Sr.	Date of	Order or other proceedings with signature of Judge or Magistrate
No	order/	
	proceeding	
1	2	3
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	·	
		BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
	·	Appeal No. 877/2018
		Date of Institution 28.06.2018
	\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.\.	Date of Decision 02.04.2019
		Anam Sattar EX Constable No. 1647, District Police Officer Bannu.
	·	Appellant
-	• .	1. Regional Police Officer, Bannu, Region Bannu.
		2. District Police Officer, Bannu.
		3. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
	-	Respondents
	·	Mr. Hamid Farooq DurraniChairman
		Mr. Hussain ShahMember
	02.04.2019	JUDGMENT
	AX A	HUSSAIN SHAH, MEMBER (E): - Learned counsel for the
į	MV	appellant and Mr. Muhammad Jan learned Deputy District Attorney
		for the respondents present.
		2. During the previous round of litigation vide Service Appeal
		No. 975/2015 this Tribunal reinstated the appellant in service for
		the purpose of De-novo inquiry vide judgment dated 26.01.2018.
		Pursuant to the said judgment the responding department instituted
		De-novo proceeding vide charge sheet which was replied by the
		appellant. An inquiry was conducted wherein the charges leveled
		against the appellant were proved and the inquiry officer
		recommended the major punishment to the competent authority.
,		Respondent No.2 issued final show cause notice on 05.04.2018.
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which was replied by the appellant on 11.04.2018 relying upon his reply to the charge sheet. The respondent No. 2 (The Competent Authority) awarded the major punishment of "Dismissal from Service" vide OB No.385 dated 13.04.2018 through a speaking order. The period of service from the date of his reinstatement till the finalization of de-novo departmental inquiry i.e. from 20.02.2018 to 12.04.2018 was treated as duty with pay. Being aggrieved by the said order of respondent No.2 the appellant submitted departmental appeal to respondent No.1 on 09.05.2018 which was rejected vide another speaking order of the respondent No.1 vide order No. 01.05.2011/EC, dated 30.05.2018 hence he preferred the instant service appeal on 28.06.2018.

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3. As per record on file the appellant was checked by the local police of PS Bili Tang District Kohat on 16.03.2015 and recovered 9 pistols (3 Pistol of 9 MM and 6 pistol of 30 bore) from the possession of the appellant on Highway near Toll Plaza Kohat and a proper case vide FIR No.90 dated 16.03.2015 under Section 15 AA/2013 Khyber Pakhtunkhwa was registered against him. In the Criminal proceeding against the appellant the judicial Magistrate-I Kohat accepted the petition of the accused due to non attendance of prosecution witnesses and inspite of so many notices and special diaries showing their disinterest in the case. However during the second round of departmental proceeding the inquiry officer has noted that the judgment in the criminal proceeding were not on merit but due to non attendance of witnesses. He has further noted

that admittedly the raiding police party were neither known to the appellant nor any one of them had any enmity with the appellant. The inquiry officer also confirmed from the office of DC Bannu that the appellant had 4 armed licenses in his name. He further confirmed that the appellant had neither any enmity nor he could not justify carrying of 4 licenses and 9 pistols. The appellant was given full opportunity to cross examine the witnesses and he was given personal hearing at each stage of the proceeding.

HELLEY

4. The learned counsel for the appellant contended that the denovo proceeding were not according to the prescribed procedure. The impugned order are in total disregard of the judgment of the service tribunal. He further contended that the service Tribunal ordered the de-novo inquiry only to the extent of the back benefits and nothing else. He further argued that during the second round of departmental proceeding the appellant was not given opportunity of cross examination. More over the learned counsel for the appellant also referred to the decision of court of law wherein the appellant was acquitted of the charges. The learned counsel for the appellant relied upon the Judgment of Hon'ble Supreme Court 1998 SCMR 1993 wherein the Hon'ble Supreme Court entitled a Civil Servant for grant of arrear of his pay and allowance in respect of the period he remained under suspension on the basis of murder case against him and due to the acquittal of civil servant from the criminal case. In the same judgment and 2001 SCMR 269, it has also been established that all acquittals are "Hon'ble" and there can be no

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acquittal which may be said to be "Dishon'ble", 2003 SCMR 207 through this judgment a Civil Servant was exonerated by the complainant in the criminal case, the department constituted fact finding inquiry committee which could not associate the Civil Servant to take part in the investigation. The Hon'ble Supreme Court upheld the decision of the Service Tribunal to accept the appeal of a Civil Servant against his dismissal from service. PLD 2010 Supreme Court 695 in this reported judgment the Hon'ble Supreme Court stated that acquittal could also be recorded under Section 249-A, Cr.P.C, when charge against the accused person was found to be ground less or their appeared to be no probability of his being convicted of any offense hence the appeal may be accepted.

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5. The learned DDA contested the fact, grounds, and argument of the learned counsel for the appellant and argued that the de-novo proceeding were conducted by the respondent department under the direction of Service Tribunal judgment dated 26.01.2018 according to the prescribed procedure and law. A charge sheet was issued which was replied by the appellant and an inquiry proceeding were held wherein he was provided opportunity of self defense. He further contended that the impugned orders were legal and according to the law and self explanatory. The appellant has been treated in accordance with the law and no injustice, illegality or any discriminatory treatment has been done to him. A regular inquiry was conducted by SP investigation wherein the inquiry officer

conducted the proceeding in a professional manner and observing all the codal formalities. He further argued that carrying 4 licenses in his name has no other explanation except being used for the purpose of smuggling the pistols. The learned DDA also relied upon the judgment of Hon'ble Supreme Court Civil Petition No. 4442-4443 of 2017, in this judgment the Hon'ble Supreme Court upheld the judgment of the tribunal and has established that the outcome of criminal proceeding does not bind the outcome of the disciplinary proceeding. 2001 SCMR 2018, in this judgment the Hon'ble Supreme Court has again established the same principle that conclusion drawn by the criminal court would have no bearing on the departmental proceeding as the latter had to be decided independently. The service Tribunal has based its judgment on the above mentioned judgment of the Hon'ble Supreme Court vide deciding appeal No 776/2014 and its judgment dated 10.10.2017. 2005 SCMR 948, in this judgment the Hon'ble Supreme Court established the principle that the departmental and criminal proceedings could be taken simultaneously and independent of each other. Moreover the appellant failed to give any plausible rational for carrying out 4 licenses and 9 pistols hence the appeal may be dismissed with costs.

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- 6. Arguments heard. File perused
- 7. This tribunal examined the record on file and the arguments and counter arguments of both the parties alongwith the judgment refer to by both the parties. The learned counsel for the appellant

could not justify carrying 4 licenses and 9 pistols by the appellant. During the de-novo inquiry proceeding the appellant failed to justify the same fact despite he was given full opportunity of cross examining the witnesses. Moreover in his reply to the Show Cause notice he just relied upon his written statement in reply to the charge sheet which is tantamount that he has no grounds to show that he is innocent hence this tribunal is constrained to dismiss the appeal accordingly. Parties are left to bear their own costs. File be consigned to the record room.

(HAMID FAROOQ DURRANI) CHAIRMAN (HUSSAIN SHAH) MEMBER

ANNOUNCED 02.04.2019

18.02.2019 Appellant in person and Mr. Riaz Paindakheil learned Asstt; Advocate General alongwith Mr. Yaqoob Khan H.C for the respondents present. The hearing of appeal in hand could not be concluded in the remaining time. Adjourned to

04.04.2019 before D.B.

Member

Chairman

02.04.2019 Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Vide separate judgment of today of this tribunal placed on file, the present service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

> (Hamid Faroog Durrani) Chairman

(Hussain Shah) Member

ANNOUNCED. 02.04.2019

Mr. Fazal Shah-Mohmand, Advocate counsel for the appellant present. Mr. Asghar Ali, H. Calongwith Mr. Kabirullah Khattak, Addl. AG for respondents present Written reply not submitted. Representative of the respondents made a request for adjournment. Granted Case to come up for written reply/comments on 06.11.2018 before S.B.

Chairman

06.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 24.12.2018. Written reply received on behalf of respondents by Mr. Asghar Ali H.C and placed on file.

READER

24.12.2018

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file, and seeks adjournment. Adjourned. To come for arguments on 18.02.2019 before D.B.

Member

Member

Form- A FORM OF ORDER SHEET

Court of		e min
Case No	877 /2018	

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/07/2018	The appeal of Mr. Anam Sattar resubmitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.
2-	31/7/2018	REGISTRAR This case is entrusted to S. Bench for preliminary hearing to be put up there on 31 /7 /2018.
,		CHAIRMAN
	Security Process Fee	Mr. Fazal Shah Mohmand, Advocate counsel for the appellant present and heard in limine. Contends that major punishment of dismissal from service has been imposed on the appellant but without observance of the requisite formalities. Points raised need consideration. The appeal is admitted to full hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 11.09.2018 before S.B. Campoon Chairman

The appeal of Mr. Annam Sattar Ex-Constable No. 1647 Distt. Police Bannu received today i.e. on 28.06.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of judgment of this Tribunal mentioned in para-1 of the memo of appeal (Annexure-A) is not attached with the appeal which may be placed on it.
- 2- Copy of reply to the show cause notice mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Affidavit may be got attested by the Oath Commissioner.
- 4- Annexures of the appeal may be attested.
- 5- Annexures of the appeal may be flagged.
- 6- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1305 /S.T.

Dt. 286 /2018.

SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Fazal Shah Mohmand Adv. Pesh.

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S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-4
2.	Copy of Judgment dated 26-01-2018	Α	5-7
3.	Copy of Order Order dated 20-02-2018	В	8 -
4	Copy of Charge Sheet, Reply & Inquiry Findings	C, D & E	9-13
5.	Copy of Final Show Cause Notice & Reply	F&G	14-14-0
6.	Copy of Order dated13-04-2018	Н	15
7.	Copy of Departmental appeal & Order dated 03-05-2018	1 & J	16-18
8.	Copy of Judgment dated 21-03-2016	K	19-20
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Dated-:28-06-2018.

Through

Fazal Shah_Mohmand

Appellant

Advocate, Peshawar

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

Email:- fazalshahmohmand@gmail.com

BEFORE THE

SERVICE TRIBUNAL

PESHAWAR

Service Appeal No 877 /2018

Anam Sattar Ex Constable No 1647, District Police Bannu.

Khyber Pukhtukhwa
Survive Tribunal

Diary No. 1091

Daice 28-6-2018

.....Appellant

KPK

VERSUS

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

.....Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 30-05-2018 PASSED BY
RESPONDENT NO 1 WHERE BY DEPARTMENTAL APPEAL
OF THE APPELLANT FILED AGAINST THE ORDER DATED 1304-2018 OF REPSONDENT NO 2 HAS BEEN REJECTED.

PRAYER:-

istran"

On acceptance of this appeal the impugned order dated 30-05-2018 of respondent No 1 and Order dated 13-04-2018 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all Fledto-dayback benefits.

Respectfully Submitted:-

1. That earlier the appellant was dismissed from service by respondent No 2 against which he availed departmental remedy and then filed service Appeal No 975/2015 which was accepted vide Order and Judgment dated 26-01-2018 with direction to the respondents to reinstate the appellant in service however the issue of back benefits was subjected to the final outcome of denovo inquiry. (Copy of Judgment dated 26-01-2018 is enclosed as Annexure A).

- 2. That accordingly the appellant was reinstated in service vide Order dated 20-02-2018 and illegal denovo proceedings were initiated against him. (Copy of Order dated 20-02-2018 is enclosed as Annexure B).
- 3. That charge sheet was issued to the appellant which was duly replied by the appellant explaining the true position and refuting the allegations, thereafter an illegal inquiry was conducted wherein the appellant was not provided reasonable opportunity to defend himself. (Copy of Charge Sheet, Reply & Inquiry findings is enclosed as Annexure C, D & E).
- 4. That Final Show Cause Notice was issued to the appellant which he also replied. (Copy of Final Show Cause Notice & Reply is enclosed as Annexure F & G).
- 5. That the appellant was again awarded the punishment of dismissal from service by respondent No 1 vide Order dated 13-04-2018 (Copy of Order dated 13-04-2018 is enclosed as Annexure H).
- 6. That the appellant preferred departmental appeal before respondent No 1 on 09-05-2018 which was rejected vide Order dated 30-05-2018 (Copy of appeal and order dated 30-05-2018 is enclosed as Annexure I & J).
- 7. That the impugned Order dated 30-05-2018 of respondent No 1 and Order dated 13-04-3018 of respondent No 2 is against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUNDS:-

A. That the impugned orders are illegal and void ab initio.

- **B.** That the appellant has not been treated according to law and rules and respondents have badly violated the procedure set forth by the law and rules.
- C. That the impugned orders are in total disregard of the Judgment of this honorable Court as denovo inquiry was ordered to the extent of the back benefits and respondents were never authorized to dismiss the appellant again.
- **D.** That no proper inquiry was conducted in the matter to have found out the true facts, the appellant was not given opportunity of cross examination and circumstances and even nothing adverse has been collected against the appellant.
- E. That even otherwise the appellant has been acquitted of the charges by the court of law and as such he cannot be punished on this ground again. (Copy of Order/Judgment dated 21-03-2016 is enclosed as Annexure K).
- F. That the appellant was not afforded opportunity of personal hearing nor ever it was tried to find out the true facts and circumstances, the impugned orders are as such liable to be struck down.
- **G.** That the appellant did nothing that would amount to misconduct and he has been awarded major penalty in violation of law, rules and dictums of the superior Courts.
- H. That the appellant is jobless since his illegal dismissal from service.

I. That the appellant seeks the permission of this honorable Tribunal for additional grounds at the time of arguments

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

Any other relief not specifically asked for and deemed appropriate in the circumstances of the case may also be granted in favor of the appellant.

Appellant

Dated-:28-05-2018

Through

Fazal Shah Mohmand

Advocate, Peshawar.

AFFIDAVIT

I, Anam Sattar Ex Constable No 1647, District Police Bannu, District Police Mardan, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by

Fazal Shah Mohmand

Advocate Peshawar.

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Service Appeal No. 975/2015

Date of Institution...

21.08.2015

Date of decision...

26.01.2018



Anam Sattar son of Abdul Sattar Ex-Constable No. 1647, District Police Bannu. (Appellant)

Versus

1. Regional Police Officer Bannu Region, Banuu and two others.

(Respondents)

Mr. Fazal Shah, Advocate.

For appellant.

Mr. Muhammad Jan, Deputy District Attorney

For respondents.

MR. NIAZ MUHAMMAD KHAN,

CHAIRMAN

MR. GUL ZEB KHAN,

MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: -

Arguments of

Peshawar

learned counsel for the parties heard and record perused.

FACTS

2. The appellant was removed from service on 19.06.2015, against which he filed departmental appeal (undated) which was rejected on 05.08.2015. Thereafter, he filed the present service appeal on 21.08.2015.

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant was carrying four licenses of arms. That the police showed recovery of nine arms from the



appellant. That the recovery of other five arms was not proved against the appellant. That the appellant was not involved in any smuggling. That the findings of the enquiry report had no value because no right of cross examination was afforded to the appellant. That the appellant was acquitted by the court of law on 21.3 2016. That the appellant was not given final show cause notice nor any copy of enquiry report was given to the appellant.

4. On the other hand the learned Deputy District Attorney argued that the appellant was involved in smuggling. That the appellant failed to show that how he managed to get four licenses issued in his name. That the circumstances suggested that the appellant was involved in smuggling and that under the garb of these licenses, the appellant used to smuggle unlicensed arms.

CONCLUSION

5. The appellant today produced four original licenses before the court. This fact had also been admitted by the enquiry officer that the appellant was having licenses of four pistols. The remaining five pistols were unlicensed. The enquiry officer was bound to have given the opportunity of cross-examining the witnesses but there is no such record showing that the appellant was given the right of cross examination. There is also no record that any final show cause notice was issued to the appellant or copy of the enquiry report was given to the appellant before the removal order. This Tribunal in a number of appeals has decided that even under the Khyber Pakhtunkhwa Police Rules, 1975 such requirements are mandatory. One of such judgments is dated 23.11.2017 in service appeal No. 1014/2012 entitled "Saqib Gul Vs. DPO Mansehra and others".

As a sequel to the above discussion, the present appeal is accepted and the department is directed to hold denovo proceedings in accordance with law within a

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period of ninety days from the date of receipt of this judgment, failing which the appellant shall be reinstated in service. The issue of back benefits shall be subject to the final outcome of denovo enquiry and rules on the subject. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED Certified Charter copy

Kharanakhwa
Peshawar

Solvice Wibunal,

Peshawar

Date of Presentation of Application

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Date of Completion of Copy

Date of Delivery of Copy

ORDER:

In compliance with the order of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated 26.01.2018 in the Service Appeal No.975/2015 received from Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar vide letter No.296/ST, dated 08.02.2018, Ex-Constable Anam Sattar No. 1648, is hereby provisionally re-instated into service purely for the purpose of Denovo departmental Enquiry proceedings. The issue of his back benefits shall be subject to the final outcome of the denovo enquiry.

OB No	193	
Dated:	20-2	/2018.

District Police Officer, Bannu.

No. $\frac{2}{3}$ 13-20/EC dated Bannu, the $\frac{2}{2}$ 0/2018.

Copy for information to:

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar.

2. P.I Legal, Reader, Pay officer, SRC, OHC & Line Officer Bannu, for information and necessary action.

District Police Officer,
Bannu.

ATTESTED

CHARGE SHEET:

I, SADIQ HUSSAIN, District Police Officer, Bannu, as competent authority, hereby charge you Constable Annam Sattar No. 1648 for the purpose of denovo departmental enquiry proceedings as follows:-

- > That on dated 16.03.2015, the local police of PS Bili Tang District Kohat recovered 09 pistols (9MM=03 and 30 Bore=06) from the possession of you Constable Anam Sattar No. 1648 at Highway near old toll plaza Kohat and a proper case vide FIR No.90 dated 16.03.2015 U/S 15AA/2013 KPK PS Bili Tang was registered against you.
- > That your previous record is also tainted regarding such like activities. |
- > That you were dismissed from service on the above allegations vide this office OB No. 554, dated 19.06.2015.
- > That you filed an appeal before W/RPO, Bannu, which was rejected vide Regional Police office, Bannu Region, Bannu Order No. 1711/EC, dated 05.08.2015.
- > That In compliance with the order of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated 26.01.2018 in the Service Appeal No.975/2015 received from Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar vide letter No.296/ST, dated 08.02.2018, you were provisionally re-instated into service purely for the purpose of Denovo departmental Enquiry proceedings vide this office OB No. 1293, dated 20.02.2018.
- > Such act on your part is against service discipline and amounts to gross misconduct.
- By reason of the above you appear to be guilty of misconduct under the Police Rules 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification, No.27th of August 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules.
- You are therefore, directed to submit your defense within 07 days of the 2. receipt of this Charge Sheet to the enquiry officer.
- Your written defense, if any, should reach to the Enquiry Officer within 3. the specified period, failing which, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
- You are directed to intimate whether you desire to be heard in person. 4.

A statement of allegation is enclosed. 5.

(SADIQ HUS\$AIN)PSP District Police Officer, Bannu.

De novo eno

جنابعال

گزارش ہے کہ

- ا. کہ مور خد 2015-03-16 کو تھانہ بی ٹنگ پولیس کوہاٹ نے میرے قبضہ ہے 4 اسٹس دار پیمل بر آ مدیکے این لکھے پڑھ میں پانچ کا ہفنافہ کر ہے 9 پیمل کی بر آ مدگی کا پرچہ مقد مد تمبر 90مور خد 2015-16-15 جرم 15 AA تھانہ بلی ٹنگ درج رجسٹر کر کے بچھے کر فار کر کے چالان عدالت کیا۔
- 2 من دوران ساعت مقدمه کوئی پولیس آفیسر گواد پیش ندیوا اور بالاخر مجد کوعد الت نے بحکم مور ند 2016-03-21 روز دوران ساعت مقدمه کوئی پولیس آفیسر گواد پیش ندیوا اور بالاخر مجد کوعد الت نے بحکم مور ند 2016-03-21 راز دوند ۸ 249 ض ف بری کرویا فیصله کی کاپی بمراه لف
- 3 میری بریت کے خلاف پر اسکوش اور پولیس نے کوئی انتیل دائر نبیس کی ہے۔ اور نہ جی مقدمہ کی سمر سبزی کے لئے ور خواست وی ہے۔ چو تک مقدمہ جبوٹا تھا ہور کوئی پولیس آفیسر جنہوں نے لانے میرے قبضہ ہے برامدگی و کھائی عد الت میں چیش نہ ہوئے۔ جو اس بات کو بین ثبوت ہے کہ عد الت میں حلف اٹھا تا پڑتا ہے اور جبوٹے حلف اٹھا نے کی وجہ سے پولیس افسر ان غائب ہو گئے ہیں جو میرے ہے گنائی کا ثبوت ہے۔
- 4. میں نے Dismissal کے خلاف ڈی آئی جی بنوں کو ایک کی جو جاتی ہوئی۔ اکو ائری آفیسر اور مجاز اٹھارٹی نے مقدمہ کے الاحتجاز تو است کردیا۔
- جه میں نے سروس ٹر بیعیش خیبر پینتو نخوامیں اپیل دائر کی جومظور ہونی کہ بھم مورید **301-01-26 ججھ** کوسروس پر بحال کیا گیااور دوبارہ انگوائری کاارڈر ہواہے۔
- 6. اب جبکہ میں عدالت سے مقدمہ میں بری ہو چکا ہوں اور عدم ثبوت کی بناء پر رہا ہوا ہوں۔ اس لئے انساف کھے تقاضوں کو پورا کرتے ہوئے میرے خلاف جاری کردہ چاری شیٹ ڈاخل دفتر فرمایا جاوے میں ذاتی عرض ور معرفیض کے لیے پیش بھی ہونا چاہتا ہوں۔

آپکا تحت معلی المسال مستار 1647 کانشیل الغم ستار 1647 پولیس لائن یول

ATTECTED

كانشيبل انعم ستار 1647 متعينه يوليس لائن بنول

مخقر حالات: ـ بور خد 16.03.2015 كوملك جانان S-آياز حسين AS- تيزي المريد 16.03.2015 زیر تیادت محمد انصل خان SHO تھانہ بلی ٹنگ مزد پرانا ٹول بلاز ہ انڈس ہائی دیے گا فلانگ کوچ نمبر 4284/LES شاور کی جانب ہے آئی جس کو چیک کرنے کے برایک مشتشخص جس کی گود میں ایک بمگ برنگ کالا تھا بیٹھا پایا۔ جس کو نیچےاُ نارا جا میں بھیا۔ برایک مشتشخص جس کی گود میں ایک بمگ برنگ کالا تھا بیٹھا پایا۔ جس کو نیچےاُ نارا جا میں بھیا عد د پستول جن بیں سے نین عدد 9MM جبکہ 6 عدد 30 بور معدنٹ میگزین اورسیئیر میگزین برآید ، وَکُوْتُونِی مِ بلانمبر پایا گیا شخص متذکرہ نے دریافت پراپنانام محدالعم ستار ولد عبدالستار سکند سوکڑی ضابطہ خان سلع بنول بنگایا۔ بس کو بحر) 15AA/2013 KPK بين حسب ضابط گرفتار كرك تفتيش عمل بين لا كي گئ - بعد تفتيش ملزم 15AA كي جرم كا مرتكب ياكر جالان كلمل عدالت نجيجوايا كيا-

چونکہ ندکورہ بنوں بولیس میں بطور کانشیبل ڈیوٹی سرانجام دینے دہا تھااس لئے بحوالہ OB No.284 مود ند 18.03.2015 مجاريه DPO بنوں کو suspend کیا گیااور 19.03.2015 کو Charge Sheet -Summary of Allegation کے ظاہر ٹاہ فان :DSP Cantt ا کوائری آفیسر مقرر کیا گیا۔ بعد ا کوائری ظاہر شاہ خان DSP نے اپنی فاُئل رپورٹ DPO :وں کو پیش کی جس میں كانشيل بنم ستار 1647 كنابكاريايا كيا-

DPO بنوں نے آرڈرنمبر 554 مورند 19.06.2015 کوندکورہ کانٹیل کوسر کاری او کری ت Superintende at Of Police Investigation Sannu Remove from Service کیا۔ جس کی ایکل ہا، reject ہو کر سروٹی ٹر بیوٹل نے نہ کورہ کو بحال

کرکے Denovo Enquiry کا تھم کیا۔

انکوائزی بذا بخرض Denovo Enquiry جناب DiG/Inq: K.P.K من مجھے ارک کی۔

روران إِنَّوْارَيْ كَالِهَانِ قِيوم خان ASI كرك آياز حسين SI/SHO تَعَانه KDA كو باك سليم خان كانشيل نمبر 405 حال تفانه صدر - ملك جان SI حال الى كريش بينكو جيد خان LHC/385 نزرنفري متعينه آرى كينت بنوں - نتمت الله خان محرر - گل تياز خان LO - تحد افضل خان SHO حال نھانه شكر در ه اور ملز م كانشيبل إنعم ستار کے بیانات ریکار ڈکر کے حسب ضابطہ اور حسب ہدایت سروس ٹریبوٹل K. P. K ملزم انعم ستار کانشیسل کو جملہ گوا ہان پر جرح کا موقع فراہم کرکے بعد کراس ایگزا کن متذکرہ نے اپنا دستخط شبت کیا جس کی میں تصدیق کرتا ہوں۔ای طرح گوا ہان اورا کا دائری آئیسر نے بھی ملزم انعم ستار پر کراس ایگیزامن کر کے اپنے اپنے دستخط ثبت کئے ۔

دوران انکوائری ملزم اہم ستار نے لائسنس نمبر D C P 2 O P بنام خود تجاریہ D C بنوں مور نہ 9MM-18.12.2013 وينتل نبر 16.03.2015 14.03900/16.03

3. الكنس نمبر 493/P-493/P-48 مجارية DC بنول مورض 08.03.2013 يبتول 9MM بنول 30.03.2013 بنول 7636814A100475/16.03.2015 بنبر 7636814A100475/16.03.2015 بناول مورض 19 كالمناس منبر 30 كالمناس من كالمناس من كالمناس من كالمناس من كالمناس من كالمناس من كالمناس ك

4. نبر 113-14 ما 10 DC _ 143 P - 113 بول (Replace Copy) 9 MM (Replace Copy) منبر 113 T636814A05005/16.03.2015 بیش کئے۔

دوران انکوائری ملزم کانشیبل انعم ستار نے اپ آپ کو بے گناہ بتلا یا اور بیان کیا کہ وہ اس مقدمہ متذکرہ میں عدالت بری ہو چکا ہے۔

اس سلسلہ میں جب عدالت کے فیصلہ کا جائزہ لیا گیا تو فیصلہ A-249 کے تحت مقدمہ گواہان کی عدم حاضری کی وجہ ہے SP/Inv کیا گیا ہے۔ مقدمہ سرسز کیا جا سکتا ہے جس کی سرسزی کے سلسلہ میں: Stop

تمام گواہان اپنے اپنے مؤقف پر قائم ہیں ای طرح کانٹیبل انعم ستار بھی اپنے مؤفّف پر قائم ہے۔ دوران کراس ایگر آمینیشن ملزم انعم ستار نے بیان کیا کہ وہ نہ تو پہلے سے اس پولیس پارٹی کو جانتا تھا اور نہ ہی اس پولیس پارٹی کے کسی رکن کے ساتھ اس کی دشمنی یار بخش تھی جس کی بنیا دیراس کو انتقام کا نشانہ بنایا جاتا۔

1905 کی ہے جس کی رپورٹ نمبر 1905 DC آفس بنول سے کرائی گئی ہے جس کی رپورٹ نمبر 1905 میں 1905 میں 1905 مورٹ کمبر 1905 مورٹ کمبر 1905 مورٹ میں اسلیمان کے اسکون کی مطابق چارول السنس انعم ستار کے نام پر ہیں۔

کراس ایگزامن اورملزم انعم ستایراورگوامان کے بیانات کے بعد ذہن میں چند سوالات پیدا ہوتے ہیں۔

1. الغم ستار نے متذکرہ لائسنس 03.08.2009-03.03.2013-12.10.2013 12.2013 12.2013 اور 10.2013 12.2013 اور 10.2013 12.2013 اور 10.2013 اور 10

- 2. تقریبا6سال برا تین سال تک بیلائسنس بغیراطوخریداری کے اپنیاس کیوں رکھ؟
- 3 زاتی حفاظت کیلئے ایک بستول کانی ہونا ہے۔ زیادہ سے زیادہ دو۔ کہ ایک گھر میں پڑا ہواور ایک اپنے ساتھ پھرا تارہ بھران 4 لائسنسوں کی ضرورت کیوں آن پڑی؟
- 4. کوہاٹ پولیس ملک جان SHO اور افضل SHO کی اہم ستار کے ساتھ کیا دشنی تھی کہ تین کے بجائے 9 پستول اس کے خلاف لکھے؟
- 5. اگردشنی نہیں تھی تو اُلیا SHO یا پولیس والوں کے پاس اتنے پیسے ہیں کہ وہ اسلحہ خرید کرنا جائز طور پراوگوں کے

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ينجم لأهيل! ينجم الأهيل!

6. انعم ستار ملڑ م خور تسلیم کرنا ہے کہ اس کے پاس 4 پستول تھے یعنی وقوعہ کا ایک حصہ تسلیم کرنا ہے۔ان سوالات م جوابات اگر تلاش کئے جائیں توبیہ چیز سامنے آتی ہے۔

جب میں نے اس کے لائسنوں کا جائزہ لیا تو کا پی لائسنس کے کاغذات بیٹے کائی (PIN) بن کے نشانات پائے گئے۔ اس کے کاغذات کی سے اس کے کاغذات بیائے کے اس کا مطلب اور اندازہ میہ ہے کہ بیر کا پی ڈونعہ کھولی اور بندگ گئی۔ لیمن ان لائسنس کا 6 سے 3 سال تک بغیر خریداری صفحات تبدیل کر کے منطق ت لگا کر دوبارہ اُن پر نیااسلحہ خریدا گیا۔ اور ان لائسنس کا 6 سے 8 سال تک بغیر خریداری اسلحہ کا مطلب یہی نظر آتا ہے کہ ہر باراسلحہ خرید کر بیچا جائے اور پھر Blank صفحات لگا دیئے جا کیں۔ تا وقیکہ یہ اسلحہ سمگانگ کرتے بکڑا گیا۔ ذاتی حفاظت کیلئے ایک سے زیادہ لائسنس کا مقصد بھی اسلحہ کی سمگانگ ہے۔

پھر دوران کراس ایگزامن انعم ستارنے خود تسلیم کیا کہ کوہاٹ پولیس کے ساتھ ٹیڈواس کی پہلے سے واقفیت تھی اور نہان میں سے کسی کے ساتھ انگرواس کی پہلے سے واقفیت تھی اور نہان میں سے کسی کے ساتھ اس کی وشنی ہے تو ایس صورت میں پولیس اپن طرف سے recovery کیوں ڈالے گی۔ جبکہ دلیمی ساختہ پستول بھی کم از کم 8 سے 10 ہزار پر آتا ہے۔ایک SHO کی تخواہ 40 سے 50 ہزار ہے تو کیاوہ اپنے بچوں پر خرچ کرنے کے بچاہیے اسلی خرچ کرنے کے بچاہیے اسلی خرچ کیدر کو گول کے بیچھے لکھتار ہے۔ بیناممکن آئے۔

انعم ستار کے خلاف قبل ازیں مقدمہ نمبر 325/2012 جرم 419/420/489F PPC تھانہ کینٹ بنوں میں در ج ہو چکا ہے اور غیر حاضری کی بھی کافی رپورٹس ریکارڈ پر ہیں۔

الغم سنار نے عدالتی فیصلہ پیش کیا کہ وہ کو ہائ میں مقدمہ نمبر 90 مور ند 16.03.2015 جرم 15AA تھانہ بلی ٹنگ میں بری ہو چکا ہے۔ جبکہ فیصلہ A-249 کے تحت گواہان کے عدالت میں حاضر نہ ہونے کی وجہ سے ملزم کو بری کیا گیا۔ اس کا مطلب سے ہے کہ بلزم ہا عزت بری نہیں ہوا ہے۔

ملزم انعم ستار کو کمنل کرای ﷺ کا موقع دیا گیا ہے اور اس نے گواہان پرحسب قاعدہ کراس سوالات کئے۔

نیں قبل ازیں کی گئی انگوائری ہے مکمل طور پر شفق ہوں۔ ملزم اہم ستار نے چار السنس کا پی پر السنس کا پی پر السنس کا پی پر السنس کا پی پر اسلیم مناطقت کیلئے بینا نا نو 2009ء سے 2013ء تک السنس کا پی پر اسلیم مناطقت کیلئے بینا نا نو 2009ء سے 2013ء تک السنس کا کھوٹ میں دھول جھوٹکنا ہے۔ اسلیم خرید کراندراج کر نائے اس کا میدوئی غلط ثابت ہوا ہے۔ ان السنس کا مقصر قانون کی آئی کھوں میں دھول جھوٹکنا ہے۔ کی گئی انگوائری۔ گواہائی کے بیانات۔ کراس ایگزامن اور جملی ثبوت کی بناء پر ملزم انعم ستار گناہ گار پایا جا کر پہلے ہے دی

گنMajor Punishment بحال رکھنے کی سفارش کی جاتی ہے۔ م

(عبدائن خان) سسس سپرنننڈ شنآ ف پولیس، انوشی کیشن شلع بنوں۔

Superme... on Of Police Investigation Bannu SP WCM

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No. <u>/56/5/C</u> Dated: <u>05/4</u>/2018

FINAL SHOW CAUSE NOTICE:

I, SADIQ HUSSAIN, District Police officer, Bannu, as competent—authority, under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules (As amended vide Khyber Pakhtunkhwa gazette Notification No.27th of August 2014) for the following misconduct hereby serve upon you Constable Anam Sattar No. 1647 this final show cause notice.

- That on dated 16.03.2015, the local police of PS Bili Tang District Kohat were recovered 09 pistols (9MM=03 and 30 Bore=06) from your possession at Highway near old toll plaza Kohat and a proper case vide FIR No.90 dated 16.03.2015 U/S 15AA/2013 KPK PS Bili Tang was registered against you.
- > That your previous record is also tainted regarding such like activities.
- > That you were dismissed from service on the above allegations vide this office OB No. 554, dated 19.06.2015.
- That you filed an appeal before W/RPO, Bannu, which was rejected vide Order No. 1711/EC, dated 05.08.2015.
- That In compliance with the order of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated 26.01.2018 in the Service Appeal No.975/2015 received from Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar vide letter No.296/ST, dated 08.02.2018, you were provisionally re-instated into service purely for the purpose of Denovo departmental Enquiry proceedings vide this office OB No. 193, dated 20.02.2018.
- > Such act on your part is against service discipline and amounts to gross misconduct.

That consequent upon the completion of enquiry conducted through enquiry officer Mr. Abdul Hayee, SP Investigation, Bannu for which you were given opportunity of hearing and on going through the findings and recommendations of Enquiry officer, the material on record and other connected papers, I am satisfied that you have committed gross misconduct by proving allegations and you have committed the above commission and omission.

As a result, I, as competent authority have tentatively decided to impose upon you one or more punishments including dismissal as specified in the rules.

You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.

If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defence to put in and in that case an exparte action shall be taken against you.

The copy of the findings of the Enquiry Officer is enclosed.

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(SADIO HUSSAIN)PSP District Police Officer,

1 G" - 19/4 de les الر الر الله الله الله الله الموالم الم مورفر 18مه- 40-50 فقروش مالال کار فیرا ولی بهان یا . بو قبل از بل جارج شیط کے ساکھ دیا تھا ، جس اسمی مسم کی رد و پرل نبی کرنا ہے العارش مالی کالی کالی کالی سنار کر 1647 میں اس کار کر 1647

11 2018

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ORDER:

This order of the undersigned will dispose of the de-novo departmental proceeding, initiated against accused Constable Anam Sattar No.1647-625 in the light of Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated 26.01.2018 and Dy: Inspector General of Police, E&I Khyber Pakhtunkhwa, Peshawar letter No.453/E&I, dated 14.03.2018 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 on dated 16.03.2015, the local police of PS Bili Tang District Kohat recovered 09 pistols (9MM=03 and 30 Bore=06) from the possession of Constable Anam Sattar No. 1648 at Highway near old toll plaza Kohat and a proper case vide FIR No.90 dated 16.03.2015 U/S 15AA/2013 KPK PS Bili Tang was registered against him.
- That his previous record is also tainted regarding such like activities.
- That he was dismissed from service on the above allegations vide this office OB No. 554,
- > That he filed an appeal before W/RPO, Bannu, which was rejected vide Regional Police office, Bannu Region, Bannu Order No. 1711/EC, dated 05.08.2015.
- That In compliance with the order of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated 26.01.2018 in the Service Appeal No.275/2015 received from Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar vide letter No.296/ST, dated 08.02.2018, he was provisionally re-instated into service purely for the purpose of Denovo departmental Enquiry proceedings vide this office OB No. 1293, dated 20.02.2018.

Charge sheet and statement of allegation were issued to him. SP Investigation Bannu was appointed as Enquiry Officer vide Dy: Inspector General of Police, E&I Khyber Pakhtunkhwa, Peshawar letter No.453/E&I, dated 14.03.2018 to scrutinize the conduct of the accused official. The Enquiry Officer submitted finding report and reported that the accused Official is found guilty of the charge. Therefore, previous punishment of dismissal is recommended to be intact, placed on file.

Final Show Cause Notice was issued to the accused official. In response to the final show cause notice, the accused official submitted un-satisfactory reply, placed on file.

The Official heard in person on 11.04.2018. Record perused. In the light of de-novo departmental enquiry proceedings, recommendation of enquiry officer and the accused officer found guilty of the charges leveled against him. Hence, I, Sadiq Hussain, District Police Officer, Bannu in exercise of the power vested in me under Police Rule 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification No.27th of August 2014), he is hereby awarded Major punishment of "Dismissal from Service". The period of service from the date of re-instatement till the finalization of de-novo departmental enquiry i.e. from 20.02.2018 to 12.04.2018 is treated as duty with pay.

385

Dated: 13-4- /2018.

SRC dated Bannu, the/3/

(SYDIO HUSSY District Police Officer Bannu.

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

1. The Dy: Inspector General of Police, E&I Khyber Pakhtunkhwa, Peshawar w/r to his Office Memo: No.453/E&I, dated 14.03.2018.

Reader, Pay officer, SRC, OASI for compliance

Fauli Misal Clark along with

بخد مت جناب ریجنل پولیس آفیسر صاحب بنوں ریجن بنوں بر خلاف DPO آرڈر 2018-04-13 dated 385 مسکی رُو سے من سائل کو ملازمت ہے برخواست کیا گیا ہے۔

- 16 -

جناب عالى!

- 1. میں سائل 2010 میں بطور پولیس کانسٹیبل ضلع بنوں میں بھرتی ہوا۔ اور اپن نو کری با قاعدگی، دیانت داری اور محنت سے کرتے چلا آیا ہوں۔ میرے خلاف کوئی سز اعمل نامہ میں درج نہیں ہیں ریکارڈ بالکل صاف ہے۔
- 2 مور خد 2015-03-16 کو تھانہ بلی ننگ کوہا نے میرے قبضے سے چار عدد لائسنس دار پسٹل بر آمد کیے۔ لیکن لکھ پڑھ میں مزید پانچ کا اضافہ کر کے نو (9) پہل کی بر آمدگی کا پرچہ مقدمہ نمبر 90 مور خد 2015-03-15 جرم 15AA مقدمہ رجسٹر کر کے چلان عدالت کر کے جو بعد میں صانت پر رہا ہوا بو قت گر فناری میں رخصت پر تفا۔

 3 اس مقدے کی رجسٹریشن کی وجہ سے DPO صاحب بنول نے مجھے چارج شیٹ کیا ، اور با قاعدہ انکوائری ہونے کے بعد مجھے چارج شیٹ کیا ، اور با قاعدہ انکوائری ہونے کے بعد مجھے جارج شیٹ کیا ، اور با قاعدہ انکوائری ہونے کے بعد مجھے کی رجسٹریشن کی وجہ سے PPO ساحب بنول نے مجھے چارج شیٹ کیا ، اور با قاعدہ انکوائری ہونے کے بعد مجھے کی رجسٹریشن کی وجہ سے فیصلہ کی گیا۔ جو اس آرڈر کے خلاف میں نے سروس ٹر بیونل پشاور میں انتیل دائر کے اور سروس ٹر بیونل کا میں میں نے مروس ٹر بیونل کا میں موں ٹر بیونل کا فیصلہ کی کا لی ہمرالف ہے۔

 آرڈر صادی کیا سروس ٹر بیونل کا فیصلہ کی کا لی ہمرالف ہے۔
- 4. سروس ٹریبونل کے فیصلہ کی روشنی میں مجھے دوبارہ فریش چارج شیٹ کیا گیا، نسٹ چارج شیٹ کی کاپی مارک A ساتھ لف ہے۔
 - 5۔ میں نے الف چارج شیٹ کے جو اب میں اپناجو اب داخل کیا۔ جسکی کی کالی مارک 3 الف ہے۔
- الانوسٹیگیشن نے با قاعدہ انکوائری کی اور اس انکوائری کی بنیاد پر مجھے ۱۹۵۰ صاحب بنوں نے سروس سے دوبارہ برخاست کر دیا ہے۔ آڈر کائی اور SP انوسٹیگیشن کے انکوائری کی فائنل رپورٹ مارک ہمرالف ہے۔ اور کانی اور کا کائوائری کی فائنل رپورٹ مارک ہمرالف ہے۔ انوسٹیگیشن نے انکوائری لیکن اپنی انکوائری کے دوران کوہائے عدالت سے بری ہونے کے فیصلے کی کائی ڈسکس نہیں کی ہے ، جس میں پولیس آفسران پیش نہیں ہوئے ہیں ، اور اُن کے عدالت میں پیش نہ ہونے کی بڑی وجہ سے کہ انہوں نے مجھے پر جھوٹا مقدمہ بنایا تھا ، اور اسلنے عدالت نہ آئے۔ کیونکہ عدالت میں شہدات لینے سے پہلے خلف آٹھا نا



پڑتا ہے اور وہ جھوٹا حلف دینے کو تیار نہیں ہے۔اس لئے عد الت نے مجھے A-249 ض ف کے تحت بری کیے ہے۔

- 77- لیکن انگوائری آفسرنے اس فیصلے پر غور نہیں کیا۔

7. جبکہ سائل عد الت ہے بری ہو چکاہے تواس لئے برخاتگی کی سزادینا انصاف پر منبی نہیں ہے۔

اس کے استدعاہے کہ میں عدالت ہے بری ہو چکا ہوں اس لئے مجھے نو کری پر بحال کیا جائے۔ اور DPO مسا ۔ یا فیصلے کو کا احد م قرار دیا بیائے۔ یس نو د ذاتی مرض معروض کیلئے بھی پیش ، دیا بیا ہتا ہوں۔

آپ کاماتحت

ATTESTE

ORDER

+18-

BANNU REGION

My this order will dispose of departmental appeal, preferred by Ex-Constable Anum Sattar No.1647 of District Police Bannu, wherein, he has prayed for setting aside the order of major punishment of dismissal from service, imposed upon him by DPO Bannu vide OB No.385 dated 13.04.2018 after found him guilty of the following allegations:-

That on 16.03.2015, the local police of PS Bili Tang district Kohat had recovered three 9MM pistols and six 30 bore pistols from his possession at Highway near Old Toll Plaza Kohat and a proper case vide FIR No.9 dated 16.03.2015 u/s 15AA/2013 KP Police PS Bili Tang was registered against him.

His service record, inquiry papers and comments, received from DPO Bannu, were perused and it was found that the appellant was earlier proceeded departmentally on the said charges and awarded major punishment of removal from service vide OB No.554 dated 19.06.2015. His appeal was rejected by RPO Bannu in this regard but KP, Service Tribunal partially accepted his appeal vide judgment dated 26.01.2018 and thus the appellant was reinstated into service for the purpose of de novo inquiry proceedings and SP/Investigation Bannu was entrusted with the de novo proceedings who inquired into the allegations and submitted his findings, wherein, the appellant was found again guilty of the charges. The competent authority after providing him opportunity of showing cause as well as personal hearing, imposed major punishment of dismissal from service upon the appellant vide order dated 13.04.2018.

Aggrieved from the impugned order, the appellant submitted the instant appeal to the undersigned that was sent to DPO Bannu for comments as well as obtaining his service record. DPO Bannu, vide his letter No.5713/EC dated 15.05.2018, submitted para wise comments, wherein, the appeal of the appellant was properly defended on cogent grounds.

During the perusal of his service record, it was found that the appellant has served in Police force for about 08 years & 02 months and during this period, he has been awarded minor punishments of two times extra drill. Once he was proceeded departmentally on the charges of involvement in case vide FIR No.325 dated 29.06.2012 u/s 489/420/406PPC PS Cantt: but the then competent authority filed the departmental proceedings. He has already remained absent on 21 different occasions and his total 45 days absence to this effect has been converted into leave without pay. Inquiry file also depicts that he has been given every opportunity of defence but badly failed to rebut the charges.

The undersigned also provided him opportunity of personal hearing but he failed to substantiate his innocence. Keeping in view the above, I can safely infer from the above that the appellant is incorrigible and his appeal is devoid of merit. There is no need of interference in the impugned order. Therefore, I, Dar Ali Khan Khattak, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Rule, 11(4) (a) of Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) hereby reject his appeal and endorse the punishment awarded to him by DPO Bannu.

ORDER ANNOUNCED

行行後子 以各級語一場情不得 獨一人的作用學

(DAR ALI KHAN KHATTAK) PSP Regional Police Officer, Bannu Region, Bannu

No. 1511 /EC, dated Bannu the

30 / 5 /2018

Copy to the Bannu for information and n/action w/r to his office Memo: No. quoted above along with the service record containing the inquiry papers of the appellant for record in office which may be acknowledged. The appellant may be informed please.

SRC | OHSi

Par maction. will

S. Roll + P. mirsal.

ATTESTED

(DAR ALI KHAN KHAPTAK) PSP Regional Police Officer, Bannu Region, Bannu Order----- 21.03.2016

APP for the State present. Accused on bail along with counsel present. Arguments on application Under Section-249-A Cr.PC submitted by learned counsel for the accused/petitioner heard and file perused.

Brief facts of the case are that the local police recovered from the possession of accused / petitioner of 9MM Pistol Nos.J00475, AJ03900, AJ05005, Six 30 Bore Pistol Nos. 224268, 33007371, 33007395, 33007152, 33007505 and one without number. Thus the Murasila was drafted and the instant case was registered.

Complete challan was put in court on 27.10.2015 and the accused was summoned. Provision of Section-241/A Cr.PC was compiled with and case was fixed for framing of formal charge. The formal charge was framed on 22.12.2015 of accused, and charge denied by the accused and the case was fixed for evidence and since then no body appeared before the Court as PWs inspite of the fact that so many special diaries were issued against them. The prosecution has badly failed to produce evidence to prove its case against the accused facing trial.

The non-attendance of the PWs inspite of so many notices and special diaries shows their disinterest and they have nothing in their hands to bring against the accused facing trial, if they would have anything, they would have definitely put their appearances.

So, this Court has got no other alternate except to accept the petition in hand. Therefore, the present application Under Section-249-A Cr.PC submitted by the counsel for the accused/petitioner is accepted and the accused/petitioner is acquitted from the charges leveled against him Under Section-249-A Cr.PC. He is on bail, his bail bonds stand canceled and their sureties are absolved from the liabilities of bail bonds.

ATTISTED

7/13/16

7-4-16

Case property be returned if licensed one while unlicensed one be confiscated to state in accordance with law however, the same may be kept intact till the expiry of the laps of appeal/revision while case file be consigned to record room after its completion & police record be returned.

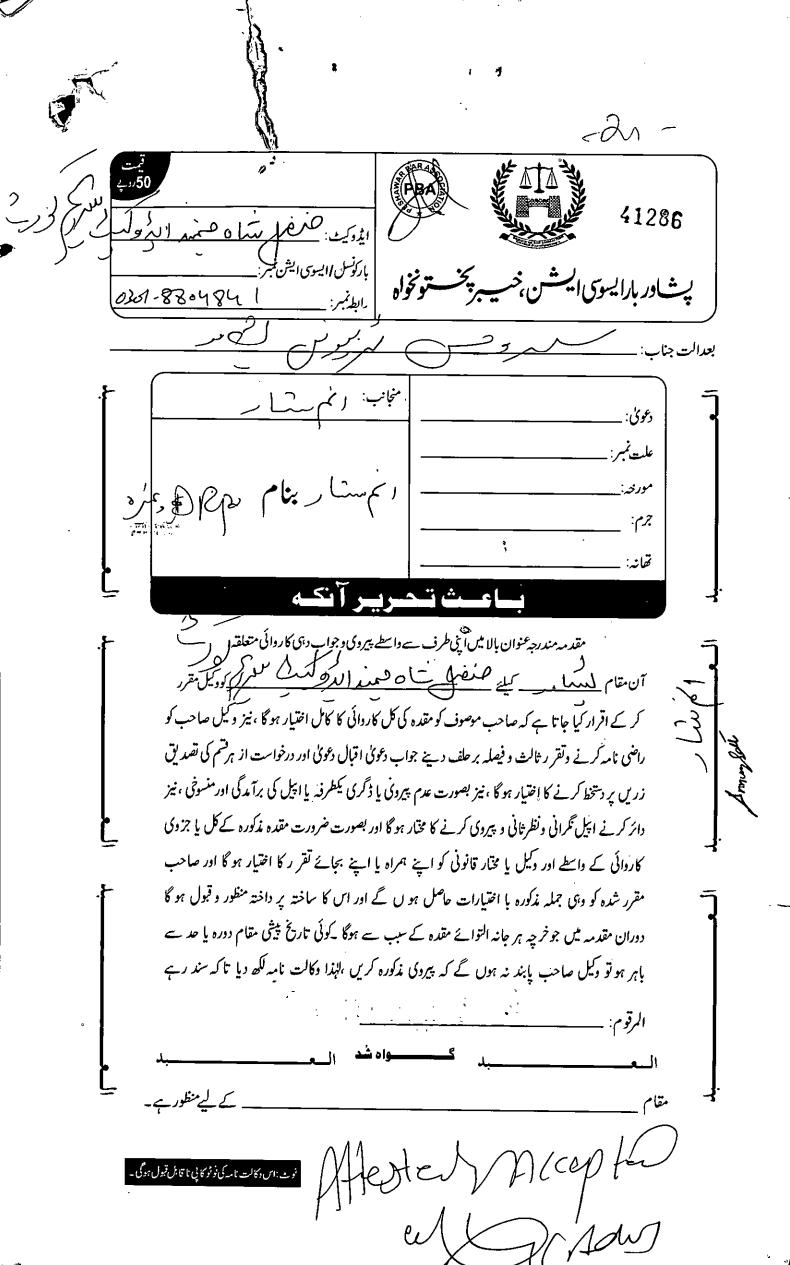
Announced; 21.03.2016

Syed Mudassir Shah Termizi Judicial Magistrate 1, Kohat Syed Mudassir Shah Termizi Judicial Magistrate I/CJ Kohat

ATTESTE

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BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR Appeal No. 877/2018.

Anam Sattar Ex-Constable No.1647, District Police Bannu.

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VERSUS

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

Respondent	• •	•	•									•				•					. ,									•				F	ξ(е	S	5	ρ	()	r	1	C	le	9	r	ı	t	•
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PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS No.1, 2 & 3.

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. Pertains to record. Hence, needs no comments.
- 2. Correct to the extent that the appellant was reinstated into service for the purpose of de-novo inquiry as per the directions issued by this Honourable Service Tribunal vide order dated 26.01.2018.
- 3. Incorrect. Charge sheet/ summary of allegations were issued to the appellant but he badly failed to prove him innocence. The inquiry proceedings were conducted according to law/ rules and the appellant was provided opportunities of self-defense.
- 4. Correct to the extent that final show-cause notice was issued to the appellant but he (appellant) badly failed to rebut the allegations.
- 5. Pertains to record. Hence needs no comments.
- 6. Correct to the extent that the appellant preferred departmental appeal before the Respondent No.1 (RPO Bannu) on 09.05.2018, the appeal was rejected being devoid of merit.
- 7. Incorrect. The impugned order dated 30.05.2018 and 13.04.2018 issued by the Respondent Departments are quite legal according to law/rules.

 The Respondent Department also submit their reply on the following grounds.

OBJECTIONS ON GROUNDS.

- A. Incorrect. The impugned order is quite legal and according to law.
- **B.** Incorrect. The appellant has been treated in accordance with law, rules and all the opportunities of defense were provided to him during the proceedings of impartial inquiry.
- C. Incorrect. The orders of the respondents are legal, valid and maintainable under the existing rules.
- D. Incorrect. Fair regular inquiry was conducted through SP Investigation, wherein the charges were established against the appellant. Charge sheet based on statement of allegation was conveyed to the appellant and after observing all the codal formalities, a legal order for dismissal of appellant was passed. The appellant was provided opportunities of self-defense but he badly failed to rebut the allegations. In light of the de novo proceedings, the inquiry officer found the appellant guilty for the charges leveled against him.
- E. Incorrect. The Respondent department awarded punishment of dismissal to the appellant being a member of discipline force.
- F. Incorrect. The appellant was provided the opportunity of self defense but he badly failed to prove himself innocent. The orders issued by the Respondents Department are based on facts and purely on merit.
- G. Incorrect. After fulfilling all codal formalities, the appellant was awarded the punishment of dismissal which is according to law.
- H. Pertains to record. Hence needs no comments.
- 1. The Respondents department may kindly be allowed to advance any other grounds & material as evidence at the time of arguments.

Prayer:

In view of the above facts and stated reasons, it is humbly prayed that the appeal of appellant is devoid of legal force, may kindly be dismissed with costs.

District Police Officer,

Bannu

(Respondent No.2)

Regional Police Officer Bannu Region, Bannu (Respondent No.1)

Provincial Police Officer, Khyber Pakhtunkhwa Peshawar (Respondent No.3)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR Appeal No. 877/2018.

Anam Sattar Ex-Constable No.1647, District Police Bannu.

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VERSUS

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

.....Respondents

AUTHORITY LETTER.

Mr. Muhammad Farooq Khan, Inspector Legal is hereby authorized to appear before The 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 present appeal.

District Police Officer, Bannu

(Respondent No.2)

Regional Police Officer, Bannu Region, Bannu (Respondent No.1)

Provincial Police Officer, Khyber Pakhtunkhwa Peshawar (Respondent No.3)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR Appeal No. 877/2018.

Anam Sattar Ex-Constable No.1647, District Police Bannu.

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<u>VERSUS</u>

- 1. Regional Police Officer Bannu Region, Bannu.
- 2. District Police Officer Bannu.
- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

<u>AFFIDAVIT</u>

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.

DEPÖNENT 11101-1483421-1

فائتل انكوائرى ربوري

كانشيبل الغم ستار 647 منعينه بوليس لائن بنول =

يرخلانب:_

مختفر حالات: _

مورخہ 16.03.2015 کوملک جانان ای آباز دسین ایک مجان ای ای این ایک مجان ایک مجان ایک این ایک مورخہ 16.03.2015 کوملک جانان ای آباز دو انڈس بائی وے کو ہائے سنیپ جیکنگ کے دوران ایک فلائنگ کوچ نمبر 4284/LES کا انڈس بائی وے کوہائے سنیپ جیکنگ کے دوران ایک فلائنگ کوچ نمبر 4284/LES کینا ورکی جانب ہے آئی جس کو چیک کرنے کیلئے روکا گیا۔ فلائنگ کوچ کی آخری سیٹ پرایک مشتر شخص جس کی گود میں ایک بیگ برگ کا انتخابی بیا۔ جس کو ینچوا تا اواجا کر چیک کرنے پر بیگ میں ہے و عدد لیستول جن میں ہے تین عدد اسلام جبکہ 6 عدد 30 بورمعہ فٹ میگزین اور سیئیر میگزین برآ مدہ وکر ایک پستول 30 بول 30 بور بیا گیا۔ خص متذکرہ نے دریا فت پر اپنا نام مجمد انعم ستار ولد عبد الستار سکند سوکڑی مذا بولم خان شلع بنوں بتلا یا۔ جس کو جمرم کا محمد کا محمد کی ایک میں لائی گئی۔ ہدتونیش ملزم 15AA کے جمرم کا مرتکب بیا کرچوالان کمل عدالت جمیجو ایا گیا۔

Superintendent Of Political Superintendent Of Political Superintendent Superinten

Super بنول نے آرڈرنجبر 554 مورخہ 19.06.2015 کو ندکورہ کانٹیبل کو سرکاری نوکری سے Super بنول نے آرڈرنجبر 554 مورخہ 19.06.2015 کو ندکورہ کا کی ایس اس Remove from Service ہو کر سروی ٹریبوئل نے ندکورہ کو بحال کرکے Denovo Enquiry کا تھم کیا۔

- انگوائزی بزابغرض Denovo Enquiry جناب DiG/inq: K.P.K عنج بحث ارک کی۔

- 4. نمبر DC_143/P-113 بول (Replace Copy) بول DC_143/P-113 بيش كئار. نمبر T636814A05005/16.03.2015 بيش كئار

دوران انکوائری ملزم کانشیبل انتم ستار نے اپنے آپ کو بے گناہ بتلایا اور بیان کیا کہ وہ اس مقدمہ متذکرہ میں عدالت ہے۔ بری ہو چکا ہے۔

اس سلسلہ میں جب عدالت کے فیصلہ کا جائزہ لیا گیا تو فیصلہ A-249کے بچت مقدمہ گواہان کی عدم حاضری کی وجہ ہے SP/Inv کیا گیا ہے۔ Stop کیا گیا ہے جس کی سربیزی کے سلسلہ میں: Stop کوہا ہے۔ مقدمہ سربیز کیا جا سکتا ہے جس کی سربیزی کیلئے اقد امات کر رہا ہے۔ کوہا ہے۔ SP/Inv کوہا ہے۔ مقدمہ کی سربیزی کیلئے اقد امات کر رہا ہے۔

تمام گواہان اپنے اپنے مؤقف پر قائم ہیں ای طرح کانٹیبل انعم ستار بھی اپنے مؤقف پر قائم ہے۔ دوران کراس ایگرامینیشن ملزم انعم ستار نے بیان کیا کہ وہ نہ تو پہلے ہے۔اس پولیس پارٹی کو جانتا تھاا در نہ ہی اس پولیس پارٹی کے کسی آگر زکن کے ساتھ اس کی دشمنی بار بحث بھی جس کی بنیا دیراس کوانقام کا نشانہ بنایا جانا۔

1905 کی آسٹ المزم ہے کا کتنس کی تصدیق اسلحہ کارک DC آفس ہوں سے کرائی گئی ہے جس کی رپورٹ نمبر 1905 Investigation Banne مورخہ 03.04.2018 کے مطابق چاروں لائٹس انعم ستار کے نام پر ہیں۔

کراس ایگزامن اورملزم انتم ستارا در گوا ہان کے بیانات کے بعد ذہن میں چندسوالات پیدا ہوتے ہیں۔

- 1. الغم ستارینے متذکرہ لاکسنس 03.08.2009_03.2013_08.2013 اور 06.12.2013 میں بنوائے اور اسلح خرید اربی <u>201</u>5ء میں کیوں کی ؟
 - 2. تقریباً 6 سال ہے دو/تین سال تک بیلائسنس بغیرا سلوخر پداری کے اپنے پاس کیوں رکھ؟
- 3. ذاتی حفاظت کیلئے ایک پستول کافی ہوتا ہے۔ زیادہ سے زیادہ دو۔ کہ ایک گھر میں پڑا ہوادرایک اپنے ساتھ بھرا تارہے پھران 4لائسنسوں کی شرورت کیوں آن پڑی؟
- 4. کوناٹ پولیس ملک جان ا اور آفضل SHO کی انعم سنار کے ساتھ کیا دشمنی تھی کہ تین کے بجائے 9 پستول اس کے خلاف لکھے؟
- 5. اگردشنی نہیں تھی او کیا SHO یا پولیس والوں کے پاس اتنے بیے ہیں کہ وہ اسلحہ خرید کرنا جائز طور پرلوگوں کے پیچھے ککھیں؟

جب میں نے اس کے لائسنسوں کا جائزہ لیا تو کا بی لائسنس کے کاغذات کے نیجے کافی (PIN) بن کے نشانات پائے۔
گئے اس کا مطلب اور اندازہ سیسے کہ میرکا بی گئی دفعہ کھولی اور بندگی گئی۔ یعنی ان لائسنسوں پرکئی دفعہ اسلح خرید کر بیجا جا کر صفحات تبدیل کر کے نئے صفحات لگا کر دوبارہ اُن پر نیا اسلحہ خریدا گیا۔ اور ان لائسنس کا 6 سے 3 سال تک بغیر خریداری اسلحہ کا مطلب یہی نظر آتا ہے کہ ہر بار اسلحہ خرید کر بیجا جائے اور پھر Blank صفحات لگا دیئے جا کیں۔ ناوقیکہ سیاسلحہ سمگانگ کرتے بھڑا گیا۔ ذاتی حفاظت کیلئے ایک سے زیادہ لائسنس کا مقعہ دیمی اسلحہ کی سمگانگ ہے۔

پھر دوران کراس ایگزامن انتم ستارنے خود تسلیم کیا کہ کو ہاٹ پولیس کے ساتھ دنہ تو اس کی پہلے سے واقفیت تھی اور نہ ان میں سے کسی کے ساتھ دنہ تو اس کی جہلے سے واقفیت تھی اور نہ ان میں سے کسی کے ساتھ اس کی دشمنی ہے تو ایسی صورت میں پولیس اپنی طرف سے recovery کیوں ڈالے گی۔ جبکہ دلی ساختہ پستول بھی کم از کم 8 سے 10 ہزار پر آتا ہے۔ ایک SHO کی تنخواہ 40 سے 50 ہزار ہے تو کیا وہ اپنے بچوں پر خرج کرنے کے بجائے اسلی خرید خرید کر لوگوں کے بیجھے لکھتار ہے۔ بیناممکن ہے۔

الغم ستار کے خلاف قبل ازیں مقدمہ نمبر 325/2012 جرم 419/420/489F PPC کھانہ کینٹ بنول میں درج ہو چکا ہے اور غیر حاضری کی بھی کافی رپورٹس ریکارڈ پر ہیں۔

انعم ستار نے عدالتی فیصلہ پنین کیا کہ وہ کوہاٹ میں مقدمہ نمبر 90 مورخہ 16.03.2015 جرم 15AA تھانہ کی ننگ میں بری ہو چکا ہے۔ جبکہ فیصلہ A-249 کے تحت گواہان کے عدالت میں حاضر نہ ہونے کی وجہ سے ملزم کو بری کیا گیا۔ اس کا مطلب میہ ہے کہ ملزم باعزت بری نہیں ہواہے۔

ملزم انعم ستار کومکمل کراس کا موقع دیا گیا ہے اوراس نے گواہان پرحسنب قاعدہ کراس سوالات کئے۔

(عبدالحي خان)

سپرنتندنش آف إلىس، انوشى كيشن ضلع بنول-

Superinte... Int OI Police Investigation Bannu St. GCM

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10/18

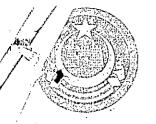
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بخد مت جناب S.P انو سنسگیش بنول

جناسیہ عالی گزارش ہے کیہ

- کہ مور فد 2015-03-16 کو نشانہ بلی نگا۔ بولیس کرہاش نے میرے قبنہ ہے 4 انسنس دار بسٹی برآ مدکئے اور
 اور فد 2015-03-16 کو نشانہ کی برآ مدگی کا برچہ مقدمہ نمبر 90 مور خد 2015-03-16 تیم 15.
 کا حیات کی نگ ورج رجسٹر کرے مجھے گرفتار کر کے جالان عدالت کیا۔
- 2. دوران ساعت مقدمه کوئی بولیس آفیسر گواد پیش ندیموااور بالاخر مجھ کوعدالت نے بھکم مور خد 2016-03-21 زیر د فعد A-249 ش ف بری کر دیا۔ فیصلہ کی کابی ہمراه لف ہے۔
- میری بریت کے خلاف پر اسکو تن اور پولیس نے کوئی افتیل دائز نمیں کی ہے۔ اور ندی مقدمہ کی سر بیزی کے لئے ور خواست دی ہے۔ چو تکہ مقدمہ جو تا تقالار کوئی پولیس آفیسر جنوں نے لانے میرے تبندے بدامد کی و کھائی عدالت میں جنوں نے لانے میرے تبندے بدامد کی و کھائی عدالت میں حلقہ اٹھا تا پڑتا ہے اور جبوٹے حلف اٹھانے کی وجہ سے بولیس افسران خائے ہیں جو میرے ہے گنائی کا نبوت ہے گنائی کا نبوت ہے اور جبوٹے حلف اٹھانے کی وجہ سے بولیس افسران خائے ہیں جو میرے ہے گنائی کا نبوت ہے ۔
- 4 میں نے Dismissal کے خلاف ڈی آئی جی بنوں کو ائیل کی جو خارج ہوئی۔ انگوائری آفیسر اور مجاز اٹھارٹی نے متحد مدے result کا انتظار نہ کیا اور مجھے سید حارث واست کر دیا۔
- 5. میں نے سروس ٹریبیوئل خیبر پیکٹونٹوایٹس ایویل دائز کی بیومنٹور برو کی کئر بھیم مور ندھ 2017–101–26 مجھے کو سروس پر بیخال کیا گیااور دوبار دانکوائز کی کاارڈر ہواہے۔
- 6. اب جبکہ میں عدالت سے مقدمہ بین بری ہو چکا ہوں اور عدم خبوت کی بناء پر رہا ہوا ہوں۔ اس لئے انساف کے تقاضوں کو بورا کر نے ہورے خلاف جاری کر دو چارج شیٹ داخل و فنز فرمایا جاوی۔ میں ذائی عرض و میرے خلاف جاری کر دو چارج شیٹ داخل و فنز فرمایا جاوی۔ میں ذائی عرض و میرونس کے لیے بیش بھی ہونا چاہتا دوں۔

آپ کالماتخت الملهه کی المامیر الانسیل الغم ساله 1647 پولیس لائن ینوں اپولیس لائن ینوں 0331-97:2932 Supering the all of Police



Office of the Inspector General of Police Khyber Pakhtunkhwa, Peshawar.

No. 433

/E&I, dated Peshawar the

/03/2018

То:

The Distr

District Police Officer,

Bannu.

Subject:

DENOVE DEPARTMENTAL ENQUIRY AGAINST EX-FC ANAM SATTAR NO. 625 DISTRICT BANNU

Memo:

Please refer to your office letter No. 3131 dated 08.03.2018, on the subject cited

above.

Denovo departmental enquiry against Ex-FC Anam Sattar No.625 may be conducted through Mr. Abdul Hai Khan, SP/Investigation Bannu and final outcome be communicated to this office, on or before 30.03.2013, before issuance of formal order, for the perusal of Worthy IGP.

g Mld-Canfled angley

(SHAHAB MAZHAR BHALLI)PSI DIG/Enquiry & Inspection For Inspector General of Police

Khyber Pakhtunkhwa, Peshawar

No:

/E&1.

Copy of above is forwarded for information to:-

- 1. The Regional Police Officer, Bannu.
- 2. Mr. Abdul Hai Khan, SP/Investigation Bannu.

(SHAHAE MAZHAR BHALLI)PSP

DIG/Enquiry & Inspection For Inspector General of Police Khyber Pakhtunkhwa, Peshawar

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Phone: 091-9211947



Office of the Deputy Inspector General of Police Enquiry & Inspections Khyber Pakhtunkhwa, Peshawar.

01st reminder

/E&I, dated Peshawar the

To:

The District Police Officer,

Bannu

Subject:

DENOVO DEPARTMENTAL ENQUIRY AGAINST

EX-FC ANAM SATTAR NO. 625 DISTRICT BANNU

Memo:

Please refer to your office letter No. 453/E&I dated 14.03.2018, on the subject cited above.

Reply into the subject matter is still awaited from your office, which may please be sent to this office, for the perusal of Worthy IGP at the earliest.

> For Deputy Inspector General of Police Enquiry & Inspection Khyber Pakhtunkhwa Peshawar

SP/Invertedon Box For nich un offer No 2433 elt 16.3.2010.



OFFICE OF THE SUPERINTENDENT OF POLICE INVESTIGATION BANNU.

Phone No: 0928-9270178

No. 1261 /inv:

Dated: <u>v3</u>/04/2018.

To:-

The District Police Officer, Bannu.

Subject: -

DENOVO DEPARTMENTAL ENQUIRY AGAINST EX-FC ANAM SATTAR NO.625 DISTRICT BANNU.

Memo:

Kindly refer to your office Diary No.2433, dated 16.03.2018 on the subject cited above.

In this connection a detailed final Enquiry Report is submitted herewith for favor of kind perusal and further orders please.

Encl: Final Enquiry Report.

(ABDULHAYEE KHAN) Superintendent of Police, Investigation, Bannu.

SRC FSCN Isaue FSCN

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Swinishled for no your level Remand PS MP 112 4/5

No. 156/SRC Dated: 05/4/2018

FINAL SHOW CAUSE NOTICE:

I, SADIQ HUSSAIN, District Police officer, Bannu, as competent authority, under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules (As amended vide Khyber Pakhtunkhwa gazette Notification No.27th of August 2014) for the following misconduct hereby serve upon you Constable Anam Sattar No. 1647 this final show cause notice.

(5)

> That on dated 16.03.2015, the local police of PS Bili Tang District Kohat were recovered 09 pistols (9MM=03 and 30 Bore=06) from your possession at Highway near old toll plaza Kohat and a proper case vide FIR No.90 dated 16.03.2015 U/S 15AA/2013 KPK PS Bili Tang was registered against

> That your previous record is also tainted regarding such like activities.

> That you were dismissed from service on the above allegations vide this office OB No. 554, dated 19.06.2015.

> That you filed an appeal before W/RPO, Bannu, which was rejected vide Order No. 1711/EC, dated 05.08.2015.

- > That In compliance with the order of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated 26:01.2018 in the Service Appeal No.975/2015 received from Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar vide letter No.296/ST, dated 08.02.2018, you were provisionally re-instated into service purely for the purpose of Denovo departmental Enquiry proceedings vide this office OB No. 193, dated
- > Such act on your part is against service discipline and amounts to gross misconduct.

That consequent upon the completion of enquiry conducted through enquiry officer Mr. Abdul Hayee, SP Investigation, Bannu for which you were given opportunity of hearing and on going through the findings and recommendations of Enquiry officer, the material on record and other connected papers, I am satisfied that you have committed gross misconduct by proving allegations and you have committed the above commission and omission.

As a result, I, as competent authority, have tentatively decided to impose upon you one or more punishments including dismissal as specified in the rules.

You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.

If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defence to put in and in that case an exparte action shall be taken against you.

The copy of the findings of the Enquiry Officer is enclosed. 13.3.3 (14) 2018 12.18

(SADIQ HUŚSAIN)PSP District Police Officer,

Bannu.

R/Sir

It is submitted that Final Show Cause Notice was issued against Constable Annam Sattar No.1647 on the following charges:-

- That on dated 16.03.2015, the local police of PS Bili Tang District Kohat recovered 09 pistols (9MM=03 and 30 Bore=06) from the possession of Constable Anam Sattar No. 1648 at Highway near old toll plaza Kohat and a proper case vide FIR No.90 dated 16.03.2015 U/S 15AA/2013 KPK PS Bili Tang was registered against him.
- > That his previous record is also tainted regarding such like activities.
- > That he was dismissed from service on the above allegations vide this office OB No. 554, dated 19.06.2015.
- > That he filed an appeal before W/RPO, Bannu, which was rejected vide Regional Police office, Bannu Region, Bannu Order No. 1711/EC, dated 05.08.2015.
- That In compliance with the order of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated 26.01.2018 in the Service Appeal No.975/2015 received from Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar vide letter No.296/ST, dated 08.02.2018, he was provisionally reinstated into service purely for the purpose of Denovo departmental Enquiry proceedings vide this office OB No. 1293, dated 20.02.2018.

Enquiry Officer:

S.P Investigation, Bannu.

Recommendations of the E.O:

The Enquiry Officer submitted finding report and reported that the accused Official is found guilty of the charge. Therefore, previous punishment of dismissal is recommended to be intact, placed at F/A.

Final Show Cause Notice was issued to the accused official and properly served upon him. The accused official submitted reply to the Final Show Cause Notice and stated therein that his reply to the final Show Cause Notice may be considered reply to the charge sheet, placed at F/B.

Submitted for favor of perusal and order, please.

W/DPÓ,Bannu

SRC -

This order of the undersigned will dispose of the de-novo departmental proceeding, initiated against accused Constable Anam Sattar No.1647-625 in the light of Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated 26.01.2018 and Dy: Inspector neral of Police, E&I Khyber Pakhtunkhwa, Peshawar letter No.453/E&I, dated 14.03.2018 der 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 on dated 16.03.2015, the local police of PS Bili Tang District Kohat recovered 09 pistols (9MM=03 and 30 Bore=06) from the possession of Constable Anam Sattar No. 1648 at Highway near old toll plaza Kohat and a proper case vide FIR No.90 dated 16.03.2015 U/S 15AA/2013 KPK PS Bili Tang was registered against him.
- That his previous record is also tainted regarding such like activities.
- > That he was dismissed from service on the above allegations vide this office OB No. 554, dated 19.06.2015.
- > That he filed an appeal before W/RPO, Bannu, which was rejected vide Regional Police office, Bannu Region, Bannu Order No. 1711/EC, dated 05.08.2015.
- That In compliance with the order of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated 26.01.2018 in the Service Appeal No.975/2015 received from Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar vide letter No.296/ST, dated 08.02.2018, he was provisionally re-instated into service purely for the purpose of Denovo departmental Enquiry proceedings vide this office OB No. 1293, dated 20.02.2018.

Charge sheet and statement of allegation were issued to him. SP Investigation Bannu was appointed as Enquiry Officer vide Dy: Inspector General of Police, E&i Khyber Pakhtunkhwa, Peshawar letter No.453/E&I, dated 14.03.2018 to scrutinize the conduct of the accused official. The Enquiry Officer submitted finding report and reported that the accused Official is found guilty of the charge. Therefore, previous punishment of dismissal is recommended to be intact, placed on file.

Final Show Cause Notice was issued to the accused official. In response to the final show cause notice, the accused official submitted un-satisfactory reply, placed on file.

The Official heard in person on 11.04.2018. Record perused. In the light of de-novo departmental enquiry proceedings, recommendation of enquiry officer and the accused officer found guilty of the charges leveled against him. Hence, I, Sadiq Hussain, District Police Officer, Bannu in exercise of the power vested in me under Police Rule 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification No.27th of August 2014), he is hereby awarded Major punishment of "Dismissal from Service". The period of service from the date of re-instatement till the finalization of de-novo departmental enquiry i.e. from 20.02 2018 to 12.04.2018 is treated as duty with pay.

OB No._

335

Dated:

/3-4- /2018.

(SADIQ HUSSAIN) PSP District Police Officer Bannu.

No. 4568-63 /SRC dated Bannu, the 3 / 4 /2018.

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

1. The Dy: Inspector General of Police, E&I Khyber Pakhtunkhwa, Peshawar w/r to his Office Memo: No.453/E&I, dated 14.03.2018.

2. Reader, Pay officer, SRC, OASI for compliance.

3. Fauji Misal Clerk along with enquiry file for placing it in the Fauji Missal of the concerned official.

(SADIQ HUSSAN) PSP District Police Officer

- Bannu.

My this order will dispose of a grantmental appeal, preferred by Ex-Constable Whum Sattar No.1647 o Cistrict Bolice Bannu, whereit he has prayed for setting aside the order of major punishment of dismissal from service, imposed upon him by DPO Bannu vide OB No.335 dated 13.04.2018 after found him guilty of the following ails ations:-

That on 16.03.2015, the local lilice of PS Bill Tang district Kohat had recovered three 9MM pistols and six 30 bore pistols from his persession at Highway near Old Toll Plaza Kohat and a proper case vide Fif-No.9 dated 16.03.2015 u/s 15/1/2013 KP Police PS Bill Tang was registered against him.

His service record, inquiry payors and comments, received from DPO Bannu, were perused and it we found that the appellant was . Jier proceeded departmentally on the said charges and awarded majo. punishment of removal from to rice vide OB No.554 dated 19.06.2015. His appeal was rejected by RPA Bannu in this regard but KP. Service Tribunal partially accepted his appeal vide judgment date: 26.01.2018 and thus the app. lant was reinstated into service for the purpose of de novo inquir proceedings and SP/Investigat. Bannu was entrusted with the de novo proceedings who inquired int the allegations and submitted the findings, wherein, the appellant was found again guilty of the charges The competent authority after providing him opportunity of showing cause as well as personal hearing imposed major punishment of C missal from service upon the appellant vide order dated 13.04.2018.

Aggrieved from the impugned order, the appellant submitted the instant appeal to the undersigned that was sent to DPO Bannu () tromments as well as obtaining his service record. DPO Bannu, vide 1. letter No.5713/EC disted 15.1 42018, submitted para wise comments, wherein, the appeal of its appellant was properly defended on cogent grounds.

During the perusal of his served record, it was found that the appellant has served in Police force fo about 08 years & 02 months and during this period, he has been awarded minor punishments of $\mathrm{tw}\hat{\phi}$ times extra drill. Once he we proceeded departmentally on the charges of involvement indease vide FIR No.325 dated 29.06:2012 175 48974207406PPC P5 Cantt: but the then competent authority filed that departmental processlings. He has already remained absent on 21 different occasions and his total 4.3 days absence to this effect has been converted into leave without pay. Inquiry file also depicts that is has been given every opportunity of defence but badly failed to rebut the charges.

The undersigned also provided him opportunity of personal hearing but he failed to substantiate less innocence. Recping in view he above, I can safely infer from the above that the appellant : incorrigible and his appeal is devoid of merit. There is no need of interference in the impugned ords . Therefore, I. Dar Ali Khan Kitttak, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Rule, 11(4) (a) of Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) hereby reject his appeal and endorse the punishment awarded to him by-DPO Bandu.

ORDER ANHOUNCED

(DAR ALI KHAN KHATTAK) PSP Regional Police Officer, Bannu Region, Bannu

【幻】 /EC, dated Baseu the

/2013

Copy to the AND Page Bannu for information and neaction wer to his office Memo: No. quoted above along with the service record containing the inquiry papers of the appelled of for record in office which may be acknowledged. The appellant may be informed please.

Par enpellion will s. Roll+ F. mirral.

(DAR ALI KHANLIGHAFTAK) PSP Regional Police Officer,

Bannu Region, Bannu

156/SRC 10 30 1/2 / 16 /5 / 1/3. Jb (81-18 l) 4 Jg Jg 05-04-18 l) القراري جارج سرائي كر ماي وراي الله المراق والمحا 1120 de Juni de Francis 100 Of life

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مرائع۔ لاستسن کرک عطر آونی سوں verification of Jimy su (4) is dis Pier Us 2 1916 pi 03.8.2009 - 16 143 /P-113's oning 11/01-07/5907-1 00 julles 5/0 july 3 8-3-2013 pu high si 493/P-48 & com 8-2 12.10.13 p, p 6049 16,5,17.57 P-656 6 juin 8 - 3 , will fin 189 /Bob / Wint 8 - 4 6.12.13 2.10.20132,20107 181511 الله المراكوس، No /30(/Arms/DC/Bannu da L/No. 143/P113/Cantt: Investigation Beand

L/No. 493/P48/Police 2011 L/No. 57/P656/Police 2013 L/No.189/P206/Cantt: 2013 issued in the name of Muham Satter S/O Abdus-Sattar.

- Commissioner

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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 877/2018.

Anam SattarAppellant.

VERSUS

REPLICATION ON BEHALF OF THE APPELLANT.

REPLY TO PRELIMINARY OBJECTIONS.

All the objections raised by the respondents are incorrect and as such denied. The appellant has got a valid cause of action and locus standi to bring the present appeal, and the appellant is not estopped by his conduct to bring the instant appeal. Instant appeal is well within time, in which necessary parties have been imp leaded and the appellant has concealed nothing from this honorable Tribunal, and instant appeal is maintainable in its present from.

REPLY TO FACTS/GROUNDS:

Comments of the respondents are full of contradictions, rather amounts to admissions and are based on malafide. Respondents have failed to show that the version of the appellant is incorrect. Even respondents have failed to show and substantiate their version referring to any law and rules. Respondents have failed to substantiate their version and bring anything on record in support of their version. In the circumstances the appellant has been deprived of his rights without any omission or commission on his part and he has been deprived of his rights guaranteed by the Constitution and law of the land.

In the circumstances the appellant has not been treated according to law and rules being his fundamental right. The impugned orders are in total disregard of the judgment of this honorable tribunal. No proper inquiry has been conducted nor was the appellant afforded opportunity of personal hearing. Even the appellant has been acquitted of the charges by the Court of competent jurisdiction and as such entitled to be reinstated in service with all benefits.

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

Dated:-24-12-2018.

·Ana

Appellant

Through

Fazal Shah Mohmand

Advocate Peshawar

AFFIDAVIT

I, Anam sattar, Ex Constable No 1647, District Police Bannu, (the appellant), do hereby solemnly affirm and declare on oath that the contents of this **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by

DEPONENT.

Fazal Shah Mohmand

Advocate Peshawar.



