

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. 611/2018

Date of Institution ... 07.05.2018

Date of Decision ... 09.12.2021

Zakir Muhammad S/O Shakir Khan R/O Neway Kalay Spin
Khowray P.O Hangu Tehsil and District Hangu.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home and
Tribal Affairs, Civil Secretariat Peshawar and three others.

... (Respondents)

MR. MUHAMMAD ILYAS ORAKZAI,
Advocate

--- For appellant.

MR. ASIF MASOOD ALI SHAH,
Deputy District Attorney

--- For respondents.

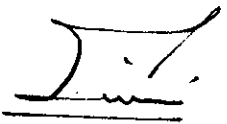
MR. AHMAD SULTAN TAREEN
MR. SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

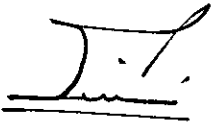
Precise facts forming the background of the instant service appeal are that the appellant was appointed as Constable in the Police Department in the year 2004. The appellant while posted in Police Line Hangu, was proceeded against departmentally under the NWFP Removal from Service (Special Powers) Ordinance, 2000 on the allegations that he absented himself from official duty with effect from 07.03.2008. On conclusion of the inquiry, major punishment of removal from service from the date of absence of the



appellant was awarded to him vide order dated 18.03.2009. The same was challenged by the appellant through filing of departmental appeal on 02.04.2018, which was filed by Regional Police Officer Kohat Region being barred by 09 years. The appellant has now approached this Tribunal through filing of the instant service appeal for redressal of his grievance.

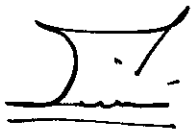
2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the absence of the appellant was not willful, rather it was due to the fact that *Tahreek-e-Taliban* District Hangu had sent several letters to the appellant directing him for leaving Police Service; that *Taliban* had extended threats of dire consequences to the appellant and certain relatives of the appellant were abducted by them while one of the relative of the appellant was killed by *Taliban*; that when the situation in District Hangu became normal, the appellant reported to the department for resuming of his duty, however he was informed that he has been removed from service vide impugned order dated 10.04.2018, therefore, he filed departmental appeal but the same was also dismissed only on the ground that the same was badly time barred; that vide impugned order dated 10.04.2018, the appellant was removed from service with retrospective effect from the date of his absence, therefore, the impugned order is void ab-initio because departmental Authority is having no power to award penalty to the appellant with retrospective effect; that as the impugned order of removal from service of the appellant was given effect retrospectively, therefore, the same could be challenged any time as no limitation would run against the same. In the last he requested that the impugned orders may be set-aside and the appellant may be reinstated in service with all back benefits. Reliance was placed on 2007 SCMR 262, PLD 2007 Supreme Court 52, 1993 PLC (C.S) 308, 1985 SCMR 1178, 2007 PLC (C.S) 05, 2002 PLC (C.S) 1027, 2006



PLC (C.S) 766, 2003 PLC (C.S) 1471; 2013 SCMR 881, 2006 PLC (C.S) 74 and judgment dated 12.04.2017 passed by this Tribunal in Service Appeal No. 1027/2015.

4. On the other hand, learned Deputy District Attorney for the respondents has contended that the appellant had willfully remained absent from duty with effect from 07.03.2008, therefore, departmental proceedings were initiated against the appellant; that charge sheet as well as statement of allegations were issued to the appellant, however the appellant did not bother to attend the inquiry proceedings despite knowledge; that on conclusion of the inquiry, final show-cause notice was issued to the appellant, which was received by his brother namely Tahir Muhammad, who stated that the appellant had gone to Karachi and did not want to serve in the Police Department; that the inquiry proceedings were conducted by complying all legal and codal formalities and the appellant was rightly removed from service; that the appellant submitted departmental appeal, which was barred by 09 years, therefore, the instant service appeal is not maintainable. In the last he requested that impugned orders may be kept intact and the appeal in hand may be dismissed with costs.



5. Arguments heard and record perused.

6. A perusal of the record would show that the appellant was proceeded against departmentally on the allegations of his absence from duty with effect from 07.03.2008 and on conclusion of inquiry, major punishment of removal from service from the date of his absence was awarded to the appellant vide the impugned order dated 18.03.2009. The same was challenged by the appellant through filing of departmental appeal on 02.04.2018, which was filed by Regional Police Officer Kohat Region vide order dated 10.04.2018 being time barred by about 09 years. The appellant has though filed an application for condonation of delay, wherein it has been mainly alleged that as the impugned order of removal of the appellant from service was

passed with retrospective effect, therefore, the same is void and no limitation would run against the same. Though punishment could not be awarded with retrospective effect, however in case, where a civil servant has been proceeded against departmentally on the ground of his absence from duty, then punishment could be awarded to him retrospectively from the date of his absence from duty and the same is an exception to the general rule that punishment could not be imposed with retrospective effect. The impugned order dated 27.02.2012 thus could not be considered as void merely on the ground that the same was passed with retrospective effect. The application for condonation of delay is, therefore, dismissed.

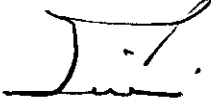
7. It is settled proposition of law that when an appeal of the employee was time barred before the appellate Authority, then the appeal before the Tribunal was also not competent. Reliance is placed on 2007 SCMR 513, PLD 1990 S.C 951 and 2006 SCMR 453. Furthermore, august Supreme Court of Pakistan in its judgment reported as 1987 SCMR 92 has held that when an appeal is required to be dismissed on limitation, its merits need not to be discussed.

8. In view of the above discussion, it is held that as the departmental appeal of the appellant was badly time barred, therefore, the appeal in hand being not competent is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

09.12.2021


(AHMAD SULTAN TAREEN)
CHAIRMAN


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

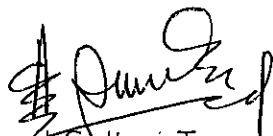
Service Appeal No. 611/2018

O R D E R
09.12.2021

Mr. Muhammad Ilyas Orakzai, Advocate, for the appellant present. Mr. Mujahid Khan, S.I (Legal) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, it is held that as the departmental appeal of the appellant was badly time barred, therefore, the appeal in hand being not competent is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
09.12.2021



(Ahmad Sultan Tareen)
Chairman



(Salah-Ud-Din)
Member (J)

11.03.2021


Due to non availability of Bench, the case is adjourned to 15.06.2021 for arguments before D.B

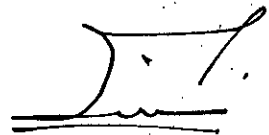

READER

15.06.2021

Nemo for the appellant. Mr. Abdul Rauf, Head Constable alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for arguments before the D.B on 05.10.2021.

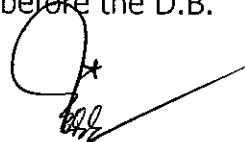

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

05.10.2021

Junior to counsel for the appellant and Mr. Muhammad Rasheed, DDA for the respondents present.

Former sought adjournment due to non-availability of learned senior counsel for the appellant today. Request is accorded. To come up for arguments on 09.12.2021 before the D.B.



(Mian Muhammad)
Member(Executive)

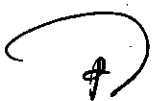

Chairman

13.10.2020

Learned counsel for the appellant is present. Mr. Kabirullah, Additional Advocate General for respondents are present.

Learned Additional Advocate while making reference to impugned order dated 18.03.2009, submitted that retrospective effect was given to the referred to order, the issue with retrospectivity is pending before the Larger Bench of this august Tribunal constituted for the purpose therefore, unless and until judgment is made by the worthy Larger Bench of this Tribunal, this appeal is kept pending. File to come up for further proceedings on 23.12.2020 for arguments before D.B.



(Mian Muhammad)
Member (E)

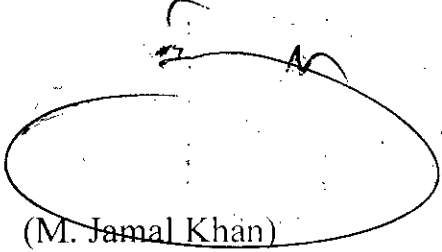

(Rozina Rehman)
Member(J)

23.12.2020

Counsel for appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Zahid Ur Rehman Inspector for respondents present.

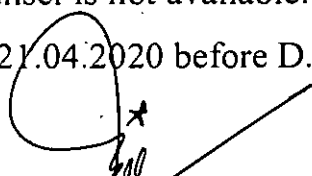
The issue of retrospectivity had not been adjudicated so far, therefore, the appeal is adjourned to 11.03.2021 for further proceedings before D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)


(M. Jamal Khan)
Member (J)

20.02.2020

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney alongwith Muhammad Sajjad Stenographer present. Appellant seeks adjournment as his counsel is not available. Adjourned To come up for arguments on 21.04.2020 before D.B.


Member


Member

21.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 28.07.2020 before D.B.

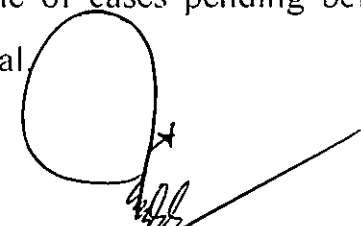

Reader


28.07.2020

Counsel for appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.


Learned counsel for appellant seeks adjournment. Adjourned to 13.10.2020 before D.B, in order to avail the outcome of cases pending before Larger Bench of this Tribunal.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

03.05.2019


Clerk to counsel for the appellant and Mr. Riaz Paidakhel learned Assistant Advocate General alongwith Mr. Zahid Ur Rehman Inspector for the respondents present. Clerk to counsel for the appellant requested for adjournment as counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 18.07.2019 before D.B.



Member


Member

18.07.2019


Appellant in person present. Mr. Usman Ghani learned District Attorney alongwith Mr. Zahid ur Rehman Inspector for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 08.10.2019 before D.B.


(Hussain Shah)
Member


(M. Amir Khan Kundi)
Member

8-10-2019

DUE to tour of Honble Members to camp court but the case is adjourned to 17-12-19


Recorder

17.12.2019

Lawyers are on strike on the call of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 20.02.2020 before D.B.


Member


Member

611/2018

22.11.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present.

In the instant case the representative of the respondents has sought adjournment for submission of written reply on 15.10.2018 and 13.08.2018 . Even today no one is in attendance as a representative of the respondent department. The appeal is once again adjourned to 18.12.2018 for doing the needful, failing which the matter would be proceeded on the available record.


Chairman

18.12.2018

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Muhammad Zahid Inspector present..Representative of the respondents submitted written reply/comments. Adjourn. To come up for rejoinder if any and arguments on 14.02.2019 before D.B - I

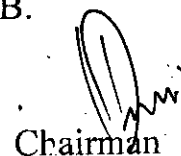

Member

14.02.2019

Counsel for the appellant and Addl. AG alongwith Zahidur Rahman, DSP (Legal) for the respondents present.

Rejoinder on behalf of appellant has been submitted which is placed on file. To come up for arguments on 03.05.2019 before the D.B.


Member


Chairman

28.05.2018

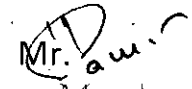
Learned counsel for the appellant present. Preliminary arguments heard.

Vide original impugned order dated 18.03.2009 the appellant was awarded major penalty of removal from service from the date of his absence from duty. Learned counsel for the appellant argued that the punishment was awarded to the appellant with retrospective effect hence the limitation would not run in the case of appellant.

Points raised need consideration. The present service appeal is admitted for regular hearing subject all legal objections including the issue of limitation.

The appellant is directed to deposit security and process within 10 days, thereafter notices be issued to the respondent for written reply/comments. To come up for written reply/comments on 13.08.2018 before S.B

13.08.2018

Counsel for the appellant and  Mr. Zahid ur Rehman, Inspector for respondents present. Written reply not submitted. Representative of the respondents seeks time to file written reply/comments. Granted. To come up for written reply/comments on 15.10.2018 before SB.


(Muhammad Amin Khan Kundi)
Member

15.10.2018

Neither appellant nor his counsel present. Mr. Zahid Ur Rehman, Inspector alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. Representative of the respondents sought some time to submit the same. Granted. Case to come up for written reply/comments on 22.11.2018 before S.B.




(Ahmad Hassan)
Member

Form-A

FORM OF ORDERSHEET

Court of _____

Case No. 611/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07/05/2018	<p>The appeal of Mr. Zakir Muhammad presented today by Mr. Muhammad Ilyas Orakzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	15/05/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/05/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Service Appeal No 611 2018

Zakir Muhammad

VERSUS

Government of KP and others

I N D E X

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGE
1.	Grounds of Appeal alongwith Affidavit	-	1-7
2.	Application for condonation of delay with affidavit	-	8-9-10
3.	Addressed of the parties	-	11
4.	Copies of the letters	ANX-"A"	12-13
5.	Copy of the FIR and letter	ANX-"B"	14-15
6.	Copies of the application and letter	ANX-"C"	16-17
7.	Copy of the impugned order dated 18 th March, 2009	ANX-"D"	18
8.	Copies of the departmental appeal and order dated 10-04-2018	ANX-"E&F"	19-20
9.	Wakalat Nama (in original)	-	21

Appellant

Through:

(MUHAMMAD ILYAS ORAKZAK)

&

(MUHAMMAD SHABIR KHALIL)

Advocate,

High Court, Peshawar

Cell # 0333-9191892

Dated:-07-05-2018

10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200

①

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

In Re: Service Appeal No 611 / 2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 664

Dated 07-5-2018

Zakir Muhammad S/O Shakir Khan R/O Neway Kalay Spin Khowray

P.O Hangu Tehsil and District Hangu.....(Appellant)

V E R S U S

1. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs, Civil Secretariat Peshawar
2. Inspector General of Police, Khyber Pakhtunkhwa at Peshawar
3. Deputy Inspector General of Police, Kohat Region at Kohat
4. District Police Officer, District Hangu(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Services Tribunal Act, 1974 R/W Khyber Pakhtunkhwa E&D Rule 2011 against the impugned order No ~~188~~ dated 18-03-2009 of Respondent No 4 and impugned Appellate order No 4576/EC dated 10-4-2018, whereby the Appellant has been dismissed from his service

Filed to-day

Registrar

7/5/18.

PRAYER IN APPEAL:-

On acceptance of this Appeal, the impugned order as well as impugned Appellate order may please be set aside and Appellant be reinstated his service with all back wages and

benefits with such other relief as may deemed fit in the circumstances of the case may also be granted.

Respectfully Sheweth:-

The Appellant humbly submits as under:-

- 1) That the Appellant was appointed as constable Police Department in the year 2004, since he was performing duties till 07-03-2008 with full devotion, zeal and the entire satisfaction his superiors.
- 2) That due to the high militancy and worst condition in the province especially in the Appellant's District i.e. District Hangu. The Appellant was threatened by the terrorists and various letters were sent to him by the Taliban Commanders in this regard, due to which the Appellant remained absent from his duty as he left his District. (Copies of the letters are attached herewith).
- 3) That prior to leaving of his duty station, the Appellant informed his high ups about the said story and requested for leave for few month, but in vain; hence the Appellant compellingly left his duty.
- 4) That beside the Appellant one police official/colleague of the Appellant namely Sajjad was also hit by the Taliban, during the kidnapping of one Muhammad Hayat, who was the real uncle of the Appellant and sustained injuries. The uncle was later on released by Taliban after payment of

ransom amount to them. (Copies of the FIR and letter is attached herewith).

- 5) That the Taliban also kidnapped the brother-in-law of the Appellant namely Imran Khan because of his father namely Lalmin Khan, who was serving in Orakzai Levy as Naib Subidar. Furthermore, the brother of said Lalmin Khan namely Nurab Khan was also killed by the Taliban. (Copies of the applications and letter are attached herewith).
- 6) That the Appellant was charge sheeted on the alleged ground of absence from duty and thereafter the so-called inquiry was conducted against him on the basis of such inquiry report, the Appellant was removed from his service by the Respondent No 4 vide impugned order No 188 dated 18-03-2009. (Copy of the impugned order dated 18-03-2009 is attached herewith).
- 7) That when the law and order situation had become normal due to the Military Operations conducted by Pak Army and the Government writ was insured throughout the area, the Appellant reported to the department for resuming of his duties, whereby he was informed about his said removal.
- 8) That against the impugned order, the Appellant submitted his departmental appeal to Respondent No 3, which was dismissed vide order No 4576/EC dated 10-04-2018. (Copies of the departmental appeal and order dated 10-04-2018 are attached herewith).

- 9) That the Appellant feeling aggrieved from the impugned orders, filed instant appeal before this Honourable Tribunal on the following grounds inter-alia:-

GROUNDS:-

- A) That the impugned removal order from service as well as the impugned Appellate order are illegal, unlawful, void ab-initio and ineffective upon the right of Appellant, hence liable to be set aside.
- B) That the impugned order is illegal, against the law, void ab-initio as the Executive/Departmental Authority has no power to pass the order with retrospective effect. On this score alone the impugned orders are liable to be set aside.
- C) That both the impugned orders of the Respondents are illegal, non-speaking orders, ambiguous, vague; as the Appellant was not served with any show cause notice nor proper/regular inquiry was conducted, so the Appellant was condemned unheard.
- D) That the impugned orders are void, hence no limitation would run against the void order and the void order can be challenge at anytime.
- E) That both the impugned removal orders from service are against the principle of natural justice.

- F) That both the impugned orders are in violation of Section 25-A of the General Clauses Act, as the competent authority has failed to cite any reason or justification in said orders.
- G) That it is well established principle of natural justice, enshrined in the precedent of superior Courts as well, that where the competent authority is going to impose the penalty of removal etc. The regular inquiry to that effect is necessary.
- H) That all the proceedings initiated against the Appellant were mala-fide and malicious and purportedly were initiated in order to displace the Appellant from his post and appoint any other blue eyed.
- I) That the punishment was imposed is too harsh and is a major one.
- J) That no one shall be condemned unheard.
- K) That the other grounds not here specifically may also graciously be allowed to be raised at the time of arguments.

PRAYER:-

It is, therefore, most respectfully prayed that on acceptance of this Appeal, the impugned order as well as impugned Appellate order may please be set aside and Appellant

6

be reinstated his service with all back wages and benefits with such other relief as may deemed fit in the circumstances of the case may also be granted.

Appellant



Through:

(MUHAMMAD ILYAS ORAKZAI)
Advocate,
High Court Peshawar
&

(MUHAMMAD SHABIR KHALIL)
Advocate,
High Court Peshawar

Dated: -07-05-2018

NOTE:-

No such appeal for the same Appellant has earlier been filed by me before this Honourable Tribunal prior to instant one.

Advocate



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Zakir Muhammad

VERSUS

Government of KP and others

AFFIDAVIT

I, Zakir Muhammad S/O Shakir Khan R/O Neway Kalay Spin Khowray P.O Hangu Tehsil and District Hangu, do hereby solemnly affirm and declare on oath that all the contents of accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed OR withheld from this Honourable Court.

DEPONENT

Identified by:-

(MUHAMMAD ILYAS ORAKZAI)
Advocate
High Court, Peshawar



8

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Zakir Muhammad

VERSUS

Government of KP and others

APPLICATION FOR CONDONATION OF DELAY, IF ANY

Respectfully Sheweth:-

- 1) That the Applicant/Appellant is filing the instant appeal, in which no date of hearing has yet fixed.
- 2) That the Appellant was not willfully absent from his duty, but due to serious threat of the militants, due to which the Applicant/Appellant was remained absent.
- 3) That the removal order of the Applicant/Appellant was passed with retrospective effect, which is void in the eyes of law, hence no limitation would run against the void order.
- 4) That the delay if any in filing of instant appeal would be due of the above reason and not intentionally and willfully.
- 5) That the law favours at cases should be decided on merits not on technicalities.

9

It is therefore, most humbly prayed that on acceptance of this Application, the delay in filing of appeal may kindly be condoned in the best interest of justice.

Applicant/Appellant



Through:



(MUHAMMAD ILYAS ORAKZAI)

Advocate

High Court, Peshawar

&



(MUHAMMAD SHABIR KHALIL)

Advocate,

High Court, Peshawar

Dated: -07-05-2018

10

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Zakir Muhammad

VERSUS

Government of KP and others

AFFIDAVIT

I, Zakir Muhammad S/O Shakir Khan R/O Neway Kalay Spin
Khowray P.O Hangu Tehsil and District Hangu, do hereby
solemnly affirm and declare on oath that all the contents of
accompanying Application are true and correct to the best of my
knowledge and belief and nothing has been concealed OR
withheld from this Honourable Court.

DEPONENT

Identified by:-

(MUHAMMAD ILYAS ORAKZAI)

Advocate

High Court, Peshawar



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Zakir Muhammad

VERSUS

Government of KP and others

ADDRESSES OF THE PARTIES

APPELLANT

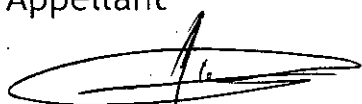
Zakir Muhammad S/O Shakir Khan R/O Neway Kalay Spin Khowray
P.O Hangu Tehsil and District Hangu


RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs, Civil Secretariat Peshawar
2. Inspector General of Police, Khyber Pakhtunkhwa at Peshawar
3. Deputy Inspector General of Police, Kohat Region at Kohat
4. District Police Officer, District Hangu

Appellant

Through:


(MUHAMMAD ILYAS ORAKZAI)
Advocate,
High Court Peshawar


(MUHAMMAD SHABIR KHALIL)
Advocate,
High Court Peshawar

Dated:-07-05-2018.

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ



امیر المؤمنین
ابن عمر مجاهد (حفظہ اللہ)

امیر تحریک طالبان پاکستان
بیت اللہ مسعودی

ماتہ هر خه وایه خو اسلام ته م خه ماوایه
دام داغیارو نه په سر وینو کتله دے

P. 19

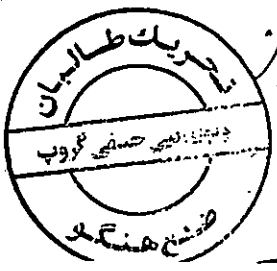
ANX - "A"

تحریک طالبان ضلع ہنگو

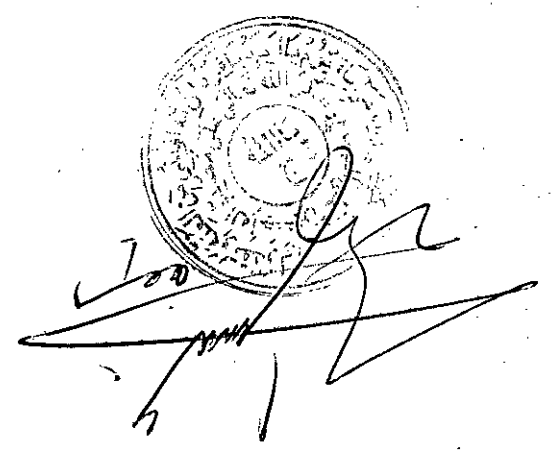
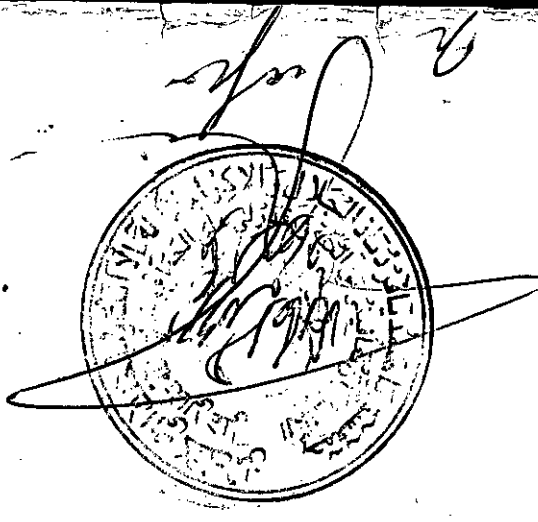
التاریخ ۲۰۰۱، ۲، ۲

الرقم _____

جناب - ذاکر محمد کنہ ہنگو
اسلام علیہ وسلم ورحمۃ اللہ وبرکاتہ
کہہ سہا (کہہ سہا) کی ہے تم؟ - پولیس کی سرکار
کو آ کر ہی حضور جو صحت جو نہ اس اسلام اور یہ
احمد اکرم مسند کا حکم ہے اور تم کو ابہر آج کیوں
کو ہمارے لئے لکھو اور طالبان آج کے ہمارے
کا بولہ کی کا مقصد رکھتے ہیں
۵، ۵ (۵) کہہ سہا طالبان ضلع ہنگو



نماز راہ نجات ہے



۱۳۰۰
 ۱۳۰۰
 ۱۳۰۰
 ۱۳۰۰
 ۱۳۰۰
 ۱۳۰۰
 ۱۳۰۰

۱۳۰۰

۱۳۰۰

۱۳۰۰
 ۱۳۰۰

۱۳۰۰



0333-9610850
Falkland House

جنرل پولیس موٹر سائیکل نمبر ۳

ابتدائی اطلاع رپورٹ

کونٹر

(فائیل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شہرہ زیر دفعہ ۱۵۲ مجموعہ نمبر	مختصہ حسلہ
تاریخ وقوعہ ۱۵/۵/۳۱	نمبر 686
تاریخ و وقت رپورٹ ۱۵/۵/۳۱	
سیارہ دلہ شازادہ خان سہ بلدیات نمبر 30	نام و سکونت اطلاع دہندہ و متفیض
1147-1148-324-365 PPC	محقق کیفیت جرم (معدوم) حال اگر کچھ لیا گیا ہو
بیم روز در بندہ شرکی بانڈہ کے درمیانی پر	جائے وقوعہ فاصلہ مقام سے اور سمیت
	نام و سکونت ملزم
برسگی مرہاسہ پر جم دیا جاتا ہے	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو اہو تو وجہ بیان کرو۔
بلا رسٹیبل رپورٹ	مقام سے روانگی کی تاریخ و وقت

ابتدائی اطلاع پیچھے درج کوو ایک غیر بن مرہاسہ بجانب طر حیات حال
 کی بدست لکن کنڈریاض ۱۵84 محلہ کور درج ذیل ہے۔ ایسرہ اجازت منام کنڈر رپورٹ
 سیارہ دلہ شازادہ خان سہ بلدیات نمبر 30 سالہ حالت مجروحیت لہرتہ بالہ ایسرہ ام
 سول سنیال کنڈر رپورٹ کرنا ہم میں ہج گھر سے ڈرائیو کیلئے شادری نام سہن کیلئے احد
 حیات عورت و شری کے یکہ ایسرہ دیگر سوار لڑکیا لڑکے سر ایسرہ جب جائے وقوعہ پر
 باہر لڑنے لڑیل پر 6 کنہاں اسماء مکن عدلم جنکر سیان نے پر شناخت کر سکا اور سلم
 اتین کر کے جرمیں یکہ ایسرہ ان کے نزدیک لڑکی لڑکے سمیت سلم ایسرہ نے یکہ ایسرہ
 کر لیا اور سوار لڑکی کر لے کر لیا سوار ماں ان کے ملین لڑکی ایسرہ سے انرا لڑکی ایسرہ
 عدلم سہ سے ایک شخص نے مجروحیت قبول نایسرہ کہ جس کے ہم میں سر حم کے صدر و جلوں
 برجمی کو کر گھر لڑکی اور دیگر حیات عورت و شری دلہ لڑکی ایسرہ سہ کنڈر بانڈہ کر یکہ ایسرہ
 سوارہ شہر لڑکی کنہاں عدلم سے ہرور افراد لڑکی کے لڑکی ایسرہ لڑکی ایسرہ لڑکی ایسرہ لڑکی ایسرہ
 کے جسم خرد و یکہ ایسرہ میں ایسرہ مجروحیت قبول نایسرہ کہ لڑکی ایسرہ لڑکی ایسرہ لڑکی ایسرہ
 عورت و شری کے افراد لڑکی کا ہر خرد سہ لڑکی نال کنہاں اسماء مکن عدلم دلہ لڑکی ایسرہ لڑکی ایسرہ
 کارروائی لڑکی سے کہ سال رپورٹ میں مجروح بالہ جو کر نبرماں اتین پڑھ سنیاب سمجھا لگا
 سہ کوٹ لڑکی کر دست سلم کر لڑکی ایسرہ لڑکی ایسرہ لڑکی ایسرہ لڑکی ایسرہ لڑکی ایسرہ
 کر ناموں مخرج کا قسم ہے اور ہر کس کے ہم میں عدلم صالم رانا ڈائری لڑکی ایسرہ لڑکی ایسرہ
 کیل ہم ام 607 لڑکی ایسرہ لڑکی ایسرہ لڑکی ایسرہ لڑکی ایسرہ لڑکی ایسرہ لڑکی ایسرہ
 حال ہے مرہاسہ لڑکی نالہ مکن عدلم ۱۵84 لڑکی ایسرہ لڑکی ایسرہ لڑکی ایسرہ

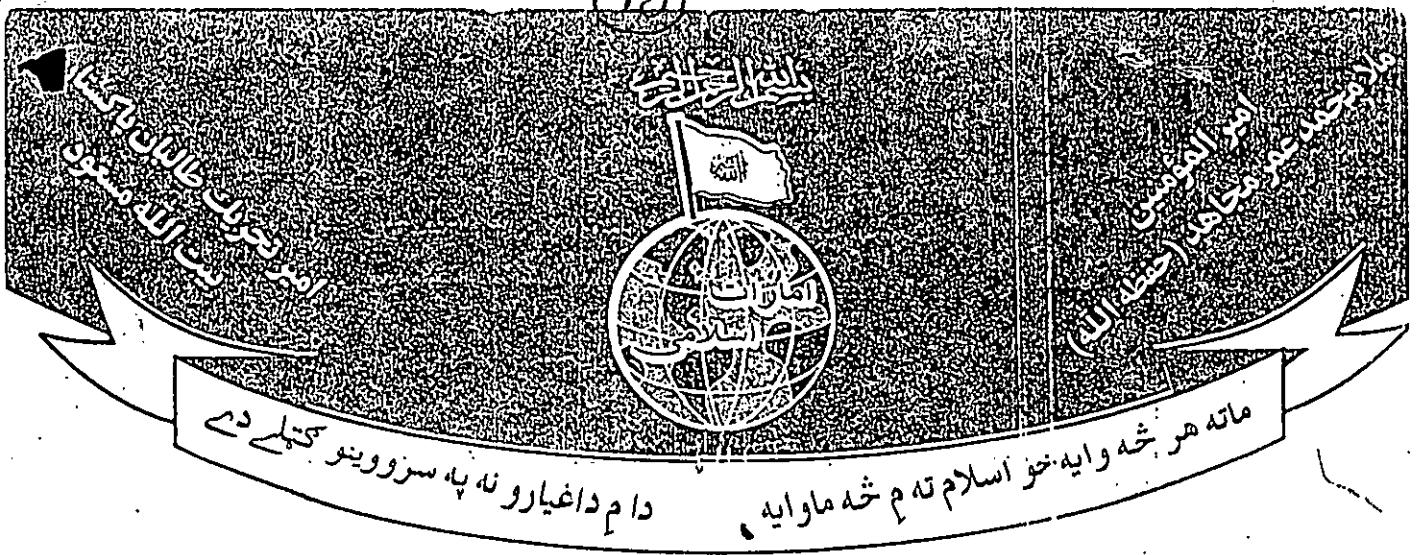
Attested

تیس IBH شہانہ تجارتی دسویں اور پندرہویں نمبر پر حالت حال کی ۱۱/۱۰/۰۳ کا احوال کی نام
 اندر ہر نام صورت صورت درج نام کو کر نام کو نام کو نام کو نام کو نام کو
 FIR کی صورت میں تیس IBH شہانہ تجارتی دسویں اور پندرہویں نمبر پر حالت حال کی ۱۱/۱۰/۰۳
 گزارا ہے

سال
 MT-ASI-Ha-24
 31-10-07

تیس
 تیس

اطلاع کی نیچے اطلاع دینے کے لئے دستخط اور پندرہویں نمبر پر حالت حال کی ۱۱/۱۰/۰۳ اور آخری تحریر کی ذمہ داری اطلاع کا دستخط بطور تصدیق
 شروع روشنائی سے ہونا چاہئے۔ مضمون یا شہر کی ترتیب واسطے ہر نام کی وضاحت اور نام یا نشان
 کا چاہئے۔



تحریک طالبان ضلع ہنگو

التاریخ

حنایہ شہر حیات عرف وڑوکی سنگہ سنگی بارہ ۵

السلام علیکم وعلیٰ آلکم وعلیٰ سلمت

بعد اسلام عرفین انیکہ اید نے مبارک بیٹھامے درمیان

جو کام کیا وہ تحریک اصولوں کا مکمل خلاف ورزی کی ہے

انے کو اطلاع دیسی انیکہ ایسے مجرم ۹-۱۱-۲۰۰۵

کو سینٹرل سرکریٹ میں حاضر کی دیسی انیکہ بصورت دیگر

طالبان ان کے خلاف کارروائی کا حق رکھتا ہے

صدر کردہ تحریک طالبان ہنگو سینٹرل سرکریٹ



(Handwritten signature)

نماز راہ نجات سے

ATTESTED

موجودہ خاتون کی ایک کاپی اور اس کے بارے میں

ANT - C

ذرا فراموشی بردار... عالی اہل

خاتون عالی

ذرا فراموشی بردار... عالی اہل

کا باشندہ اور حضور... عالی اہل

عالمیہ ماہ اور... عالی اہل

میرزا خان... عالی اہل

اس دوران... عالی اہل

اور جی... عالی اہل

علاقہ... عالی اہل

دھشت گرد... عالی اہل

POLITICAL AGENT ORAKZAI AGENCY

تیسری... عالی اہل

وزیر... عالی اہل

خاتون... عالی اہل

گورنر... عالی اہل

عبدالرزاق...

الحامد

ATK

13-7-2012

لیوی نامہ... عالی اہل

17

No. 639 /APA (U),

Dated 11 /06/2015.

From: - The Assistant Political Agent,
Upper Orakzai.

To: - The Political Agent,
Orakzai Agency..

Subject: - APPLICATION FOR COMPENSATION.

Memo: -

Lal Min Khan son of Mina Dar Section Rabia Khel Sub: Section Behram Khel resident of village Jerib Orakzai Agency has submitted application stating therein that his brother Nurab Khan while in his way to his home reached near village Baza Rabia Khel was shot dead by some unknown miscreants on 27-05-2015. His dead body was found on 28-05-2015. The matter has been reported vide this office information report No.600/APA (U) dated 29-05-2015.

As verified by the Political Naib Tehsildar, Ismailzai that the request of the applicant is and based on facts, therefore, it is recommended that the applicant request may please be considered favorably.

[Signature]
ASSISTANT POLITICAL AGENT,
UPPER ORAKZAI.

[Signature]
ATTESTED

ORDER

This order of mine will dispose of departmental enquiry initiated against Constable Zakir Muhammad No. 378 on the basis of allegations that he while posted at Police Lines, Hangu absented himself from official duty with effect from 07.03.2008 till now without prior permission or leave.

Charge sheet together with statement of allegation was issued to him, to which he failed to submit his reply. An Enquiry Committee comprising SI Mohibullah and ASI Mehboob Ullah was constituted to conduct departmental enquiry against him under NWFP Removal from Service (SPECIAL POWERS) Ordinance 2000. Consequent upon the transfer of SI Mohibullah (Enquiry Officer), the enquiry was entrusted to Inspector Legal Ishaq Gul for further proceeding under the law. After completion of enquiry, the Enquiry Officer submitted his findings on 17.02.2009, held him guilty of the charges and recommended him for major punishment.

Thereafter Final Show Cause Notice was issued to defaulter constable, which was received by his brother Muhammad Tahir who stated that Constable Zakir Muhammad has proceeded to Karachi and he is not willing to serve further in Police Department.

Keeping in view of above and having gone through available record, the undersigned came to the conclusion that the defaulter constable absented himself from duty and yet to day he failed to appear and defend himself, which indicates that he is not interested to serve further. Moreover in these circumstances his retention in Police Department is burden on public exchequer, therefore, I, Sajjad Khan, District Police Officer, Hangu in exercise of the powers conferred upon me, awarded him **major punishment of Removal from Service from the date of his absence.**

Order Announced.

OB No. 188.

Dated 18-3 /2009.

3-18-3-


DISTRICT POLICE OFFICER,
HANGU.

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.

No. 2107-10 /PA, dated Hangu, the 20/03/2009.

Copy of above is submitted to the Dy: Inspector General of Police, Kohat Region, Kohat for favour of information please.

2. Pay Officer, Reader, SRC & OHC for necessary action.


DISTRICT POLICE OFFICER,
HANGU.

ATTACHED

بخدمت جناب ڈپٹی انسپکٹر جنرل آف پولیس صاحب کوہاٹ ریجن کوہاٹ

عنوان: درخواست برائے بحالی سروس

ناب عالی!

مودبانہ گزارش ہے کہ سائل 2004 میں محکمہ پولیس میں بطور کنسٹیبل بھرتی ہوا تھا۔ سائل کو سال 2008 میں طالبان کی طرف سے دھمکیاں ملیں اور سائل کے خاندان والوں کو بھی دھمکیاں ملیں۔ سائل کے ایک کزن کو بھی طالبان نے اغواء کیا تھا جس کو بعد از بھاری اوضہ دے کر رہا کر دیا گیا۔ چونکہ سائل نے 2، 3 مہینے بڑی خطرناک حالات میں اپنی ڈیوٹی سرانجام دی لیکن سائل کو اور خاندان والوں بھی جان و مال کے خطرے کو حد سے زیادہ محسوس کرتے ہوئے سائل انتہائی مجبوری کی بنا پر بال بچوں سمیت کراچی منتقل ہو گیا۔ سائل کو حاضری کی وجہ سے محکمہ پولیس سے سال 2009 میں برخاست کیا گیا۔ اب اپریشن ضرب عذب اور زلفساد کی وجہ سے علاقے میں نا و امان قائم ہو گیا ہے اور سائل دوبارہ محکمہ پولیس میں بحال ہونے کا خواہش مند ہے کیونکہ سائل کے چھوٹے چھوٹے بچے ہیں اور کوئی چہ معاش نہیں جس سے سائل نہایت تکلیف سے دوچار ہے۔

لہذا بذریعہ درخواست آپ صاحبان سے استدعا کی جاتی ہے کہ سائل کی مجبوری کو مد نظر رکھتے ہوئے سائل کے بیوی بچوں پر رحم کر محکمہ پولیس میں بحالی کے احکامات صادر فرما کر مشکور فرمائیں۔

سائل اور سائل کا پورا خاندان آپ صاحبان کی نیک عمر درازی کے لئے تاحیات دُعا گو اور ممنون رہے گے۔

عین نوازش ہوگی

العارض

آپکا تابع فرمان سابقہ کنسٹیبل ذاکر محمد نمبر 378 ضلع ہنگو

تاریخ: 02-04-2018

ATTESTED

(20) ANX - "F"

Phone No: 9260112.

Fax No: 9260114.

From: - The Regional Police Officer,
Kohat Region, Kohat.

To: - The District Police Officer, Hangu.


No. 4576 /EC, Dated Kohat the 10 / 06 /2018.

Subject: - APPEAL.

MEMO:

An appeal, preferred by Ex-FC Zakir Muhammad No. 378 of Hangu district Police, was examined and filed by W/RPO Kohat being badly time-barred about 09-years.

He may be informed accordingly please.


Regional Police Officer,
Kohat Region

ATTESTED