

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1338/2018

Date of Institution ... 24.10.2018

Date of Decision ... 11.09.2019

Raza Ullah (Ex-Constable Bearing Belt No. 982), Son of Malang Khan R/O Village Umaro Payyan Mohallah Qambar Khel, Peshawar. ... (Appellant).

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and four others. ... (Respondents)

Present.

Mr. A Hashim Khan,  
Advocate.

... For appellant

MR. HAMID FAROOQ DURRANI,

... CHAIRMAN

JUDGMENTHAMID FAROOQ DURRANI, CHAIRMAN:-

1. The appellant is aggrieved of order dated 21.04.2017 whereby he was dismissed from service. He is also aggrieved of the departmental appellate order dated 28.09.2018 through which his departmental appeal was rejected.

2. The facts, as gatherable from record, suggest that the appellant while posted at Police Station Pushtakhara Peshawar, was involved in a criminal case recorded through FIR No. 41 dated 23.06.2016 under provisions of CNSA at P.S ANF, Lahore. He absented himself from duty w.e.f. 24.06.2016. The appellant was placed under suspension and was issued charge sheet and summary of allegations. The enquiry officer, however, recommended that the enquiry may be kept pending till the final decision of criminal case against the appellant. On



21.04.2017, the appellant was dismissed from service with immediate effect after issuance of a show cause notice and its delivery at his residential address. It was received by his brother but remained un-responded. The departmental appeal submitted by the appellant was decided on 28.09.2018 on account of being also barred by time.

3. Learned counsel for the appellant heard and available record gone through:

4. The departmental appeal submitted by appellant on 10.07.2018 against the impugned order dated 21.04.2017 revealed that the appellant had claimed therein his acquittal from the criminal case. It was also noted that after his acquittal the appellant, when appeared for resuming his duty, came to know that he was already dismissed from service through the impugned order. On the other hand, the copy of judgment handed down by learned Judge, Special Court, CNS Lahore on 17.03.2017, unequivocally provided that the appellant alongwith two other accused was convicted and sentenced upon conclusion of the trial. The sentence awarded to the appellant was two years and five months Rigorous Imprisonment with fine of Rs. 24,000/-, while his conviction was based upon the admission of commission of offence. As per record, the appellant already stood convicted in criminal offense on the date he was dismissed from service.

Owing to the above noted facts the argument of learned counsel to the effect that the appellant was not proceeded against departmentally through a proper enquiry, would not have much force. It shall be useful to refer to the provisions contained in Rule 8 of the Government Servants (E&D) Rules 1973. The said rule provides for dispensing with the provisions of rule 5, inter-alia, in a case where the accused is dismissed or removed from service on the grounds of

conduct which led to a sentence or fine. The judgment referred to by learned counsel (1981 PLC 272) is also not relevant to the case in hand as it was delivered in a case under West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance (VI of 1968).

5. In view of the above the appeal in hand is without any merits warranting its admission for regular hearing, therefore, dismissed in limine.

File be consigned to the record room.



(HAMID FAROOQ DURRANI)  
CHAIRMAN

ANNOUNCED  
11.09.2019

DFA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1338/2018

Date of Institution ... 24.10.2018

Date of Decision ... 11.09.2019

Raza Ullah (Ex-Constable Bearing Belt No. 982), Son of Malang Khan R/O Village Umaro Payyan Mohallah Qambar Khel, Peshawar. ... (Appellant).

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and four others. ... (Respondents)

Present.

Mr. A Hashim Khan,  
Advocate.

... For appellant

MR. HAMID FAROOQ DURRANI,

... CHAIRMAN

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. The appellant is aggrieved of order dated 21.04.2017 whereby he was dismissed from service. He is also aggrieved of the departmental appellate order dated 28.09.2018 through which his departmental appeal was rejected.

2. The facts, as gatherable from record, suggested that the appellant, while posted at Police Station Pushtakhara Peshawar, was involved in a criminal case recorded through FIR No. 41 dated 23.06.2016 under ~~Section 15~~ <sup>provision of</sup> CNSA at P.S ANF, Lahore. He absented himself from duty w.e.f. 24.06.2016. The appellant was placed under suspension and <sup>was</sup> issued charge sheet and summary of allegations. The enquiry officer, however, recommended that the enquiry may be kept pending till the final decision of criminal case ~~registered~~ against the appellant. On

21.04.2017, the appellant was dismissed from service with immediate effect after *issuance of* a show cause notice ~~was issued~~ <sup>its</sup> and ~~delivered~~ <sup>to</sup> at his residential address. It was received by his brother but remained un-responded. The departmental appeal submitted by the appellant was decided on 28.09.2018 on ~~the~~ <sup>ac</sup> count of being also barred by time.

3. Learned counsel for the appellant heard and available record gone through.

4. The departmental appeal submitted by appellant on 10.07.2018 against the impugned order dated 21.04.2017 <sup>revealed</sup> suggested that the appellant had claimed <sup>Therein</sup> his acquittal from the criminal case. It was <sup>also</sup> noted ~~therein~~ that after his acquittal the appellant, when appeared for resuming his duty, came to know that he was already dismissed from service through the impugned order. On the other hand, the copy of judgment handed down by learned Judge, Special Court, CNS Lahore on 17.03.2017, unequivocally provided that the appellant alongwith two other <sup>convicted and</sup> accused was <sup>convicted and</sup> sentenced upon conclusion of the trial. The sentence awarded to the appellant was two years and five months Rigorous Imprisonment with fine of Rs. 24,000/-, while his conviction was based upon the admission of commission of offence. As per record, the appellant already stood convicted in criminal offense on the date he was dismissed from service.

Owing to the above noted facts the argument of learned counsel to the effect that the appellant was not proceeded against departmentally through a proper enquiry, would not have much force. It shall be useful to refer to the provisions contained in Rule 8 of the Government Servants (E&D) Rules 1973. The said rule provides for dispensing with the provisions of rule 5, inter-alia, in a case where the accused is dismissed or removed from service on the grounds of

conduct which ~~led~~<sup>led</sup> to a sentence or fine. The judgment referred to by learned counsel (1981 PLC 272) is also not relevant to the case in hand ~~and~~<sup>as</sup> it was delivered in ~~Writ Petition of~~<sup>a case under</sup> West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance (VI of 1968).

5. In view of the above the appeal in hand is without any merit, warranting its admission for regular hearing, therefore, dismissed in limine.

File be consigned to the record room.

(HAMID FAROOQ DURRANI)  
CHAIRMAN

ANNOUNCED  
11.09.2019

25.04.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Raziq, Head Constable for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 14.06.2019 for preliminary hearing before S.B.

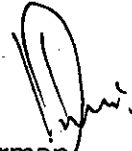


(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

14.06.2019

Junior to counsel for the appellant present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant matter is adjourned to 18.07.2019 for preliminary hearing before S.B.



Chairman

18.07.2019

Counsel for the appellant present.

Learned counsel for the appellant states that he could not go through the record submitted by respondents due to over occupation. He, therefore, requests for adjournment to prepare the brief.

Adjourned to 11.09.2019 before S.B.



Chairman

1338/2018

21.02.2019

Mr. Latif Aizaz Advocate for appellant and  
Addl. AG for the respondents present.

Adjournment is requested due to non-availability  
of learned senior counsel for the appellant. Adjourned  
to 26.03.2019 before S.B. Notice be repeated to  
respondent No. 4 for production of record noted in the  
order dated 17.01.2019.

  
Chairman

26.03.2019

Haseeb Ali Advocate appeared on behalf of learned counsel  
for the appellant. Mr. Kabir Ullah Khattak learned Additional  
Advocate General alongwith Muhammad Raziq H.C present.  
Representative of the respondent department submitted copy of  
departmental proceeding conducted against the appellant.  
Learned counsel for the appellant is not in attendance. Adjourn.  
To come up for preliminary hearing on 25.04.2019 before S.B


  
Member



11.1.2019

Junior to counsel for the appellant present.

Requests for adjournment due to non-availability of learned senior counsel for the appellant. Adjourned to 17.01.2019 before S.B.

  
Chairman

17.1.2019

Counsel for the appellant and Addl. AG for the respondents No. 1, 2 and 3 present.

Respondent No. 4 shall be put on notice for 21.2.2019 on which date the record pertaining to proceedings against the appellant vide Memo. No. 1983-90 dated 21.4.2017 shall be produced. To come up for hearing before S.B on the date fixed.

Chairman 

21.02.2019

~~Appellant requests for adjournment as his learned counsel is in appearance before Honourable Bannu Bench of Peshawar High Court.~~

~~Adjourned to 22.03.2019 before S.B. The respondent No. 3 shall be repeated notice for production of record as noted in the order dated 17.01.2019.~~

~~Chairman~~

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1338/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/10/2018	<p>The appeal of Mr. Raza Ullah presented today by Mr. Hashim Khan 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;"><i>[Signature]</i> REGISTRAR 24/10/18</p>
2-	17-11-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27-11-18</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	27.11.2018	<p>Appellant absent. Learned counsel for the appellant absent. Notice be issued to the learned counsel for the appellant for 11.01.2019. To come up for preliminary hearing on the date fixed before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Member</p>

**BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No 1338/2018

**Raza Ullah** (Ex-Constable Bearing belt No.982),.....APPELLANT.

**V E R S U S**

Govt of Khyber Pukhtunkhwa & others .....RESPONDENTS.

**I N D E X**

S.No	Documents	Annexure	Pages
1.	Grounds of Appeal along with affidavit		1-4
2.	Addresses of parties		5
3.	Copy of CNIC	A	6
4.	Copy of order dated 17.03.2017 of Learned Judge CNSA Lahore	B	7-9
5.	Copy of impugned dismissal order dated 21.04.2017	C	10
6.	Copy of Departmental appeal dated 10.07.2018	D	11
7.	Copy of impugned appellate order dated 28.09.2018	E	12
8.	Wakalatnama		13

  
APPELLANT

THROUGH

A Hashim Khan  
Advocate Peshawar &

  
JALALUDDIN

ADVOCATES, PESHAWAR

BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No-<sup>1338</sup>-----/2018

①

**Raza Ullah** (Ex-Constable Bearing belt No.982),  
Son of Malang Khan,  
R/O Village Umaro Payyan, Mohallah Qambar Kheel,  
Tehsil and District, Peshawar .....APPELLANT.

V E R S U S

Khyber Pukhtunkhwa  
Service Tribunal

Diary No. 1560

Dated 24-10-2018

1. Govt of Khyber Pukhtunkhwa  
through Chief Secretary, office at Civil Secretariat,  
Khyber Pukhtunkhwa Tehsil & District Peshawar.
2. Inspector General Police Khyber Pukhtunkhwa,  
office at police Line Tehsil and District Peshawar.
3. Additional, Inspector General Police Khyber Pukhtunkhwa,  
office at police Line Tehsil and District Peshawar..
4. The Superintendent of police,  
Police Line Peshawar
5. Chief Capital City Police Officer,  
Police Line Peshawar.....RESPONDENTS.

APPEAL UNDER SECTION 4 OF THE SERVICES TRIBUNAL ACT, 1974  
AGAINST THE IMPUGNED ORDER DATED 21.04.2017 ISSUED BY  
RESPONDENT NO.4, WHEREBY THE SERVICE OF THE APPELLANT HAS  
BEEN DISMISSED AND AGAINST THE IMPUGNED APPELLATE ORDER  
DATED 28.09.2018, ISSUED BY RESPONDENT NO.5, WHEREBY  
DEPARTMENTAL APPEAL FILED BY THE APPELLANT TO THE  
RESPONDENT NO.5 WAS ALSO REJECTED BY THE RESPONDENT  
NO.5, WHICH IMPUGNED ORDERS DATED 21.04.2017 AND DATED  
28.09.2018 ARE ILLEGAL AND IN EFFECTIVE UPON THE RIGHT OF  
THE APPELLANT AND THE IMPUGNED OFFICE ORDERS MAY PLEASE  
BE DECLARED AS NILL AND VOID AND MAY PLEASE BE CANCELLED  
AND APPELLANT MAY BE REINSTATED INTO SERVICE WITH THE ALL  
BACK BENEFITS.

PRAYER IN APPEAL: On acceptance of this service appeal, the appellant may graciously be reinstated into service with all back benefits by set aside the impugned order of dismissal dated 21.04.2017 and rejection order of departmental appeal dated 28.09.2018.

Respectfully Sheweth.

1. That the appellant was initially appointed as constable in the District Peshawar on 20.02.2018 and rendered spotless services according to the satisfaction of Higher Ups and without any objection from any Quarter, received the monthly salaries from the respondents regularly and belongs to a respectable family of the locality. (Copy of CNIC is annexed as A).

Filed to - d. Registrar

24/10/18

2. That the on 23.06.2016, the appellant alongwith his friend was apprehended by the Local Police of ANF near at Babo Sabo Chowk Band Road, at Lahore stopped them and during interrogation hard wording were exchange to each other, hence the local police of ANF Lahore planted contraband and registered a false and concocted fake case bearing FIR No.41 dated 23.06.2016 Under Section 15 CNSA.
3. That on 23.06.2016, the appellant was arrested and was remained in the jail/Judicial Lock-up and after completion of legal proceedings by the Trial Court, before the Senior Special Court CNS Lahore, and on truthful opinion, the learned Judge has convicted the appellant for 02 years vide order dated 17.03.2017 and was released from jail on 14.06.2018. (Copy of Order dated 17.03.2017 is annexed as B).
4. That after released from the Central Jail, the appellant approached to the respondents for joining of his services on 18.06.2018 but astonishing to note here that the appellant has come to the knowledge that the respondent No.4 has dismissed the appellant from services vide dismissal order dated 21.04.2017. (Copy of the dismissal order dated 21.04.2017 is annexed as C).
5. That thereafter, the appellant submitted departmental representation/appeal to the respondent No.5 within a period of one month from the date of knowledge on 10.07.2018. (Copy of the departmental representation/appeal are attached as Annexure-D).
6. That, it is important to mention here the respondent No.5 has rejected the departmental appeal/representation to the appellant on ground of badly time barred vide impugned order dated 28.09.2018 which impugned order dated 28.09.2018 was received by the appellant on 29.10.2018. (Copy of the impugned order dated 28.09.2018 is annexed as E).
7. That the Appellant being aggrieved from the impugned dismissal order dated 03.02.2016 as well as from the refusal of the departmental appeal has approached this Hon' able Tribunal on the following ground inter alia.

#### G R O U N D S :-

- A. That both the impugned orders dated 21.04.2017 and dated 28/09/2018 are illegal, without lawful authority void-ab-intio and ineffective besides being against the principles of natural justice and fair play.
- B. That the allegation through which the services of the petitioner has been dismissed are baseless, unfounded hence not tenable in the eye of law.
- C. That both the impugned orders dated 21.04.2017 and dated 28/09/2018 are against the law, settled principle of natural justice and equity.

- D. That, before passing the impugned orders no proper procedure as required under the Law, was adopted.
- E. That no notice or explanation has been obtained from the appellant which is legally compulsory regarding the dismissal of services of the appellant.
- F. That no show cause notice was served and after released from Central Jail , the Appellant approached to the respondent within a period of one month for his redressal his grievance but the respondents has wrongly dismissed the departmental appeal of the appellant being badly time barred.
- G. That, during the entire stay/course of employment of appellant stay they were never issued any charge sheet/show cause Notice nor Explanation was called neither anything was alleged against them regarding their performance, efficiency or work.
- H. That the service of the appellant has been terminated without an proper inquiry by the respondents nor any inquiry report has been provided to the appellant neither any chance of defence has been given to the appellant and the appellant was condemned unheard which is a mandatory provision of the law.
- I. That by awarding a major punishment of dismissal of service by the respondents, the respondents has not even look into consideration the previous carrier and without any chance of personal hearing the appellant services was dismissed.
- J. That the appellant has got an utmost interest with police services to serve the nation and police and since his dismissal, the appellant is jobless person.
- K. That any other ground would be adduced by Appellant during arguments on the instant appeal with the permission of this Hon' able Tribunal.

It is, therefore, most humbly prayed that on acceptance of this service appeal, the impugned orders dated 21.04.2017 and dated 28.09.2018 may please be set aside and the appellant may graciously be reinstated into service with all back benefits which was retained during the his services. Any other relief not specifically asked by the Appellant may be pleased be granted to the Appellant.

THROUGH

  
APPELLANT

  
A Hashim Khan  
Advocate Peshawar &

  
JALALUDDIN  
ADVOCATES, PESHAWAR

4

**BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No-----/2018

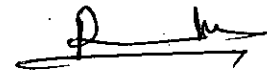
**Raza Ullah (Ex-Constable Bearing belt No.982),.....APPELLANT.**

**VERSUS**

**Govt of Khyber Pukhtunkhwa & others .....RESPONDENTS.**

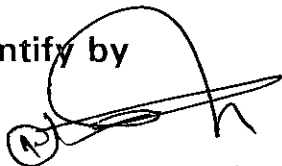
**AFFIDAVIT:-**

I, Raza Ullah S/o Malang Khan (appellant) do hereby solemnly affirm and declare on Oath that the contents of the above Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon' able Tribunal.



**DEPONENT**

Identify by



**A. HASHIM KHAN  
Advocate Peshawar**

5

**BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No-----/2018

**Raza Ullah (Ex-Constable Bearing belt No.982),.....APPELLANT.**

**V E R S U S**

Govt of Khyber Pukhtunkhwa & others .....**RESPONDENTS.**

**MEMO OF ADDRESSES OF PARTIES**

**A P P E L L A N T.**

**Raza Ullah (Ex-Constable Bearing belt No.982),  
Son of Malang Khan,  
R/O Village Umaro Payyan, Mohallah Qambar Kheel,  
Tehsil and District, Peshawar .....APPELLANT.**

**RESPONDENTS**

1. Govt of Khyber Pukhtunkhwa  
through Chief Secretary, office at Civil Secretariat,  
Khyber Pukhtunkhwa Tehsil & District Peshawar.
2. Inspector General Police Khyber Pukhtunkhwa,  
office at police Line Tehsil and District Peshawar.
3. Additional, Inspector General Police Khyber Pukhtunkhwa,  
office at police Line Tehsil and District Peshawar..
4. The Superintendent of police, Police Line Peshawar
5. Chief Capital City Police Officer, Police Line Peshawar

**THROUGH**

**A P P E L L A N T**



**A Hashim Khan  
Advocate Peshawar &  
JALALUDDIN  
ADVOCATES, PESHAWAR**



Annex "A" (6)

A (6)

حکومت پاکستان  
قومی شناختی کارڈ  
17301-3482523-7

نام: رضا اللہ  
پتو: گل خان  
تاریخ پیدائش: 01/08/1989  
رہنما سسرال  
رہنما سسرال



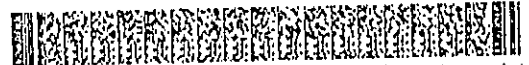
رضا اللہ  
رہنما سسرال

شناختی نمبر: 17301-3482523-7  
T1667K

موجودہ پتہ: گھنٹہ گھر ٹیٹن، انارک، لاہور، پاکستان  
مستقبل پتہ: لاہور

تاریخ اجراء: 25/08/2007  
تاریخ منسوخ: 31/07/2019

گھنٹہ گھڑنے پر قریبی ایئر ٹیس میں ڈال دیں

*[Signature]*  
Attested

The State Vs. Zar Wali and others

Present. Mr. Anwar Ali SP for the state.  
Accused Zar Wali, Razauillah, Khairullah and Mushtaq in custody with their counsel Mr. Waqar Ahmad Rais and Mr. Jaffar Mehmood Malik Advocates.

One PW namely Ghulam Hussain is in attendance, however, all the accused want to confess their guilt and seek time for its consequences. Present PW is bound down, whereas remaining PWs be summoned for 17.3.2017 as it is a direction case.

Announced:  
13.3.2017.

Masood Arshad,  
Judge,  
Special Court, CNS, Lahore.

17.3.2017. Present. Syed Ghulam Shabbir Bukhari SP for the state.  
Zar Wali, Khairullah, Razauillah, and Mushtaq Ahmad accused in custody with their respective counsel Mr. Waqar Ahmad Rais and Mr. Jaffar Mehmood Malik Advocates.

Nazim Shahzad Virk Inspector, Muhammad Younas/C and Ghulam Hussain ASI are in attendance but at the very outset, accused persons state that they want to make confessional statements. They are informed that they are not bound to make confession and that if they do so, it may be used as evidence against them. Their thumb impressions have been obtained on the margin of order sheet. They are given one hour to re-think about the making of confession. The case be kept pending and called again after wait.

Presence. As before.

Judge  
Special Court CNS, Lahore.

The accused persons again stated that they want to record their confessional statements and they are again warned that their confessional statements can go against them but they are insisting to record their statements voluntarily. Let their statements be recorded.

Judge  
Special Court CNS, Lahore.

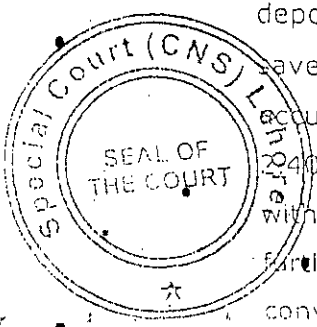
Separate statements of accused have been recorded in which they aver that they know the consequences of their guilt. They have decided to admit their guilt that narcotics were recovered from

Admitted True Copy  
Registrar Special Court, CNS,  
Lahore

Attested

them, therefore, notices U/S 342 Cr. P. C be issued to them as to why they be not punished in accordance with CNSA, 1997. They are ready to face the consequences of their confessional statements.

Accused Razaullah, Zar Wali, Mushtaq Khan and Khairullah have admitted that on 23.6.2016, they were apprehended by ANF near Babu Sabo Chowk, Band Road, Lahore. Razaullah and Zar Wali further admitted that 2.400/2.400 kgs charas was recovered from them, whereas Khairullah accused has admitted that 1200 grams charas was recovered from him when they were boarded FDT-1815 near Babo Sabu, Lahore. Mushtaq Khan accused has admitted that 2.400 kgs opium was recovered from him, when he was riding on motorcycle No.LEL-14/5680. Hon'ble Supreme Court of Pakistan in Judgment 2015 SCMR 1077 has held that trial Court may depart from the norms and standards prescribed in PLD 2009 Lahore, 362 and award any other legal punishment. Accused are first offenders, deposed the truth, want to bright their future free from such evil, and saved the precious time of the court, so, Zar Wali and Razaullah accused are convicted U/S 9(c) CNSA, 1997, having in possession of 2400 kgs charas each and are awarded two years and five months R.I with fine of Rs.24,000/= and in case of default, they have to undergo further 50 days S.I each. In the same manner, Khairullah accused is convicted U/S 9(c) CNSA, 1997, for keeping possession of 1200 grams charas and is awarded 15 months R.I with fine of Rs.13,000/= . In case of non-payment, he has to undergo 25 days S.I.



*Released*  
*17/3/2017*

Since, Musthaq Khan accused has already been convicted U/S 9(b) of CNSA, 1997 on 17.12.2015, so, he is convicted U/S 9(c) of CNSA, 1997 for keeping 2.400 kgs opium awarded three years and 02 months R.I with fine of Rs.32,000/= . In case of non-payment, he has to undergo two months S.I. They are given benefit of section 382-B, Cr. P. C and are entitled to all other remissions under the law. Zar Wali, Razaullah and Khairullah requested to shift them to Attock Jail as they belong to Peshawar, hence, Superintendent District Jail is directed to shift both of them to District Jail, Attock within one month from today.

Since, Zar Wali, Razaullah and Khairullah have been sentenced for a period less than three years; therefore, all their personal belongings are returned to them in the court, after receipt, whereas Mushtaq Khan has been sentenced more than 03 years, therefore, his assets, derived from trafficking of narcotics shall be forfeited in favour of Federal Government, unless this court is satisfied otherwise, while his personal belongings be given to Mushtaq Khan

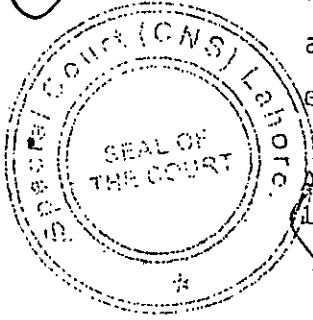
Attested True Copy

Registrar Special Court, CNS  
Lahore

*11/1/2*

*Attested*

9



expect his car. Car No.FDT-1815 and motorcycle No.LEL-14/5680, if not owned by Mushtaq Khan convict be returned to its original owners and recovered narcotics be destroyed in accordance with law after the expiry of appeal/revision.

Announced:  
17.3.2017

*Masood Arshad*  
Masood Arshad,  
Judge,  
Special Court CNS, Lahore

Attested True Copy

*[Signature]*  
Registrar Special Court  
Lahore

*[Signature]*  
Attested

ORDER

✓ 863-4  
16  
Annexed- "A"  
10

This office order relates to the disposal of formal departmental enquiry against Constable Raza No.982 of Capital City Police Peshawar. on the allegations that he, while posted at PS Pishtakhara, Peshawar was involved in criminal case vide FIR No.41 dated 23.06.2016 u/s 15-CNSA/1997 PS ANF Lahore & absented himself from lawful duty w.e.f 24.06.2016 till date without taking permission or leave.

In this regard, he was placed under suspension & issued charge sheet and summary of allegations. ASP Hayatabad was appointed as Enquiry Officer. He conducted the enquiry and submitted his report that defaulter official is not interested in his official duty. The E.O further recommended that enquiry may be kept pending till the final decision of court vide Enquiry Report No.2392/ST dated 27.03.2017.

Upon the finding of Enquiry Officer, he was issued final show cause notice & delivered him on home address through local Police PS Urmar which received by his brother namely Muhammad Zahid but he failed to submit his explanation or appear before this office as yet.

Upon which, the DSP Legal opinion was sought. He opined that "he not agree with the recommendation of E.O. Allegedly the accused officer red handedly arrested while smuggling contrabands and handsome quantity of 6 kg charas and 2400 kgs opium were recovered from his possession. Record further reveals that accused official is also avoiding to appear before the E.O, despite repeated summon. Besides, he being a member of discipline Force has tarnish image of the entire force by doing so. Hence, the E.O may collect evidence in light of which may submit a decesive conclusion for disposal of enquiry.

In light of DSP Legal opinion & other material available on record, the undersigned came to conclusion that the alleged official found guilty of the charges of involvement in criminal case/deliberate absence. Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect. Hence, the period he remained absent from 24.06.2016 till date is treated without pay.

Encl (56)

*[Signature]*  
SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR

OB. NO. 1752 / Dated 21/4 /2017

No. 1983-90 /PA/SP/dated Peshawar the 21/4 /2017

Copy of above is forwarded for information & n/action to:

- ✓ Capital City Police Officer, Peshawar.
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Office
- ✓ OASI, CRC & FMC along-with complete departmental file.
- ✓ Officials concerned.

*[Signature]*  
Attested

حکومت جناب کسٹیل سٹی پولیس افسر چنار

11

مخبروں حکمانہ اسپل برائے بحالی ملازمت بطور کنڈ

No 292-CB  
2/7/2018

جناب عالی

خودمانہ گزارش ہے کہ مسائل پولیس میں تعینات تھا۔  
اپنے قریبی رشتہ دار سے کیسا تو ایک سروری مام کی عرض سے  
لاہور چلا گیا تھا۔ لاہور پہنچ کر راستہ میں ANF کے  
ایک کار نے روک کر غیر قانونی جمعہ چھاپڑ شروع کر کے بلڈ  
میں انہوں نے زخم مارے۔ انکار کرنے پر ہمیں گرفتار کر کے  
ANF تھانہ جوہر ٹاؤن لیجا کر بعد میں ہمیں پتہ چلا کہ ہمارے

خلاف دفعہ عدالت 4/6/2016 23 جنوری 1997 CNVA-15 درج

رہتے تھے۔ جس میں ٹرانسپل ہو کر اخبار میں عدالت سے بری ہو گئے۔  
جب ڈکوری کی گئی تو پتہ چلا کہ جے نوری سے بحوالہ

1752  
21-4-017

جناب عالی! گزارش ہے کہ مسائل انٹوائسری سے لاعلم تھا۔ اور مسائل میں خلاف کوئی  
انٹوائسری نہیں ہوئی ہے۔ اس لیے درخواست ہے کہ مسائل کو  
نوری پر دوبارہ بحال کرنے کا حکم صادر فرما کر مشکور فرمائیں  
مگر عوداً نوری ہو گیا۔

بسم اللہ

982

No. 0314-9698129 Ex-Const.

10.7.18  
Attested



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
**PESHAWAR**

Phone No. 091-9210989  
Fax No. 091-9212597

(12)  
Amir

ORDER.

This order will dispose off the departmental appeal preferred by Ex-Constable Raza Ulath No. 982 who was awarded the major punishment of "Dismissal from service" by SP/IQrs Peshawar vide OB No.1752, dated 02-04-2017.

2- The allegations leveled against him were that he while posted in at Police Station Pishtakhara, found involved in a criminal case vide FIR No.41, dated 23-06-2016 u/s 15-CNSA/1997 PS ANF Lahore and absented himself from lawful duty w.e from 24-06-2016 till his dismissal i.e 21-04-2017 (09 months and 27 days).

3- He was proceeded against departmentally by SP/IQrs Peshawar by issuing him Charge Sheet and Summary of Allegation and enquiry has been conducted through ASP/Hayatabad Peshawar. The enquiry officer in his finding submitted that the official is not interested in his official duty and recommended that the enquiry may be keep pending till the final decision of the court. On receipt of finding of the enquiry officer the competent authority issued him Final Show Cause Notice at his home address through local Police of PS Urmer which was received by his brother but he failed to reply, hence the above major punishment was awarded to him.

4- He was heard in person in O.R. The relevant record perused along with his explanation but he failed to submit any satisfactory reply in his defence. therefore his appeal for reinstatement in service is dismissed/rejected being badly timebarred for 13 year.

  
(QAZI JAMIL UR REHMAN)PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 1060-65 /PA dated Peshawar the 28/09/2018

Copies for information and n/a to the:-

1. SP-IQr: Peshawar.
2. BO/OASI/RC for making necessary entry in his S.Roll.
3. FMC along with FM
4. Official concerned.



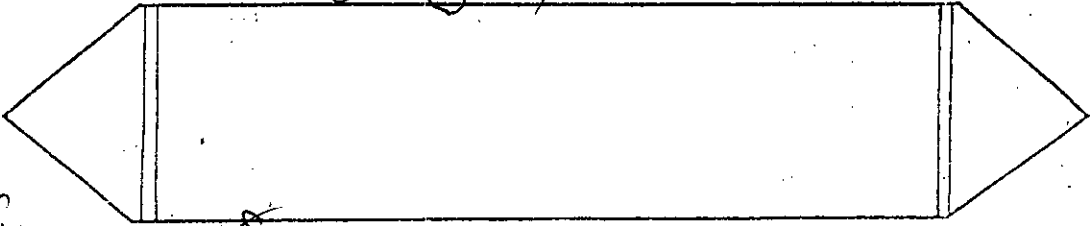
- 24/6/16 Arrest.
- 3 month Trial Start
- 17/3/17 - Sentence
- 14/6/18. Released  
imprisoned 2 year

0314-9098129  
ملا

*[Handwritten signature]*



# بعدالت سپرو نٹرنیشنل کے نام



21/8/2018ء پنجاب ہائی کورٹ

رضا اللہ بنام حکومت

موزخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام کے لئے کیلئے رضا اللہ بنام حکومت کے لئے

مقرر کر کے مقرر کیا جاتا ہے۔ کہ صاحب مرصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک در و پینہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
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 با اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرداختہ منقول قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

البرقوم 22  
ماہ اگست 2018ء

رضا اللہ

کے لئے منظور ہے۔  
Accept

بمقام کے

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 205 /ST

Dated 01/02/2019

To

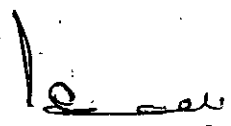
The Superintendent of Police,  
Government of Khyber Pakhtunkhwa,  
Police Line Peshawar.

SUBJECT: -

**ORDER IN APPEAL NO. 1338/2018, MR. RAZA ULLAH.**

I am directed to forward herewith a certified copy of order dated 17.01.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 348 /ST

Dated 28 /02 / 2019

To

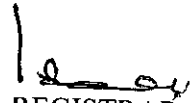
The Superintendent of Police, Police Line,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

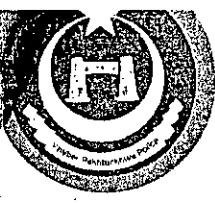
SUBJECT: -

ORDER IN APPEAL NO. 1338/2018. MR. RAZA ULLAH.

I am directed to forward herewith a certified copy of order dated 21.02.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.



OFFICE OF THE  
**CAPITAL CITY POLICE OFFICER,  
PESHAWAR**

Phone No. 091-9210989

Fax No. 091-9212597


**ORDER.**

This order will dispose off the departmental appeal preferred by **Ex-Constable Raza Ullah No.982** who was awarded the major punishment of "**Dismissal from service**" by SP/HQrs Peshawar vide OB No.1752, dated 02-04-2017.

2- The allegations leveled against him were that he while posted in at Police Station Pishtakhara, found involved in a criminal case vide FIR No.41, dated 23-06-2016 u/s 15-CNSA/1997 PS ANF Lahore and absented himself from lawful duty **w.e from 24-06-2016 till his dismissal i.e 21-04-2017 (09 months and 27 days).**

3- He was proceeded against departmentally by SP/HQrs Peshawar by issuing him Charge Sheet and Summary of Allegation and enquiry has been conducted through ASP/Hayatabad Peshawar. The enquiry officer in his finding submitted that the official is not interested in his official duty and recommended that the enquiry may be keep pending till the final decision of the court. On receipt of finding of the enquiry officer the competent authority issued him Final Show Cause Notice at his home address through local Police of PS Urmer which was received by his brother but he failed to reply, hence the **above major punishment was awarded to him.**

4- He was heard in person in O.R. The relevant record perused along with his explanation but he failed to submit any satisfactory reply in his defence. therefore his appeal for reinstatement in service is **dismissed/rejected being badly timebarred for 13 year.**

  
(QAZI JAMIL UR REHMAN)PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 1060-65 /PA dated Peshawar the 28/09/ 2018

Copies for information and n/a to the:-

1. SP-HQr: Peshawar.
2. BO/OASI/CRC for making necessary entry in his S.Roll.
- ✓ 3. FMC along with FM
4. Official concerned.

مخدوم جناب کسٹیشنری، انڈسٹریل ڈسٹرکٹ

Dy: No. 439 PA-CGI  
Dt: 22.07.18  
Encl:

No. 292-CB  
21/7/2018

جناب عالی

خودمانہ گزارش ہے کہ سائل پولیس میں تعینات تھا۔

اپنے قریبی رشتہ دار سے کیسا تو ایک سروری ماہ کی غرض سے

لاہور چلا گیا تھا۔ لاہور پہنچ کر راستہ میں ANF کے

انٹیکار نے روک کر غیر قانونی جوڑے چھانڈنے کے لئے

ان میں انہوں نے رقم کا مطالبہ کیا۔ انکار کرنے پر ہمیں گرفتار کر کے

ANF کے جوبڑے ماؤنڈ لیا جا کر بعد میں ہمیں پتہ چلا کہ ہمارے

خلاف قومی عدالت 4 جون 2016ء کو 23 نومبر 1997ء CNISA-15-15 درج

رہے تھے۔ جس میں ٹرائل ہو کر آخر کار سائل عدالت سے رہا گیا۔

جب ڈکھائی گئی تھی تو سائل نے عدالت سے درخواست کی تھی کہ اس سے بحال

OB نمبر 1752 درخواست کیا گیا ہے۔  
21-4-017

جناب عالی! گزارش ہے کہ سائل اندوہی سے لاعلم تھا۔ اور سائل کو خلاف قومی

اندوہی نہیں ہوئی ہے۔ اس لئے درخواست ہے کہ سائل کو

نواری پر دوبارہ بحال کرنے کا حکم صادر فرما کر متعلقہ نواریوں

میں بحال فرمائیں۔

ایک ایس ایچ آر رضا اللہ نمبر 982  
Ex-Const.

No. 0314-9698129

21

**CHARGE SHEET**

22

I, Superintendent of Police, Headquarters, Capital City Peshawar, as a competent authority, hereby, charge that Constable Raza Ullah No.982 of Capital City Police Peshawar with the following irregularities.


"That you Constable Raza Ullah No.982 while posted at PS Pishtakhara, Peshawar were involved in a criminal case vide FIR No.41 dated 23.06.2016 U/S 15-CNSA/1997 PS ANF Lahore. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case exparte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

(23)

**DISCIPLINARY ACTION**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Raza Ullah No.982 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

**STATEMENT OF ALLEGATION**

"That Constable Raza Ullah No.982 while posted at PS Pishtakhara, Peshawar has been involved in a criminal case vide FIR No.41 dated 23.06.2016 U/S 15-CNSA/1997 PS ANF Lahore. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and ASP - Hayatabad is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.
3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

*[Signature]*  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 263 /E/PA, dated Peshawar the 11-11 /2016

1. ASP - Hayatabad is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned

P.A.  
for Process.  
*[Signature]*  
ASP HAYATABAD CIRCLE  
PESHAWAR

ULLAH NO. 982.

The enquiry in hand was referred to the office Enquiry No. 263/E/PA, dated 11.11.2016 to dig out the actual facts being involvement in a criminal case of the above named Constables.

Short facts are that accused Constable Raza Ullah No. 982 while posted at Police station Pishtakhara, Peshawar had been involved in a criminal case vide FIR No. 41 dated 23.06.2016 u/s CNSA/1997 PS ANF Lahore. This amounts to gross misconduct on his part and against the discipline of the force. Subsequently, proper summary of allegations/charge sheet has been issued to them by the W/SP-HQrs, Peshawar.

The accused Constable could not submit his reply within stipulated period despite the fact that he was summoned to join the enquiry proceedings. Furthermore as per report of MM Police Lines Peshawar the above mentioned Constable is still absent. This shows a total lack of interest in the duty and shows negligence.

Keeping in view the facts, a firm opinion cannot be given about their innocence/involvement in the said case. I therefore, recommended that the departmental enquiry may be kept pending till the decision of the case by the court of law.

Submitted for further approval please.

All relevant documents are attached herewith.




MUHAMMAD SHOAIB KHAN (PSP)

Enquiry Officer,  
Assist: Superintendent of Police,  
Hayatabad: Sub-Division,  
Peshawar.

Worthy Superintendent of Police,  
HQrs, Peshawar.

No. 392 /E/St, dated Peshawar the 27 / 03 / 2017.

Issue Final  
B.M.V. Case note

  
27/3/17



33

**FINAL SHOW CAUSE NOTICE**

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Raza Ullah No.982 the final show cause notice.

The Enquiry Officer, ASP Hayatabad, after completion of departmental proceedings, has recommended you for court decision for you Constable Raza Ullah No.982 as the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you Constable Raza Ullah No.982 deserve the punishment in the light of the above said enquiry reports.

I, competent authority, have decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975.

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

*[Signature]*  
SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR

No. 263/E /PA, SP/HQrs: dated Peshawar the 31/3 /2017.

Copy to official concerned

*[Handwritten Urdu text, likely a copy to the official concerned]*

*[Handwritten Urdu text, likely a copy to the official concerned]*

NAIB NAZIM  
V.C. Yousaf Khel  
Urmar Payan

*[Signature]*

*[Handwritten Urdu text]*  
17301-7088 516-5  
0301-5905648

*[Handwritten Urdu text]*  
17301-7088 516-5  
0301-5905648

✓  
863-2  
TB

**ORDER**

This office order relates to the disposal of formal departmental enquiry against Constable Raza No.982 of Capital City Police Peshawar on the allegations that he while posted at PS Pishtakhara, Peshawar was involved in criminal case vide FIR No.41 dated 23.06.2016 u/s 15-CNSA/1997 PS ANF Lahore & absented himself from lawful duty w.e.f 24.06.2016 till date without taking permission or leave.

In this regard, he was placed under suspension & issued charge sheet and summary of allegations. ASP Hayatabad was appointed as Enquiry Officer. He conducted the enquiry and submitted his report that defaulter official is not interested in his official duty. The E.O further recommended that enquiry may be kept pending till the final decision of court vide Enquiry Report No.2392/ST dated 27.03.2017.

Upon the finding of Enquiry Officer, he was issued final show cause notice & delivered him on home address through local Police PS Urmar which received by his brother namely Muhammad Zahid but he failed to submit his explanation or appear before this office as yet.

Upon which, the DSP Legal opinion was sought. He opined that "he not agree with the recommendation of E.O. Allegedly the accused officer red handedly arrested while smuggling contrabands and handsome quantity of 6 kg charas and 2400 kgs opium were recovered from his possession. Record further reveals that accused official is also avoiding to appear before the E.O, despite repeated summon. Besides, he being a member of discipline Force has tarnish image of the entire force by doing so. Hence, the E.O may collect evidence in light of which may submit a decesive conclusion for disposal of enquiry.

In light of DSP Legal opinion & other material available on record, the undersigned came to conclusion that the alleged official found guilty of the charges of involvement in criminal case/deliberate absence. Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect. Hence, the period he remained absent from 24.06.2016 till date is treated without pay.

Encl (56)

  
**SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR**

OB. NO. 1752 / Dated 21/4 /2017

No. 1983-90 /PA/SP/dated Peshawar the 21/4 /2017

Copy of above is forwarded for information & n/action to:

- ✓ Capital City Police Officer, Peshawar.
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Office
- ✓ OASI, CRC & FMC along-with complete departmental file.
- ✓ Officials concerned.



