seal for Khaliq Mahmood, an Attested Notary Public in Peshawar. The seal contains the text "KHALIQ MAHMOOD", "ATTESTED NOTARY PUBLIC", and "PESHAWAR PAKHTUNKHWA". There are handwritten signatures and initials over the seal.

DEPONENT



9 FIR

(A)

No
To

3239

/PT-Jamrud

Dated

Jamrud The

21/12/2017

The Assistant Political Agent,
Jamrud

Subject:-

SEIZURE OF NARCOTICS...ARREST.

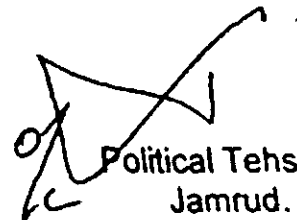
MEMO:-

Today on 21/12/2017, it has been reported by the Post Commander Takhta Baig Check Post that on tip of information the Khassadars party stopped an Alto Motor Car bearing No. LRG-7830, which was on its way from Jamrud towards Peshawar for checking purpose at Takhta Baig Check Post. During search 01 KG Heroin was recovered from the possession of accused Raj Wali mentioned below at S.No. 1. The said Motor Car along-with the following accused were taken into custody, brought to Jamrud Tehsil:-

1. Raj Wali s/o Faqir Hussain r/o Khazana Payan Bala Peshawar.
2. Driver Muhammad Riaz s/o Sharif Khan, Kuki Khel r/o Jamrud.
3. Ibrahim Gul s/o Gul Razaq r/o Mardan.
4. Muhammad Dawood s/o Abdul Jalil r/o Charsadda.

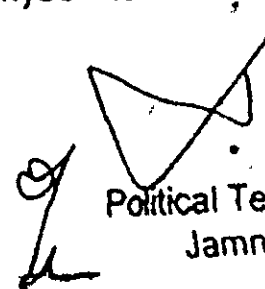
The above accused were placed at lock-up and the seized narcotics were stored at Tehsil Malkhana after collection of 05 gram for its chemical examination while the Motor Car was parked at Tehsil backyard.

Report submitted for information, please.


Political Tehsil
Jamrud.

No 3240
please.

/PT-Jamrud
Copy forwarded to the Political Agent Khyber for information.


Political Tehsil
Jamrud.

ATTESTED

ANNEXED (B) 10

In the Court of the Political Agent / Sessions Judge, Khyber Agency

STATE VERSUS 1) Raj Wali s/o Faqir Hussain r/o Khazana Payan Bala, Peshawar.
2) Muhammad Riaz s/o Sharif Khan, Kuki Kheh r/o Jamrud.
3) Ibrahim Gul s/o Gul Razaq r/o Mardan.
4) Muhammad Dawood s/o Abdul Jalil r/o Charsadda.

Recovery 01 kilogram Heroin

Charge: - Under section 9 (C) CNSA, 1997 read with 11 FCR 1901

ORDER:

My this order be read in juxtaposition of an Order of Reference already made in this case and is available on record. The detail of the prosecution case has been mentioned in the Order of Reference and need not be repeated.

The case was referred to Council of Elders and the Jirga members were asked to submit their award in the light of Questions framed in the Order of Reference. The Jirga members submitted their unanimous award on the Questions framed in the Order of Reference. While answering Question No: 1, the Jirga Members unanimously held that on 21/12/2017, a spy information was received to the post commander Takhta Baig that narcotics would be smuggled in an Alto motor car bears No. LRG-7830, via Takhta Baig Check Post. The Jirga Members further supported the case of prosecution in answering Question No: 2, that the said car bear No. LRG-7830 was stopped by the Khassadars posted at Takhta Baig Check Post for checking purposes. The Jirga Members also set in answering Question No: 3, that during personal checking, 01 Kg heroin was recovered from the personal possession of accused Raj Wali s/o Faqir Hussain r/o Khazana Payan Bala, Peshawar travelling in the car. The Jirga Members also confirmed each aspect of the case while answering Question NO:4 that the Political Tehsildar, Jamrud / Investigation Officer conducted investigation and

*Accession to be
in copy.*

U.S. Reader 21.3.2018
READER TO U.S. J. King
KHYBER AGENCY

ATTESTED

recorded statements of the prosecution witnesses as well as the accused and also prepared the weigh certificate, recovery memo and separated one sample weighing 05 grams from the recovered contrabands for its chemical analysis. The Jirga members, furthermore, said in reply of Questions No: 5,6&7 that the accused Raj Wali himself admitted his guilt before them and also refuse to recognize the rest of the accused accompanied with him at the time of commission of offence. The Jirga members recorded his fresh statement as the previous statement was allegedly recorded by the khasadars under influence whereby accused Raj Wali himself pleaded guilty before them. In answering Question No: 8, the Jirga members concluded that the accused Riaz, Dawood and Ibrahim are innocent as accused Raj Wali confessed his guilt before the Jirga Members.

Keeping in view the Jirga award and the available evidence on record, along with the confessional statement of accused Raj Wali, I reached at the conclusion that the prosecution has proved its case beyond any shadow of doubt against the accused Raj Wali but failed to establish their stance against the accused namely Muhammad Riaz s/o Sharif Khan, Kuki Khel, Ibrahim Gul s/o Gul Raziq and Muhammad Dawood s/o Abdul Jalil. As per FIR, on 21-12-2017, car bearing No. LRG 7830 was stopped by the Khassadars posted at Takhta Baig Check Post for checking purposes and during personal checking, 01 Kg heroin was recovered from the personal possession of accused Raj Wali s/o Faqir Hussain r/o Khazana Payan Bala, Peshawar travelling in the car. But during investigation, accused Raj Wali also falsely implicated the rest of the accused into the commission of offence however during the proceeding of the case before the court, accused Raj Wali retracted from his earlier statement and confessed his guilt at the bar. The jirga members also confirmed the defence plea raised by the accused namely Mohammad Riaz, Ibrahim Gul, and Mohammad Dawood and held them innocent in questions No 6 to 9 of the order of reference. Therefore, the accused Raj Wali is guilty under section 9 (c) CNSA, 1997, hence, convicted and sentenced for the

Witness to be true copy.

Ullas
 Reader
 READER TO PA-3. 2018
 KHYBER PAKHTUNKHWA
 to PA/

ATTESTED

period already undergone to suffer imprisonment with a fine of Rs.20, 000/- or in default of payment of fine further to undergo 02 months S.I. while the rest of the accused, namely: Muhammad Riaz s/o Sharif Khan, Kuki Khel, Ibrahim Gul s/o Gul Razaq and Muhammad Dawood s/o Abdul Jalil are acquitted from the charges leveled against them by the prosecution.

The fact that the motor car bears No: LRG-7830 was not used for carrying narcotic in Questions Nos.3, therefore, the said vehicle be handed over to its lawful owner or last possessee Mohammad Riaz against a proper receipt.

The case property (Heroin) be destroyed after the legal requirements of 516 (A) Cr.P.C.

Record of the case be consigned to record room after completion.

ANNOUNCED

Date 13.3.2018

[Signature]
Political Agent / Sessions Judge
Khyber Agency

*Submitted to be
Eme copy.*

U.S.
READER TO PA
KHYBER
21.3.2018
SI, Khyber

ATTACHED

13

Amir C

CHARGE SHEET U/R 6(I)(A) NWFP (NOW KHYBER PAKHTUNKHWA)
POLICE RULES 1975.

You Constable Ibrahim No.2590 posted at FRP/PR: is hereby charged for committing the following Omission/Commissions.

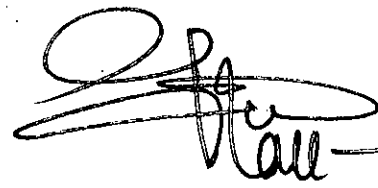
Constable Ibrahim No.2590 of FRP/PR: being remained absented from lawful duty w.e. from 20.12.2017 till to date without taking any leave/permission from the Competent Authority.

You are hereby called upon to submit your written defence against the above charged before the inquiry officer.

Your reply should reach to the enquiry officer within (7) days from date of receipt of this charge Sheet, failing with Ex-part proceeding shall be initiated against you.

SUMMARY/STATEMENT OF ALLEGATION

Constable Ibrahim No.2590 of FRP/PR: being remained absented from lawful duty w.e. from 20.12.2017 till to date without taking any leave/permission from the Competent Authority. Your reply should reach to the inquiry officer within (7) days from date of receipt of this charge Sheet, failing with Ex-part proceeding shall be initiated against you.



Superintendent of Police, FRP
Peshawar Range, Peshawar.

ATTESTED

بحوالہ مشمولہ انکوائری کاغذات برخلاف کنسٹیبل ابراہیم نمبر 2590 ایف آر پی پشاور ریجن پشاور معرض خدمت ہوں کہ مذکورہ کنسٹیبل کے متعلق جناب SP صاحب ہیڈ کوارٹر نے بحوالہ لیٹر نمبر 02-03/PA مورخہ 01.01.2018 پر تحریر کیا ہے۔ ایکہ مذکورہ کنسٹیبل کو دیگر کسان کے ساتھ لیویز نے تختہ بیگ چیک پوسٹ پر ایک کلوگرام ہیروئن برآمد ہونے پر گرفتار کیا ہے۔ آمدہ لیٹر پر جناب SP صاحب FRP پشاور ریجن پشاور نے مذکورہ کنسٹیبل کو معطل لائن کرنے اور ساتھ ہی مذکورہ کنسٹیبل کے خلاف چارج شیٹ و سمری آف الیکشن جاری کر کے کاغذات برائے انکوائری ہم DSP نور زمین شاہ اور انسپکٹر اسد یوسف کو بحوالہ کئے۔

دوران انکوائری چارج شیٹ و سمری آف الیکشن حسب ضابطہ بذریعہ DHC شاہ کر اللہ بحوالہ لیٹر نمبر 265/R/DSP مورخہ 08.01.2018 کو مذکورہ کنسٹیبل پر تقسیم کرنے کی غرض سے دفتر پولیٹیکل ایجنٹ خیبر ایجنسی پشاور بھجوایا جو کہ پولیٹیکل ایجنٹ خیبر ایجنسی پشاور کی اجازت سے مذکورہ کنسٹیبل پر تقسیم کی گئی۔ جو کہ مذکورہ نے بذات خود وصول کر کے وصولی کی نسبت اپنے دستخط ثبت کر کے شناختی کارڈ نمبر و موبائل نمبر درج کیا ہے۔ DHC شاہ کر اللہ نے پولیٹیکل تحصیل دار جمروڈ کے دفتر سے مذکورہ کنسٹیبل کے خلاف درج شدہ رپورٹ کی تصدیق شدہ فوٹو کاپی حاصل کر کے پیش کی جو کہ ہمراہ لف ہے۔

پولیٹیکل تحصیل دار کی رپورٹ نمبر Jamrud 3239/PT مورخہ 21.12.2018 کے ملاحظہ سے معلوم ہوا کہ مورخہ 21.12.2017 کو پوسٹ کمانڈر تحت بیگ چیک پوسٹ نے ابتدائی رپورٹ پیش کر کے اپنی رپورٹ میں تحریر کیا کہ 21.12.2018 پر تحت بیگ چیک پوسٹ کو خفیہ اطلاع ملی کہ گاڑی نمبر 7830 الٹو جمروڈ کی طرف سے آئیگی اور اس میں منشیات ہے۔ گاڑی کو مسمی محمد ریاض ولد شریف خان سکندر کی خیل جمروڈ چلا رہا تھا۔ گاڑی میں تین بندے اور سوار تھے۔ (1) راج ولی ولد فقیر حسین سکندر خزانہ پایان (2) ابراہیم گل ولد گل روزق سکندر مردان (3) محمد داؤد ولد عبدالجلیل سکندر چارسدہ۔ تلاشی کے دوران راج ولی ولد فقیر حسین سے 01 کلوگرام ہیروئن برآمد ہوئی۔ چاروں آزاد کو بمعہ گاڑی اور بمعہ 01 کلوگرام ہیروئن جمروڈ تحصیل چالان کیا گیا۔ رپورٹ ہمراہ لف ہے۔

اندر میں سلسلہ بحوالہ لیٹر نمبر 701/R/DSP مورخہ 23.01.2018 پر HC مہر علی شاہ نمبر 774 کو سنٹرل جیل پشاور بھجو کر مذکورہ کنسٹیبل سے چارج شیٹ پر تحریری بیان لیا گیا۔ کنسٹیبل ابراہیم نمبر 2590 نے اپنے بیان میں تحریر کیا ہے کہ وہ اپنے دوست کنسٹیبل داؤد نمبر 3148 ایف آر پی پشاور ریجن کے ساتھ کچھ سامان خریدنے کے لئے علاقہ جمروڈ گئے تھے کہ واپسی پر جم بازار میں ایک لوکل ٹیکسی میں بیٹھے اور اس دوران ایک اور سواری بھی گاڑی میں بیٹھ گئی۔ تختہ بیگ چیک پوسٹ پر لیویز اخصاصہ دار

ATTESTED

فوس نے گاڑی کو روک کر تلاشی لی اس دوران گاڑی میں بیٹھنے والی سواری سے کچھ ہیر کون برآمد ہوئی۔ جس کا نام بعد میں راج ولی ولد فقیر حسین معلوم ہوا۔ لیکن لیویز نے تفتیش کی غرض سے سب کو گرفتار کر لیا۔ راج ولی کے ساتھ کسی قسم کا کوئی تعلق نہیں ہے۔ بیان ہمراہ لف ہے۔

دوران انکوائری مزید معلومات کی غرض سے وقتاً فوقتاً لیٹر نمبر 972/R/DSP مورخہ 30.01.2018، پروانہ نمبر 04/R مورخہ 15.02.2018 اور پروانہ نمبر 11/R مورخہ 14.03.2018 دفتر پولیٹیکل ایجنٹ خیبر ایجنسی پشاور بھجوایا گیا اور کیس کا مکمل ریکارڈ طلب کیا گیا لیکن اس کیس کے دوران صرف منشیات کے متعلق FSL سے لی گئی رپورٹ ارسال ہو کر موصول ہوئی۔ FSL رپورٹ میں منشیات کو ہیر ون قرار دیا گیا ہے رپورٹ ہمراہ لف ہے۔ مزید معلوم ہوا کہ مقدمہ درج بالا میں گرفتار مسمی راج ولی ولد فقیر حسین سکنہ خزانہ پایاں پشاور نے دوران گرفتاری جرم قبول کیا ہے۔ اور کنسٹیبل ابراہیم نمبر 2590، داؤد نمبر 3148 اور ڈرائیور ریاض ولد شریف خان سکنہ کئی خیل جرود کو مورخہ 12.03.2018 پر پولیٹیکل ایجنٹ ایجنسی پشاور نے جرم درج بالا میں معصوم قرار دیکر بری کرنے کا حکم صادر کیا ہے۔ فیصلہ کی تصدیق شدہ نقل حاصل کر کے ہمراہ لف ہے۔

اندریں سلسلہ کنسٹیبل ابراہیم نمبر 2590 کے موبائل نمبر 03005711140 CDR حاصل کرنے کی غرض سے ایک تحریری لیٹر نمبر 3531/R/DSP مورخہ 27.02.2018 انچارج CKC برانچ پشاور کو بھجوایا گیا۔ اور مورخہ 18.12.2017 تا مورخہ 21.12.2017 تک CDR طلب کیا گیا۔ جو کہ CKC برانچ پشاور سے موصول ہوا۔ مذکورہ کنسٹیبل کے CDR کے ملاحظہ سے معلوم ہوا کہ مذکورہ کنسٹیبل ابراہیم نمبر 2590 کا کنسٹیبل داؤد نمبر 3148 کے موبائل نمبر (0315.9398124) اور مسمی راج ولی ولد فقیر حسین سکنہ خزانہ پایاں پشاور کے ساتھ اس کے موبائل نمبر (03169622699) پر گرفتاری کی تاریخ مورخہ 21.12.2017 سے قبل مورخہ 19.12.2017 اور مورخہ 20.12.2017 پر رابطے ہوئے ہیں۔ جس سے یہ بات ثابت ہوتی ہے کہ ملزم راج ولی ولد فقیر حسین کو ہر دو کنسٹیبلان ابراہیم اور داؤد مقدمہ درج بالا میں ایک ساتھ گرفتار ہونے سے پہلے سے جانتے تھے۔ اور ان کا آپس میں تعلق تھا۔ اسی سلسلہ میں کنسٹیبل ابراہیم نمبر 2590 کو دفتر ہذا طلب کر کے پوچھ گچھ کی گئی اور کراس سوالات کئے گئے۔ کراس سوالات اور کنسٹیبل ابراہیم نمبر 2590 کی طرف سے دیئے گئے جوابات کی تفصیل ذیل ہے۔

س نمبر 1:- کیا آپ راج ولی ولد فقیر حسین سکنہ خزانہ پایاں پشاور جو کہ آپ کے ساتھ تختہ بیگ چیک پوسٹ پر منشیات کے کیس میں گرفتار ہوا تھا کو جانتے ہیں؟

ج نمبر 1:- گرفتاری کے بعد راج ولی سے جان پہچان ہوئی۔ اس سے قبل میں اس کو نہیں جانتا تھا۔ (نشان انکشت)

ATTESTED

- س نمبر 2:- کب سے راج ولی ولد فقیر حسین سکھ خزانہ پایان کے ساتھ تعلق ہے؟
 ج نمبر 2:- اس کے ساتھ کوئی تعلق نہیں ہے۔ (نشان انگشت)
 س نمبر 3:- آپ کے زیر استعمال کون کون سے موبائل نمبرات ہیں؟
 ج نمبر 3:- میرے زیر استعمال ذیل نمبرات ہیں۔ (1) 03005711140 (نشان انگشت)۔ (2)

03319234330

- (نشان انگشت)۔ (3) 03379714943 (نشان انگشت)۔ (4) 03459358320 (نشان انگشت)۔
 (5) 03152158352 (نشان انگشت)۔
 س نمبر 4:- کیا راج ولی کے ساتھ آپ کا موبائل کے ذریعے کبھی رابطہ ہوا ہے؟
 ج نمبر 4:- راج ولی کے والد کے ساتھ رہائی کے بعد ایک بار رابطہ ہوا ہے۔ (نشان انگشت)
 س نمبر 5:- راج ولی کے زیر استعمال موبائل نمبر کیا ہے؟
 ج نمبر 5:- (1) 03169622699 راج ولی۔ (2) 03485747578 والد۔ ہر دو نمبرات کیساتھ نشان انگشت
 س نمبر 6:- آپ خیراتجنسی کے علاقہ میں کس مقصد کے لئے گئے تھے؟ جب آپ وہاں گرفتار ہو گئے؟
 ج نمبر 6:- جنرل ٹرید نے کے لئے گئے تھے جو کہ وہاں بات نہ بن سکی (نشان انگشت)
 س نمبر 7:- اگر آپ کی تمام باتیں جھوٹی ثابت ہوئیں تو اس بارے میں آپ کیا کہیں گے؟
 ج نمبر 7:- میں اور کنشیل داؤد نمبر 3148 گرفتار ہونے سے پہلے سے مسی راج ولی کو جانتے تھے۔ لیکن بدنامی کے ڈر سے منکر ہوئے۔ (نشان انگشت)
 س نمبر 8:- آپ اور کنشیل داؤد نمبر 3148 مسی راج ولی کو کس طرح جانتے ہیں؟
 ج نمبر 8:- میں اور کنشیل داؤد نمبر 3148 مکہ ٹاور نوڈ گورنمنٹ کالج پشاور ایک کمرہ میں رہائش پذیر ہیں۔ اور مسی راج ولی مذکورہ
 اس مکہ ٹاور میں صفائی کا کام کرتا تھا اسی وجہ سے اس کو جانتے تھے۔ (نشان انگشت)
 س نمبر 9:- مسی راج ولی کے متعلق آپ اور کیا جانتے ہیں؟
 ج نمبر 9:- وہ ایک خواجہ سرا ہے۔ لیکن صفائی کا کام کرتا تھا۔ اور کبھی کبھی خواجہ سراؤں کے پلازہ یعنی اقبال پلازہ جایا کرتا تھا۔

(نشان انگشت)

ATTESTED

جناب عالی!

کنشیل ابراہیم نمبر 2590 مقدمہ درج بالا میں پولیٹیکل ایجنٹ جج خیر ایجنسی پشاور کے حکم پر سنٹرل جیل پشاور سے بد میں وجہ بری کیا گیا، کیونکہ مسی راج ولی ولد فقیر حسین سکنہ خوانہ پایان پشاور نے اقرار جرم کر لیا تھا۔ اور کنشیل ابراہیم نمبر 2590، و کنشیل داؤد نمبر 3148 اور ڈرائیور محمد ریاض (ہیڈ کنشیل کرائم برانچ پشاور) سے لا تعلق کا اظہار کیا تھا۔ اب چونکہ CDR ہمراہ لف فلیگ A کی رو سے اور کنشیل ابراہیم نمبر 2590 کے جو اہات ہمراہ لف فلیگ B سے یہ بات ثابت ہو چکی ہے کہ کنشیل ابراہیم نمبر 2590، و کنشیل داؤد نمبر 3148 ملوم راج ولی مذکورہ کو وقوعہ سے کئی عرصہ قبل سے جانتے تھے۔ اور ان کا آپس میں تعلق تھا۔ مذکورہ کنشیل گرفتاری سے قبل مورخہ 20.12.2017 سے اپنی ڈیوٹی سے غیر حاضر تھا۔ مذکورہ کنشیل اپنی سرکاری ڈیوٹی چھوڑ کر خیر ایجنسی

علاقہ جمرود گیا تھا۔ اور دوران غیر حاضری مورخہ 21.12.2017 کو جرم درج بالا میں تحتہ بیگ چیک پوسٹ پر لیونے ایک کلو گرام ہیرون برآمد ہونے پر دیگر کسان کنشیل داؤد نمبر 3148 و ڈرائیور محمد ریاض (ہیڈ کنشیل کرائم برانچ پشاور) اور مسی راج ولی ولد فقیر حسین سکنہ خوانہ پایان کے ہمراہ ایک ہی دن، ایک ہی وقت، ایک ہی جگہ ایک ہی گاڑی آلو سے گرفتار کیا۔ جس سے صاف ظاہر ہے کہ کنشیل ابراہیم نمبر 2590، کنشیل داؤد نمبر 3148 اور راج ولی ولد فقیر حسین (جس نے اقرار جرم کیا) سب کی نیت اور غرض مشترک تھی۔ اور ہر جگہ پر انہوں نے راج ولی سے لا تعلق ظاہر کر کے اپنے آپ کو بچانے کی کوشش کی ہے۔ نیز مذکورہ کنشیل نے چارج شیٹ کے جواب میں بتلایا ہیکہ کہ وہ جمرود بازار میں کچھ سامان خریدنے گئے تھے جبکہ دوران گرفتاری لیوی فورس کو بیان دیتے ہوئے بتلایا ہیکہ کہ وہ وہ باب خیر کی سیر کے لئے گئے تھے نقل بیان ہمراہ لف ہے۔ نیز دوران انکو آئری کراس سوالات کے دوران مذکورہ نے بتلایا کہ وہ جمرود بازار میں جنریٹر خریدنے کے لئے گئے تھے۔ جس سے مذکورہ کنشیل کے بیانات میں تضاد اور جھوٹ ثابت ہوتا ہے۔ یہ کنشیلان جرم درج بالا میں ملوث ہو کر محکمہ پولیس کی بدنامی کا باعث بنے۔ ایسے ملازمین کا محکمہ پولیس میں رہنا دیگر ملازمین پر بہت بڑے اثرات مرتب کر سکتا ہے۔

نیز اسی جرم میں استعمال ہونے والی گاڑی آلو کے ڈرائیور محمد ریاض (ہیڈ کنشیل کرائم برانچ پشاور) کے ساتھ کنشیل ابراہیم نے رہائی کے بعد مورخہ 13.03.2018 تا مورخہ 21.03.2018 کے دوران اپنے نمبر 03379715943 سے ہیڈ کنشیل محمد ریاض متعینہ کرائم برانچ پشاور کے ساتھ اس کے موبائل نمبر 03077126426 پر (6) بار رابطہ کیا ہے۔ لہذا ہو سکتا ہے کہ گرفتاری سے قبل بھی ان کا آپس میں رابطہ ہو۔ CDR ہمراہ لف فلیگ C ہے۔ کنشیل ابراہیم نمبر 2590 کی غیر حاضری کے متعلق علیحدہ سے انکو آئری شروع ہے۔ لہذا اس انکو آئری میں مذکورہ کنشیل کو سنگین سزا دینے کی سفارش کی جاتی ہے۔

ATTESTED

18
Approved
P
09/4/012
(F)

ORDER

This office order relates to the disposal of formal departmental inquiry against **Constable Ibrahim No.2590**, of FRP Peshawar Range.

Brief facts of the case that Constable Ibrahim No.2590, of FRP Peshawar Range, absented himself from lawful duty w.e.from 19.12.2017 to 26.03.2018 for the total period of (97) days without taking any leave/permission from the Competent Authority.

In this connection Constable Ibrahim No.2590, was issued charge sheet along-with summary of allegation and RI/Mustaq Shah of FRP/PR was nominated as inquiry officer, vide this office order No.534/PA dated 29.12.2017. The charge sheet served upon him, to which he replied, but his reply was found unsatisfactory by the inquiry officer. After completion of inquiry the inquiry officer submitted his findings.

[Signature] In the meanwhile reportedly the delinquent Constable along-with other constable namely Daud No.3148 of FRP Peshawar Range, have been arrested by the Levis/Khasadar at Takht Baig check post on 21.12.2017, being involved in the smuggling of Narcotics (heroin) and wherein one 01 KG heroin was recovered from their possession.

Afterward the accused constable was suspended vide this office order No.11-13/PA, dated 03.01.2018 and closed to FRP Police Line Peshawar.

On the allegation of above a separate charge sheet along-with summary of allegations was issued and an inquiry committee comprising of DSP/Noor Zamin Shah of FRP/HQrs. & Inspector/Asad Yousaf of FRP Peshawar Range was constituted vide this office order No.18/PA, dated 03.01.2018. The charge sheet served upon him to which he replied.

After conducting proper departmentally the inquiry committee submitted their findings, wherein they reported that on 21.12.2017, on tip of information the Khasadar party of Takht Baig check post was stopped an Alto Motor Car bearing No.LRG-7830, which was on its way from Jamrud towards Peshawar for checking purpose. The said Motor Car was drive by one Muhammad Riaz s/o Shareef Khan while Raj Wali s/o Faqeer Hussain alongwith the accused constables Ibrahim No.2590 and Daud No.3148, of FRP Peshawar Range were also found ride in Motor Car. During the search 01 KG heroin was recovered from their possession and the Levis authority arrested them from the spot for investigation purpose. During the custody the accused constables denied regarding to relation with accused Raj Wali who confessed the offence, therefore, the accused constables

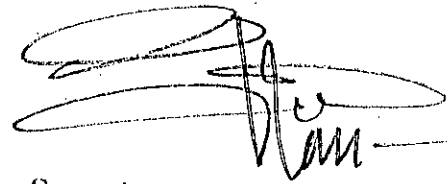
09
118

ATTACHED

were procured, which shows that the accused constables were contacted with the accused Raj Wali so many times i.e on 19.12.2017 and 20.12.2017, before the involvement in the above case. The CDR report proved their closed relations with each others for the purpose of the smuggling of Narcotics (Heroin) and accused constables denied from accused from Raj Wali in their statements. According to CDR report there is clear contradiction between their statements and after going through the available record the inquiry committee has been found the accused constable Ibrahim No.2590, being a member of ideal Police force involved in moral turpitude nature offence, vis-a vis developed links with the drugs mafia. Therefore, the accused constable Ibrahim No.2590 of FRP Peshawar Range, is awarded for Major Punishment.

After receiving the findings of inquiry Committee the accused constable Ibrahim No.2590, of FRP Peshawar Range was issued/served with Final Show cause Notice vide this office No.152/PA, dated 29.03.2018 to which he replied but his reply was found unsatisfactory. He was called for personal hearing in orderly room but did not satisfy the undersigned.

Based on the appreciation of the situation painted above, I, Jehanzeb Khan Superintendent of Police, FRP Peshawar Range, Peshawar exercise of power vest in me under 5(5) of Khyber Pakhtunkhwa Police Rules 1975 (amendment in 2014) award him a Major punishment of "Dismissal from Service" with immediate effect and his period of absence is hereby treated as absence from duty.


Superintendent of Police, FRP
Peshawar Range, Peshawar.

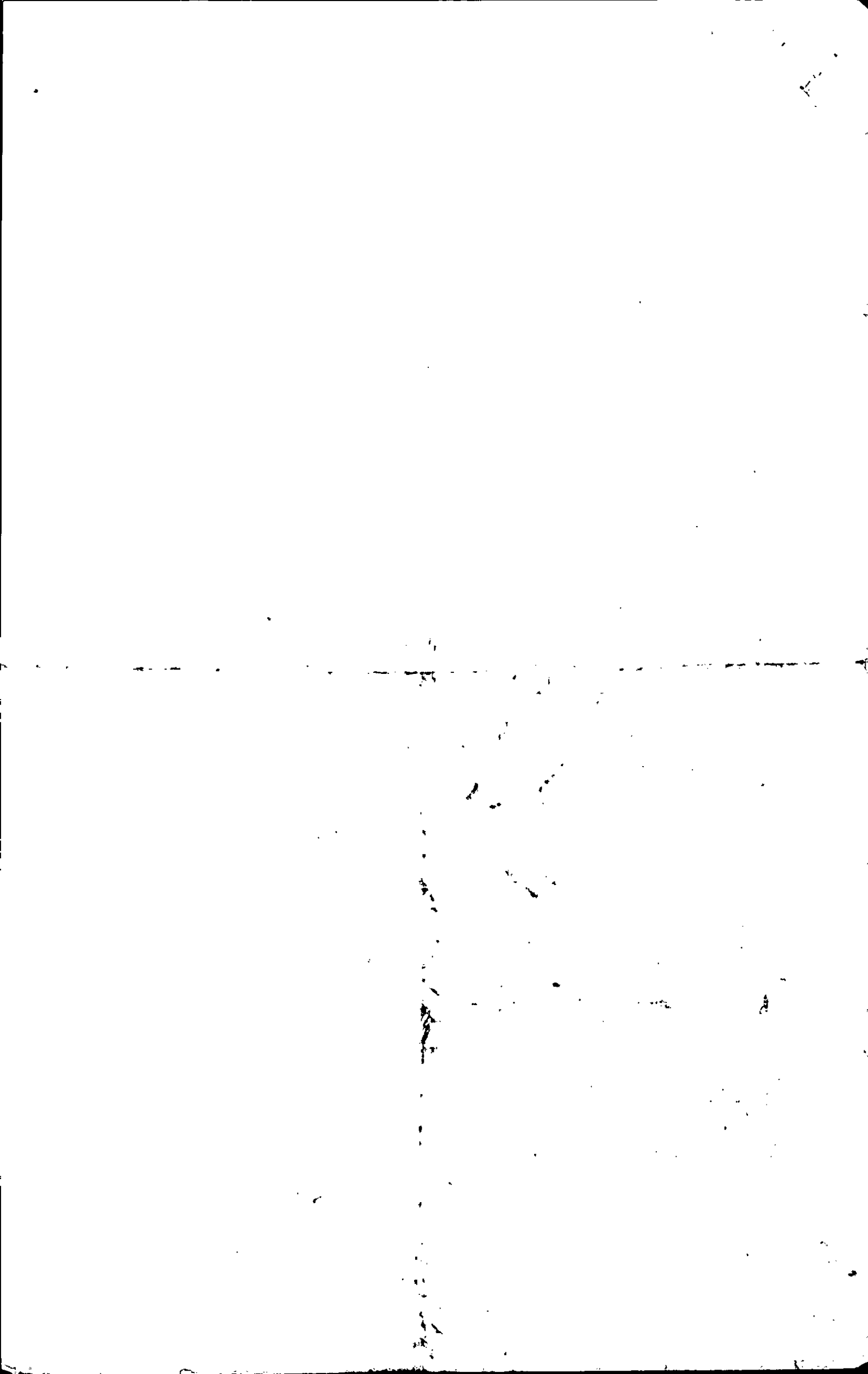
No. 183-87/PA dated Peshawar Range the 06 / 04 / 2018.

Copy of the above is forwarded to Worthy Commandant FRP KP Peshawar for favour of information please.

- 1. The Accountant FRP/PR Peshawar
- 2. The SRC/FRP/PR Peshawar
- 3. The LO/FRP/PR Peshawar
- 4. The OASI/FRP/PR Peshawar

(OB 309 / 09/4/18)

ATTACHED



(رحم اپیل)

Amirah Ka (C)

جناب عالی!

گزارش ہیکہ سائل محکمہ پولیس ایف آر پی پشاور ریجن میں تعینات تھا کہ اس دوران سائل اپنے دوست کے ساتھ علاقہ جمرود کچھ خریداری کرنے، دوستوں سے ملنے اور باب خیبر کی سیر کے لئے گیا تھا۔ واپسی پر ہم ایک لوکل ٹیکسی میں بیٹھ گئے جو کہ راستے میں ہمارے ساتھ ایک اور سواری بھی ٹیکسی میں بیٹھ گئی۔ تختہ بیگ چیک پوسٹ پر لیویز نے ٹیکسی کو روک کر تلاشی لی۔ ہمارے ساتھ ٹیکسی میں بیٹھنے والے سواری سے کچھ ہیروئن برآمد ہوئی۔ جس کی وجہ ٹیکسی میں بیٹھے سب افراد کو تفتیش کے لئے گرفتار کیا۔ بعد میں سائل کو پولیٹیکل ایجنٹ سیشن جج نے معصوم قرار دے کر بری کرنے کا حکم صادر فرمایا۔ لیکن محکمہ پولیس میں سائل کو دوران انکوآری بحوالہ چھٹی نمبری 183-87/PA مورخہ 06.04.2018 اور OB 309 مورخہ 09.04.2018 پر محکمہ پولیس FRP سے برخاست کرنے کا حکم ہو چکا ہے۔

جناب عالی!

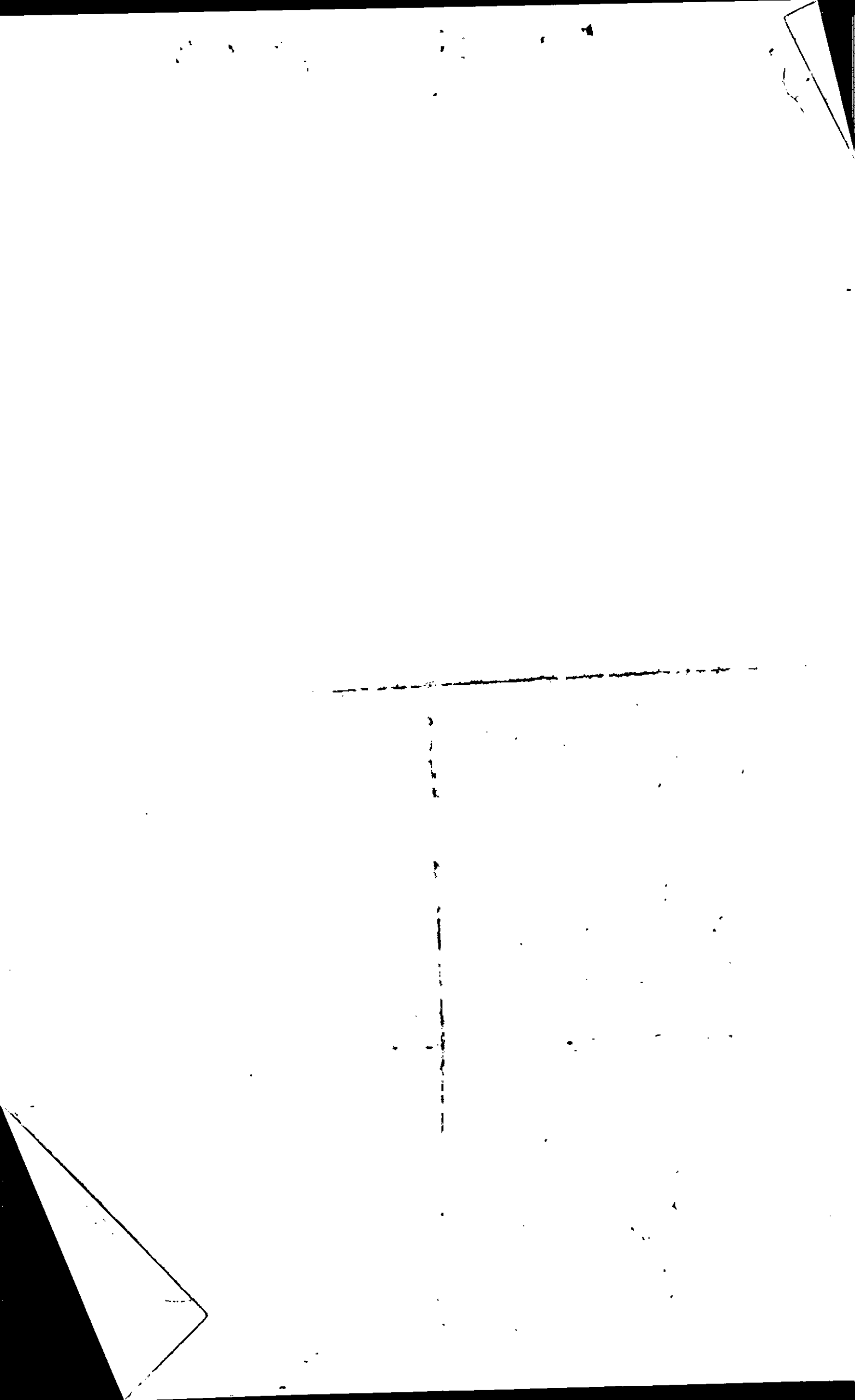
چونکہ سائل بے قصور ہے اور عدالت پولیٹیکل ایجنٹ سیشن جج خیبر ایجنسی پشاور نے بری کرنے کا حکم صادر فرمایا ہے۔ نیز سائل نہایت غریب گھرانے سے تعلق رکھتا ہے۔ سائل کے 02 بچے ہیں اور سائل اپنے گھر کا کفیل ہے۔ بچوں کی تعلیم اور پرورش، والدین کی علاج معالجہ کے لئے سائل کے پاس محکمہ پولیس میں نوکری کے علاوہ کوئی دیگر ذریعہ معاش نہیں ہے۔ استدعا ہیکہ سائل کے بیوی اور بچوں اور ضعف لا العمر والدین پر رحم کر کے سائل کو محکمہ پولیس میں بحال کرنے کا حکم صادر فرماویں اور سائل آپ صاحبان کو کبھی شکایت کا موقع نہیں دے گا۔ سائل اور سائل کے بیوی بچے اور بزرگ، والدین آپ صاحبان کو تاحیات دعائیں دیں گے۔

المرقوم 04.2018

العارض

آپکا تابع فرمان سابقہ کنسٹیبل ابراہیم گل نمبر 2590 ایف آر پی پشاور ریجن پشاور

ATTESTED



ORDER

21 APND, G (P)

This order will dispose of the departmental appeal preferred by Ex constable Ibrahim Gul No. 2590 of FRP Peshawar Range against the order of dismissal from service passed by SP FRP Peshawar Range, Peshawar vide Order Endst: No. 183/87/PA, dated 06.04.2018. The applicant was proceeded against on the allegations that he absented himself from law full duty with effect from 19.12.2017 to 26.03.2018 for total period of (97) days, without any leave/permission of the Competent Authority.

Proper departmental enquiry was initiated against him. He was issued Charge Sheet alongwith Summary of Allegations and RI Mushtaq Shah of FRP Peshawar Range was nominated as Enquiry Officer to conduct proper enquiry against him. The Charge Sheet served upon him, to which he replied, but his reply was found unsatisfactory by the Enquiry Officer. After completion of enquiry the Enquiry Officer submitted his findings.

In the meanwhile reportedly the delinquent constable alongwith other constable Daud No. 3148 of FRP Peshawar Range, have been arrested by the Levis/Khasadar at Takht Baig Check Post on 21.12.2017, being involved in the smuggling of Narcotics (Heroin) and wherein One Kg heroin was recovered from their possession. Afterward the accused constable was suspended vide order No. 11-13/PA dated 03.01.2018 and closed to FRP Police Line Peshawar.

On the allegations of above a separate Charge Sheet alongwith Summary of Allegations was issued and an Enquiry Committee comprising of DSP/Noor Zamin Shah of FRP/HQrs: & Inspector/Asad Yousaf of FRP Peshawar Range was constituted vide office order No. 18/PA, dated 03.01.2018. The Charge Sheet Served upon him to which he replied.

After conducting proper departmental enquiry the Enquiry Committee submitted their findings, wherein they reported that on 21.12.2017, on tip of information the Khasadar party of Takht Baig Check Post was stopped an Alto Motor car bearing No. LRG-7830, which was on its way from Jamrud towards Peshawar for checking purpose. The said Motor Car was drive by one Muhammd Raiz S/O Shareef Khan while Raj Wali S/O Faqeer Hussain alongwith the accused constables Ibrahim No. 2590 and Daud No. 3148, of FRP Peshawar Range were also found ride in Motor Car. During the search 01 KG heroin was recovered from their possession and the Levis Authority arrested them from the spot for investigation purposes. During the custody the accused constables denied regarding to relation with accused Raj Wali who confessed the offence, therefore, the accused constables alongwith said driver Muhammad Riaz were equated from the criminal case by the Court of Political Agent/Session Judge, Khyber Agency, while accused Raj Wali was found guilty under section 9(c) CNSA, 1997, hence, convicted and sentenced for the period already undergone to suffer imprisonment with fine of Rs. 20,000/- or in default of payment of fine further to undergo 02 months suffer imprisonment.

~~ATTESTED~~

During the course of departmental Enquiry CDR report of the accused constables were procured, which shows that the accused constables were developed links with the accused/offender Raj Wali as they contacted so many times i.e. on 19.12.2017 and 20.12.2017, before the involvement in the above criminal case. The CDR report proved their closed relations with each others for the purpose of the smuggling of Narcotics (Heroin). However, the accused constables denied form relations with accused Raj Wali in their Statements. According to CDR report there is clear contradiction has been found in their statements. After going through the available record the Enquiry Committee has been found the accused constable Ibrahim No. 2590 guilty of the charges leveled against him. He being a member of ideal Police force involved in a moral turpitude nature offence vis-a vis developed links with the drug mafia. Therefore, the Enquiry Committee recommended him for major punishment.

After receiving the findings of Enquiry Committee he was issued/served with Final Show Cause Notice vide office No. 152/PA, dated 29.03.2018 to which he replied, but his reply was found unsatisfactory. He was called for personal hearing in orderly room, but did not satisfy the Competent Authority.

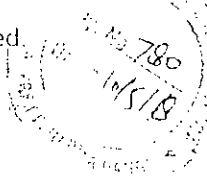
Upon the findings of Enquiry Committee and other relevant material available on record, he was awarded major punishment of dismissal from service vide Order Endst: No. 183-87/PA, dated 06.04.2018.


Feeling aggrieved against the impugned order of SP FRP Peshawar Range, Peshawar, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 08.05.2018. During the course of personal hearing he could not present any cogent justification for his innocence.

Keeping in view the facts mentioned above the applicant has been found to be an irresponsible person, disregarded of discipline of the force. From perusal of the enquiry file and the service record of the applicant, it is abundantly clear that the delinquent official has been found involved in a criminal case with the intent of moral turpitude. Such conduct on the part of a police officer is bound to tarnish the image of the entire force.

Based on the findings narrated above, I, Capt (R) Tahir Ayub Khan PSP Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being meritless.

Order Announced.





 Commandant
 Frontier Reserve Police
 Khyber Pakhtunkhwa Peshawar

SPC
 2/4
 SP FRP Peshawar
 No. 1434-11/IEC, dated Peshawar the 10/5/2018

Copy of above is forwarded for information and necessary action to the:-

1. SP FRP Peshawar Range, Peshawar. His service record alongwith D file sent herewith.
2. Ex- constalbe Ibrahim Gul No. 2590 S/O Gul Rauf Khan, Village Perano Daag Police Station Takht Bahi, District Mardan.

ATTESTED



قیمت: 10 روپے

نوٹ: اس وکالت نامہ کی فوٹوکاپی ناقابل قبول ہوگی



DOCUMENT
District Bar Association
Charsadda

ایڈوکیٹ ادستخط: _____

بار کونسل ابار ایسوسی ایشن نمبر: 3455-10-84

رابطہ نمبر: 42474247-0324

ڈسٹرکٹ بار ایسوسی ایشن چارسدہ

بعدالت جناب: ضہر محمد خان خزانہ سروس سٹریٹجی

منجانب:

دعویٰ:
علت نمبر:
مورخہ:
جرم:
تھانہ:

دبر اصمعیل بنام مکانات سٹریٹجی

بابت تحریر آنکہ

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

آن مقام سٹریٹجی سروس سٹریٹجی مبارک زینب / سٹریٹجی سٹریٹجی کو 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 بھی وہی جملہ مذکورہ 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 وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

Accepted

Mubashir

المقام: _____

مقام: سٹریٹجی سروس سٹریٹجی کے لئے منظور ہے۔

سید البر اصمعیل کل 11 مارچ 2024ء

BEFORE THE SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL NO. 7792018

Ex Constable IBRAHIM GUL.....Petitioner.

VERSUS

1. Addl: IGP/Commandant FRP Khyber
Pakhtunkhwa Peshawar

2. SP/FRP PESHAWAR Range.....Respondents.

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES
1.	Para-wise Comments		04
2.	Absence report	A	01
3.	CDR	B	01
4.	Charge sheet	C & D	02
5.	Final Show Cause Notice	E	01
6.	Enquiry Report	F	04
7.	Rejection Order	G	02
Total			17


RESPONDENTS

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 780/2018.

M.rahim Gul No. 2590, FRP Peshawar Range,.....Appellant

VERSUS

1. Commandant, Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar
2. Superintendent of Police,
FRP, Peshawar Range, Peshawar.....Respondents

PRELIMINARY OBJECTIONS

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has no cause of action to file the instant appeal.
4. That the appellant has not come to this Honorable Court with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant trying to concealed material facts from this Honorable Tribunal.

WRITTEN REPLY ON BEHALF OF RESPONDENTS

FACTS

RESPECTED SHEWETH:-

1. Pertains to the appellant record needs no comments.
2. Para No. 2 is admitted to the extent that the appellant was remained absent from duty for a long period of 97 days without any leave or prior permission from his seniors. (Copy of absence report attached herewith as annexure "A")
3. Incorrect and rejected, as reportedly the appellant alongwith other constable namely Muhammad Dawood No. 3148, of FRP Peshawar Range, have been arrested by the Levis Khasadar at Takht Baig check post on 21.12.2017, being involved in the smuggling of Narcotics (Heroin).
4. Incorrect and rejected. The Khasadar Party of Takht Baig Check post stopped an Alto Motorcar Bearing No. LRG-7830, which was on its way from Jamrud toward Peshawar for checking purpose. The said Motorcar was driven by one Muhammad Riaz S/O Sharif Khan, while Raj Wali S/O Faqir Hussain alongwith the appellant and constable Muhammad Dawood No. 3148 of FRP were also found ride in the said motorcar. During the search one KG Heroin was recovered from their possession.
5. Incorrect and rejected. During the course of departmental enquiry the CDR report of the appellant was procured, which shows that the appellant was contacted with the accused Raj Wali so many times i.e 19.12.2017 and 20.12.2017, before the involvement in the above criminal case. (Copy of CDR attached as annexure "B")
6. Incorrect and rejected. That a criminal case vide FIR No. 3239, dated 21.12.2017 was register against all of them. However, during the course of enquiry the appellant was found guilty of the charges leveled against him. As the

- CDR report proved the closed relations between the appellant and his co-accused Raj Wali for the purpose of the smuggling of Narcotics.
- Para No. 7 is admitted to the extent that court proceeding and departmental proceedings are two different entities and can run side by side. However, during the course of departmental enquiry the appellant was found guilty of the charges leveled against him.
8. Para No. 8 is admitted to the extent that on the allegations of involvement of above criminal case the appellant was issued Charge Sheet alongwith Summary of allegations and enquiry committee comprising on DSP FRP HQ and Inspector Asad Yousaf of FRP Peshawar Range was constituted to conduct enquiry against him to unearth the actual facts. The reply of Charge Sheet submitted by the appellant was found unsatisfactory by the enquiry committee.
 9. Incorrect and rejected. Proper departmental enquiry was initiated against the appellant according to law/rules and an imple opportunity for defence was also provided to the appellant and it is evident from the Charge Sheet and Final Show Cause Notice. The Enquiry Committee found him guilty of the charges leveled against the appellant and therefore, recommended for major punishment. (Copy of Charge Sheet, Final Show Cause Notice & Enquiry report are attached as annexure "C, D E & F").
 10. Incorrect and rejected. After receiving the findings of enquiry committee the appellant was served with Final Show Cause Notice, to which he replied, but his reply was found unsatisfactory. Besides, he was heard in person by the competent authority, but he failed to present any justification regarding to his innocence and after fulfillment the due codal formalities the appellant was awarded the major punishment of removal from service as per law/rules.
 11. Correct, to the extent that departmental appeal submitted by the appellant was thoroughly examined and rejected on sound grounds. (Copy of rejection order is attached as annexure "G")
 12. Incorrect and rejected. The appellant not come to this Honorable Tribunal with clean hands.

GROUND:-

- A. Incorrect and rejected. The appellant was treated in accordance with law as preview in the article No. 4 of the constitution and an other law enforce of the subject.
- B. Incorrect and rejected. Proper departmental enquiry was initiated against the appellant, as he was issued Charge Sheet and Summary of Allegations to which he replied. After receiving the findings of enquiry committee, the appellant was served with Final Show Cause Notice to which he replied, but his reply was found unsatisfactory by the competent authority. Besides he was also heard in person in orderly room, but he failed to present any justification before the

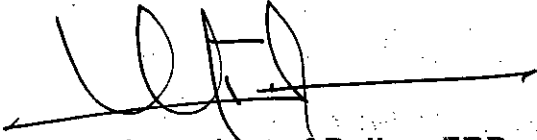
The first step in the process of a company is to determine the needs of its customers. This involves a thorough market research and analysis of the competition. Once the needs are identified, the company can then develop a product or service that meets those needs. This is often done through a process of prototyping and testing. Once the product is ready, the company must then develop a marketing strategy to promote it. This may involve advertising, public relations, and sales efforts. The final step in the process is to distribute the product to the market. This can be done through a variety of channels, including direct sales, retail, and online. The success of a company depends on its ability to execute these steps effectively.


- competent authority regarding to his innocence. The plea of non participation with enquiry proceeding of the appellant is after thought story as it is evident from the Charge Sheet and Final Show Cause Notice and his replies that the appellant was solely participated with the enquiry proceeding.
- C. Incorrect and rejected. As during the course of enquiry an ample opportunity for personal hearing was already provided to the appellant to which he availed too, but he failed to satisfy the competent authority during the course of personal hearing.
- D. Incorrect and rejected. The appellant was arrested by the Khasadar Force with red-handed from the spot and therefore a criminal case vide FiR No. 3239, dated 21.12.2017 was register against the appellant alongwith others.
- E. Incorrect and rejected. As the appellant was dealt with proper departmental proceedings under the relevant law i.e Police Rules 1975 (amended 2014), which is fully adhered to the appellant.
- F. Incorrect and rejected. That the appellant was issued Charge Sheet alongwith Statement of Allegations and Enquiry Committee was constituted to unearth the actual facts. During the course of enquiry The Enquiry Committee procured the CDR report of the appellant, which is a strong evident against him and through the CDR the allegations was properly proved and therefore, the appellant was held responsible for the alleged charges leveled against him. After fulfillment the due codal formalities the appellant was dismissed from service by the competent authority. The penalty awarded to the appellant is commensurate with the gravity of the appellant and in accordance to law.
- G. Incorrect and rejected. That the appellant was involved in a moral turpitude nature criminal case being a member of disciplined force and during the course of enquiry the allegations leveled against him was proved against him and therefore the Enquiry Committee correctly recommended for major punishment.
- H. Incorrect and rejected. That the appellant was remained absent from duty without prior permission of the competent authority and subsequently involved in the above mentioned criminal case. His relation with the drug mafia was also proved against him during the course of enquiry and after fulfillment the due codal formalities he was awarded the major punishment of dismissal from service according to law/rules, which is commensurate with the gravity of the appellant and his gross misconduct.
- I. Incorrect and rejected. The long service is not a cogent ground for reinstatement in service. Besides the allegations leveled against the appellant was proved against him during the course of enquiry as the appellant being a member of ideal police force involved in moral turpitude offence to which he developed links with the drug mafia and which is a gross misconduct on his part, therefore, he was awarded the major punishment of dismissal from service.
- J. Incorrect and rejected that his reply of Charge Sheet and departmental appeal were thoroughly examined by the respondents and found unsatisfactory.

- K. Incorrect and rejected. The penalty awarded to the appellant is commensurate with the gross misconduct of the appellant so in view of his miss conduct and subsequent enquiry proceedings the instant appeal liable to be dismissed.
- L. Incorrect and rejected. The appellant was dismissed from service due to his gross misconduct and to which has been absolutely proved against him during the course of enquiry.
- M. The respondent may also be permitted to create additional grounds at the time arguments.

PRAYERS:-

It is therefore, most humbly prayed that in the light of aforesaid facts/submission the instant service appeal may kindly be dismissed with cost.


Superintendent of Police, FRP,
Peshawar Range, Peshawar
(Respondent No.2)


Commandant, FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1) *etc*

"A"

۱۱ دینار ۱۲/۱۷ ۲۲

دینار ۱۲/۱۷

دینار ۱۱
۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

۱۱ دینار ۱۲/۱۷ ۲۲

B^m

محمد رضا
ذوالقادر
مدام

Mobile No	Name	CNIC	City	Discription
3005663054	AFTABAHMAD	1610227151947	TAKHT BHAI MUHAMMAD ALI KHAN TAKHT BHAI MARDAN	Verified
3005838415	NIAZ MUHAMMAD	1730150487049		
3009050736	GULRAZIQ	1610222979265	DAAK KHANA TAKHT BHAI PERANO DAAG TEHSIL TAKHT BHA	Verified
3009367882	KAMIL SHAH .	2120271551149		Verified
3015712996	HAKEEM KHAN	1730107573303		2014/12/03-Verified
3038421489	shahzad khan	1730136824035		Verified
3055138005	HAJI MUHAMMAD	2120267678959		Verified
3077126426	MOHD RIAZ	2120244239101		2014/12/06-Verified
3109670701	new cust	1610285520277		2013/05/12-Verified
3114820007	sulaman khan	1610118036133		2008/07/14-Verified
3129192680	Gulzeb CUSTOMER	1730154474375		2009/11/10-Verified
3138536323	NISARUD-DEEN	1730121355735		2015/09/28-Verified
3139606005	malik muhammad imran	1730176914669		2012/06/14-Verified
3159054562	NORSYED	1710211676497		2011/11/12-Verified
3159398124	Muhammad Dawood	1710260541173		2011/07/19-Verified
3159544939	ikhtisham Ul Haq	1710128352653		Verified
3218351978	MUHAMMAD USMAN	3540504002781		Verified
3219058121	ROMANA SADAF	1730177868550		4/23/2016 VERIFIED
3325764698	Sakhi Gul	1720140467255	RAWALAKOT	5/8/2015 VERIFIED
3336671760	MANZOOR ALI	1610112842385	FAISALABAD	4/30/2015 VERIFIED
3338787318	ABDUL RAUF KHAN	1720144103631	SIALKOT	Verified
3339374120	RAMDAD KHAN	2120219979949		1/27/2015 VERIFIED
3347226271	SHAZIA MAJID	1430117125914	DI_KHAN	2/12/2015 VERIFIED
3351502182	AJMAL KHAN	1720127393207	CHAKWAL	
3404884512	WARIS KHAN	1610228320749	TAKHT BHAI FAREED KHAN TAKHT BHAI MARDAN	
3409224893	YASARKHAN	1720163555951	TAROJABA PABBI MOHALA SHEIKHAN ALI BAIG NOWSHERA	
3426199527	ABDULJALIL	1710211622019	DHAKI TANGI DHAKI CHARSAJDA	
3433229892	IRFANKHAN	1610210355979	ARIF KHAN KALAY TAKHT BHAI HAJI SYED AMEER KULAY M	
3439575891	NASRUDDIN -	1530446497057	MUNDA MUNDA TIMERGARA G.P.O. -	
3442611148	IBRAHIMGUL	1610269490021	TAKHT BHAI WARD NUMBER 3 PERANO DAGTKHT BHAI MARDAN	
3449101630	ALMAS KHAN	1610222638335	TAKHT BHAI NAWABAN WARD NUMBER 3 TAKHT BHAI MARDAN	
3449127023	MUHAMMADABBAS	1610248900137	TAKHT BHAI NAWAB SAHIB WARD NUMBER 3 TAKHT BHAI MA	2013/09/26-Verified
3459383156	IMRAN ALI	1710130612345		
3459868442	MUHAMMADAZIR	1710293224455	DHAKI TANGI MOHALA MIAN GAAN DHAKI CHARSAJDA	
3459901648	SIYABAHMAD	1610153303181	GUMBAT MARDAN MOHALA BALARH KHEL GUMBAT MARDAN	
3461288188	JAAN BADSHAH	1610295884079	MOHALA HAJI HABIB AL RAHMAN TAKHT BHAI DISTRICT MA	
3468008980	SIRAJUDDIN	1530131255699	TAKORO JANDOL MANAZ KILLI LOWER DIR	
3469333769	SHAMEEM KHAN	1610226871803	TAKHT BHAI SARHAD COLONY KOT ROAD TAKHT BHAI MARDAN	
3481081617	NAVED KHAN	1610226431303	TAKHT BHAI TAKHT BHAI SHAH RASOOL KALAY MARDAN	

2040 P.111

P-7

car would be smuggled in an Alto motor

C.D.

CHARGE SHEET U/R 6(1)(A) NWFP (NOW KHYBER PAKHTUNKHWA)
POLICE RULES 1975.

You Constable Ibrahim No.2590, posted at FRP/Peshawar Range, Peshawar is hereby charged for committing the following Omission/Commissions.

This office intimated by office of the Superintendent of Police HQrs: Peshawar vide letter No.02-3/PA dated 01.01.2018 that Constable Ibrahim No.2590 of FRP Peshawar Range has been arrested by the Levis at Takht Baig check post in narcotics & recovered one (01) Kilogram heroin from his possession.

Your reply should reach to the enquiry officer within (7) days from date of receipt of this charge Sheet, failing with Ex-part proceeding shall be initiated against you.

SUMMERY/STATEMENT OF ALLEGATION

This office intimated by office of the Superintendent of Police HQrs: Peshawar vide letter No.02-3/PA dated 01.01.2018 that Constable Ibrahim No.2590 of FRP Peshawar Range has been arrested by the Levis at Takht Baig check post in narcotics & recovered one (01) Kilogram heroin from his possession. Your reply should reach to the inquiry officer within (7) days from date of receipt of this charge Sheet, failing with Ex-part proceeding shall be initiated against you.

Handwritten Urdu text:
میں نے اس بارے میں
انٹرنیٹ پر جاننا

Handwritten signature:
Jamil

Superintendent of Police, FRP
Peshawar Range Peshawar.

NIC # 16102 69490021

Mobil # 03005711190

dat 08-01-018

P-13

"E" 58


FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.

I, Superintendent of Police FRP Peshawar Range Peshawar, as competent authority do hereby serve you Constable Ibrahim No.2590, of FRP/PR Peshawar.

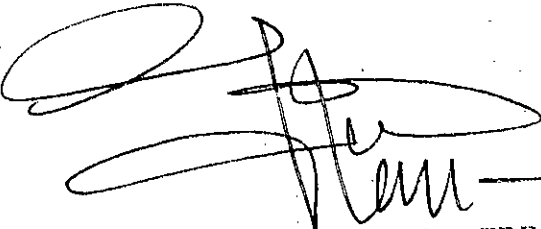
- 1) That consequent upon the completion of inquiry conducted against you by DSP/Noor Zameen Shah of FRP/HQrs: and Inspector Asad Yousaf of FRP/PR for which you were given full opportunity of hearing. On going through the finding/recommendations of the inquiry officers the material available on record and other connected papers I am satisfied that you have committed the following acts/omissions per police rules 1975.

This office intimated by office of the Superintended of Police HQrs: Peshawar vide letter No.02-3/PA dated 01.01.2018 that you Constable Ibrahim No.2590, of FRP Peshawar Range, has been arrested by the Levis at Takht Baig check post in Narcotics & recovered one (01) Kilogram heroin from your possession. Your this act amount to gross miss-conduct and punishable.

- 2) Therefore, I Superintendent of Police FRP/PR Peshawar as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said Rules.
- 3) You are, therefore, required to Show Cause as to why penalty should not be imposed upon you.
- 4) If no reply to Final Show Cause Notice is received within the fifteen days of it delivered in the normal course of circumstance, it shall be presumed that you have no defense to put in and consequently ex-parte action shall be taken against you.



 0300-571140
 16102-6949002-1
 29.1.18


 Superintendent of Police, FRP
 Peshawar Range, Peshawar.

No. 152 /PA, dated Peshawar the 29 / 03 /2018.

بحوالہ مضمولہ انکوائری کاغذات برخلاف کنسٹیبل ابراہیم نمبر 2590 ایف آر پی پشاور ریجن پشاور معروض خدمت ہوں کہ مذکورہ کنسٹیبل کے متعلق جناب SP صاحب ہیڈ کوارٹر نے بحوالہ لیٹر نمبر 02-03/PA مورخہ 01.01.2018 پر تحریر کیا ہے۔ ایک مذکورہ کنسٹیبل کو دیگر کسان کے ساتھ لیویز نے تختہ بیگ چیک پوسٹ پر ایک کلوگرام ہیروئن برآمد ہونے پر گرفتار کیا ہے۔ آمدہ لیٹر پر جناب SP صاحب FRP پشاور ریجن پشاور نے مذکورہ کنسٹیبل کو معطل لائن کرنے اور ساتھ ہی مذکورہ کنسٹیبل کے خلاف چارج شیٹ و سمری آف الیکیشن جاری کر کے کاغذات برائے انکوائری ہم DSP نور زمین شاہ اور انسپکٹر اسد یوسف کو حوالہ کئے۔

دوران انکوائری چارج شیٹ و سمری آف الیکیشن حسب ضابطہ بذریعہ DHC شاہ کر اللہ بحوالہ لیٹر نمبر 265/R/DSP مورخہ 08.01.2018 کو مذکورہ کنسٹیبل پر تقسیم کرنے کی غرض سے دفتر پولیٹیکل ایجنٹ خیبر ایجنسی پشاور بھیجا گیا جو کہ پولیٹیکل ایجنٹ خیبر ایجنسی پشاور کی اجازت سے مذکورہ کنسٹیبل پر تقسیم کی گئی۔ جو کہ مذکورہ نے بذات خود وضول کر کے وصولی کی نسبت اپنے دستخط ثبت کر کے شناختی کارڈ نمبر و موبائل نمبر درج کیا ہے۔ DHC شاہ کر اللہ نے پولیٹیکل تحصیل دار جمرد کے دفتر سے مذکورہ کنسٹیبل کے خلاف درج شدہ رپورٹ کی تصدیق شدہ فوٹو کاپی حاصل کر کے پیش کی جو کہ ہمراہ لف ہے۔

پولیٹیکل تحصیل دار کی رپورٹ نمبر Jamrud 3239/PT مورخہ 21.12.2018 کے ملاحظہ سے معلوم ہوا کہ مورخہ 21.12.2017 کو پوسٹ کمانڈر تحت بیگ چیک پوسٹ نے ابتدائی رپورٹ پیش کر کے اپنی رپورٹ میں تحریر کیا کہ 21.12.2018 پر تحت بیگ چیک پوسٹ کو خفیہ اطلاع ملی کہ گاڑی نمبر 7830 اللو جمرد کی طرف سے آئیگی اور اس میں منشیات ہے۔ گاڑی کو مسمی محمد ریاض ولد شریف خان سکنہ خرکی خیل جمرد چلا رہا تھا۔ گاڑی میں تین بندے اور سوار تھے۔ (1) راج والی ولد فقیر حسین سکنہ خزانہ پایان (2) ابراہیم گل ولد گل روزق سکنہ مردان (3) محمد داؤد ولد عبدالجلیل سکنہ چارسدہ۔ تلاشی کے دوران راج والی ولد فقیر حسین سے 01 کلوگرام ہیروئن برآمد ہوئی۔ چاروں آزاد کو بمبہ گاڑی اور بمبہ 01 کلوگرام ہیروئن جمرد تحصیل چالان کیا گیا۔ رپورٹ ہمراہ لف ہے۔

اندریں سلسلہ بحوالہ لیٹر نمبر 701/R/DSP مورخہ 23.01.2018 پر HC مہر علی شاہ نمبر 774 کو سنٹرل جیل پشاور بھجوا کر مذکورہ کنسٹیبل سے چارج شیٹ پر تحریری بیان لیا گیا۔ کنسٹیبل ابراہیم نمبر 2590 نے اپنے بیان میں تحریر کیا ہے کہ وہ اپنے دوست کنسٹیبل داؤد نمبر 3148 ایف آر پی پشاور ریجن کے ساتھ کچھ سامان خریدنے کے لئے علاقہ جمرد گئے تھے کہ واپسی پر جم بازار میں ایک لوکل ٹیکسی میں بیٹھے اور اس دوران ایک اور سواری بھی گاڑی میں بیٹھ گئی۔ تختہ بیگ چیک پوسٹ پر لیویز خاصہ دار

فوری نے گاڑی کو روک کر تلاشی لی اس دوران گاڑی میں بیٹھنے والی سواری سے کچھ ہیرنوں پر آمد ہوئی۔ جس کا نام بعد میں پتہ راج ولی ولد فقیر حسین معلوم ہوا۔ لیکن لیویز نے تفتیش کی غرض سے سب کو گرفتار کر لیا۔ راج ولی کے ساتھ کسی قسم کا کوئی تعلق نہیں ہے۔ بیان ہمراہ لف ہے۔

دوران انکوائری مزید معلومات کی غرض سے وقتاً فوقتاً لیٹر نمبر 972/R/DSP مورخہ 30.01.2018 پر روانہ نمبر 04/R مورخہ 15.02.2018 اور پر روانہ نمبر 11/R مورخہ 14.03.2018 دفتر پولیٹیکل ایجنٹ خیبر ایجنسی پشاور بھجوا گیا اور کیس کا مکمل ریکارڈ طلب کیا گیا لیکن اس کیس کے دوران صرف منشیات کے متعلق FSL سے لی گئی رپورٹ ارسال ہو کر موصول ہوئی۔ FSL رپورٹ میں منشیات کو ہیرن قرار دیا گیا ہے رپورٹ ہمراہ لف ہے۔ مزید معلوم ہوا کہ مقدمہ درج بالا میں گرفتار مسمی راج ولی ولد فقیر حسین سکنہ خزانہ پایاں پشاور نے دوران گرفتاری جرم قبول کیا ہے۔ اور کنسٹیبل ابراہیم نمبر 2590، داؤد نمبر 3148 اور ڈرائیور ریاض ولد شریف خان سکنہ لکی خیل جرود کو مورخہ 12.03.2018 پر پولیٹیکل ایجنٹ اسیشن جج خیبر ایجنسی پشاور نے جرم درج بالا میں معصوم قرار دیکر بری کرنے کا حکم صادر کیا ہے۔ فیصلہ کی تصدیق شدہ نقل حاصل کر کے ہمراہ لف ہے۔

اندریں سلسلہ کنسٹیبل ابراہیم نمبر 2590 کے موبائل نمبر 03005711140 CDR حاصل کرنے کی غرض سے ایک تحریری لیٹر نمبر 3531/R/DSP مورخہ 27.02.2018 نچارج CKC پشاور کو بھجوا گیا۔ اور مورخہ 18.12.2017 تا مورخہ 21.12.2017 تک CDR طلب کیا گیا۔ جو کہ CKC پشاور سے موصول ہوا۔ مذکورہ کنسٹیبل کے CDR کے ملاحظہ سے معلوم ہوا کہ مذکورہ کنسٹیبل ابراہیم نمبر 2590 کا کنسٹیبل داؤد نمبر 3148 کے موبائل نمبر (0315.9398124) اور مسمی راج ولی ولد فقیر حسین سکنہ خزانہ پایاں پشاور کے ساتھ اس کے موبائل نمبر (03169622699) پر گرفتاری کی تاریخ مورخہ 21.12.2017 سے قبل مورخہ 19.12.2017 اور مورخہ 20.12.2017 پر رابطے ہوئے ہیں۔ جس سے یہ بات ثابت ہوتی ہے کہ ملزم راج ولی ولد فقیر حسین کو ہر دو کنسٹیبلان ابراہیم اور داؤد مقدمہ درج بالا میں ایک ساتھ گرفتار ہونے سے پہلے سے جانتے تھے۔ اور ان کا آپس میں تعلق تھا۔ اسی سلسلہ میں کنسٹیبل ابراہیم نمبر 2590 کو دفتر ہذا طلب کر کے پوچھ گچھ کی گئی اور اس کے اس سوالات کئے گئے۔ کہ اس سوالات اور کنسٹیبل ابراہیم نمبر 2590 کی طرف سے دیئے گئے جوابات کی تفصیل ذیل ہے۔

س نمبر 1:- کیا آپ راج ولی ولد فقیر حسین سکنہ خزانہ پایاں پشاور جو کہ آپ کے ساتھ تختہ بیگ چیک پوسٹ پر منشیات کے کیس میں گرفتار ہوا تھا کو جانتے ہیں؟

ج نمبر 1:- گرفتاری کے بعد راج ولی سے جان پہچان ہوئی۔ اس سے قبل میں اس کو نہیں جانتا تھا۔ (نشان انگشت)

- س نمبر 2:- کب سے راج ولی ولد فقیر حسین سکھ خزانہ پایان کے ساتھ تعلق ہے؟
 ج نمبر 2:- اس کے ساتھ کوئی تعلق نہیں ہے۔ (نشان انگشت)
 س نمبر 3:- آپ کے زیر استعمال کون کون سے موبائل نمبرات ہیں؟
 ج نمبر 3:- میرے زیر استعمال ذیل نمبرات ہیں۔ (1) 03005711140 (نشان انگشت)۔ (2)
 03319234330

(نشان انگشت)۔ (3) 03379714943 (نشان انگشت)۔ (4) 03459358320 (نشان انگشت)۔
 (5) 03152158352 (نشان انگشت)۔

- س نمبر 4:- کیا راج ولی کے ساتھ آپ کا موبائل کے ذریعے کبھی رابطہ ہوا ہے؟
 ج نمبر 4:- راج ولی کے والد کے ساتھ رہائی کے بعد ایک بار رابطہ ہوا ہے۔ (نشان انگشت)
 س نمبر 5:- راج ولی کے زیر استعمال موبائل نمبر کیا ہے؟
 ج نمبر 5:- (1) 03169622699 راج ولی۔ (2) 03485747578 والد۔ ہر دو نمبرات کیساتھ نشان انگشت
 س نمبر 6:- آپ خیر آجکسی کے علاقہ میں کس مقصد کے لئے گئے تھے؟ جب آپ وہاں گرفتار ہو گئے؟
 ج نمبر 6:- جنرل خریدنے کے لئے گئے تھے جو کہ وہاں بات نہ بن سکی (نشان انگشت)
 س نمبر 7:- اگر آپ کی تمام باتیں جھوٹی ثابت ہوئیں تو اس بارے میں آپ کیا کہیں گے؟
 ج نمبر 7:- میں اور کنسٹیبل داؤد نمبر 3148 گرفتار ہونے سے پہلے سے مسی راج ولی کو جانتے تھے۔ لیکن بدنامی کے ڈر سے
 منکر ہوئے۔ (نشان انگشت)

- س نمبر 8:- آپ اور کنسٹیبل داؤد نمبر 3148 مسی راج ولی کو کس طرح جانتے ہیں؟
 ج نمبر 8:- میں اور کنسٹیبل داؤد نمبر 3148 مکہ ٹاور نوڈ گورنمنٹ کالج پشاور ایک کمرہ میں رہائش پذیر ہیں۔ اور مسی راج
 ولی مذکورہ

اس مکہ ٹاور میں صفائی کا کام کرتا تھا اسی وجہ سے اس کو جانتے تھے۔ (نشان انگشت)

- س نمبر 9:- مسی راج ولی کے متعلق آپ اور کیا جانتے ہیں؟
 ج نمبر 9:- وہ ایک خواجہ سرا ہے۔ لیکن صفائی کا کام کرتا تھا۔ اور کبھی کبھی خواجہ سراؤں کے پلازہ یعنی اقبال پلازہ جایا کرتا
 تھا۔

(نشان انگشت)

جناب عالی!

کنشیل ابراہیم نمبر 2590 مقدمہ درج بالا میں پولیٹیکل ایجنٹ جج خیر ایجنسی پشاور کے حکم پر سنٹرل جیل پشاور سے بد میں وجہ بری کیا گیا، کیونکہ مسی راج ولی ولد فقیر حسین سکنہ خوانہ پایان پشاور نے اقرار جرم کر لیا تھا۔ اور کنشیل ابراہیم نمبر 2590، و کنشیل داؤد نمبر 3148 اور ڈرائیور محمد ریاض (ہیڈ کنشیل کرائم برانچ پشاور) سے لا تعلقی کا اظہار کیا تھا۔ اب چونکہ CDR ہمراہ لف فلیگ A کی رو سے اور کنشیل ابراہیم نمبر 2590 کے جوابات ہمراہ لف فلیگ B سے یہ بات ثابت ہو چکی ہے کہ کنشیل ابراہیم نمبر 2590، و کنشیل داؤد نمبر 3148 ملوم راج ولی مذکورہ کو وقوعہ سے کئی عرصہ قبل سے جانتے تھے۔ اور ان کا آپس میں تعلق تھا۔ مذکورہ کنشیل گرفتاری سے قبل مورخہ 20.12.2017 سے اپنی ڈیوٹی سے غیر حاضر تھا۔ مذکورہ کنشیل اپنی سرکاری ڈیوٹی چھوڑ کر خیر ایجنسی

علاقہ جرم و گیا تھا۔ اور دوران غیر حاضری مورخہ 21.12.2017 کو جرم درج بالا میں تحت بیگ چیک پوسٹ پر لیونے ایک کلو گرام ہیرون برآمد ہونے پر دیگر کسان کنشیل داؤد نمبر 3148 و ڈرائیور محمد ریاض (ہیڈ کنشیل کرائم برانچ پشاور) اور مسی راج ولی ولد فقیر حسین سکنہ خوانہ پایان کے ہمراہ ایک ہی دن، ایک ہی وقت، ایک ہی جگہ ایک ہی گاڑی آلو سے گرفتار کیا۔ جس سے صاف ظاہر ہے کہ کنشیل ابراہیم نمبر 2590، کنشیل داؤد نمبر 3148 اور راج ولی ولد فقیر حسین (جس نے اقرار جرم کیا) سب کی نیت اور غرض مشترک تھی۔ اور ہر جگہ پر انہوں نے راج ولی سے لا تعلقی ظاہر کر کے اپنے آپ کو بچانے کی کوشش کی ہے۔ نیز مذکورہ کنشیل نے چارج شیٹ کے جواب میں بتلایا ہیکہ کہ وہ جم بازار میں کچھ سامان خریدنے گئے تھے جبکہ دوران گرفتاری لیویز فورس کو بیان دیتے ہوئے بتلایا ہیکہ کہ وہ وہ باب خیر کی سیر کے لئے گئے تھے نقل بیان ہمراہ لف ہے۔ نیز دوران انکوٹری کر اس سوالات کے دوران مذکورہ نے بتلایا کہ وہ جرم بازار میں جنریٹر خریدنے کے لئے گئے تھے۔ جس سے مذکورہ کنشیل کے بیانات میں تضاد اور جھوٹ ثابت ہوتا ہے۔ یہ کنشیلان جرم درج بالا میں ملوث ہو کر محکمہ پولیس کی بدنامی کا باعث بنے۔ ایسے ملازمین کا محکمہ پولیس میں رہنا دیگر ملازمین پر بہت بُرے اثرات مرتب کر سکتا ہے۔

نیز اسی جرم میں استعمال ہونے والی گاڑی آلو کے ڈرائیور محمد ریاض (ہیڈ کنشیل کرائم برانچ پشاور) کے ساتھ کنشیل ابراہیم نے رہائی کے بعد مورخہ 13.03.2018 تا مورخہ 21.03.2018 کے دوران اپنے نمبر 03379715943 سے ہیڈ کنشیل محمد ریاض متعینہ کرائم برانچ پشاور کے ساتھ اس کے موبائل نمبر 03077126426 پر (6) بار رابطہ کیا ہے۔ لہذا ہو سکتا ہے کہ گرفتاری سے قبل بھی ان کا آپس میں رابطہ ہو۔ CDR ہمراہ لف فلیگ C ہے۔

کنشیل ابراہیم نمبر 2590 کی غیر حاضری کے متعلق علیحدہ سے انکوٹری شروع ہے۔ لہذا اس انکوٹری میں مذکورہ کنشیل کو سٹین سزا دینے کی سفارش کی جاتی ہے۔

ORDER

10/11/18

This order will dispose of the departmental appeal preferred by Ex-constable Ibrahim Gul No. 2590 of FRP Peshawar Range against the order of dismissal from service passed by SP FRP Peshawar Range, Peshawar vide Order Endst: No. 183-87/PA, dated 06.04.2018. The applicant was proceeded against on the allegations that he absented himself from law full duty with effect from 19.12.2017 to 26.03.2018 for total period of (97) days, without any leave/permission of the Competent Authority.

Proper departmental enquiry was initiated against him. He was issued Charge Sheet alongwith Summary of Allegations and RI Mushtaq Shah of FRP Peshawar Range was nominated as Enquiry Officer to conduct proper enquiry against him. The Charge Sheet served upon him, to which he replied, but his reply was found unsatisfactory by the Enquiry Officer. After completion of enquiry the Enquiry Officer submitted his findings.

In the meanwhile reportedly the delinquent constable alongwith other constable Daud No. 3148 of FRP Peshawar Range, have been arrested by the Levis/Khasadar at Takht Baig Check Post on 21.12.2017, being involved in the smuggling of Narcotics (Heroin) and wherein One Kg heroin was recovered form their possession. Afterward the accused constable was suspended vide order No. 11-13/PA, dated 03.01.2018 and closed to FRP Police Line Peshawar.

On the allegations of above a separate Charge Sheet alongwith Summary of Allegations was issued and an Enquiry Committee comprising of DSP/Noor Zamin Shah of FRP/HQrs: & Inspector/Asad Yousaf of FRP Peshawar Range was constituted vide office order No. 18/PA, dated 03.01.2018. The Charge Sheet Served upon him to which he replied.

After conducting proper departmental enquiry the Enquiry Committee submitted their findings, wherein they reported that on 21.12.2017, on tip of information the Khasadar party of Takht Baig Check Post was stopped an Alto Motor car bearing No. LRG-7830, which was on its way form Jamrud towards Peshawar for checking purpose. The said Motor Car was drive by one Muhammd Raiz S/O Shareef Khan while Raj Wali S/O Faqeer Hussain alongwith the accused constables Ibrahim No. 2590 and Daud No. 3148, of FRP Peshawar Range were also found ride in Motor Car. During the search 01 KG heroin was recovered from their possession and the Levis Authority arrested them form the spot for investigation purposes. During the custody the accused constables denied regarding to relation with accused Raj Wali who confessed the offence, therefore, the accused constables alongwith said driver Muhammad Riaz were equated from the criminal case by the Court of Political Agent/Session Judge, Khyber Agency, while accused Raj Wali was found guilty under section 9(c) CNSA, 1997, hence, convicted and sentenced for the period already undergone to suffer imprisonment with fine of Rs. 20,000/- or in default of payment of fine further to undergo 02 months suffer imprisonment.

During the course of departmental Enquiry CDR report of the accused constables were procured, which shows that the accused constables were developed links with the accused/offender Raj Wali as they contacted so many times i.e on 19.12.2017 and 20.12.2017, before the involvement in the above criminal case. The CDR report proved their closed relations with each others for the purpose of the smuggling of Narcotics (Heroin). However, the accused constables denied form relations with accused Raj Wali in their Statements. According to CDR report there is clear contradiction has been found in their statements. After going through the available record the Enquiry Committee has been found the accused constable Ibrahim No. 2590 guilty of the charges leveled against him. He being a member of ideal Police force involved in a moral turpitude nature offence vis-a vis developed links with the drug mafia. Therefore, the Enquiry Committee recommended him for major punishment.

After receiving the findings of Enquiry Committee he was issued/served with Final Show Cause Notice vide office No. 152/PA, dated 29.03.2018 to which he replied but his reply was found unsatisfactory. He was called for personal hearing in orderly room, but did not satisfy the Competent Authority.

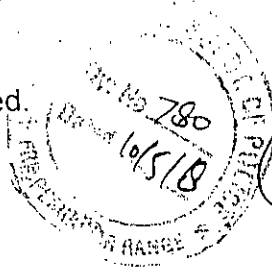
Upon the findings of Enquiry Committee and other relevant material available on record, he was awarded major punishment of dismissal from service vide Order Endst. No. 183-87/PA, dated 06.04.2018.

Feeling aggrieved against the impugned order of SP FRP Peshawar Range, Peshawar, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 08.05.2018. During the course of personal hearing he could not present any cogent justification for his innocence.

Keeping in view the facts mentioned above the applicant has been found to be an irresponsible person, disregarded of discipline of the force. From perusal of the enquiry file and the service record of the applicant, it is abundantly clear that the delinquent official has been found involved in a criminal case with the intent of moral turpitude. Such conduct on the part of a police officer is bound to tarnish the image of the entire force.

Based on the findings narrated above, I, Capt (R) Tahir Ayub Khan PSP Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being meritless.

Order Announced.



[Signature]
Commandant

Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

10/5 No 1434/55 IEC, dated Peshawar the 10/05/2018.

Copy of above is forwarded for information and necessary action to the:-

1. SP FRP Peshawar Range, Peshawar. His service record alongwith D file sent herewith.
2. Ex- constalbe Ibrahim Gul No. 2590 S/O Gul Rauf Khan, Village Perano Daag, Police Station Takht Bahi, District Mardan.

SDe
For record
[Signature]
SP/FRP/PZ
10/5