

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, SWAT

Service Appeal No. 615/2018

Date of Institution ... 27.04.2018
Date of Decision ... 01.03.2021

Wali Muhammad S/O Akhtar Biland R/O Hayatabad, Lelawnai,
Tehsil Alpurai, District Shangla.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home &
Tribal Affairs at Peshawar and four others.

... (Respondents)

Asghar Ali,
Advocate

... For appellant.

Riaz Khan Paindakheil,
Assistant Advocate General

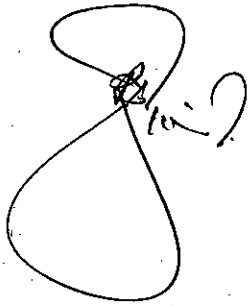
... For respondents.

ROZINA REHMAN
MIAN MUHAMMAD

... MEMBER (J)
... MEMBER (E)

JUDGMENT

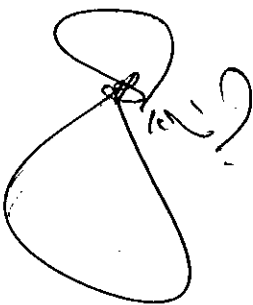
ROZINA REHMAN, MEMBER :Appellant was a Constable in the
Police Department. He was compulsory retired from service vide order
dated 18.08.2017. It is the legality and validity of this order which has
been challenged by him in the present service appeal filed U/S 4 of
the Khyber Pakhtunkhwa Service Tribunal Act, 1974.


01/3/21

2. The relevant facts leading to filing of the instant appeal are that the appellant was appointed as Constable in Provincial Police Khyber Pakhtunkwa on 14.07.1996 in District Shangla. He served at District Scrutiny Branch for about 14/15 years. An F.I.R No. 88 was lodged against the appellant and on the basis of the said F.I.R, he was terminated from service but his appeal was accepted and he was reinstated. Different complaints were filed against him, therefore, he was proceeded against departmentally and later on, compulsory retired. Being aggrieved, he filed departmental appeal which was dismissed. He then filed a Revision which was not responded to, therefore, service appeal was filed but during pendency of service appeal, revision was also dismissed, therefore, amendment was sought and accordingly amended service appeal was filed.

3. We have heard Mr. Asghar Ali Advocate for appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

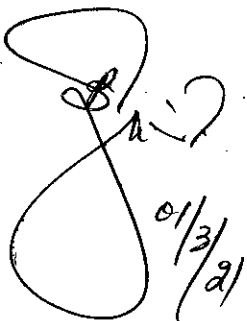
4. Mr. Asghar Ali Advocate learned counsel appearing on behalf of the appellant, inter-alia, contended that appellant served at District Scrutiny Branch of the Provincial Police for so many years and due to nature of duty i.e. providing intelligence information against militants and criminals, false cases had been registered against the appellant. That different cases were registered against him and all the cases which have been made base for the compulsory retirement, were


01/3/21

false. Learned counsel further contended that appellant has been acquitted in the said cases. He submitted that the respondents have admitted efficiency and dutifulness of the appellant during the era of militancy. He submitted that it is cardinal principle of natural justice and statutory requirement that before proceeding against any civil servant, who has been appointed after due process of law, proper inquiry is to be initiated against the civil servant, but no such legal procedure was followed by the respondents in the present case and no opportunity of hearing was provided to the appellant. In support of his contention, the learned counsel relied on the rule laid down in the following cases:

- (i) 2001 SCMR 269 [Supreme Court of Pakistan] Atta Ullah Sheikh vs. WAPDA and others.
- (ii) 2002 SCMR 57 [Supreme Court of Pakistan] Rashid Mehmood Vs. Additional Inspector General of Police and 2 others.
- (iii) PLD 2003 Supreme Court 187 Shams-ud-Din Khawaja Vs. Government of Pakistan through Secretary Establishment, Islamabad and 2 others.

5. Conversely, learned A.A.G argued that many complaints were filed against the appellant and he was terminated on the basis of factual crime committed by him. He argued that the appellant was compulsory retired from service on the basis of inquiry report which inquiry was properly conducted in accordance with law and that

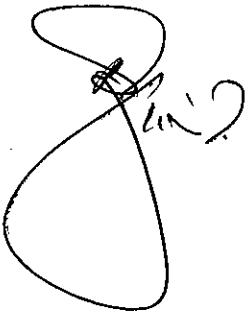
 01/3/21

proper show cause notice and statement of allegations were issued where-after he was recommended for major punishment but keeping in view his long service, penalty of compulsory retirement from service was imposed upon him. He submitted that the appellant signed his pension papers and received gratuity amount from the treasury and his service record has now been closed.

6. Perusal of record would reveal that being involved in F.I.R No.88 dated 19.03.2014, the appellant was suspended and proceeded against departmentally, where-after, he was dismissed from service vide order dated 09.05.2014 of District Police Officer Shangla. He preferred departmental appeal and vide order dated 12.08.2015 of Inspector General of Police Khyber Pakhtunkhwa Peshawar, he was reinstated into service. Different F.I.Rs were later on lodged against the present appellant. Detail whereof is given below:

Sr.#	Case FIR No., u/s, date and PS
01	Case FIR No.189 dated 20.04.2005 u/s 186/147/149 PPC PS Alpuri
02	Case FIR No.32 dated 17.02.2007 u/s 447/427/34 PPC PS Alpuri
03	Case FIR No.237 dated 04.09.2009 u/s 341 PPC PS Alpuri
04	Case FIR No.88 dated 19.03.2014 u/s 506 PPC PS Alpuri
05	Case FIR No.104 dated 10.04.2015 u/s 386/387/452/341 PPC PS Alpuri
06	Case FIR No.575 dated 30.12.2016 u/s 173 Mining Act PS Alpuri
07	Case FIR No.405 dated 25.04.2017 u/s 419/420/468 PPC PS Mingora

7. From the record, it is evident that complaints were filed against appellant by different persons, therefore, he was suspended and


01/3/21

proceeded against departmentally. He was served with charge sheet and statement of allegations in accordance with law. Enquiry Officer was appointed, who conducted proper departmental inquiry. Final show cause notice was also served upon him. As per record, different persons submitted affidavits during enquiry proceedings regarding his involvement in various types of illegal activities. It was also recorded that appellant remained involved in earning money from innocent peoples through illegal means. He was charged in Seven Criminal, Eleven Forest cases and one case under Mining Act. As per Police Rules, no Police officer shall engage in any trade, whereas, the present appellant remained involved in the business of Chromites and Mining. His service record is replete with bad entries. This is one aspect of the matter.

8. The second is that he has signed his pension papers and has received gratuity amount from the treasury. His service record has been closed.

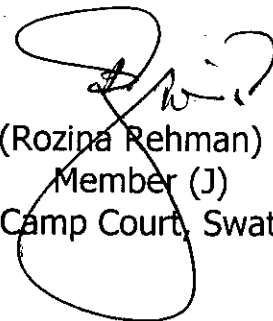
9. In view of the foregoing reasons, the instant appeal being devoid of any merits, stands dismissed. No order as to costs. File be consigned to the record room.

ANNOUNCED.

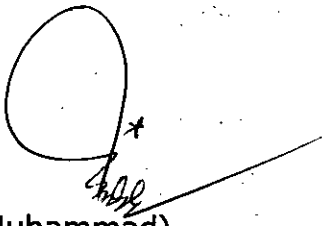
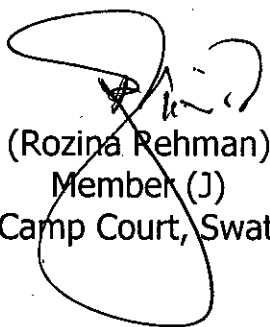
01.03.2021



(Mian Muhammad)
Member (E)
Camp Court, Swat



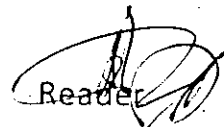
(Rozina Rehman)
Member (J)
Camp Court, Swat

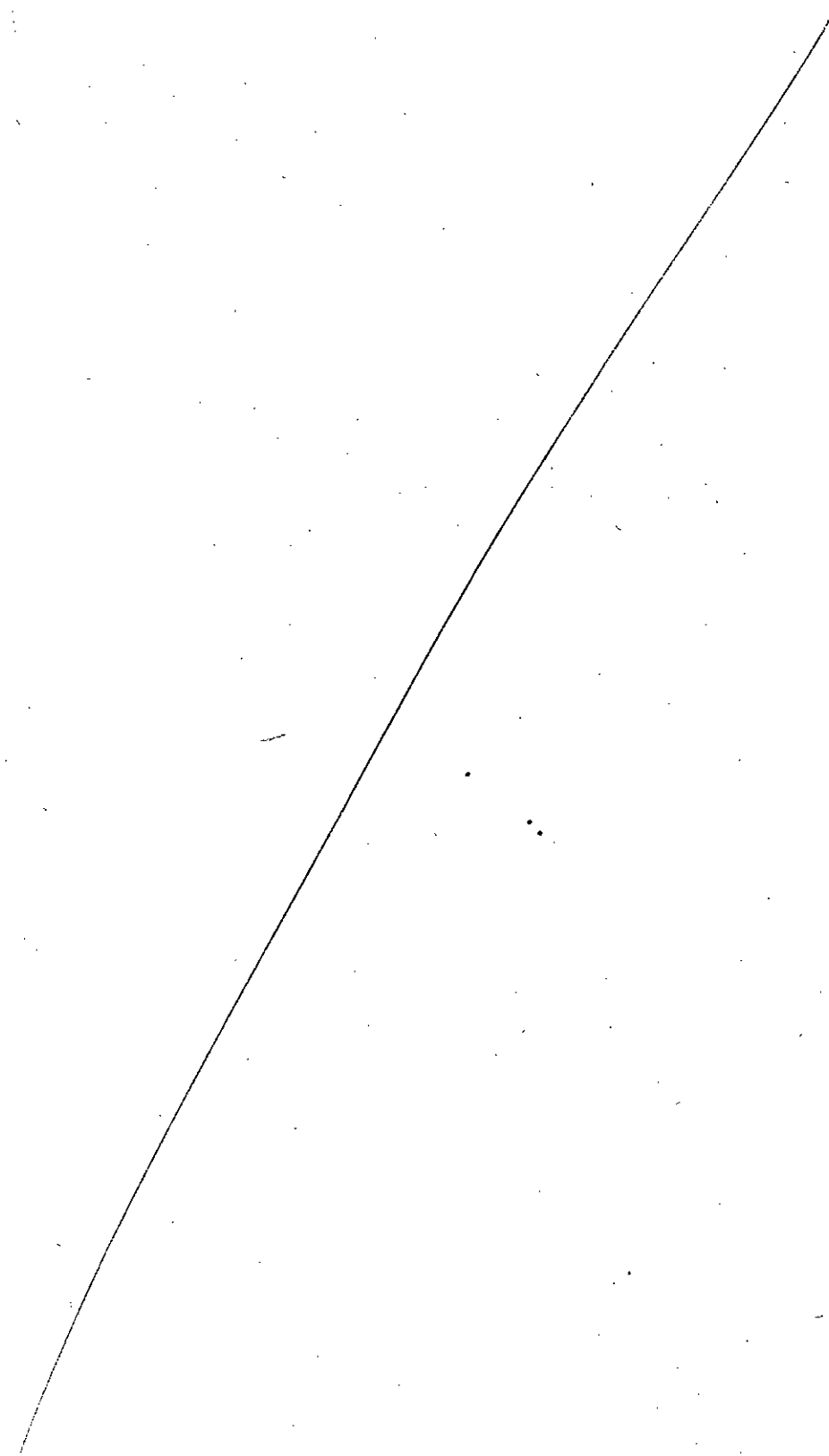
S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	01.03.2021	<p><u>Present.</u></p> <p>Asghar Ali, Advocate ... For appellant</p> <p>Riaz Khan Paindakhel, Assistant Advocate General ... For respondents</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, the instant appeal being devoid of any merits, stands dismissed. No order as to costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 01.03.2021</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  (Mian Muhammad) Member (E) Camp Court, Swat </div> <div style="text-align: center;">  (Rozina Rehman) Member (J) Camp Court, Swat </div> </div>

4-1 2020

Due to COVID19, the case is adjourned to

1/3/2020 for the same as before.

Reader 

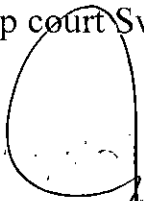



06.10.2020

Neither the appellant nor her counsel is present. Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Abbas Inspector for respondents present.

Arguments could not be heard due to strike of the District Bar Association, Swat.

Adjourned to 02.11.2020 for arguments before D.B at camp court Swat.


(Mian Muhammad)
Member(E)



(Muhammad Jamal Khan)
Member
Camp Court Swat

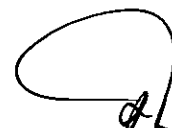
02.11.2020

Nemo for appellant.


Muhammad Jan learned Deputy District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 04.01.2021 for arguments, before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)
Member(E)
Camp Court, Swat


(Rozina Rehman)
Member (J)
Camp Court, Swat

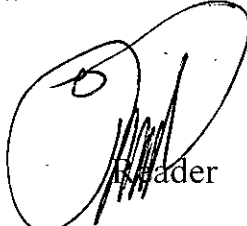
04.03.2020 Appellant with counsel present. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Muhammad Abbas Inspector present and submitted written reply/comments. Adjourn. To come up for rejoinder if any and arguments on 08.04.2020 before D.B at Camp Court, Swat.


Member
Camp Court, Swat.

Due to corona virus tour to camp court swat has been cancelled. To come up for the same on 03-06-2020



Rodin

03.06.2020 Due to Covid-19, the case is adjourned. To come up for the same on ~~06.07~~ 07.07.2020, at camp court Swat.


Reader

08.01.2020

Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Muhammad Abbas, Inspector for the respondents present. Written reply on amended appeal on behalf of respondents not submitted. Representative of the department requested for further adjournment. Adjourned to 04.02.2020 for written reply/comments on amended appeal before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

04.02.2020

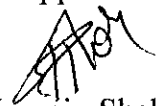
Appellant in person present. Written reply on amended appeal not submitted. Muhammad Abbas Inspector representative of respondent department present and seeks time to furnish reply. Granted. To come up for written reply/comments on amended appeal on 04.03.2020 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

Service Appeal No. 615/2018 , wali Muhammad vs Govt

05.11.2019

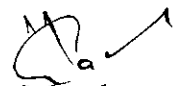
Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Asghar Khan, Head Constable for the respondents present. Learned counsel for the appellant stated at the bar that after decision of departmental authority, the appellant filed revision petition on 15.02.2018 but the same was not decided within the stipulated period therefore, the appellant filed service appeal on 27.04.2018. It was further stated that after institution of the present service appeal, the revisional authority has decided the revision petition under rule-11-A of Police Rules, 1975 on 04.05.2018 therefore, requested that the appellant may be allowed to challenge the same through amendment in service appeal. The request of learned counsel for the appellant appear to be genuine, hence, the appellant is allowed to challenge the revisional authority order dated 04.05.2018 through amendment in service appeal. Case to come up for amended appeal on 04.12.2019 before S.B at Camp Court Swat.


(Hussain Shah)
Member
Camp Court Swat


(M. Amin Khan Kundi)
Member
Camp Court Swat

04.12.2019

Appellant in person present. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Azhar Khan H.C representative of the respondent department present. Appellant submitted amended appeal, placed on file and copy of the same given to learned AAG. Adjourn. To come up for reply on amended appeal on 08.01.2020 before S.B at Camp Court, Swat.


Member
Camp Court, Swat

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 615 of 2018

Khyber Pakhtunkhwa
Service Tribunal

Case No. 631

Dated 27-4-20

Wali Muhammad S/o Akhtar Biland R/o Hayatabad, Lelawnai,
Tehsil Alpurai, District Shangla.

... Appellants

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs at Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa at Peshawar.
3. Additional Inspector General / Establishment for Provincial Police Officer, Khyber Pakhtunkhwa at Peshawar.
4. Deputy Inspector General of Police / Regional Police Officer, Malakand at Saidu Sharif, District Swat.
5. District Police Officer, Shangla at Alpurai.

... Respondents

Filed to-day

[Signature]
Registrar

27/4/18

Service Appeal Under Section 4 of Service Tribunal Act, 1974, against order No. 871-72/E dated 22-01-2018 passed by respondent No. 4 in appeal against order No. 5417-18/E dated Alpurai, 18-08-2017 of respondent No. 5 and order dated 15-06-2017 vide which the appellant has been transferred to District Karak.

Prayer:

Re-submitted to -day
and filed.

[Signature]
Registrar

8/5/18

On acceptance of this appeal order No. 871-72/E dated 22-01-2018 of respondent No. 4 and order No. 5417-18/E dated Alpurai, 18-08-2017 of respondent No. 5 and order dated 15-06-2017 of respondent No. 3 may please be declared illegal, void and hence be set aside / cancelled and appellant may please be reinstated / restored from the

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, SWAT

Service Appeal No. 615/2018

Date of Institution ... 27.04.2018
Date of Decision ... 01.03.2021

Wali Muhammad S/O Akhtar Biland R/O Hayatabad, Lelawnai,
Tehsil Alpurai, District Shangla.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home &
Tribal Affairs at Peshawar and four others.

... (Respondents)

Asghar Ali,
Advocate ... For appellant.

Riaz Khan Paindakheil,
Assistant Advocate General ... For respondents.

ROZINA REHMAN ... MEMBER (J)
MIAN MUHAMMAD ... MEMBER (E)

JUDGMENT

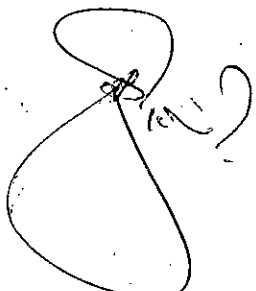
ROZINA REHMAN, MEMBER :Appellant was a Constable in the
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dated 18.08.2017. It is the legality and validity of this order which has
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the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

01/3/21

2. The relevant facts leading to filing of the instant appeal are that the appellant was appointed as Constable in Provincial Police Khyber Pakhtunkwa on 14.07.1996 in District Shangla. He served at District Scrutiny Branch for about 14/15 years. An F.I.R No. 88 was lodged against the appellant and on the basis of the said F.I.R, he was terminated from service but his appeal was accepted and he was reinstated. Different complaints were filed against him, therefore, he was proceeded against departmentally and later on, compulsory retired. Being aggrieved, he filed departmental appeal which was dismissed. He then filed a Revision which was not responded to, therefore, service appeal was filed but during pendency of service appeal, revision was also dismissed, therefore, amendment was sought and accordingly amended service appeal was filed.

3. We have heard Mr. Asghar Ali Advocate for appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Mr. Asghar Ali Advocate learned counsel appearing on behalf of the appellant, inter-alia, contended that appellant served at District Scrutiny Branch of the Provincial Police for so many years and due to nature of duty i.e. providing intelligence information against militants and criminals, false cases had been registered against the appellant. That different cases were registered against him and all the cases which have been made base for the compulsory retirement, were


01/3/21

false. Learned counsel further contended that appellant has been acquitted in the said cases. He submitted that the respondents have admitted efficiency and dutifulness of the appellant during the era of militancy. He submitted that it is cardinal principle of natural justice and statutory requirement that before proceeding against any civil servant, who has been appointed after due process of law, proper inquiry is to be initiated against the civil servant, but no such legal procedure was followed by the respondents in the present case and no opportunity of hearing was provided to the appellant. In support of his contention, the learned counsel relied on the rule laid down in the following cases:

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- (iii) PLD 2003 Supreme Court 187 Shams-ud-Din Khawaja Vs. Government of Pakistan through Secretary Establishment, Islamabad and 2 others.

5. Conversely, learned A.A.G argued that many complaints were filed against the appellant and he was terminated on the basis of factual crime committed by him. He argued that the appellant was compulsory retired from service on the basis of inquiry report which inquiry was properly conducted in accordance with law and that

8/1/21
01/3/21

proper show cause notice and statement of allegations were issued where-after he was recommended for major punishment but keeping in view his long service, penalty of compulsory retirement from service was imposed upon him. He submitted that the appellant signed his pension papers and received gratuity amount from the treasury and his service record has now been closed.

6. Perusal of record would reveal that being involved in F.I.R No.88 dated 19.03.2014, the appellant was suspended and proceeded against departmentally, where-after, he was dismissed from service vide order dated 09.05.2014 of District Police Officer Shangla. He preferred departmental appeal and vide order dated 12.08.2015 of Inspector General of Police Khyber Pakhtunkhwa Peshawar, he was reinstated into service. Different F.I.Rs were later on lodged against the present appellant. Detail whereof is given below:

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06	Case FIR No.575 dated 30.12.2016 u/s 173 Mining Act PS Alpuri
07	Case FIR No.405 dated 25.04.2017 u/s 419/420/468 PPC PS Mingora

7. From the record, it is evident that complaints were filed against appellant by different persons, therefore, he was suspended and

03.09.2019


Counsel for the appellant present. Mian Amir Qadir, DDA for respondents present. Learned DDA seeks adjournment. Adjourn. To come up for arguments on 07.10.2019 before D.B at camp court Swat.



Member


Member

07.10.2019


Counsel for the appellant and Mr. Anwar-ul-Haq, Deputy District Attorney alongwith Mr. Azhar Khan, Head Constable for the respondents present. Copy of departmental appeal is not available on the record. Representative of the department is strictly directed to furnish copy of departmental appeal on the next date positively. Adjourned to 05.11.2019 for record and arguments before D.B at Camp Court Swat.



(Hussain Shah)
Member
Camp Court Swat


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

04.04.2019


Appellant in person and Mr. Mian Ameer Qadir, District Attorney for the respondents present. Due to strike of Pakistan Bar Council, learned counsel for the appellant is not available today. Adjourn. To come up for rejoinder and arguments on 11.06.2019 before D.B at Camp Court Swat.



(M. Amin Khan Kundi)
Member
Camp Court Swat


(M. Hamid Mughal)
Member
Camp Court Swat

11.06.2019

Appellant in person and Mr. Mian Ameer Qadir, learned District Attorney alongwith Mr. Raees Khan, Inspector for the respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourn. To come up for rejoinder and arguments on 01.07.2019 before D.B at Camp Court Swat.


(M. Amin Khan Kundi)
Member
Camp Court Swat


(M. Hamid Mughal)
Member
Camp Court Swat

01.07.2019

Appellant in person present. Mian Amir Qadir, DDA for respondent present. Appellant submitted an application for adjournment wherein he stated that his counsel was busy before the Peshawar High Court, Peshawar. Adjourned. Case to come up for arguments on 03.09.2019 before D.B at camp court Swat.


Member


Member
Camp Court Swat

04.12.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Usman Ghani learned District Attorney alongwith Mr. Raees Khan Inspector present. Representative of the respondents submitted reply which is placed on file. Adjourn. To come up for rejoinder if any and arguments on 09.01.2019 before D.B at Camp Court Swat.




Member
Camp Court, Swat

09.01.2019

Appellant in person present. Mr. Mian Amir Qadir, District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for rejoinder and arguments on 05.03.2019 before D.B at Camp Court Swat.

(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member
Camp Court Swat


05.03.2019

Counsel for the appellant and Mian Amir Qadar, District Attorney alongwith Raees Khan, Inspector (Legal) for the respondents present.

Learned counsel for the appellant requests for time to furnish rejoinder to the parawise comments submitted on behalf of the respondents.

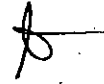
Instant matter is adjourned to 04.04.2019 for arguments before the D.B at camp court, Swat. The appellant may furnish rejoinder within a fortnight.


Member


Chairman
Camp Court, Swat

01.10.2018

Clerk of counsel for the appellant present. Mr. Usman Ghani,
District Attorney for the respondents present. Written reply not submitted.
Learned District Attorney sought some time to submit the same on the
next date. Case to come up for written reply/comments on 06.11.2018
before S.B at camp court Swat.



Member
Camp Court Swat

06.11.2018

Due to retirement of the Hon'ble Chairman Service
Tribunal is incomplete. Tour to Camp Court Swat has been
cancelled. To come up for the same on 04.12.2018 at camp court
Swat.



Reader


06.07.2018

Appellant Wali Muhammad, in person alongwith his counsel Mr. Asghar Ali, Advocate present. Pliminary arguments heard.

Contends, inter-alia, that the compulsory retirement of the appellant is based on registration of very FIR against the appellant but in the said FIR he has been acquitted by a competent court of law.

Points raised need consideration. The appeal is admitted for regular hearing, subject to all legal objections, if raised by the respondents. 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 03.09.2018 before S.B at camp court, Swat.

Appellant Deposited
Security & Process Fee


Chairman
Camp court, Swat

03.09.2018



Clerk to counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Written reply not submitted. Learned District Attorney sought some time to submit the same. Granted. Case to come up for written reply/comments on 01.10.2018 before S.B at camp court Swat.


(AHMAD) HASSAN)
MEMBER
Camp Court Swat

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 615/2018

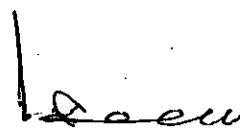
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	08/05/2018	<p>The appeal of Mr. Wali Muhammad resubmitted today by Mr. Asghar Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	15-5-2018	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on <u>06-07-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Wali Muhammad son of Akhtar biland r/o Hayatabad Lelawndi Shangla received today i.e. on 27.04.2018 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 departmental appeal is not attached with the appeal which may be placed on it.

No. 925 /S.T,

Dt. 30/04 /2018.


REGISTRAR - 30/4/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Asghar Ali Adv. Swat.

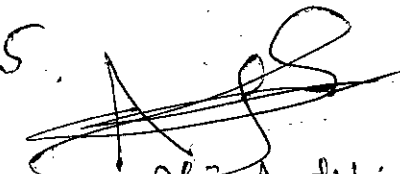
8.5-2018

in RESUBMITTED THAT SINCE THE REVIEW APPLICATION RATHER DEPTT APPEAL HAS ALREADY BEEN APPEALED HEREWITH THATS APPEAL. AS THE REQUIRE DEPTT APPEAL IS NOT AVAILABLE IN THE CASE OF THE APPELLANT IS CERTAINLY RELIED ON THAT REVIEW DEPTT APPEAL. SO THE CASE IN HAND MAY BE PUT BEFORE THE HON'BLE BENCH

Dear Sir,

COPY of departmental appeal is not available. However, COPY of rejection has been annexed as annexure-c Page -15.

Registrar


Asghar Ali, Adv.
Swat

①

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Amended Service Appeal No. _____ of 2019

Wali Muhammad S/o Akhtar Biland R/o Hayatabad, Lelawnai, Tehsil
Alpurai, District Shangla. ... Appellant

VERSUS

1. Government of Khyber Pakhtunkwa through Secretary Home and Tribal Affairs at Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa at Peshawar.
3. Additional Inspector General / Establishment for Provincial Police Officer, Khyber Pakhtunkhwa at Peshawar.
4. Deputy Inspector General of Police / Regional Police Officer, Malakand at Saidu Sharif, District Swat.
5. District Police Officer, Shangla at Alpurai.

... Respondents

Amended Service Appeal Under Section 4 of Service Tribunal Act, 1974, against order No. 1685/18 dated 04-05-2018, passed by respondent No. 2 in revision petition against order No. 871-72/E dated 22-01-2018 passed by respondent No. 4 in appeal against order No. 5417-18/E dated Alpurai, 18-08-2017 of respondent No. 5, vide which appellant has been retired compulsory and also against order dated 15-06-2017, vide which the appellant has been transferred to District Karak.

Prayer:

On acceptance of this appeal, order No. 1685/18 dated 04-05-2018 of respondent No. 2, order No. 871-72/E dated 22-01-2018 of respondent No. 4 and order No. 5417-

2

18/E dated Alpurai, 18-08-2017 of respondent No. 5, may please be declared illegal, void and hence be set aside / cancelled and appellant may please be reinstated / restored from the date of compulsory retirement i.e. 18-08-2017 with all back benefits at District Shangla, against the post of Constable, moreover, the transfer order dated 15-06-2017, may also be declared null & void and set aside.

Any other relief not specifically prayed but this august court deems proper may also be granted.

Respectfully Sheweth:

1. That appellant was appointed as constable in Provincial Police of Khyber Pakhtunkhwa on 14-07-1996 in District Shangla.
2. That for about 14/15 years, the appellant served at District Scrutiny Branch i.e. providing secret information about criminals / militants.
3. That during the era of militancy in the region, specially District Shangla, the appellant performed his duty regularly.
4. That earlier a false FIR No. 88 dated 19-03-2014 Police Station Alpurai was lodged against appellant and on the basis of the said FIR the appellant was terminated from service vide order No. 2267-68 dated 09-05-2014, however in appeal against the said order the appellant was reinstated vide order dated 12-08-2015 (Copies are attached as annexure A & B).
5. That vide order No. 5417-18/E dated Alpurai, 18-08-2017, the appellant was compulsory retired, appeal against the said order was filed, which was dismissed vide order No. 871-72/E dated 22-01-2018 (Copies are attached as annexure C & D).
6. That again an appeal / revision as per departmental law was filed on 15-02-2018 before respondent No. 2 vide registry No. 68

3

dated 15-02-2018, which was dismissed vide order No. 1685/18 dated 04-05-2018, during pendency of the captioned appeal, thus, was impugned through the instant amended appeal with the permission of this Hon'ble court (Copies of memorandum of appeal and order dated 04-05-2018 are attached as annexure E & F).

7. That the impugned orders dated 04-05-2018, 18-08-2017, 22-01-2018 and 15-06-2017 of respondents Nos. 2, 5, 4 & 3, respectively, are liable to be set aside inter alia on the following grounds.

Grounds:

- i. That the impugned orders are illegal and unlawful.
- ii. That appellant has served at District Scrutiny Branch of Provincial Police for so many years and due to the nature of duty i.e. providing intelligence information against militants / criminals, false cases have been registered against appellant.
- iii. That details of the cases, which have been made base for compulsory retirement against appellant are as under;
 - a. FIR No. 189, dated 24-10-2005, U/s 186, 147, 149 PPC, P/S Alpurai, the appellant has been acquitted U/s 249-A Cr.PC vide order dated 02-05-2006.
 - b. FIR No. 32, dated 17-02-2007, U/s 447, 427/34 PPC, P/S Alpurai, the appellant has been acquitted on 25-11-2009 U/s 249-A.

(4)

- c. FIR No. 237, dated 24-08-2009, U/s 341, P/S Alpurai, the appellant has been acquitted on 11-12-2009 U/s 249-A.
- d. FIR No. 88, dated 19-03-2014, U/s 506 PPC, P/S Alpurai, the appellant been acquitted vide order dated 04-09-2014.
- e. FIR No. 104, dated 10-04-2015, U/s 386-387,419,420,352,506,341,149, P/S Alpurai, the appellant has been acquitted on 22-07-2017 U/s 265-K Cr.PC.
- f. FIR No. 575, dated 28-12-2016, U/s 54 Ordinance 2016, P/S Alpurai, the appellant has been acquitted vide order dated 27-03-2017.
- g. FIR No. 405, U/s 419,420,406,34 PPC, P/S Mingora Swat, the District Public Prosecutor has filed application for the discharge of appellant from the said case.

(Copies are attached as annexure G).

- iv. That all the cases made base for compulsory retirement are false.
- v. That appellant has been acquitted in the said cases.
- vi. That majority of the said cases have been decided years back but have illegally made ground for compulsory retirement of appellant.
- vii. That amongst the said cases one of the case i.e. FIR No. 88 dated 19-03-2014, was made ground for dismissal of appellant in 2014 (09-05-2014) and in appeal, the appellant was reinstated vide order dated 12-08-2015 but the same FIR has been made again a ground for compulsory retirement by respondents.

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- viii. That the alleged complaints i.e. 1098/PA/DIG/HQ dated 06-06-2017, No. 7416/E-IV dated 15-06-2017 and complaint No. 1428/C-Cell dated 20-04-2017 are false, base on illegal political motivation, moreover non of the said complaint / complainant was shown to the appellant nor appeared before the respondents against the appellant.
- ix. That due to nature of duty already performed by the appellant, the appellant always remain under threat from militants and this fact was realized by the SSP Shangla (Copy is attached as annexure H).
- x. That earlier during pendency of appeal before respondent No. 4, respondent No. 3 has admitted the efficiency and dutifulness of the appellant during the era of militancy (Copy is attached as annexure I).
- xi. That no opportunity of hearing has been provided to the appellant before passing the impugned orders.
- xii. That no charge sheet was given to the appellant before passing the impugned orders.
- xiii. That any other ground not specifically raised here, will be argued during the course of arguments, with prior permission.


It is therefore, very humbly prayed that, on acceptance of this appeal, order No. 1685/18 dated 04-05-2018 of respondent No. 2, order No. 871-72/E dated 22-01-2018 of respondent No. 4 and order No. 5417-18/E dated Alpurai, 18-08-2017 of respondent No. 5, may please be declared illegal, void and hence be set aside / cancelled and appellant may please be

6

reinstated / restored from the date of compulsory retirement i.e. 18-08-2017 with all back benefits at District Shangla, against the post of Constable, moreover, the transfer order dated 15-06-2017, may also be declared null & void and set aside.

Any other relief not specifically prayed but this august court deems proper may also be granted.

Appellant
Through Counsel



Asghar Ali
Advocate High Court

(7)

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Amended Service Appeal No. _____ of 2019

Wali Muhammad.

... Appellant

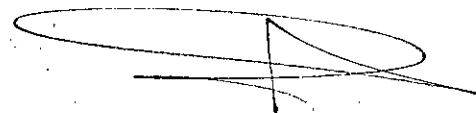
VERSUS

Govt: of KP and others.

... Respondents

Certificate:

It is hereby certified, as per instruction of my client, the captioned service appeal was pending before this Hon'ble court, however, during pendency of the captioned appeal, another order has been passed by respondent No. 2, which from the appellant is aggrieved as well, thus, the instant amended appeal is filing today in this Hon'ble court.



Asghar Ali
Advocate High Court

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BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Amended Service Appeal No. _____ of 2019.

Wali Muhammad.

... Appellant

VERSUS

Govt: of KP and others.

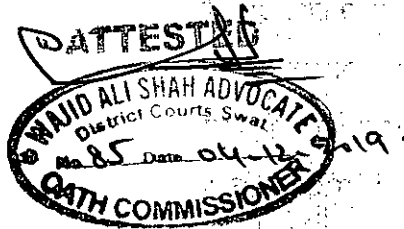
... Respondents

Affidavit

I, Wali Muhammad S/o Akhtar Biland R/o Hayatabad, Lelawnai, Tehsil Alpurai, District Shangla, do hereby solemnly affirm and declare on oath, that all the contents of the accompany amended appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed or withheld from this Hon'ble court.

Deponent: _____

Wali Muhammad
(Appellant in Person)



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**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Amended Service Appeal No. _____ of 2019

Wali Muhammad.

... Appellant

VERSUS

Govt: of KP and others.

... Respondents

Memo of Addresses

Address of Appellant:


Wali Muhammad S/o Akhtar Biland R/o Hayatabad, Lelawnai, Tehsil
Alpurai, District Shangla.

CNIC No. 15501-9717232-9
Cell No. 0348-9857235

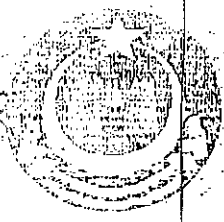
Addresses of Respondents:

1. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs at Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa at Peshawar.
3. Additional Inspector General / Establishment for Provincial Police Officer, Khyber Pakhtunkhwa at Peshawar.
4. Deputy Inspector General of Police / Regional Police Officer, Malakand at Saidu Sharif, District Swat.
5. District Police Officer, Shangla at Alpurai.

Counsel for Appellant



**Asghar Ali
Advocate High Court**



10

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

1221/E
28-5-18
No. 1685

/18, dated Peshawar the 04/05/2018.

To: The Regional Police Officer,
Malakand Region, Swat.

Subject: APPEAL (EX-FC WALI MUHAMMAD NO. 53)

Memo:

Ex-FC Wali Muhammad No. 53 of District Police Shangla had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service. His appeal was processed / examined at Central Police Office, Peshawar and filed by the competent authority being time barred for about 03 years.

The applicant may please be informed accordingly.

(Signature)
(SYED ZIA ALI SHAH),
Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

45

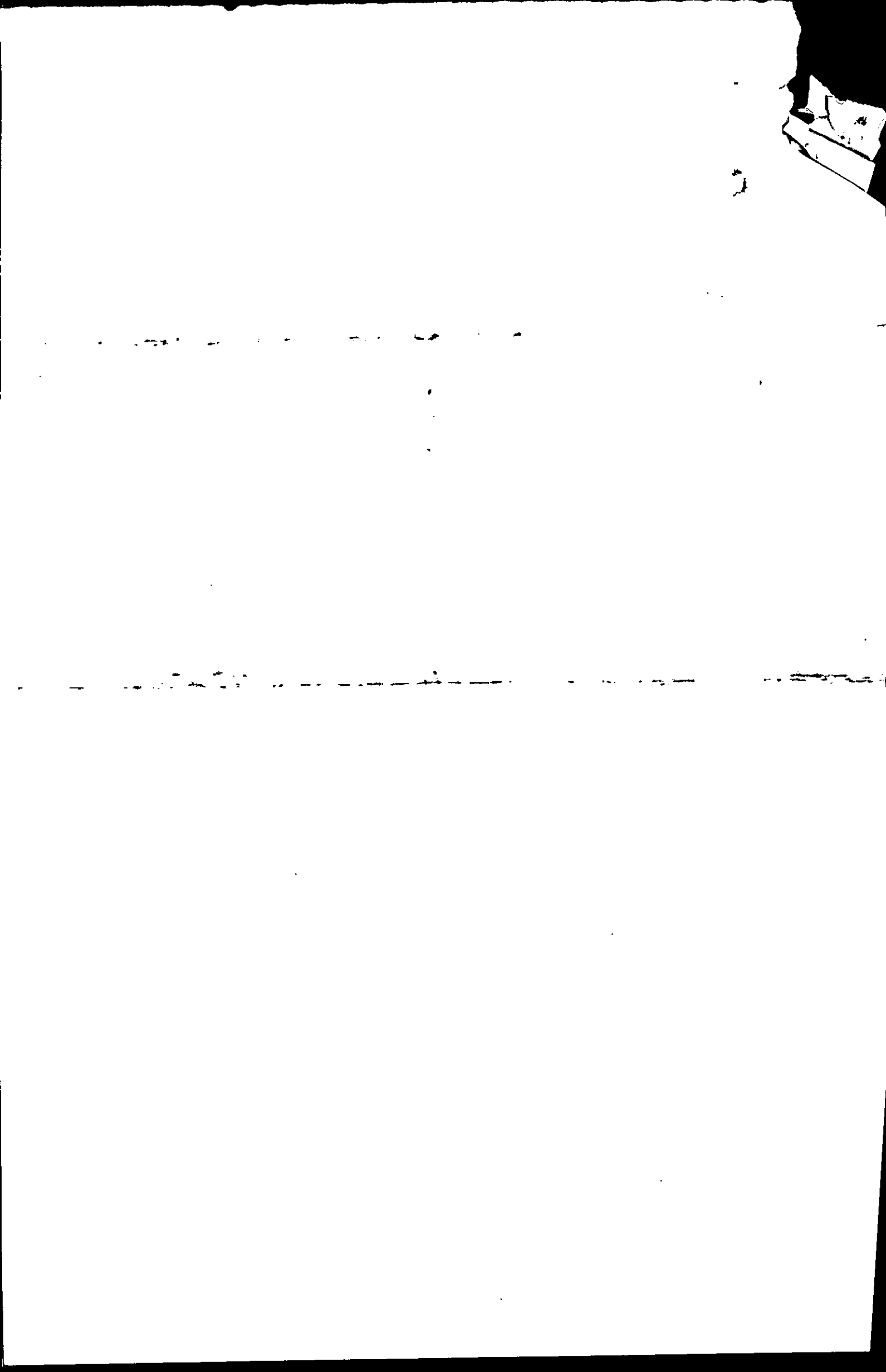
No 4154 IE

dt 08-05-18

EC/DPO Shangla

For info. The applicant may be informed accordingly please.

(Signature)
Officer Supt:
For Malakand Police Office,
Malakand, at Saigoo Shait Swat



**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 615 of 2018

Wali Muhammad.

... **Appellant**

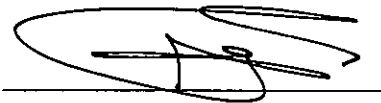
VERSUS

Government of Khyber Pakhtunkwa through Secretary Home
and Tribal Affairs at Peshawar and others. ... **Respondents**

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Appellant
Through Counsel



Asghar Ali
Advocate High Court
Off: D-18, 19, Continental Plaza
MakanBagh Mingora Swat.
Cell No: 0300-5740564
Dated: / 04 / 2018

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 615 of 2018

Khyber Pakhtunkhwa
Service Tribunal

Diry No. 631

Dated 27-4-2018

Wali Muhammad S/o Akhtar Biland R/o Hayatabad, Lelawnai,
Tehsil Alpurai, District Shangla. ... Appellants

VERSUS

1. Government of Khyber Pakhtunkwa through Secretary Home and Tribal Affairs at Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa at Peshawar.
3. Additional Inspector General / Establishment for Provincial Police Officer, Khyber Pakhtunkhwa at Peshawar.
4. Deputy Inspector General of Police / Regional Police Officer, Malakand at Saidu Sharif, District Swat.
5. District Police Officer, Shangla at Alpurai.

... Respondents

Filed to-day

Registrar

27/4/18

Service Appeal Under Section 4 of Service Tribunal Act, 1974, against order No. 871-72/E dated 22-01-2018 passed by respondent No. 4 in appeal against order No. 5417-18/E dated Alpurai, 18-08-2017 of respondent No. 5 and order dated 15-06-2017 vide which the appellant has been transferred to District Karak.

Prayer:

Re-submitted to -day
and filed.

Registrar

8/5/18

On acceptance of this appeal order No. 871-72/E dated 22-01-2018 of respondent No. 4 and order No. 5417-18/E dated Alpurai, 18-08-2017 of respondent No. 5 and order dated 15-06-2017 of respondent No. 3 may please be declared illegal, void and hence be set aside / cancelled and appellant may please be reinstated / restored from the

date of compulsory retirement i.e. 18-08-2017 with all back benefits at District Shangla against the post of constable.

Any other relief not specifically prayed but this august court deems proper may also be granted.

Respectfully Sheweth:

1. That appellant was appointed as constable in Provincial Police of Khyber Pakhtunkhwa on 14-07-2996 in District Shangla.
2. That for about 14/15 years, the appellant served at District Scrutiny Branch i.e. providing secret information about criminals / militants.
3. That during the era of militancy in the region, specially District Shangla, the appellant performed his duty regularly.
4. That earlier a false FIR No. 88 dated 19-03-2014 Police Station Alpurai was lodged against appellant and on the basis of the said FIR the appellant was terminated from service vide order No. 2267-68 dated 09-05-2014, however in appeal against the said order the appellant was reinstated vide order dated 12-08-2015 (Copies are attached as annexure A & B).
5. That vide order No. 5417-18/E dated Alpurai, 18-08-2017, the appellant was compulsory retired, appeal against the said order was filed, which was dismissed vide order No. 871-72/E dated 22-01-2018 (Copies are attached as annexure C & D).
6. That again an appeal / revision as per departmental law was filed on 15-02-2018 before respondent No. 2 vide registry No. 68 dated 15-02-2018, which has not yet decided (Copies of memorandum of appeal and postal receipt are attached as annexure E & F).

7. That the impugned orders dated 18-08-2017, 22-01-2018 and 15-06-2017 of respondents Nos. 4, 5 & 3 respectively are liable to be set aside inter alia on the following grounds.

Grounds:

- i. That the impugned orders are illegal and unlawful.
- ii. That appellant has served at District Scrutiny Branch of Provincial Police for so many years and due to the nature of duty i.e. providing intelligence information against militants / criminals, false cases have been registered against appellant.
- iii. That details of the cases, which have been made base for compulsory retirement against appellant are as under;
 - a. FIR No. 189, dated 24-10-2005, U/s 186, 147, 149 PPC, P/S Alpurai, the appellant has been acquitted U/s 249-A Cr.PC vide order dated 02-05-2006.
 - b. FIR No. 32, dated 17-02-2007, U/s 447, 427/34 PPC, P/S Alpurai, the appellant has been acquitted on 25-11-2009 U/s 249-A.
 - c. FIR No. 237, dated 24-08-2009, U/s 341, P/S Alpurai, the appellant has been acquitted on 11-12-2009 U/s 249-A:
 - d. FIR No. 88, dated 19-03-2014, U/s 506 PPC, P/S Alpurai, the accused been acquitted vide order dated 04-09-2014.
 - e. FIR No. 104, dated 10-04-2015, U/s 386-387,419,420,352,506,341,149, P/S Alpurai, the appellant has been acquitted on 22-07-2017 U/s 265-K Cr.PC.

f. FIR No. 575, dated 28-12-2016, U/s 54 Ordinance 2016, P/S Alpurai, the appellant has been acquitted vide order dated 27-03-2017.

g. FIR No. 405, U/s 419,420,406,34 PPC, P/S Mingora Swat, the District Public Prosecutor has filed application for the discharge of appellant from the said case.

(Copies are attached as annexure G).

- iv. That all the cases made base for compulsory retirement are false.
- v. That appellant has been acquitted in the said cases.
- vi. That majority of the said cases have been decided years back but have illegally made ground for compulsory retirement of appellant.
- vii. That amongst the said cases one of the case i.e. FIR No. 88 dated 19-03-2014, was made ground for dismissal of appellant in 2014 (09-05-2014) and in appeal, the appellant was reinstated vide order dated 12-08-2015 but the same FIR has been made again a ground for compulsory retirement by appellant.
- viii. That the alleged complaints i.e. 1098/PA/DIG/HQ dated 06-06-2017, No. 7416/E-IV dated 15-06-2017 and complaint No. 1428/C-Cell dated 20-04-2017 are false, base on illegal political motivation, moreover non of the said complaint / complainant was shown to the appellant nor appeared before the respondents against the appellant.
- ix. That due to nature of duty already performed by the appellant, the appellant always remain under threat from militants and this fact was realized by the SSP Shangla (Copy is attached as annexure H).

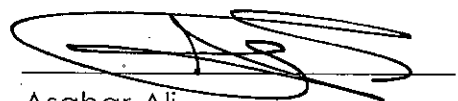
- x. That earlier during pendency of appeal before respondent No. 4, respondent No. 3 has admitted the efficiency and dutifulness of the appellant during the era of militancy (Copy is attached as annexure I).
- xi. That no opportunity of hearing has been provided to the appellant before passing the impugned orders.
- xii. That no charge sheet was given to the appellant before passing the impugned orders.
- xiii. That any other ground not specifically raised here, will be argued during the course of arguments, with prior permission.

It is therefore, very humbly prayed that, on acceptance of this appeal order No. 871-72/E dated 22-01-2018 of respondent No. 4 and order No. 5417-18/E dated Alpurai, 18-08-2017 of respondent No. 5 and order dated 15-06-2017 of respondent No. 3 may please be declared illegal, void and hence be set aside / cancelled and appellant may please be reinstated / restored from the date of compulsory retirement i.e. 18-08-2017 with all back benefits at District Shangla against the post of constable.

Any other relief not specifically prayed but this august court deems proper may also be granted.


Appellant

Through Counsel



Asghar Ali
Advocate High Court

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____ of 2018

Wali Muhammad.

... Appellants

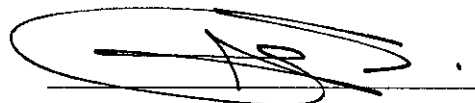
VERSUS

Government of Khyber Pakhtunkwa through Secretary Home
and Tribal Affairs at Peshawar and others.

... Respondents

Certificate:

It is hereby certified, as per instruction of my client that, no
such like appeal has earlier been filed in this Hon'ble court.



Asghar Ali
Advocate High Court
(Counsel for Appellant)

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____ of 2018

Wali Muhammad.

... Appellants

VERSUS

Government of Khyber Pakhtunkwa through Secretary Home
and Tribal Affairs at Peshawar and others.

... Respondents

Affidavit:

I, Wali Muhammad S/o Akhtar Biland R/o Hayatabad, Lelawnai,
Tehsil Alpurai, District Shangla, do hereby solemnly affirm and declare on
oath, that all the contents of the accompany appeal are true and
correct to the best of my knowledge and belief and nothing has been
kept concealed or withheld from this Hon'ble court.



Deponent: _____

Wali Muhammad
(Appellant In Person)

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____ of 2018

Wali Muhammad.

... Appellants

VERSUS

Government of Khyber Pakhtunkwa through Secretary Home and Tribal Affairs at Peshawar and others.

... Respondents

Memo of Addresses:

Address of Appellant:

Wali Muhammad S/o Akhtar Biland R/o Hayatabad, Lelawnai, Tehsil Alpurai, District Shangla.

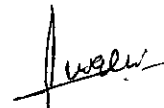
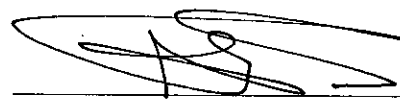
CNIC No. 15501-9717232-9

Cell No. 03489857235

Addresses of Respondents:

1. Government of Khyber Pakhtunkwa through Secretary Home and Tribal Affairs at Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa at Peshawar.
3. Additional Inspector General / Establishment for Provincial Police Officer, Khyber Pakhtunkhwa at Peshawar.
4. Deputy Inspector General of Police / Regional Police Officer, Malakand at Saidu Sharif, District Swat.
5. District Police Officer, Shangla at Alpurai.

Appellant
Through Counsel

Asghar Ali
Advocate High Court

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____ of 2018

Wali Muhammad.

... Appellant

VERSUS

Government of Khyber Pakhtunkwa through Secretary Home
and Tribal Affairs at Peshawar and others. ... Respondents

Application for condonation of delay if any.

Respectfully Sheweth:

1. That the captioned appeal has been filed in this Hon'ble court but has not yet fixed for hearing.
2. That appellant has filed 2nd appeal against order dated 22-01-2018, which is still pending and not yet decided.
3. That appellant because of his nature of duty, constantly remains under threat from militants therefore, the instant appeal was not filed in time.
4. That the appellant because of low literacy level was also unable to approach in time to this Hon'ble court.
5. That the appellant is a poor man having minor children with no other source of earning is also entitle for condonation of delay in filing the instant appeal.

It is therefore, very humbly prayed, that, by acceptance of this application, the delay if any may kindly be condoned.

Applicant / Appellant
Through Counsel *fuwahi*

Asghar Ali
Advocate High Court

Affidavit:

I do hereby solemnly affirm and declare on oath that all the contents of the accompany application are true and correct to the best of my knowledge and belief and nothing has been kept concealed therefrom.

Deponent: *fuwahi*
Wali Muhammad

ATTESTED
Shah Khan
Ahmad Shah Khan Advocate
District Courts Swat.
* No. 711 Date 25/12/18
OATH COMMISSIONER

محمد حیدر خان اسٹریٹ کمیونٹی ڈیولپمنٹ ایسوسی ایشن

29/0/14

فریقین حیدر خان - پانچواں ٹکڑا - مین روڈ - سولہ ماہ
کارروائی مورخہ 04/9/14 کو پیش کی گئی۔

[Signature]
Assistant Commissioner/SDM
Assistant Collector Grade I
Alpurai Shangla.

04/9/14

فریقین حاضر عہدہ ایس۔ ایس۔ ایس۔ فریقین
پیش کیا۔ حساب دو نو فریقین کے انٹسٹ لٹا لگا ہے۔
فریقین نے آپس میں رائگامہ لکھ لیا۔ وہ ER:PA ہے۔ لہذا
رائگامہ کی منظور کیا گیا کر عہدہ کی دفعہ 506 MC قانہ
الہ آباد عہدہ 88 تاریخ 13.3.04 سے لہذا لکھ لیا گیا تاکہ سٹائل
حاصل ہو۔ سولہ ماہ سے آگے کی تاریخ داخل ہو گا خانہ پرچہ۔

[Signature]
Assistant Commissioner/SDM
Assistant Collector Grade I
Alpurai Shangla.

[Signature]
Reader to AC/SDM
Alpurai.

حکم سنایا گیا
04/9/14

17.4.2018

ORDER


Whereas, F.C Wali Muhammad No. 53 of District Police Shangla being found involved in Case FIR No. 88 dated 19.03.2014 u/s 506-PPC PS Alpuri, therefore he was suspended vide this office OB No. 37 dated 19.03.2014 and he accordingly proceeded against departmentally to serve with Charge Sheet and Summary of Allegations vide this office letter No. 3/E, dated 20.03.2014 and endst: No. 1487-90/E, dated 20.03.2014. Enquiry Committee was duly constituted comprising SP Investigation, Bakht Zada Khan and DSP HQrs: Muhammad Saleem Jadoon to conduct proper departmental proceedings against the delinquent constable (Wali Muhammad No. 53). The Enquiry Committee in their finding recommended the defaulter constable for major punishment dismissal from service and also in opinion for recovery and calculate all the payments paid to him since 12th April 2003 in the shape of salaries etc to be recovered from him through department or ACE.

On perusal of the enquiry proceedings, I Khalid Naseem Khan District Police Officer Shangla being a competent authority served a Final Show Cause Notice against him on 04.04.2014 whereby the delinquent official was directed to show cause as to why the recommended penalty should not be imposed upon him and also intimate whether you desire to be heard in person.

Besides; nor the reply of Final Show Cause Notice has received to the undersigned nor he intimate whether for hearing in person.

Therefore, I, Khalid Naseem Khan District Police Officer Shangla as a competent authority exercising the power vested in me under the Police Disciplinary Rules 1975 award FC Wali Muhammad No. 53 as Major Punishment and dismissed from service from the date of suspension i.e. 19.03.2014.

Order Announced.


(KHALID NASEEM KHAN)
District Police Officer,
Shangla

OB NO 63

Dated 09/5 /2014


No. 2267-68 /E,
Dt 09/05 /2014

Copies to:

Attested


Advocate

1. Regional Police Officer, Malakand at Saidu Sharif, Swat for kind information please.
2. Constable Wali Muhammad No. 53 through Police Station Alpuri.


(KHALID NASEEM KHAN)
District Police Officer,
Shangla

SHO Alpura

Attestat

Attestat



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR

"B,"

14

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex- Constable Wali Muhammad No. 53 of district Police Shangla against the Punishment order i.e dismissal from service passed against the appellant by DPO/Shangla vide his order Book No. 63 dated 09.05.2014.

In the light of recommendations of Appeal Board meeting held on 19.02.2015, the board examined the enquiry in detail & other relevant documents. It revealed that the appellant was served with Charge Sheet/Statement of Allegations and punishment order was announced on the basis of reply to the Charge Sheet and Statement of Allegations.

The board examined the record and heard the applicant at length. He was involved in criminal case u/s 506 PPC and proceeded accordingly. DPO/Shangla after enquiry awarded the punishment of dismissal on 09.05.2014.

From perusal of record it revealed that applicant with his opponents is engaged in Civil /Criminal cases over landed disputes. The DPO and RPO held him responsible without in depth scrutiny of matter. The punishment awarded does not commensurate with the misconduct, if any, by the applicant.

The board, after detailed deliberates, re-instated the applicant from the date of dismissal. The period he remained out of service is treated as leave without pay. However the intervening period after submission of appeal from 14.05.2014 is treated as kind leave.

Order announced in the presence of appellant.

Sd/-
NASIR KHAN DURRANI
Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar.


No. 9797-9801 /E-IV dated Peshawar the 12/08 /2015

Copy of above is forwarded to the:-

1. DIG/Malakand Region, Swat.
2. DPO/Shangla. The Service Roll, Fauji Missal and Departmental Enquiry, file of above named Ex-Head Constable are returned herewith for record in your office.
3. PSO to IGP/Khyber Pakhtunkhwa Peshawar.
4. PA to Addl: IGP/HQrs Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs Khyber Pakhtunkhwa, Peshawar.

Attested


Advocate


(SYED FIDA HASSAN SHAH)
AIG/Establishment
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

12/8/15

ORDER

Annexure C 15

A Source Report/SMS Complaint against Constable Wali Muhammad No. 391 of this District Police now at Karak District was reported to the Undersigned vide Provincial Police Officer, Khyber Pakhtunkhwa Peshawar Memo: No. 1098/PA/DIG/HQ dated 06.06.2017, No. 7416/E-IV, dated 15.06.2017 and complaint No. 1428/C-Cell dated 20.04.2017.

He was suspended vide this Office OB No. 80 dated 08.06.2017 and proceeded against him Departmentally to served with Charge Sheets and Summary of allegations vide this Office No. 08/E, dated 15.06.2017 and No. 09/E, dated 15.06.2017 respectively on the involvement of the following cases:-

S#	Case FIR No. u/s, date and PS
01	Case FIR No. 189 dated 24.04.2005 u/s 186/147/149 PPC PS Alpuri
02	Case FIR No. 32 dated 17.02.2007 u/s 447/427/34 PPC PS Alpuri
03	Case FIR No. 237 dated 04.09.2009 u/s 341 PPC PS Alpuri
04	Case FIR No. 88 dated 19.03.2014 u/s 506 PPC PS Alpuri
05	Case FIR No. 104 dated 10.04.2015 u/s 386/387/452/341 PPC PS Alpuri
06	Case FIR No. 575 dated 30.12.2016 u/s 173 Mining Act PS Alpuri
07	Case FIR No. 405 dated 25.04.2017 u/s 419/420/468 PPC PS Mingora

Mr. Khalid Khan SP Investigation was appointed as Enquiry Officer to conduct proper departmental enquiry, the Enquiry Officer in his finding recommended the defaulter Constable for Major Punishment.

A Final Show Cause Notices have been served. He was also called in for Orderly Room on 17.08.2017 for personal hearing but he could not submit plus able ground for self defense.

On the perusal of enquiry, I the undersigned reach to the consequence that the delinquent Official is a smudge on the name of Police Department and he did not refraining himself from such like activities of using his Service for his own business purpose which bring a bad name on the image of the Police Department.

Therefore, I Mr. Rahat Ullah Khan District Police Officer, Shangla exercising the Power vested in me under the Police Rules -1975 Para -4 awarded him a Major punishment i.e. Compulsory Retired from Service with immediate effect.

Order announced.

Attested


Advocate

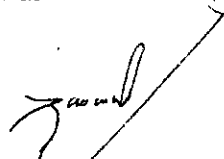
OB No. 116

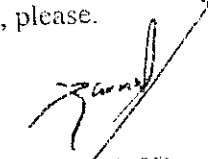
Dated 18-08-2017

No 5417-18 /E, dated Alpuri the, 18/08 /2017.

Copy submitted to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for favour of information w/r to his Office quoted above, please.
2. The District Police Officer, Karak for further +necessary action, please.


(Rahat Ullah Khan)
District Police Officer,
Shangla


(Rahat Ullah Khan)
District Police Officer,
Shangla

Handwritten marks and a small illegible word at the top left.

A small handwritten mark or character at the top right.

Alfred

Advocate



Annexure "D"
16

**OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND**

AT SAIDU SHARIF SWAT.
Ph: 0946-9240381-83 & Fax No. 0946-9240390
Email: digmalakand@yahoo.com

ORDER:

This order will dispose off application of Ex- Constable Wali Muhammad No. 391 of Shangla District for reinstatement in service.

Brief facts of the case are that Ex- Constable Wali Muhammad No. 391 of Shangla District involved in the following Seven (07) Criminal cases:-

S#	Case FIR No. u/s dated and Police Station
1.	FIR No. 189 dated, 24/04/2005 u/s 186/147/149-PPC PS Alpuri
2.	FIR No. 32 dated, 17/02/2007 u/s 447/427/34-PPC PS Alpuri
3.	FIR No. 237 dated, 04/09/2009 u/s 341-PPC PS Alpuri
4.	FIR No. 88 dated, 19/03/2014 u/s 506-PPC PS Alpuri
5.	FIR No. 104 dated, 10/04/2015 u/s 386/387/452/341-PPC PS Alpuri
6.	FIR No. 575 dated, 30/12/2016 u/s 173-Mining Act PS Alpuri
7.	FIR No. 405 dated, 25/04/2017 u/s 419/420/468-PPC PS Mingora

Mr. Khalid Khan SP/ Investigation Shangla was appointed as enquiry officer to conduct proper departmental enquiry proceeding against the defaulter Constable. The enquiry officer in his finding report recommended the defaulter Constable for major punishment. On perusal of enquiry the District Police Officer, Shangla reached to the consequence that the delinquent official is a smudge on the name of Police Department and he did not refraining himself from such like activities of using his service for his own business purpose which bring a bad name on the image of Police Department. Hence, the District Police Officer, Shangla awarded him major punishment and compulsory retired him from service vide his office Order Endst No. 5417-18/E, dated 18/08/2017.

He was also called in Orderly Room on 11/01/2018 and heard him in person. The enquiry papers was thoroughly perused and found that Ex-Constable Wali Muhammad No. 391 is involved in the seven (7) cases mentioned above. The applicant could not produce any cogent reason in his defense. His appeal is hereby ~~dismissed~~ filed

Order announced.

No. 871-72 /E,

Dated 22-01- /2018.

Attested

Advocate

(AKHTAR HAYAT KHAN)
Regional Police Officer,
Malakand, at Saidu Sharif Swat
Naqi

19/01

Copy to District Police Officer, Shangla for information and necessary action with reference to his office Memo: No. 6480/E, dated 12/10/2017. Completer Enquiry file is returned herewith for record in your office.

(2) DPO, Korak

To

**The inspector general of police
KP at Peshawar**

Annexure "E"
17

SUBJECT: Revision against the order of RPO Malakand No 871-72 dated 22/01/2018

**Prayer: The Impugned Order may please be set aside and
reinstate the appellant on his service from the date of
compulsorily retirement.**

Attested

Respected Sir,


Advocate

I have the honour to submit my revision with the request that impugned order is purely victimization, illegal, unlawful, against equities, justice and unwarranted on the following grounds amongst others.

- 1. That the appellant is serving in police department as police constable since 14/7/1996 with offering his blood and soul.**
- 2. That during the Taliban aggression/militancy the appellant protected major ammunition of police department Shangla worth of millions rupees in lieu of his life. Resultantly, Taliban threatened the appellant and his family. It is evident from the Naqalmad dated 30/3/2015. The DPO Shangla categorically recorded threat of the appellant vide OB No 116 dated 20/7/2012, this remarks was only recorded to the appellant amongst more than 3000 police personnel's. All the public of the area noted these facts. Copies of the Naqalmad are attached as annexure " A" while copy of the DPO remarks is attached as annexure B. Also endorsed by the DPO shangla in his comments**

3. That the Taliban commander Muhammad Alam also belongs to my village and they personally targeted me as I was directly involved in the burning of his house during operation. Hence in such like situation even the transfer of the appellant is a life threat for the appellant. Police department Shangla admitted this fact.

4. That the conflict and direct tussle between the Taliban and the appellant created number of issues, criminal cases and other litigations to the appellant but in all the referred cases in the captioned above order from s,n 1 to 6 the appellant have been honorably acquitted while S.N 7 is under trial. This fact has also been admitted in the finding of the DSP inquiries. The RPO Malakand in this untenable ground the major punishment of the DPO Shangla kept intact which is utterly disregard of the law of the land. Copies of the orders are attached as annexure C and DSP finding as annexure "D".

Attested



Advocate

5. That mere registration of FIR does not allow the DPO Shangla to impose or RPO Malakand to intact major penalty unless and until the Court convicted and there is no single case of conviction against the appellant as mentioned in para no 4.

6. That as per the impugned order the major penalty awarded while the IGP Kp already decided in favor of the appellant in all these cases which reproduced as " that the appellant was involved in criminal cases u/s 506 PPC .From perusal of record it revealed that applicant with the opponent engaged in Civil/Criminal cases over landed dispute. The DPO and RPO held him responsible without in

reinstated the applicant from the date of dismissal” After issuance of this order the DPO Shangla of that time categorically told me that we will again remove you from service. Copy attached as annexure E.

7. That after head of the department i.e august IG KP as mentioned in para no 6, the DPO and RPO having no power to impose the major penalty of compulsorily retirement on the ground of registration of criminal cases.

8. That the appellant never involved in any misconduct or corruptive activities. It is a novel order of major punishment as mentioned in the impugned order basically caused on SMS complaint so a Govt servant firing on SMS is infringe upon his rights. Copy attached as annexure F.

8. That I am the only bread-earner of my family and in young age and highly great services for the police department in the hot days of militancy and other operations as most of the service performed in DSB. So depriving from the services of the country will be highly injustice. DSB duty report is attached as annexure G.

9. That the appellant has not been treated in accordance with law, rules and policy on subject which is violation of article-4 of the constitution and section 16 of civil servant act 1973.

Attested


Advocate

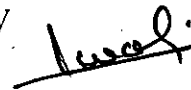
10. That I have been compulsorily retired without any tangible reason but just to torture and vex the appellant to toe against the persons having disputes on my property and mines as the contractor and the

11. The the cader of the appellant is district cader while in victimization of the appellant being transferred to District Karak on the SMS complaint and despite under transferred the DPO Shangla imposed the major penalty which is astonishing and unauthorised order. Copy of the order is attached as annexure "G".

12. That all records on file and factual grounds there is no any single ground against the appellant except lodging of criminal cases and mere on this ground the DPO Shangla imposed the major penalty and RPO Malakand kept intact that decision despite the fact that the worthy IG KP squashed these ground as mentioned above.

In view of the above facts and grounds, it is requested that the order captioned above may please be set aside as earlier and the appellant may be reinstated on his own station.

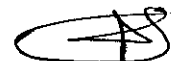
Yours Sincerely



Waili Muhammad 391 Shangla.

Dated: ~~January~~ 25, 2018.

Attested



Advocate

گورنمنٹ پریس پتہ درجن نمبر 17/1894 - پبلیکیشن تعداد ایک ہزار و چھتر آف 300 سال

پریس صورت نمبر فارم نمبر 4

5/10

فارم نمبر 22 - 5 (1) Attested

ابتدائی اطلاعی رپورٹ

22 Annexure

Advocate

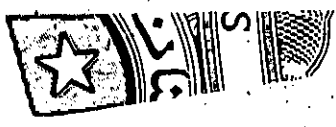
ابتدائی اطلاع نسبت مجرم قابل دہشہ اندازی پوئیس رپورٹ شدہ زیر دستہ نمبر 15 مجموعہ ضابطہ وجہ عداری

16

صفحہ اولت دتوخ 24 10/5 دوت 24 10/5
تاریخ 24 10/5 دوت 24 10/5

نوع وقت رپورٹ	نوع عمل و انداز حال
دسکرت اطلاع دہندہ مستغیث	کیڈر کم درجہ میں کمرہ عدالت اور آڈیٹ
رہنیت مجرم امودہ حال اگر کی جا گیا ہو	کاغذ رپورٹ اور دیگر دستاویزات
دوقوعہ ناصلا تھانہ سے اور سمت	
مکرت ملزم	بہر سید کے پورٹ پر دم دیا گیا
پیشگی کے متعلق کسی اگر اطلاع دہج کرنے میں توقف برابر تو وجہ بیان کر کے	بہر سید کے پورٹ پر دم دیا گیا
سے روانگی کی تاریخ و وقت	

میں سے مالہ لودت صدر مح صاحبہ و اہل خانہ کے پتے پر پہنچا گیا ہے۔ میں نے دست دیا ہے جسٹس صاحب صاحبہ کے پاس
 سے ڈرائیور دہدم میں آ گیا ہے۔ دست دہشت ڈاکٹر صاحب سے رہتے ہیں۔ اہل خانہ کے پتے کاغذ رپورٹ میں
 گیا۔ دست اندر کیلئے سے نقل کر رپورٹ پر آ گیا۔ تو اس ارادہ میں سمان آنا سے میں نے دلہندہ
 میں 2، 3، 4، 5، 6، 7، 8، 9، 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، 201، 202، 203، 204، 205، 206، 207، 208، 209، 210، 211، 212، 213، 214، 215، 216، 217، 218، 219، 220، 221، 222، 223، 224، 225، 226، 227، 228، 229، 230، 231، 232، 233، 234، 235، 236، 237، 238، 239، 240، 241، 242، 243، 244، 245، 246، 247، 248، 249، 250، 251، 252، 253، 254، 255، 256، 257، 258، 259، 260، 261، 262، 263، 264، 265، 266، 267، 268، 269، 270، 271، 272، 273، 274، 275، 276، 277، 278، 279، 280، 281، 282، 283، 284، 285، 286، 287، 288، 289، 290، 291، 292، 293، 294، 295، 296، 297، 298، 299، 300، 301، 302، 303، 304، 305، 306، 307، 308، 309، 310، 311، 312، 313، 314، 315، 316، 317، 318، 319، 320، 321، 322، 323، 324، 325، 326، 327، 328، 329، 330، 331، 332، 333، 334، 335، 336، 337، 338، 339، 340، 341، 342، 343، 344، 345، 346، 347، 348، 349، 350، 351، 352، 353، 354، 355، 356، 357، 358، 359، 360، 361، 362، 363، 364، 365، 366، 367، 368، 369، 370، 371، 372، 373، 374، 375، 376، 377، 378، 379، 380، 381، 382، 383، 384، 385، 386، 387، 388، 389، 390، 391، 392، 393، 394، 395، 396، 397، 398، 399، 400، 401، 402، 403، 404، 405، 406، 407، 408، 409، 410، 411، 412، 413، 414، 415، 416، 417، 418، 419، 420، 421، 422، 423، 424، 425، 426، 427، 428، 429، 430، 431، 432، 433، 434، 435، 436، 437، 438، 439، 440، 441، 442، 443، 444، 445، 446، 447، 448، 449، 450، 451، 452، 453، 454، 455، 456، 457، 458، 459، 460، 461، 462، 463، 464، 465، 466، 467، 468، 469، 470، 471، 472، 473، 474، 475، 476، 477، 478، 479، 480، 481، 482، 483، 484، 485، 486، 487، 488، 489، 490، 491، 492، 493، 494، 495، 496، 497، 498، 499، 500، 501، 502، 503، 504، 505، 506، 507، 508، 509، 510، 511، 512، 513، 514، 515، 516، 517، 518، 519، 520، 521، 522، 523، 524، 525، 526، 527، 528، 529، 530، 531، 532، 533، 534، 535، 536، 537، 538، 539، 540، 541، 542، 543، 544، 545، 546، 547، 548، 549، 550، 551، 552، 553، 554، 555، 556، 557، 558، 559، 560، 561، 562، 563، 564، 565، 566، 567، 568، 569، 570، 571، 572، 573، 574، 575، 576، 577، 578، 579، 580، 581، 582، 583، 584، 585، 586، 587، 588، 589، 590، 591، 592، 593، 594، 595، 596، 597، 598، 599، 600، 601، 602، 603، 604، 605، 606، 607، 608، 609، 610، 611، 612، 613، 614، 615، 616، 617، 618، 619، 620، 621، 622، 623، 624، 625، 626، 627، 628، 629، 630، 631، 632، 633، 634، 635، 636، 637، 638، 639، 640، 641، 642، 643، 644، 645، 646، 647، 648، 649، 650، 651، 652، 653، 654، 655، 656، 657، 658، 659، 660، 661، 662، 663، 664، 665، 666، 667، 668، 669، 670، 671، 672، 673، 674، 675، 676، 677، 678، 679، 680، 681، 682، 683، 684، 685، 686، 687، 688، 689، 690، 691، 692، 693، 694، 695، 696، 697، 698، 699، 700، 701، 702، 703، 704، 705، 706، 707، 708، 709، 710، 711، 712، 713، 714، 715، 716، 717، 718، 719، 720، 721، 722، 723، 724، 725، 726، 727، 728، 729، 730، 731، 732، 733، 734، 735، 736، 737، 738، 739، 740، 741، 742، 743، 744، 745، 746، 747، 748، 749، 750، 751، 752، 753، 754، 755، 756، 757، 758، 759، 760، 761، 762، 763، 764، 765، 766، 767، 768، 769، 770، 771، 772، 773، 774، 775، 776، 777، 778، 779، 780، 781، 782، 783، 784، 785، 786، 787، 788، 789، 790، 791، 792، 793، 794، 795، 796، 797، 798، 799، 800، 801، 802، 803، 804، 805، 806، 807، 808، 809، 810، 811، 812، 813، 814، 815، 816، 817، 818، 819، 820، 821، 822، 823، 824، 825، 826، 827، 828، 829، 830، 831، 832، 833، 834، 835، 836، 837، 838، 839، 840، 841، 842، 843، 844، 845، 846، 847، 848، 849، 850، 851، 852، 853، 854، 855، 856، 857، 858، 859، 860، 861، 862، 863، 864، 865، 866، 867، 868، 869، 870، 871، 872، 873، 874، 875، 876، 877، 878، 879، 880، 881، 882، 883، 884، 885، 886، 887، 888، 889، 890، 891، 892، 893، 894، 895، 896، 897، 898، 899، 900، 901، 902، 903، 904، 905، 906، 907، 908، 909، 910، 911، 912، 913، 914، 915، 916، 917، 918، 919، 920، 921، 922، 923، 924، 925، 926، 927، 928، 929، 930، 931، 932، 933، 934، 935، 936، 937، 938، 939، 940، 941، 942، 943، 944، 945، 946، 947، 948، 949، 950، 951، 952، 953، 954، 955، 956، 957، 958، 959، 960، 961، 962، 963، 964، 965، 966، 967، 968، 969، 970، 971، 972، 973، 974، 975، 976، 977، 978، 979، 980، 981، 982، 983، 984، 985، 986، 987، 988، 989، 990، 991، 992، 993، 994، 995، 996، 997، 998، 999، 1000



23

XXX کا نقشہ صدر عدالت کی طرف سے عدالت عالیہ کے سامنے پیش کیا گیا ہے۔
اپنی کچھ ایسی چیزیں جن سے عدالت عالیہ کو معلوم ہو کہ یہ سب
دیا گیا ہے صرف اس کے لئے کہ اس کو عدالت عالیہ کے سامنے پیش کیا جائے۔

AS/10
24/10/05

ATTESTED
S.I.
17-11-18

دستخط

عہدہ

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا۔ یا اس کی مہر یا نشان لگا یا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔
8. سرخ روشنائی سے بالمتقابل نام پر ایک موزوں یا مشہور علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں، لکھنا چاہیے۔
18-11-18

24

ارڈر شاپنگ

جناب لیاقت علی سینئر سول جج/ جج ایڈیشنل سینیئر جج شانگلہ بمقام ایڈیشنل

نمبر مقدمہ - 38/1



مہر کار سنا / آفتاب

تاریخ 14.3.06 0--1

چالان مکمل آج داخل عدالت کیا گیا۔ حسب ضابطہ نمٹاؤں بنام ملزم / ملزمان مورثہ 20.4.06 کیلئے جاری ہو نیز نوٹس بنام مستغیث / سرکار بھی جاری ہو۔

Handwritten signature/initials.

لیاقت علی

سینئر جج / جج / اعلیٰ علاقہ قاضی
شانگلہ، مقام ایڈیشنل

سینئر سول جج / جج ایڈیشنل شانگلہ
شانگلہ، مقام ایڈیشنل

ملزم اتنا حسین حافر - دتیر ملزما غیر حافر ہیں۔ مقصد حافر سے رہن بنام

0-2
20.4.06
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دتیر ملزما برائے مورثہ 20.4.06 جاری

لیاقت علی

سینئر سول جج / جج / اعلیٰ علاقہ قاضی
شانگلہ، مقام ایڈیشنل

اسٹریبل ماہا رخصت پر ہے۔ مورثہ سابق مورثہ 20.5.06

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02.05.2006

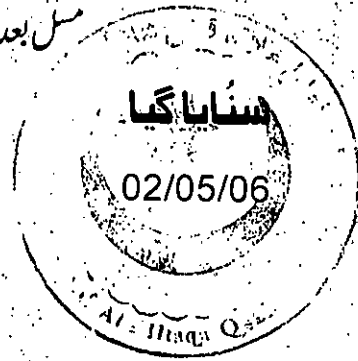
حاضر۔ بیانی ہے کہ انہوں نے ملزمان کیساتھ راضی نامہ کر لیا ہے۔ تحریری راضی نامہ Ex-PA ہے اور بروئے راضی نامہ مستغیث ملزمان کی ہدایت پر معترض نہ ہے۔ بیان مستغیث قلمبند کیا جا کر شامل مسل ہوا۔ مستغیث بیانی ہے کہ وہ ملزمان کے خلاف مزید مقدمہ کی پیروی نہیں چاہتا اور عدالت ہذا سے استدعا کی کہ ملزمان کو بری کیا جائے۔

اندریں حالات چونکہ مستغیث نے ملزمان کو معاف کر دیا ہے اور انکی بریت پر وہ معترض نہ ہے، مستغیث مقدمہ ہذا کا ایک بنیادی گواہ ہے اور ملزمان کے خلاف وہ مقدمہ ہذا کی پیروی نہیں چاہتا اور ملزمان کی بریت پر وہ معترض نہ ہے، لہذا ملزمان کو مقدمہ علت نمبر 189 مورخہ 24.10.2005 جرم زیر دفعہ 149، 147، 186 ت۔ پ تھانہ الپوری میں بروئے بیان مستغیث و راضی نامہ زیر دفعہ 249.A ض۔ ف بری کیا جاتا ہے۔ ملزمان ضمانت پر ہیں۔ ضامنان کو بار ضمانت سے مبرا کیا جاتا ہے۔ مال مقدمہ تا اختتام میعاد اپیل تلف ہو۔

مسل بعد ترتیب و تکمیل کے داخل دفتر ہو۔

لیاقت علی

سینئر سول جج / جوڈیشل مجسٹریٹ شانگلہ



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EXAMINER
District & Sessions Judge
SHARGHA

16.4.18

میان کھلی ولد خان لہندہ صحت آباد میلو کا قطعاً مانا جائے اور پورٹ برطانیہ

میزبان افغان - صنایہ وغیرہ مقدمہ نمبر 189 مورخہ 24.10.05 نمبر 186,147,149 -

تقاضا الوریہ (موانعاً) - میں نے میزبان کا حق راجا نامہ کرنا ہے اور میزبان کی

برکت پر کھلی اعتراف ہے اسد ماب، میزبان کو جرم مذکورہ بالا سے

پوری نے جائی کی سرامیاں ہے۔ راجا نامہ EXPA ہے۔

رہنہ

۱۱۱

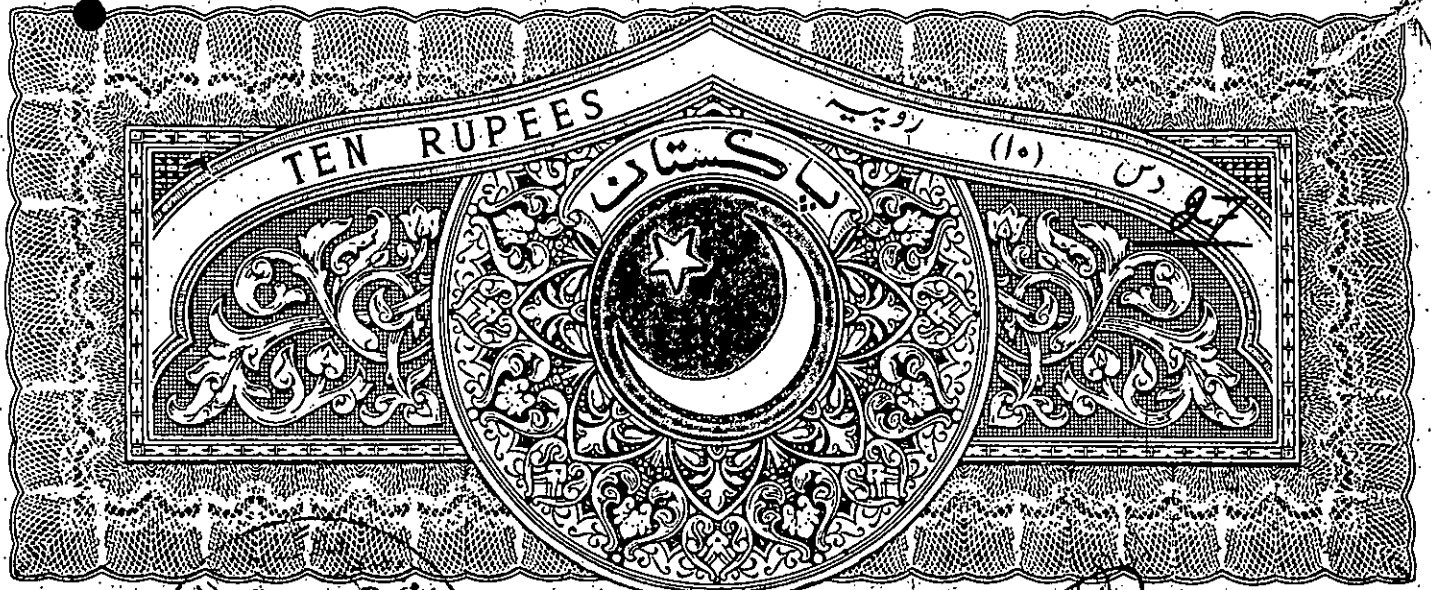
میں نے ولد خان لہندہ صحت آباد میلو کا

حق راجا نامہ قسم کا -

5-4264648-15501

مورخہ 02.5.06

نہیں ہوں مع اسد ماب
رہا وقت کی
میں قسم کا



رافضہ کا بیس فیسٹ

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ذوقِ ادب کی لہریں وہ خان مجید سابق صحت آباد بیوی تحصیل الہ آباد
نورجہم کی ترغیبیں وہ درخان محلہ دیہہ درہ اختر بھنگڑی تحصیل الہ آباد
عطا الرحمن وہ ساہیوالی تحصیل الہ آباد
تحصیل الہ آباد ضلع جالندہ

تقدیر منبر ۱۸۹ء سے ۱۹۰۶ء تک جہم کبیر دفعتاً ۱۸۶/۱۴۷/۹۹
ضابطہ! رافضہ کا صعب ترین ملقب۔

2760-9
25/10/05

انہی آئینوں میں وہ خان مجید سے ملنے کا قصہ بہت ہی دلچسپ ہے
وہ یہ آئینوں میں باہمی صلہ اور شہانہ عذر کا کچھ نہیں
راہنہ نام لکھ کر اور انہی کے راز میں ان کے مقصد سے
کون سا سبب اللہ کو دیکھو۔

وہ یہ کہ انہی کے راز میں ان کے مقصد سے
بہت کچھ قسم کا عذر ہے
کہ یہ کہ رافضہ کا عذر ہے رافضہ کا عذر ہے
اور میں یہ کہ عذر ہے۔

عطا الرحمن
افسر علی
نورجہم
عطا الرحمن
افسر علی
نورجہم
عطا الرحمن
افسر علی
نورجہم

مسترد غر 1/2

سرکار شاہ ولی محمد

01-14

22/04/09

1- مسلمان حاکم نہیں۔ کہہ اس لئے NBWA مورخہ 18/06/09 کے طلب پر DFC کے مطابق جانی ہے کہ کسٹل کو غیر حال یعنی بنا کر مسلمان کو گنہ گار کر کے تدارک کے لئے مورخہ 18/06/09 کے مطابق جانی ہے کہ کسٹل کو غیر حال یعنی



18/06/09

29

سید کمال حسین شاہ
مینیسٹر سول جج اعلیٰ علاقہ قاضی
شانگلہ بمقام ایپوری

نوٹ آرڈر 18.6.09 کو جمع کر فینو کوٹ ہاؤس سے دلتوں کو کر سٹل سے سابقہ طور پر 20-8-09 کو پیش ہو گا

0-15

20-8-09

فلز لا غیر حاصل ہیں SPP سرائے سرکار حاکم گواہان اسٹائنڈرڈ جی حاکم نہیں ہیں لہذا فلز مان بذریعہ NBWA گواہان اسٹائنڈرڈ جی کے سامنے مورخہ 19/10/09 کے طلب سے

مینیسٹر سول جج
اعلیٰ علاقہ قاضی
شانگلہ بمقام ایپوری

انٹریس جا میڈیکل ایپریس - سول سٹیشن مورخہ 22/12/09 کو پیش ہو گا

ایڈرزٹ
19.10.09

0-16

19-11-9

جو الہ چھی ٹک 1139 مورخہ 18/11/09 جناب J & S شانگلہ مقدمہ بڈا از عدالت J-C ایپوری منتقل کیا جاتا ہے

مینیسٹر سول جج
اعلیٰ علاقہ قاضی
شانگلہ بمقام ایپوری



تہ داد عدلی سول جج / جوڈیسیل ٹریبونل السوئی
سرکار بنام ولی محمد و غیر 8/11/09

بی بی برائے سرکار حاضر ملکہ اولیٰ محمد حاضر شہیت
25.11.09

فرید محمد بی حاضر مقدمہ خدا بحوالہ حکم ضابطہ صلح مافی ما
تاتھ عدالت سول جج ما سے منتقل ہوا درجہ رجسٹر

شہیت فرید محمد بی بی ہوا کہ انہوں نے ملزمان کیساتھ
اور اگر ملزمان بھری سرکاری تو ان کو کوئی
ہوگا اس نسبت شہیت کا بیان ملزمان کا

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اندر ہی حالات چونکہ شہیت نے ملزمان کیساتھ
راہی نامہ کر دیا ہے اور ملزمان کی بریت پر شہیت مقتضی نہیں ہے
لہذا بروئے بیان شہیت ملزمان کے سرکاری کا کوئی امکان نظر
نہیں آتا اور مقدمہ میں کارروائی مزید جاری رہنا قضا عدالت کے
مقتضی وقت کا ضیاع ہوگا بدینہ وجہ ملزمان کو زیر دفعہ 249A
ضابطہ مذکورہ فر دہرا سے تری کیا جائے ملزمان ضمانت پر
ضامان کو ضمانت کی وجہ سے سکدوس کیا جائے۔

سول جج کمیشن سول سروسز
ضابطہ عدالت سول سروسز

District Magistrate
16-4-18
25.11.09

فارم نمبر 15-1 (ا)

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 153 مجموعہ ضابطہ نو جداری

31

نمبر	تاریخ و وقت	محل وقوع	الہوی
5	24-8-09	سٹارنگ	237
1-	تاریخ و وقت رپورٹ	24-8-09	237
2-	نام و سکونت اطلاع دہندہ مستغنیث	25-8-09	237
3-	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو۔	مخفی سی او سٹارنگ	341
4-	جائے وقوعہ فاصلہ تھانہ سے اور سمت	روڈ روزن الہوی تمام	341
5-	نام و سکونت ملزم	مخفی سی او سٹارنگ	341
6-	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	سید علی انگریز عمر 41-92-93	341
7-	تھانہ سے روانگی کی تاریخ و وقت	24-8-09	341

ابتدائی اطلاع نیچے درج کرو۔ سید علی انگریز عمر 41-92-93
 درجہ 24-8-09 مارنہ بنا۔ DCO سٹارنگ سے کوہنوں پر کمر کا لہہ چھٹی سے ماما کا
 کہ الہوی تمام روڈ تمام کو رہنمائی سر جانہ گنگوہی کے بلکہ اگر روڈ بلاک کے کیا ہے۔ صلح ہوا
 کہ روڈ سر جانہ گنگوہی کے بلکہ ولی احمد و لہرا احمد بلکہ بلکہ تمام آباد الہوی کے ماہر کے آنا
 روڈ کو بلاک کیا ہے سید علی بلکہ بالاکو ترنگی جرم بالا یا کمر سٹارنگ بلکہ نہ
 تمام کو کمر سٹارنگ کے کوہنوں پر کمر کا لہہ چھٹی سے ماما کا لہہ چھٹی سے ماما کا
 ہے سید علی کے

ST-101V ATTESTED
 4-9-09
 Police Station Faisalabad
 17-4-18

بعدالت جناب سینئر سول جج / اعلیٰ علاقہ قاضی / جوڈیشل مجسٹریٹ شانگلہ بمقام ایوری

32

مقررہ رقم 3/PP



حکم نمبر 1-5-10-09
تاریخ 11-12-09

چالان مکمل آج داخل عدالت کیا گیا۔ حسب ضابطہ درج رجسٹرڈ چالان
نور 11.12.09 کے لئے جاری ہوئے نوٹس تمام مستغیث / سرکار بھی جاری ہو

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محمد عظیم خان
سینئر سول جج / اعلیٰ علاقہ قاضی
شانگلہ بمقام ایوری

0-2 11/12/09

ملزاً پر انرا بعد انہوں نے ایوری ایلیوی
اور ججاً تو رنٹر پر ماسند کا آ کر کے بلاک کیا ہے اور وہ
جرا زیر دفعہ 341 کے تحت تلب ہوئی۔

ملاحظہ فرمائیں کہ ملزاً نے کسی بھی توفیق کو
جس بیجا میں نہ رکھا ہے جہاں تک روڈ بلاک کرنے کا تعلق ہے
تو اس کے لئے جرا مذکورہ بالا کا اطلاق نہیں ہوتا اور اگر مقدمہ بڑا
میں جہ سہارت انتحانہ بلکہ بھی کی جائے تو ملزاً کے سرکاری کے اخطا
رطر نہیں آئے اور مقدمہ بڑا مزید کارروائی جاری رہے گا قضا عدالت کے
قلمی وقت کے ضیاع کا متدارد ہوگا۔

میں حالات میں کارروائی زیر دفعہ 249A ضرور کو برو کار لائے

مقررہ رقم 3/PP
محمد عظیم خان
سینئر سول جج / اعلیٰ علاقہ قاضی
شانگلہ

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EXAMINER
District & Sessions Judge
SHANTALA
11.12.09

16.4.18

گورنمنٹ پبلک پرائمری اسکول، گڑھی پور، لاہور۔ 20.06.2011ء (پولیس) کی نام (پولیس) 9-4717232-15501 صفحہ 3

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ 152 مجموعہ ضابطہ فوجداری

33


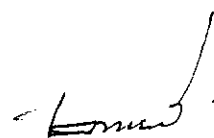
تاریخ وقوع مختلف اوقات	تاریخ وقت رپورٹ
تاریخ وقوع مختلف اوقات	تاریخ وقت رپورٹ
نام و سکونت اطلاع دہندہ مستغنیث	نام و سکونت ملزم
محمد رضا ولد نواز رضوی مکن فیض آباد الہوی	محمد رضا ولد نواز رضوی مکن فیض آباد الہوی
مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	جائے وقوعہ فاصلہ قحانہ سے اور سمت
149-148-341-506-352-506-420-419-387-386-PPE	نام و سکونت ملزم
تاریخ وقوع مختلف اوقات	تاریخ وقوع مختلف اوقات
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو
قحانہ سے روانگی کی تاریخ و وقت	قحانہ سے روانگی کی تاریخ و وقت
بہ رسدگی رپورٹ مخرج دیا گیا	بہ رسدگی رپورٹ مخرج دیا گیا
بہ سبیل ڈاکی	بہ سبیل ڈاکی

Attested
Advocate

ابتدائی اطلاع نیچے درج کرو۔ مستغنیث مخرج خانہ مخرج بہ جو اہمیت صحیح
 نکتہ راوی، سید مخرج الدین ولد بہر مخرج مکن فیض آباد الہوی مکن فیض آباد الہوی
 1) دی محمد احمد ولد عبدالقویح مکن فیض آباد الہوی مکن فیض آباد الہوی
 سلیمان شاہ ولد عبداللہ شاہ مکن فیض آباد الہوی مکن فیض آباد الہوی
 2) محمد عالم 3) علی شاہ پسران محمد بلند 4) محمد ولد سنبھالی 5)
 6) محمد روز ولد سبزیں 7) محمد ولد جیل مکن فیض آباد الہوی مکن فیض آباد الہوی
 8) محمد ولد سبزیں 9) محمد ولد سبزیں 10) محمد ولد سبزیں
 11) محمد ولد سبزیں 12) محمد ولد سبزیں 13) محمد ولد سبزیں
 14) محمد ولد سبزیں 15) محمد ولد سبزیں 16) محمد ولد سبزیں
 17) محمد ولد سبزیں 18) محمد ولد سبزیں 19) محمد ولد سبزیں
 20) محمد ولد سبزیں 21) محمد ولد سبزیں 22) محمد ولد سبزیں
 23) محمد ولد سبزیں 24) محمد ولد سبزیں 25) محمد ولد سبزیں
 26) محمد ولد سبزیں 27) محمد ولد سبزیں 28) محمد ولد سبزیں
 29) محمد ولد سبزیں 30) محمد ولد سبزیں 31) محمد ولد سبزیں
 32) محمد ولد سبزیں 33) محمد ولد سبزیں 34) محمد ولد سبزیں
 35) محمد ولد سبزیں 36) محمد ولد سبزیں 37) محمد ولد سبزیں
 38) محمد ولد سبزیں 39) محمد ولد سبزیں 40) محمد ولد سبزیں
 41) محمد ولد سبزیں 42) محمد ولد سبزیں 43) محمد ولد سبزیں
 44) محمد ولد سبزیں 45) محمد ولد سبزیں 46) محمد ولد سبزیں
 47) محمد ولد سبزیں 48) محمد ولد سبزیں 49) محمد ولد سبزیں
 50) محمد ولد سبزیں 51) محمد ولد سبزیں 52) محمد ولد سبزیں
 53) محمد ولد سبزیں 54) محمد ولد سبزیں 55) محمد ولد سبزیں
 56) محمد ولد سبزیں 57) محمد ولد سبزیں 58) محمد ولد سبزیں
 59) محمد ولد سبزیں 60) محمد ولد سبزیں 61) محمد ولد سبزیں
 62) محمد ولد سبزیں 63) محمد ولد سبزیں 64) محمد ولد سبزیں
 65) محمد ولد سبزیں 66) محمد ولد سبزیں 67) محمد ولد سبزیں
 68) محمد ولد سبزیں 69) محمد ولد سبزیں 70) محمد ولد سبزیں
 71) محمد ولد سبزیں 72) محمد ولد سبزیں 73) محمد ولد سبزیں
 74) محمد ولد سبزیں 75) محمد ولد سبزیں 76) محمد ولد سبزیں
 77) محمد ولد سبزیں 78) محمد ولد سبزیں 79) محمد ولد سبزیں
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 86) محمد ولد سبزیں 87) محمد ولد سبزیں 88) محمد ولد سبزیں
 89) محمد ولد سبزیں 90) محمد ولد سبزیں 91) محمد ولد سبزیں
 92) محمد ولد سبزیں 93) محمد ولد سبزیں 94) محمد ولد سبزیں
 95) محمد ولد سبزیں 96) محمد ولد سبزیں 97) محمد ولد سبزیں
 98) محمد ولد سبزیں 99) محمد ولد سبزیں 100) محمد ولد سبزیں

In the Court of Tanveer Iqbal, Additional District & Sessions Judge/IZQ, Shangla at Alpurai.

Case No. 21/2 Of 2015 *E 39 10, 16*

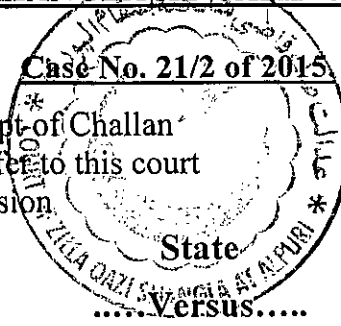
Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
<p><u>Order No. 27</u></p>		<p align="right">35</p> <p>Present; APP for the State Accused facing trial Complainant.</p> <p>Vide my detailed judgment of today, consisting (03) pages, which is separately placed on file, there appears no probability of conviction of accused facing trial. Resultantly, by allowing the petition u/s 265-K Cr. PC, the accused facing trial are acquitted from the charges leveled against them. Case property, if any be disposed of according to law. Sureties of the accused are absolved from their liabilities. File is consigned to record room after completion</p> <p><u>Announced:</u> 22.07.2017</p> <p align="right">  TANVEER IQBAL Additional Sessions Judge/IZQ SHANGLA </p>

**IN THE COURT OF TANVEER IQBAL, ADDITIONAL SESSIONS
JUDGE/IZO, SHANGLA AT CAMP COURT PURAN.**

Case No. 21/2 of 2015

Date of receipt of Challan 04.06.2015
Date of transfer to this court 12.06.2015
Date of Decision 22.07.2016

36



**Wali Mohammad & 02 other r/o Lilownai District
Shangla..... (Accused facing trial)**

**CASE FIR NO. 104 DATED 14.04.2015 U/S 386-387-419-420-352-506-341-148-149
PPCOF POLICE STATION ALPURAI, DISTRICT SHANGLA.**

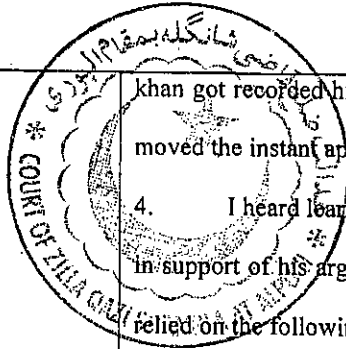
CASE ARGUED BY:

1. Mr. Rafiullah Assistant Public Prosecutor for the state.
2. Muhammad Iqbal Advocate for complainant.
3. Mr. Hazrat Yousaf Advocate and Namdar Ali Shah Advocate for accused facing trial.

<u>Judgment</u>	<u>22nd July of 2017</u>	<p>Present; APP for state. Complainant Muhammad Khan. Accused Wali Mohammad on bail. Rest of the accused through counsel.</p> <ol style="list-style-type: none"> 1. This order is to be disposed of an application u/s 265-K Cr. PC submitted by accused facing trial. 2. Before resorting to contents of application, it is proper to briefly state the prosecution's case. The complainant Mohammad Khan, so reported that the accused facing trial put him in fear of death in order to commit extortion and demanded Rs. 3, 00, 000/- from him. in case of non-payment they intimidated the complainant to cause his death. On 22.03.2014, at 20:30 hours the accused along-with their aides, were sitting at Petrol pump / station in order to abduct the complainant and his son. The complainant further mentioned a number of persons who had allegedly been intimidated and threatened to be kidnapped by accused facing trial. In view of such allegations, the accused were booked in case FIR No. 104 dated 10.04.2015 u/s 511/365, 386, 387,419,420,352,506,341,148,149 PPC of police station Alpurai Shangla. 3. The case was investigated into. On 05.06.2015, complete challan was sent up to this court for trial of accused. Formalities u/s 265-C Cr. PC were complied with. Charge was framed against the accused facing trial to which they pleaded not guilty hence prosecution's witnesses were summoned. The complainant Mohammad
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TANVEER IQBAL
Additional District & Sessions Judge
Shangla

ایمان شاہ ولد عبد اللہ

37

khan got recorded his statement as PW-1. The accused facing trial then moved the instant application, notice whereof was given to prosecution.

4. I heard learned counsel for the parties and perused the case file. In support of his arguments learned counsel for the accused facing trial relied on the following precedents of august superior court.

2006 P Cr. LJ 1292 [Peshawar] & 1995 P Cr. LJ 1424 [Karachi].

5. It is thus observed at the very outset that the complainant has reported the matter which allegedly had taken place one year prior to such report. The complainant's statement does not mention some justifiable reason for such extended delay hence it implies deliberation and consultation on part of the complainant. As such the instant case maybe an instrument to settle his multiple civil and criminal disputes with the accused party. The FIR mentions a number of persons i.e. Sirajuddin, Fayyaz Ahmad, Sultan Mohammad and Syed Kamal who too, were allegedly intimidated in the manner as complainant. It is on record that these persons i.e. Syed Kamal, Sultan Mohammad and Sirajuddin appeared before the court and expressed their ignorance regarding complaint against the accused facing trial.

6. The complainant states different times for commission of offences and lastly mentions with specification of date i.e. 22.03.2014 when the accused allegedly came in there and attempted to abduct the complainant and his son. Such matter was reported on 10.04.2015 i.e. After a span of thirteen months. This frail approach of complainant gives rise to many questions which have not been sought out in the course of investigation. Statement of the complainant as PW-1 somehow carries a long story and as such differs from contents of FIR. He has not mentioned the specific allegations in his statement as in FIR. Admittedly, there is no other eye-witness of the alleged occurrence except complainant. The complainant frankly admitted that when they were on their way to home, the vehicle of accused Wali Mohammad was parked in petrol pump who did not say anything to complainant.

7. In this view of the matter, when the whole case is based upon the testimony of complainant Mohammad Khan whose statement is not worth to prove the commission of offences as alleged. His statement lacks quality thus no order of conviction can be based upon accordingly. The complainant's indolent conduct followed by his statement has made

(TANVEER IQBAL)
Additional District & Sessions Judge,
Zafri Zilla Qazi, Shargla.
22-7-2017.

188

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the things highly doubtful. In circumstances, there appears no probability of conviction of accused facing trial. Resultantly, by allowing the petition u/s 265-K Cr. PC, the accused facing trial are acquitted from the charges leveled against them. Case property, if any be disposed of according to law. Sureties of the accused are absolved from their liabilities. File is consigned to record room after completion.

Announced in open Court at Shangla and given under my hand and the seal of the Court of this 22nd day of July 2017.

[Signature]
(TANVEER IQBAL)

Additional Sessions Judge/IZQ,
Shangla at Alpurai

CERTIFICATE

Certified that this judgment consists of (03) pages. Each page has been read, signed and corrected by me wherever necessary.

[Signature]
(TANVEER IQBAL)

Additional Sessions Judge/IZQ,
Shangla at Alpurai

No: 193
Date of Presentation of Application: 14.4.18
Date on which Copy Prepared: 14.4.18
No. of Pages: 4 P
Urgent Fee: ✓
Name of Copyist: M. Q. Iqbal
Signature: [Signature]
Copying Fee: ✓
Date of Delivery: 14.4.18

Certified to be True Copy
[Signature]
EXAMINER
District & Sessions Judge
SHANGLA
14.4.18

الع
سیدمان شاہ ولد عبد اللہ شاہ

IN THE COURT OF SYED ALI RAZA SENIOR CIVIL JUDGE
SHANGLA.

8



Case Fir No 575 dated 30.12.2016, U/S 54 ordinance 2016.
State Vs Wali Mohammad etc.

40


13/2 / 10/10

Case file submitted through prosecution, be entered in the relevant register. APP present. Learned APP requested for the discharge of accused in terms of section 4-C (II) of KPK prosecution act 2005. After going through the record it is evident that the learned DPP vide his application has termed the case in hand being deficient and not worthy of trail.

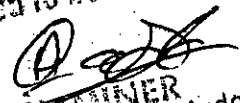
So in the light of the contention of learned APP as the prosecution itself does not want to prosecute the accused for want of proper evidence, so proceeding any further would just be a futile exercise.

Therefore, the accused stands discharged of the charges. The case property if any is disposed of according to law; sureties are exonerated from their liabilities of surety bonds. File be consigned to record room after necessary completion and compilation.

Announced
27/03/2017


SYED ALI RAZA,
Senior Civil Judge/ Judicial Magistrate,
SHANGLA.

No. 170
Date of Presentation of Application 16.4.18
Date on which Case is taken up 16.4.18
No. of Pages 1P
Urgent Fee ✓
Name of Counsel Q. new
Signature Q. new
Copying Fee 16.4.18

Certified to be True Copy

EXAMINER
District & Sessions Judge
SHANGLA.
16.4.18

Before the Honourable Judicial Magistrate / Illaqa Qazi Swat

41

State

Versus

WALD: Muhammed


Case FIR# 405 U/S 419, 420, 406, 34 P.S. Mingote
25-4-17

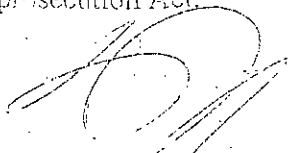
Application for withheld of the case and discharge of accused U/S 4 (C) (1) of the KP
Prosecution Act 2005, on the ground of compromise.

Respectfully Shewethe!

1. That the accused was booked by local police in case FIR mentioned above, investigation was carried out and complete report u/s 173 Cr.Pc against the accused was submitted by the SHO concerned for put in court.
2. That after the scrutiny/ brief, it was noted that both the parties have compromised the matter, and it will a futile exercise to prosecute the accused. (Brief Performa of the prosecution is attached herewith)
3. That there is no legal impediment for discharge of the accused and withheld of the instant case.

Therefore, it is humbly requested that the application in hand be accepted and the accused be discharged and to withheld the case u/s 4 (c) (1) of the prosecution Act.

Attested

Advocate


District Public Prosecutor Swat

جسٹس عدالت

(H)
42


حوالہ درخواست

دلی رجمنٹ نمبر 53

سندھ اور بعض خدمت بیورو کہ

کہ کنڈیشنل بالائی ڈپسٹیکر دوں کے خلاف کارروائی میں رپورٹ
مورسنگ کے ساتھ ملوں اور اچھی کارکردگی کے مظاہرہ کیا گیا ہے لہذا اس عرصہ
05/05/2072 سے مقامہ مارٹونگ میں گھریلو مصروفیات کے بناء پر غیر حاضر رہے
مذکورہ کسی دورانہ شیر حاضری کو بلا تنخواہ کرنے اور گھریلو مصروفیات کے پیش
نظر مزید تین ماہ لائف لیو مستحضر کرنے کی سفارش کی جاتی ہے۔

رپورٹ موصول ہے


ڈی ایس پی بیڈ ٹوائس
ضلع مظفر

05/7

Absence period be
considered as leave
without pay whereas
2 months leave is also
granted given to ~~the~~ inverts
from ~~the~~ militants due to 70 hrs
in mistancy

OB No. 116
20/07/07

Attested

Nayab
20/7/2012

16/7/07

From: The District Police Officer,
Shangla

To: The *Regional* Police Officer,
Malakand Seid's Sharif Swat.

No. **6480** /E, dated Alpuri the **12-10** /2017. *Annexure* **I 43**

Subject: **DEPARTMENTAL APPEAL UNDER THE SERVICE TRIBUNAL
ACT 1974 AGAINST THE ORDER OB NO.116, DATED 18.08.2017
PASSED BY DPO SHANGLA**

Memo:

Kindly refer to region offie letter Endst: No.8500/E, dated
14.09.017.

In this connection para wise comments upon the appeal on subject
from 01 to 13 is submitted as under:-

Para, 1. Correct.

That since his appointment 17.06.1996 up to the end of
talbanaization so, services he served the applicant has been apriciated by the
officer at time with commendaters certifiact, by giving his choise posting etc.\

Para, 5. In correct.

That ~~as the present~~ departmental proceeding not relates his past
but, relates on enquiry which was initiated against the delenquent Constable on
receving from Inspector General of Police vide No. 7416/E,-IV, dated 15.06.2017
due to his involvment vide case FIR No. 405/2017 Police Mingora with the
direction to transfer him District Karak District (Vide Flag-A)

Para, 6. No comments

Para, 7 to 11. No comments.

That being found not in facts, as the applicant has being involved
total 07 criminal cases time & again, which is against PR 14-28" that police
officer shall not engage in trade" As recommended by enquiry office in his
finding vide Flag" B"

Para, 13-14. No comments.

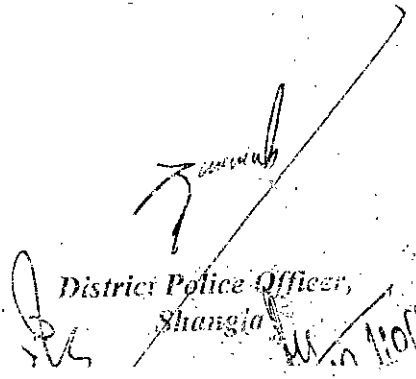
That as facts is clear on the above commented paras.

Submitted for kind perusal, please

Encl: (all the relevant papers are enclosed)

Attested


Advocate

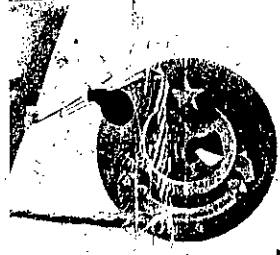

District Police Officer,
Shangla

Attended

Advocate

03429495175

ET



OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

No. 74/6 1 EIV

dated 15/06/2017

2609
20-6-17

To: The District Police Officer,
Shangla.

Subject:- SMS Complaint/Source report.

44

Enclosed please find herewith a source report against Constable Wali Muhammad @ Wali No. 391 of district Shangla. Upon perusal, the W/IGP has passed the following remarks:-

“ DPO Shangla may take departmental action against him in FIR No. 405/2017 Police Station Mingora. Plus on basis of his background presently he may be transferred to District Karak and kept under watch till his enquiries are finished. In case of absence or further mischief at Karak he may be taken to task per law”.

2. The Constable is hereby transferred to District Karak with immediate effect on complaint basis.

3. The orders of the competent authority may be complied with and outcome of the departmental proceedings may be communicated to this office.

Handwritten notes:
Hc/Be
Jal
DPO/sh
20/06/2017
No. 1

Signature:
(Arif Shahbaz Khan) PSP
AIG/Establishment
For Provincial Police, Officer
Khyber Pakhtunkhwa, Peshawar.

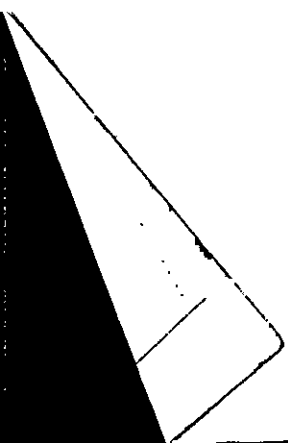
- DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
- District Police Officer, Karak.
- PSO to IGP Khyber Pakhtunkhwa, Peshawar.

Handwritten notes:
Ea
Alone with
ask
20/6

Attested
Signature
Advocate

АДВОКАТ

АДВОКАТ



بعد الت جہا برس ٹریڈ مارک لٹریچر ایسوسی ایشن

کورت فیس کورت ایک روپیہ

45 مورخہ 26 اپریل 1982ء منجانب ایسوسی ایشن

مقدمہ ولی محمد نام حکومت دہلی

سروس ایسوسی ایشن باعث تحریر آنک

دعویٰ جرم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام کمیٹی کورٹ سوان سیکڑے / رصف علی ریلوے ملکیت مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق و زراست پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ وائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برداشتہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہاگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سندم ہے

المزوم 26 ماہ اپریل 1982ء

العبد گواہ شہزادہ العبد
بمقام سروس ٹریڈ مارک لٹریچر ایسوسی ایشن
سوان

Attest by A. Asghar

(Signature)

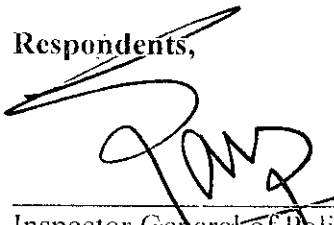
Asghar A. Adv. Co.

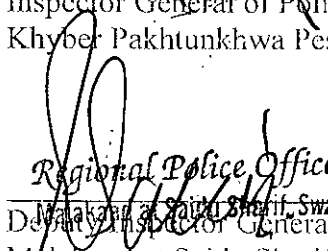
9-232-15581-9717232-9

- IV. Ground No. IV is incorrect.
- V. Ground No. V is also incorrect. Some cases are still pending trial in the competent court of law.
- VI. Ground No. VI is also incorrect. All these cases have been included in the inquiry report to show conduct of the appellant to all concerned.
- VII. Ground No. VII is also incorrect. All these cases shows conduct of the appellant.
- VIII. Ground No. VIII is also incorrect. All the complaints were included in the charge sheet memo of allegations and final show cause notice and proper statement of all the aggrieved persons were recorded in the inquiry proceedings.
- IX. Ground No. IX is also incorrect. It is excuse and taken by the appellant as a shelter to cover the illegal activities of the appellant under the protection of police force.
- X. Ground No. X is also incorrect. The appellant has done nothing and no efficiency has been proved by the appellant instead of harassing innocent people for his ulterior motives.
- XI. Ground No. XII is incorrect. Before passing the impugned order, final show cause notice was served on the appellant and was heard in orderly room by the competent authority.
- XII. Ground No. XIII is incorrect. Proper charge sheet, memo of allegations and show cause notice was issued to the appellant and proper enquiry was conducted by the SP Investigation Shangla.

It is, therefore, humbly prayed that the appeal being badly time-barred may very kindly be dismissed with cost.

Respondents,


Inspector General of Police,
Khyber Pakhtunkhwa Peshawar


Regional Police Officer,
Malakand at Saidu Sharif, Swat
Deputy Inspector General of Police,
Malakand at Saidu Sharif, Swat.


District Police Officer,
Shangla
District Police Officer,
SHANGLA