



Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 641/2018

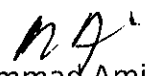
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	14/05/2018	<p>The appeal of Mr. Rehmatullah resubmitted today by Shaikh Iftikhar-ul-Haq Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to Touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>13-9-18</u></p> <p style="text-align: right;"> MEMBER</p>

13.09.2018

Counsel for the appellant Rehmatullah present. Preliminary arguments heard. Learned counsel for the appellant contended that the appellant was serving in Police Department and during service he was involved in case FIR No. 684 dated 16.10.2010 under section 302 PPC Police Station Tank. It was further contended that the appellant was dismissed from service on 28.05.2011. It was further contended that the appellant was Hon'ble acquitted by the competent court of law vide detailed judgment dated 20.06.2016. It was further contended that the appellant filed departmental appeal which was rejected and thereafter the appellant also filed revision petition but the same was also rejected hence, the present service appeal. It was further contended that neither charge sheet, statement of allegation was served on the appellant, nor the appellant was provided opportunity of persona hearing and defence therefore, the impugned order is illegal and liable to be set-aside.

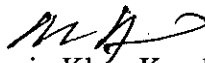
The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 27.11.2018 before S.B at Camp Court D.I.Khan.

Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

27.11.2018

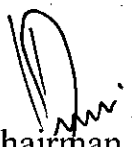
Counsel for the appellant present. Mr. Nadim, LHC alongwith Mr. Usman Ghani, District Attorney for respondents present. Written reply on behalf of respondents not submitted. Representative of the respondents requested for time. Granted. To come for written reply/comments on 22.01.2019 before S.B at camp court D.I.Khan.


(M.Amin Khan Kundi)
Member
Camp Court D.I.Khan

22.01.2019

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Muhammad Tahir, S.I (Legal) for the respondents present.

Parawise comments on behalf of respondents have been submitted. To come up for arguments before the D.B on 25.03.2019 at camp court, D.I.Khan. The appellant may submit rejoinder within a fortnight, if so advised.



Chairman
Camp Court, D.I.Khan

25.03.2019

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Tahir Khan, SI for the respondents present.


The court time is over, therefore case adjourned to 24.06.2019 before the D.B at camp court, D.I.Khan.

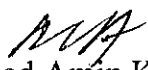

Member


Chairman
Camp Court, D.I.Khan

24.06.2019

Appellant alongwith his counsel and Mr. Farhaj Sikandar, District Attorney alongwith Mr. Sher Afzal, S.I (Legal) for the respondents present. The impugned order on the basis of which the appellant was dismissed from service is not available on the record. Representative of the department is directed to furnish the same on the next date positively. Adjourned to 23.09.2019 for record and arguments before D.B at Camp Court D.I.Khan.



(Hussain Shah)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

23.09.2019

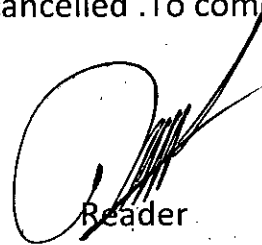
Appellant in person present. Mr. Farhaj Sikandar, DDA alongwith Mr. Nadeem, H.C for respondents present. Appellant seeks adjournment as his counsel is not available today due to general strike of the bar. Adjourn. To come up for arguments on 21.10.2019 ~~on~~ before D.B at camp court D.I.Khan.


Member


Member
Camp Court D.I.Khan

21/10/2019

Since tour to D.I.Khan has been cancelled .To come for the same on 27/11/2019.



Reader

27.11.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Nadeem, Head Constable for the respondents present. Representative of the department submitted record which his placed on record. One copy of the said record is also handed over to learned counsel for the appellant. Learned counsel for the appellant requested for adjournment to examine the said record. Adjourned to 28.01.2020 for arguments before D.B at Camp Court D.I.Khan.



(Hussain Shah)
Member
Camp Court D.I.Khan



(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

28.01.2020

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Nadeem, LHC for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 25.02.2020 for arguments before D.B at Camp Court D.I.Khan.



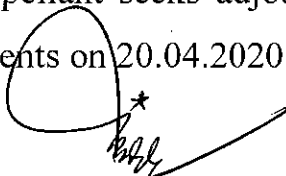
(Hussain Shah)
Member
Camp Court D.I.Khan



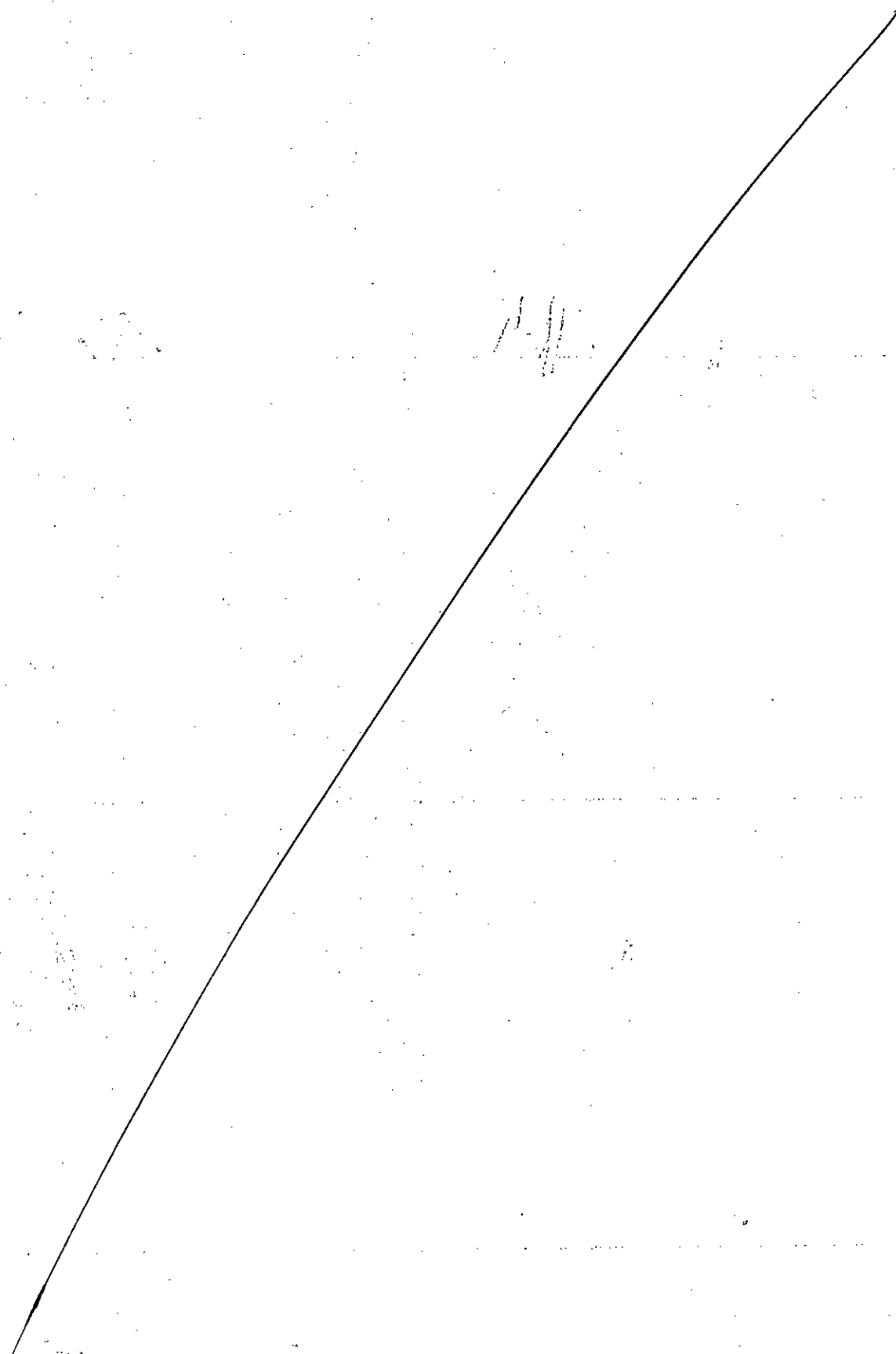
(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

25.02.2020

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 20.04.2020 before D.B at camp court D.I.Khan.


Member

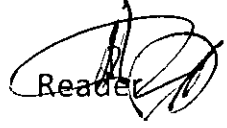

Member
Camp Court D.I.Khan



20-4 .2020

Due to COVID19, the case is adjourned to

21/9/2020 for the same as before.

Reader 

21.09.2020

Counsel for appellant present.

Mr. Muhammad Jan, learned Deputy District Attorney for respondents present.

Counsel for appellant requests for adjournment as issue involved in the present case is pending before Larger Bench of this Tribunal.

Adjourned to 23.11.2020 for arguments before D.B at Camp Court, D.I Khan.



(Attiq-ur-Rehman Wazir)

Member

Camp Court, D.I Khan



(Rozina Rehman)

Member

Camp Court, D.I Khan

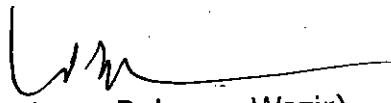
23.11.2020

Appellant present through counsel.

Muhammad Jan learned Deputy District Attorney for respondents present.

A request for adjournment was made as issue involved in the present case is pending before Larger Bench of this Tribunal.

Adjourned to 25.01.2021 for arguments, before D.B at Camp Court, DI.Khan.



(Atiq-ur-Rehman Wazir)
Member (E)
Camp Court, D.I Khan



(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

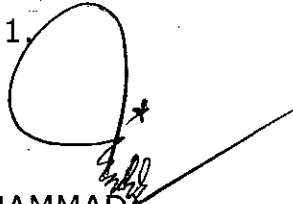
25-1-2021 *Due to COVID 19, The case is adjourned to 24-3-2021 for the same.*



24.03.2021

Learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Request for adjournment was made on the ground that the issue involved in the present appeal is pending adjudication before Larger Bench of this Tribunal in other appeals. Adjourned. To come up for arguments before D.B at Camp Court D.I.Khan on 26.07.2021.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

26-7-21

Due to COVID-19, The case is adjourned to 28-10-2021 for the same.



ORDER

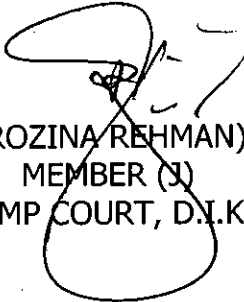
28.10.2021


Learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney alongwith Mr. Nadeem H.C for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted. The appellant is re-instated in service. The intervening period is treated as leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

28.10.2021


(ROZINA REHMAN)
MEMBER (J)
CAMP COURT, D.I.KHAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)
CAMP COURT, D.I.KHAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT D.I.KHAN

Service Appeal No. 641/2018

Date of Institution ... 12.04.2018

Date of Decision ... 28.10.2021

Rehmat Ullah S/o Aman Ullah Khan Caste Kundi R/o Gulshan Colony, Tehsil &
District Tank. ... (Appellant)

VERSUS

Provincial Police Officer/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
and two others.

... (Respondents)

Mr. Shaikh Iftikhar Ul Haq ,
Advocate

... For Appellant

Mr. Muhammad Rasheed,
Deputy District Attorney

... For Respondents

ROZINA REHMAN
ATIQU-UR-REHMAN WAZIR

...
...

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant joined police department as constable on 29-09-2007. During the course of his career, an FIR was lodged against the appellant U/S 302 PPC Dated 26-10-2010. The appellant was proceeded against ex-parte on the charges of his involvement in criminal case and was ultimately dismissed from service vide order dated 28-05-2011. The appellant was acquitted of the criminal charges vide judgment dated 20-06-2016. After his acquittal, the appellant filed departmental appeal, which was rejected vide order dated 31-05-2017. The appellant filed revision petition, which was also rejected vide order dated 15-03-2017, hence the instant service appeal with prayers that the impugned orders

dated 28-05-2011, 31-05-2017 and 15-03-2018 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned orders are against law, facts and circumstances of the case as the appellant never remained absent from duty; that the appellant has not been treated in accordance with law, as no inquiry was conducted against the appellant and the impugned order has been passed in slip shod manner, which is not sustainable in the eye of law; that ex-parte action was initiated against the appellant and the appellant was kept deprived of personal hearing; that the appellant was acquitted of the same charges by the court of law, upon which the appellant was dismissed from service; that there remains no ground with the respondents to dismiss the appellant as the appellant had already been acquitted of the charges.

03. Learned Deputy District Attorney for the respondents has contended that the appellant was charged in a murder case and FIR to this effect was lodged against the appellant U/S 302 Dated 26-10-2010; that after registration of FIR against him, the appellant went in hiding and did not join disciplinary proceedings; that the appellant was proceeded against ex-parte and all the codal formalities were fulfilled; that charge sheet/statement of allegations were sent at his home address and an inquiry was also conducted against the appellant, but the appellant did not turn up, hence he was proceeded ex-parte and was awarded with major punishment of dismissal from service vide order dated 28-05-2011; that the appellant was acquitted of the charges due to compromise between the parties vide judgment dated 20-06-2016.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant was charged in a murder case and was departmentally proceeded against on the charges of his involvement in criminal case. The appellant was ultimately dismissed from service on the same charges. In

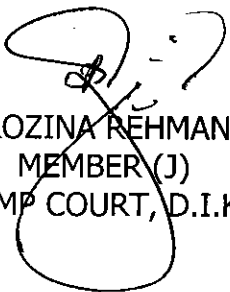
a situation, principle of natural justice demands that respondents must have waited for decision of a criminal court, which is also supported by section 194-A of CSR. It is also settled law that dismissal of civil servant from service due to pendency of criminal case against him would be bad unless such official was found guilty by competent court of law. Contents of FIR would remain unsubstantiated allegations, and based on the same, maximum penalty could not be imposed upon a civil servant. Reliance is placed on PLJ 2015 Tr.C. (Services) 197, PLJ 2015 Tr.C. (Services) 208 and PLJ 2015 Tr.C. (Services) 152. As is evident from their comments, the respondents proceeded the appellant in haste and did not afford appropriate opportunity of defense as was required under the provisions of law and rules, rather conducted ex-parte proceedings only to the extent of fulfillment of codal formalities, hence the appellant was condemned unheard. In case of imposing major penalty, principle of natural justice requires that a regular inquiry be conducted in matter and opportunity of defense may be provided to civil servant proceeded against. Moreover, if a civil servant is dismissed from service on account of his involvement in criminal case, then he would have been well within his right to claim re-instatement in service after acquittal from that case. Reliance is placed on 2017 PLC (CS) 1076. In 2012 PLC (CS) 502, it has been held that if a person is acquitted of a charge, the presumption would be that he was innocent. Moreover, after acquittal of the appellant in the criminal case, there was no material available with the authorities to take action and impose major penalty. Reliance is placed on 2003 SCMR 207 and 2002 SCMR 57, 1993 PLC (CS) 460.

06. The appellant however was acquitted of the criminal charges vide judgment dated 20-06-2016, thereafter he filed departmental appeal, which cannot be termed as barred by time, as the Supreme Court of Pakistan in its judgment reported as PLD 2010 SC 695 has held that it would have been a futile attempt on part of civil servant to challenge his removal from service before earning acquittal in the relevant criminal case. Moreover, it is a well settled legal proposition that decision of cases on merit is always encouraged instead of non-suiting litigants on


technical reason including ground of limitation: Reliance is placed on 2004 PLC (CS) 1014 and 1999 SCMR 880.

07. In view of the foregoing discussion, the instant appeal is accepted. The appellant is re-instated in service. The intervening period is treated as leave without pay. Parties are left to bear their own costs. File be consigned to record room.

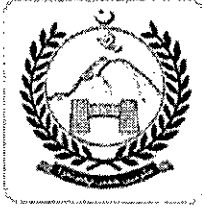
ANNOUNCED
28.10.2021



(ROZINA REHMAN)
MEMBER (J)
CAMP COURT, D.I.KHAN



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)
CAMP COURT, D.I.KHAN



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 2299 /ST

Dated: 18/11 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The District Police Officer,
Government of Khyber Pakhtunkhwa
Tank.

Subject: JUDGMENT IN APPEAL NO. 641/2018 MR. REHMAT ULLAH.

I am directed to forward herewith a certified copy of Judgement dated 28.10.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

The appeal of Mr. Rehmatullah son of Aman Ullah Khan caste Kundi r/o Gulshan Colony Distt. Tank received today by i.e. on 12.04.2018 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 annexure-F of the appeal is illegible which may be replaced by legible/better one.
- 2- Copy of dismissal order and departmental appeal are not attached with the appeal which may be placed on it.

No. 820 /S.T.

Dt. 18/04 /2018.


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

Shaikh Iftikhar-ul-Haq Adv.
High Court Dera Ismail Khan.

Respected sir,

The instant appeal returned to undersigned and received on 26.4.2018. The objection no 1 has been removed. Moreover the copy of dismissal order and departmental appeal are in custody of department and that may be requested from department through court order. Hence re submitted please sir.

in file
sh: Iftikhar
na

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

Service Appeal No. 641 /2018

Rehmat Ullah **VERSUS** Provincial Police Office etc

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Your Humble Appellant



Dated: /0/04/2018

Rehmat Ullah
Through Counsel



Shaikh Iftikhar Ul Haq
Advocate High Court,
Dera Ismail Khan.

0345-9785920

1

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 644 /2018

Khyber Pakhtunkhwa Service Tribunal

Diary No. 550

Dated 12-4-2018

Rehmat Ullah S/o Aman Ullah Khan Caste Kundi R/o Gulshan Colony, Tehsil & District Tank.

.....(Appellant)

VERSUS

1. Provincial Police Officer / Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police / Regional Police Officer, Dera Ismail Khan.
3. District Police Officer, Tank.

.....(Respondents)

SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974.

PRAYER:-

ON ACCEPTANCE OF INSTANT APPEAL THIS HONOURABLE TRIBUNAL BE PLEASED TO SET ASIDE THE DISMISSAL ORDER DATED 28/05/2011 PASSED BY THE RESPONDENT NO. 3 AND APPELLATE ORDER DATED 15/03/2018, 31/05/2017 VIDE WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED / FILED PASSED BY THE RESPONDENTS. AND THE APPELLANT BE REINSTATED AS CONSTABLE IN THE INCUMBENCY OF RESPONDENTS AUTHORITY WITH ALL BACK BENEFITS.

Filed to-day
Registrar
12-4-18

Re-submitted to -day
and filed.
Registrar
14/5/18

Respectfully Sheweth:-

Brief facts giving rise to instant appeal are as under:-

- 1- That appellant was appointed as constable on 29/09/2007 in the Police Department Tank.
- 2- That the appellant performed this with full satisfaction of superior, and there is stigma and dents in their services.
- 3- That on 26/10/2010, the appellant falsely implicated in the murder case at the result of which the appellant was dismissed from service on 28/05/2011.
- 4- That the appellant was later on acquitted on the basis of compromise from the murder case on 20/06/2016. Copy of the documents in this regard are enclosed as Annexure "A, B & C".
- 5- That the appellant then submitted departmental appeal which was dismissed on 31/05/2017 and later on Revision was also dismissed on 15/03/2018. Copy of departmental appeal, orders dated 31/05/2017 and 15/03/2018 are enclosed as Annexure "D, E & F". It is also pertinent to mention here that separate petition for condonation of delay is filed with the instant appeal by the Appellant, although the instant is well within time from the final order of the appellate authority. Moreover, if any condonation has been occurred that will be condoned in the attendant circumstances.

Handwritten signature and initials

6- That the appellant feeling aggrieved from the impugned orders of the respondents authority, hence the instant service appeal on the following grounds:-

GROUNDS:-

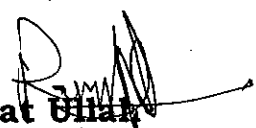
- a) That the impugned orders are against law, facts and circumstances of the case as the appellant never remained absent from duties.
- b) That the impugned orders are against principle of law and service rules and establishment Code.
- c) That the respondents authority never conducted inquiry against the appellants and the impugned

order has been passed in slip shed manner and never sustainable in the eyes of law.

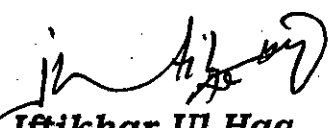
- d) That the appellant was never personally heard while passing the impugned order of dismissal of the appellant.
- e) That every acquittal from the Honourable Court and criminal case is considered to be Honourable Acquittal and in the light of judgment of Superior Courts the employee has been reinstated after the acquittal from the Trial Court or appellate Court.
- f) That the Counsel of the Appellant may very graciously be allowed to add further grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may be accepted as prayed for.

Your Humble Appellant

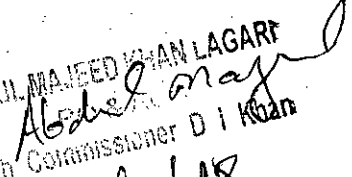

Rehmat Ullah
 Through Counsel

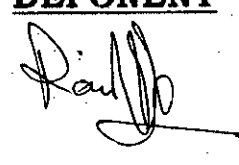
Dated: 10/04/2018


Shaikh Iftikhar Ul Haq
 Advocate High Court,
 Dera Ismail Khan.

AFFIDAVIT

I, **Rehmat Ullah** S/o Aman Ullah Khan Caste Kundi R/o Gulshan Colony, Tehsil & District Tank, the appellant, do hereby solemnly affirm declared on oath that contents of the above **Appeal** are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

ABDUL MAJEED KHAN LAGART
 Oath Commissioner D I Khan
 Date: 10/4/18


DEPONENT


4

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

C.M No. _____/2018

In Service Appeal No. _____/2018

Rehmat Ullah **VERSUS** Provincial Police Office etc

APPLICATION FOR CONDONATION OF DELAY.

Respectfully Sheweth:-

7- That the above titled Service appeal was submitted before the Honourable Tribunal. The Departmental appeal as well as the service appeal of the appellant are well within time and if any delay has been occurred that has been condoned in the following grounds:

GROUND:

1. That after the acquittal from the Honourable Court Bench DIKhan on 20/06/2016 the appellant spent all the money on the BADL-E-SULHA. Moreover, there is no earning person in his family and the appellant became very poor and was not any position to higher the advocate and were in serious tension due to confinement in jail in the death cell and thus after clearance the above condition the appellant submitted department appeal well within time which was rejected through final order on 15/03/2018 and the appellant submitted the instant appeal within one month of the aforementioned final order dated 15/03/2018 i.e today on 10/04/2018. Therefore, the time may kindly be condoned and the service appeal may kindly be decided on merit in favour of the appellant.

Your Humble Appellant

Rehmat Ullah
Through Counsel

Dated: /0/04/2018

Shaikh Iftikhar Ul Haq
Advocate High Court,
Dera Ismail Khan.

(5)

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

C.M No. _____/2018

In Service Appeal No. _____/2018

Rehmat Ullah **VERSUS** Provincial Police Office etc

AFFIDAVIT

I, **Rehmat Ullah** S/o Aman Ullah Khan Caste Kundi R/o Gulshan Colony, Tehsil & District Tank, the appellant, do hereby solemnly affirm declared on oath that contents of the above **application** are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

ABDUL MAJIED KHAN/AGARI

Oath Commissioner D I Khan

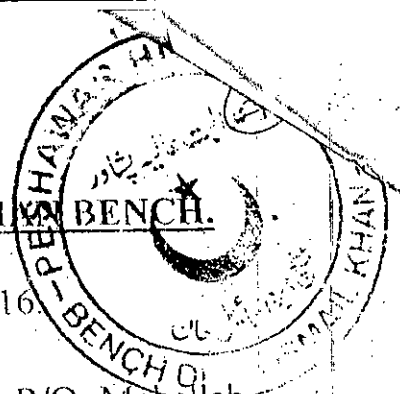
Date:

10/01/18

DEPONENT

6

Amrwa A



BEFORE THE PESHAWAR HIGH COURT-DIKHIL BENCH.

Criminal No. 18 / 2016

Rehmat Ullah son of Aman Ullah, Caste Kundi, R/O Mohallah Gulshan Colony, City Tank, Tehsil & District Tank at present convict prisoner Central Prison, Dera Ismail Khan.....(Appellant)

Versus.

1. The state.
2. Muhammad Shah son of Gul Khan, Caste Bhattani R/O Mohallah Qasaban City, Tank.....(Respondents).

Filed today 806
Addl. Registrar.
23/2/16

Case FIR No. 684, dated 26/10/2010, under Section 302 PPC, Police Station S.M.A. District Tank.

APPEAL U/Ss 410 / 561-A, Cr.P.C AGAINST THE JUDGMENT DATE /2016 PASSED BY LEARNED SESSIONS JUDGE, TANK AND WHICH THE APPELLANT IS CONVICTED UNDER SECTION 302-B PPC AND SENTENCED HIM TO DEATH ALONGWITH COMPENSATION OF RS. 50,000,00/- TO THE LEGAL HEIRS UNDER SECTION 541-A Cr. P.C.

Respectfully,

The appellant humbly submits as under.

BRIEF FACTS.

1. That according to the story of the FIR complainant Muhammad Shah on 26/10/2010 at 2015 hours alongwith the dead body of his son namely Zahid Shah reported to the police at Civil Hospital Tank that he was present in his house, when he heard report of fire shot he came to the door when in a meantime a young man knocked at the door and asked the complainant to bring a cart, as Zahid Shah has been injured by someone, on which the complainant came out and saw that Mohalladaran

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were taking the injured to the Hospital but the injured succumbed to the injuries in the way. Usman son of Gul Muhammad, Caste Mahsood, R/O Mohallah Qasaban told the complainant that he alongwith deceased Zahid Shah were standing in the street near the house of Rehmatullah and there was bulb in lit condition, when he saw Rehmatullah son of Rehmatullah armed with Kalashnikov and fired at Zahid Shah, with which he hit and fell down to the ground. Occurrence was witnessed by Usman Ali and other inhabitant of the Mohallah. Motive was stated to be exchange of hot words between accused and deceased in the Sarwar Bagh few moments ago. On this the Murassila was drafted, which was subsequently sent to Police Station and the ibid FIR was chalked out.

2. That after the arrest of the accused the challan was put in court and the prosecution produced as many as 11-PWs and re-examined one Muhammad Ayub as RPW-01 and closed the prosecution evidence. Interestingly the alleged eye witnesses Zubair and Farooq were abandoned.
3. That thereafter the accused was examined under section 342 Cr. PC, and he refuse to be examined on oath and also refused to produce defense.
4. That learned trial court after hearing counsel for the parties alongwith public prosecutor and through impugned judgment dated 20/02/2016 convicted the appellant to death sentenced alongwith payment of five million rupees as compensation to the LRs of the deceased. Copy of impugned judgment is enclosed herewith as Annexure-A.
5. That feeling aggrieved from the impugned judgment, the appellant seek the indulgence of this Honourable Court in its appellate jurisdiction in the matter on, inter alia, the following grounds.

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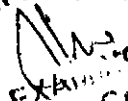
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GROUNDS.

- A. That the appellant is innocent and have falsely been implicated in the case for ulterior motives on part of the complainant/private respondent.
- B. That the impugned Judgment of the learned trial Court is patently against the law and facts as available on record therefore, is not tenable in the eyes of law.
- C. That the learned trial court based the impugned judgment on surmises and conjectures instead of available record.
- D. That the presence of the complainant on the spot is not established on record because he contradicted his own report, while appearing as PW before the court and there is nothing on record to establish that there is a Bagh (garden) near the spot of occurrence, where the deceased alongwith eye witnesses sat for few moments and aiming the light of torch by the appellant on the deceased is proved.
- E. That interestingly the prosecution failed to produce the alleged eye witnesses Zubair and Farooq on the pretext that they are witnesses to the facts narrated by the PW Usman Ali, whereas the very presence of Usman Ali on the spot is not proved, therefore, the presumption of Article 29-G Qanoon-i-Shahadat was not considered by the trial Court that the two witnesses were not supporting the Prosecution case and that is why they were abandoned.
- F. That allegedly there was a bulb lit in the street, in the light of which PW Usman Ali identified the accused was never taken into possession by the IO, despite the fact that the same has been shown in the site plan and the PW Usman Ali also stated that the bulb was lit in the street, so how and why the

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prosecution story is believed, when the very source of light is not available, particularly when admittedly the occurrence is of night time and it was pitch dark.

G. That the place of very occurrence is not confirmed, as according to the IO and eye witness the occurrence took place in the street, whereas one of the witnesses of the recovery memo, through which the blood was secured by the IO, stated in the court that the blood was secured from nearby fields and the other witness of the recovery memo was not even in knowledge that from the blood was secured, therefore, the appellant is justified by saying that the occurrence is unseen one and subsequently the police with the connivance with complainant party, cocked up a false story and enroped the present appellant as an accused in the case.

H. That from the spot no empty was recovered, despite the fact that as per statement of the eye witness and complainant 3/4 fire shots were made by the accused but only one fire shot proved effective.

I. That the site of injury on the dead body of deceased clearly negates the story of prosecution and the site plan as well, which also established on record that the eye witness was not present at the time of occurrence.

J. That PW-01 Shabbir Ahmad Stated that he alongwith the IO reached the spot at 08:00 PM, astonishingly the time of occurrence has been mentioned as 08:15 PM so how come the police reached the spot even prior to lodging of report, moreover the same witness admitted that it was dark at the spot, however the police inspected the spot in the light of torch, meaning thereby there was no bulb lit at the spot and the same witness said that the blood stained earth was lying in the fields, which was secured by the IO and more interestingly the IO contradicted this PW by saying that bulb was lit, when they reached the spot.

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- K. That the complainant stated in the Court that he alongwith eyewitness usman Ali went to the spot alongwith the police but the IO totally negated them by saying that when he reached the spot the eye witness and complainant were already present over there.
- L. That as per story of report as well as statement of complainant and eye witness, the injured died on the way to the hospital but interestingly the doctor in his cross examination stated that the injured was alive, when he was brought to the hospital and expired in front of the doctor and other interesting aspect of the case is that the doctor was present in the Hospital, as admitted by him, when the injured was brought but he conducted autopsy on the dead body in the next morning at 07:00 AM and no explanation has been offered by the doctor as to why the autopsy was not conducted on the same day.
- M. That the story of the prosecution is apparently doubtful because the complainant as well as Court statement said that some body was present at the door at the time of occurrence and it is very astonishing that the said some body was Usman Ali PW, his next door neighbor and in his statement the said Usman Ali has narrated that after the occurrence I rushed to the house of the complainant and knocked the door of the complainant and ask him for brining Charpai, as his son has been injured by someone. Now neither the complainant said that Usman Ali came to his house nor the Usman Ali named any person as an accused, while informing the complainant, so what else may create such a serious doubt that whether the eye witness was present at the time of occurrence or not.
- N. That in the report the complainant has not mentioned the time of occurrence nor the alleged eye witness has mentioned the time of occurrence in his court statement and the Murasila is also doubtful because the time has been mentioned in the third part of the same and not in a sequence but is written above the

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3rd line, which create reasonable doubt that the time mentioned as 1945 hours is subsequently written and if this argument is accepted then of course the entire case is proved to be doubtful, as in different well celebrated judgments the Murasila is acknowledge to be the result of afterthought, deliberation and consultation and in the instant case the mentioning of timing in the Murasila is solid proof of this particular aspect.

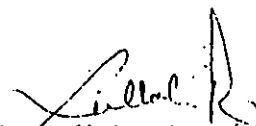
- O. That the entire evidence needs reappraisal by this Honourable Court to reach the just conclusion of the case in the interest of justice and fair play.
- P. That the counsel for the appellant may be kindly be allowed to raise additional grounds during the course of arguments, if need


PRAYER:-

In view of above noted facts and grounds it is humbly prayed that on gracious acceptance of the instant appeal, the impugned Judgment dated 20/02/2016 passed by learned Sessions Judge, Tank may be set aside and the appellant may be acquitted of the charges levelled against him.

Humbly,
Appellant,
Through counsel;

Dated.23/02/2016.


(Saleemullah Khan (Ranazai))
Advocate Supreme Court.

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D.I.Khan Bench

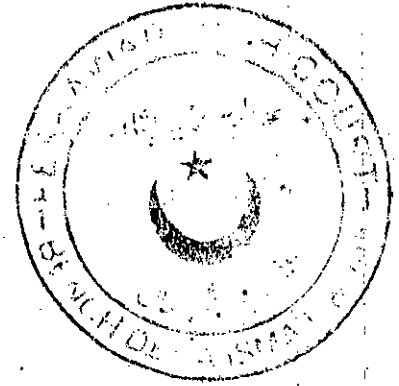
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From:

(Tariq Pervez Bloch)
Sessions Judge, Tank

To:

The Additional Registrar,
Peshawar High Court, Bench, D.I.KhanNo. 241/GDated Tank the 22/02/2016Subject: DEATH REFERENCE OF ACCUSED REHMAT-ULLAH

Dear Sir,

I have the honour to submit herewith detailed judgment alongwith following record in case FIR No.684 dated 26.10.2010 U/S 302 PPC of PS Tank District Tank with the request that same may be placed before Hon'ble Bench for the subject purpose.

Court of District & Sessions Judge, Tank		01.03.2014	29.01.2015
Session Case No.33/2 of 2014		14.03.2014	18.02.2015
THE STATE		27.03.2014	04.03.2015
Versus		04.04.2014	11.03.2015
1. Rehmat-Ullah son of Aman-Ullah, caste Kundi, R/O Mohallah		14.04.2014	18.03.2015
C. Khan Colony City Tank, Tehsil & District Tank.		24.04.2014	26.03.2015
Charge:302 PPC		06.05.2014	09.04.2015
Date of Commission:26.10.2010		20.05.2014	23.04.2015
Date of arrest of accused(s): 25.01.2014		03.06.2014	29.04.2015
Date of Commitment:20.02.2016		17.06.2014	06.05.2015
		01.07.2014	14.05.2015
		14.07.2014	21.05.2015
		12.08.2014	03.06.2015
		16.08.2014	10.06.2015
		26.08.2014	24.06.2015
		28.08.2014	01.07.2015
		03.09.2014	09.07.2015
		12.09.2014	16.07.2015
		20.09.2014	29.07.2015
		29.09.2014	12.08.2015
		03.10.2014	20.08.2015
		11.10.2014	10.09.2015
		15.10.2014	01.10.2015
		24.10.2014	15.10.2015
		01.11.2014	27.10.2015
		11.11.2014	03.11.2015
		18.11.2014	11.11.2015
		22.11.2014	21.11.2015
		29.11.2014	03.12.2015
		12.12.2014	15.12.2015
		20.12.2014	05.01.2016
		08.01.2015	09.01.2016
		15.01.2015	15.01.2016
			23.01.2016
			03.02.2016
			13.02.2016
			20.02.2016

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[Signature]
Sessions Judge,
Tank

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Copy of judgment provided to accused free of cost on 20.02.2016. The District Police Officer, Tank is being requested to forward all the exhibits in the case to you direct under intimation to this Court.

(Signature)
(Tariq Pervez Bloch)
Sessions Judge, Tank

Endst: No. 242 /G

Dated Tank the 22 /02/2016

Copy forwarded to the District Police Officer, Tank with the request that he should forward all the exhibited articles of the case to the Additional Registrar, Peshawar High Court, D.I.Khan Bench under intimation to this Court.

(Signature)
(Tariq Pervez Bloch)
Sessions Judge, Tank

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D.I.Khan Bench
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Joint statements of Muhammad Shah (Complainant/Father of deceased Zahid Shah), Mst;Zakia bibi W/O Muhammad Shah(mother of deceased), Nauman Shah and Zohib Shah sons of Muhammad Shah(brothers of deceased), caste Bhattani, R/O Mohallah Qasaban City Tank, Tehsil & District Tank on Oath:

The instant case FIR No.684 dated 26.10.2010 U/S 302 PPC PS SMA. Tank was registered on the report of complainant Muhammad Shah for the murder of his son Zahid Shah. Deceased was unmarried. We are the legal heirs of deceased. Beside us, there is no other legal heir of deceased. Now through intervention of the notable of area, we have effected compromise with convict Rehmat-Ullah and pardoned him in the name of Almighty Allah. We have got no objection on the acquittal of convict Rehmat-Ullah. In this respect, we produce our joint affidavit EX:PA and Proforma for compromise under Qisas and Diyat Ordinance is EX:PB while photocopies of CNICs of complainant and Zohib Shah are EX:PC & EX:PD respectively.

RO & AC
13.06.2016

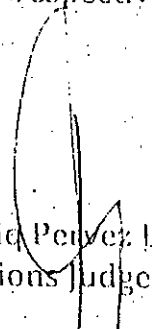


Muhammad Shah

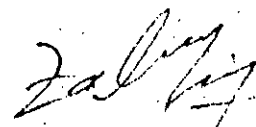


Nauman Shah

(Tariq Pervez Bloch)
Sessions Judge, Tank



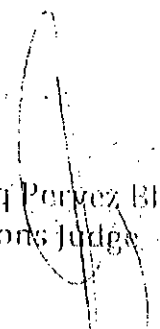
Mst;Zakia bibi



Zohib Shah

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(Tariq Pervez Bloch)
Sessions Judge, Tank



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Peshawar High Court D.I. Khan Bench

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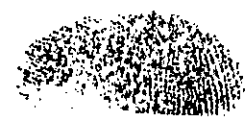
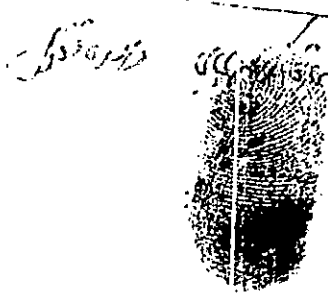
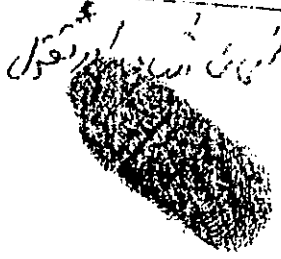
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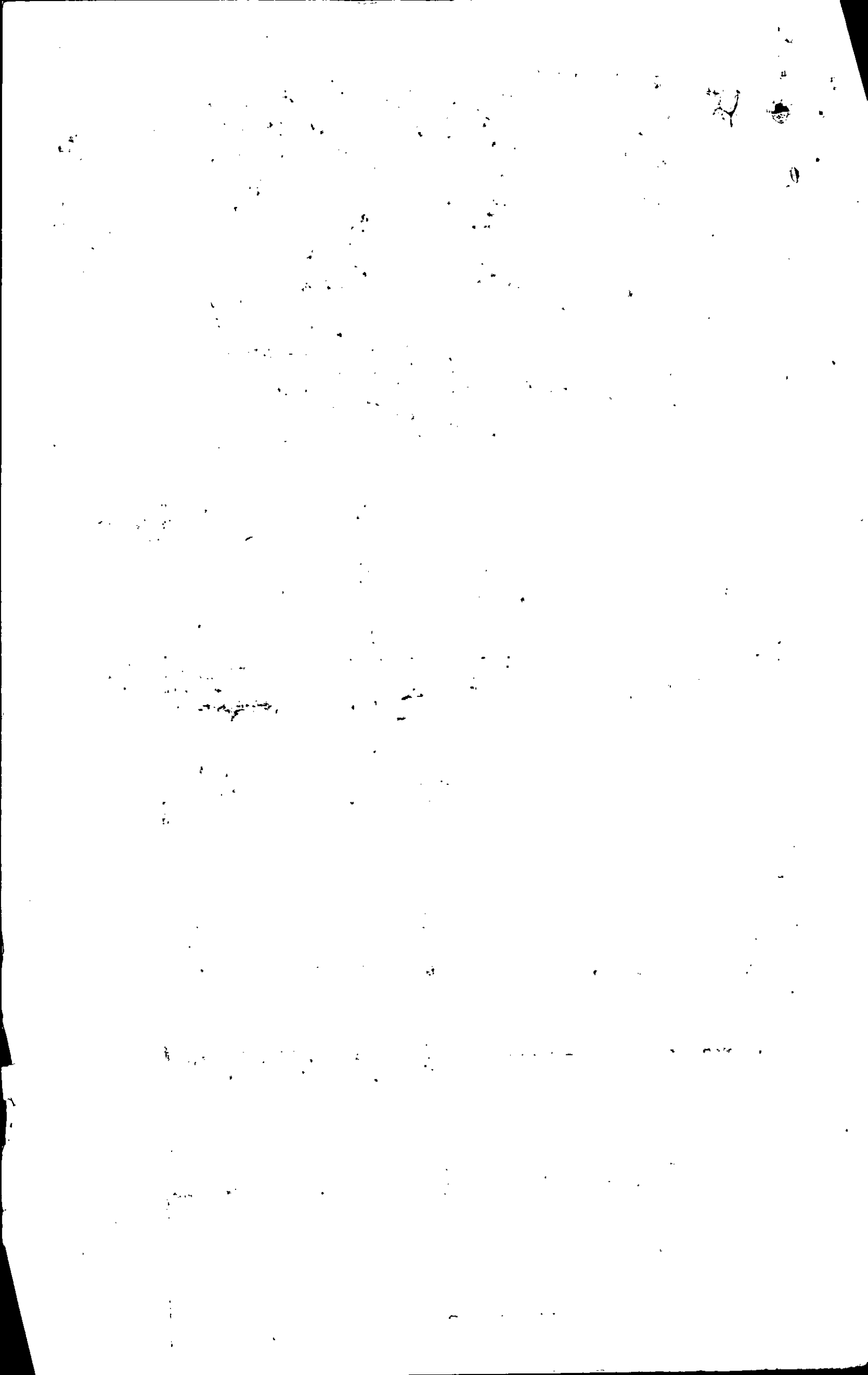
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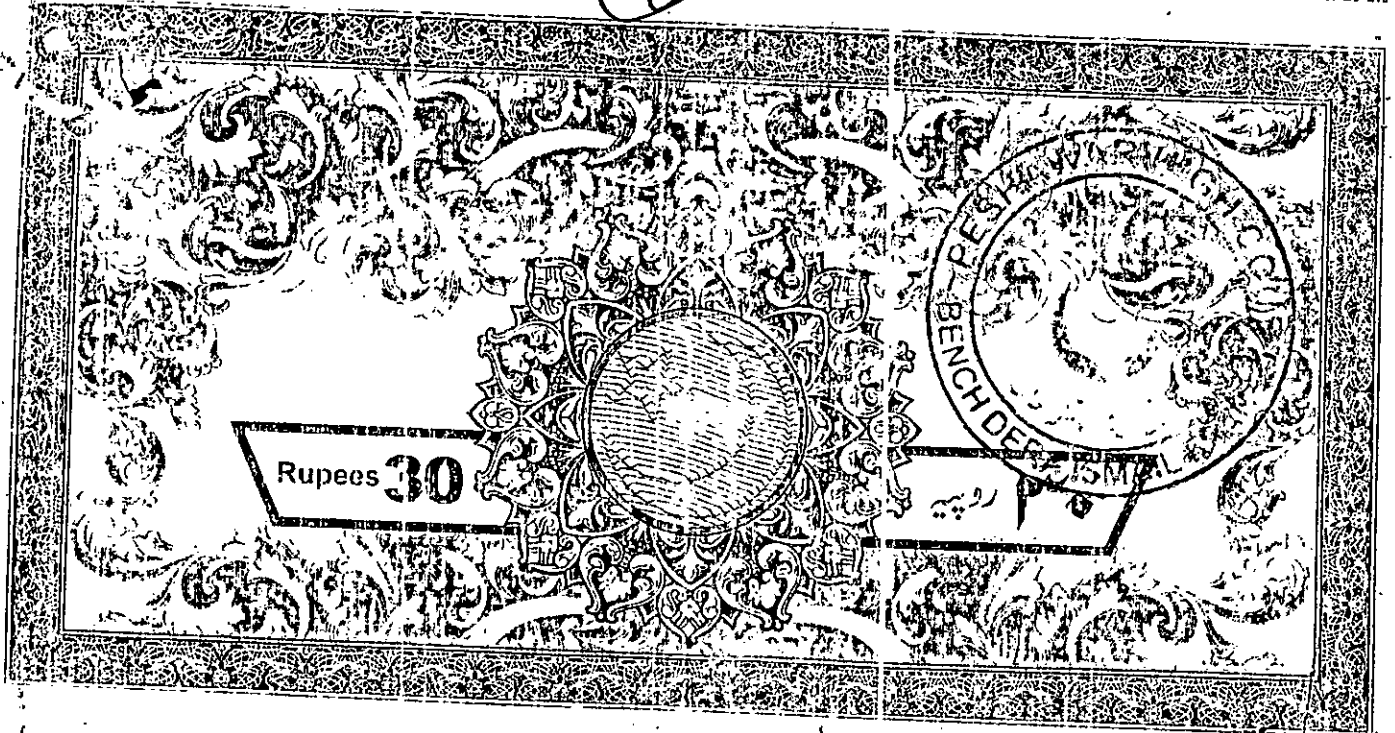
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تفصیل کے لئے درج ذیل نام

1	نام نازم اظہار من بعد ولایت و کمل پتہ	رسول اللہ صلی اللہ علیہ وسلم رحمہ اللہ
2	سنگ جوری گی	سنگ جوری گی
3	نام تری از تو تیان یا مشروب / مشروبان من بعد ولایت وغیرہ مستقل پتہ	زادہ سید سید محمد شاہ
4	ذمیت / تفصیل جرم تاراج وغیرہ	علاقہ 682 فرسہ 2610 مم 302
5	نام مستنیت اسات	شہر شاہ و قلعہ
5/A	چاندی کی قیمت جو حکومت نے اس سال کم کر لائی کہ تھر کی ہے۔	۹
5/B	گرام چاندی کی کل قیمت	۹
6	کل رقم ذمیت تقاسم جو نازمان نے ادا کی	مذکورہ کو فی سبیل اللہ صحت کر لیا ہے
7	مقتول کے در نامہ کی تفصیل جو کہ ادا ہو چکی ہے مقدار ہیں۔	محمد شاہ والد و بی بی دلالہ فقیدہ و لفظی شاہ نور محمد شاہ بہادر شاہ فقیدہ
7/A	ذمیت تقاسم کی صورت میں تفصیل	نام شاہ شامی کار و نمبر ۱ جسے مقتول سے رشہ وصول کیا یا سنا ہے کیا
7/B	ارش روزمان کی صورت میں تفصیل	مقتول یا مشروبان سے رشہ وصول کیا یا سنا ہے کیا
7/C	ارش روزمان کی صورت میں عدالت کے مقدار	

EX-103
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13/6/2016

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18 Annexure C

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH
(Judicial Department)



Cr. A. No. 18-D of 2016
with M. Ref: 1/16

JUDGMENT

Date of hearing 20-6-2016

Appellaitioner (Rehmatullah) by

M/s Saleemullah Khan Ronzai & Farooq Akhtar Advocates

Respondent (State etc) by Mr. Kamran Hayat Munickel Adv. AC

for State & Mr. Muhammad Ismail Khan Alizai Adv. for
comptte

MUHAMMAD GHAZANFAR KHAN, J.- Through the instant criminal appeal, the appellant namely, Rahmatullah has called in question the judgment dated 20.02.2016 passed by the learned Sessions Judge, Tank vide which he was convicted under section 302(b) PPC and sentenced to death as Ta'zir. He was also ordered to pay compensation of Rs. 50,00,000/- (five millions) under Section 544-A Cr. PC to the legal heirs of the deceased Zahid Shah. The amount of compensation so directed, shall be recoverable under Section 544-A(2) Cr. PC. as arrears of land revenue and owing to want of property of the convict, or in default thereof to undergo six months S.I., in case FIR No.684 dated 26.10.2010 registered under section 302 PPC at Police Station SMA, District Tank. The learned trial Court has also sent Murder Reference No.01-D/2016 for confirmation of death sentence.

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2. On 06.6.2016, it was alleged that the parties had entered into compromise and for completion of compromise proceedings, the matter was sent to the learned trial Court with the directions to verify legal heirs of the deceased, record their statements, take into consideration the interest of minors, if any, and submit report to this Court. On 13.6.2016, the learned Sessions Judge, District Tank, recorded joint statement of Muhammad Shah (complainant/father of deceased Zahid Shah), Mst. Zakia Bibi (mother of deceased), Nauman Shah and Zohib Shah (brothers of deceased), wherein they stated that on the report of complainant the above referred case was registered against the appellant/convict for the murder of his son Zahid Shah; that the deceased was unmarried; that they are the legal heirs of deceased and beside them there is no other legal heir of the deceased; that through the intervention of the notables of area, they have effected compromise with the convict Rahmatullah, pardoned him in the name of Almighty Allah and have no objection on his acquittal. In this respect they produced their joint affidavit as Ex.PA, proforma for compromise under Qisas and Diyat Ordinance as Ex.PB and copies of their CN:Cs as Ex.PC and Ex.PD. The learned Sessions Judge, Tank also submitted his report vide letter No.756/G dated 13.6.2016, according to which all the legal heirs of deceased have acknowledged the compromise and they

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have pardoned the convict/appellant in the name of Almighty Allah.

3. In view of compromise between the parties, we accept the instant appeal, set-aside the impugned judgment of conviction and sentence dated 20.02.2016 of learned Sessions Judge, Tank and acquit the appellant Rahmatullah of the charges levelled against him. He is in custody and be set free forthwith, if not required in any other case.

4. Murder reference is answered in the negative.

Announced.
Dt: 20.6.2016.
Imran

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Peshawar High Court
D.J. Khan Benari

05.8.17

بخدمت جناب والا شان جناب انسپکٹر جنرل آف پولیس K.P.K پشاور۔

(21) Ann-D

درخواست بمراد بحال فرمائے جانے سائل کنسٹیبل بوجوہات ذیل

جناب عالی..... سائل حسب ذیل عرض رساں ہے۔

(1)۔ یہ کہ سائل مورخہ 29-09-2007 کو محکمہ پولیس میں بطور کنسٹیبل بھرتی ہوا۔ اور بڑی خوش اسلوبی سے اپنی ڈیوٹی سرانجام دیتا رہا۔ کہ مورخہ 26-10-2010 کو سائل پر قتل کی دعویداری ہوئی۔ جس کی بنا پر سائل بعد میں مورخہ 28-05-2011 کو ملازمت سے سبکدوش کیا گیا۔

(2)۔ یہ کہ اس دوران مورخہ 15-01-2014 کو سائل بند جوڈیشل حولات رہا۔ اور پھر بعد میں مورخہ 21-06-2016 کو عدالت عالیہ پشاور ہائی کورٹ بیچ ڈیرہ اسماعیل خان سے باعزت طور پر سائل بری ہوا نقل حکم عدالت عالیہ لف درخواست ہذا ہے۔

(3)۔ یہ کہ سائل چونکہ ایک غریب اور بال بچے دار شخص ہے۔ اور اس وقت بڑی کسمپری کے ایام گزار رہا ہوں۔ نیز اگر اب سائل کو اپنی ملازمت کنسٹیبل پر بلا سابقہ تنخواہوں اور مراعات کے اگر بحال کیا گیا تو سائل اور سائل کے بچوں کے لیے زریعہ معاش ہوگا۔

اور سائل تازیت دُعا گور ہے گا۔

لہذا دریں بارہ استدعا ہے کہ بوجوہات بالا کے سائل کو اپنی ملازمت کنسٹیبل پر بلا سابقہ تنخواہوں و مراعات کے بحال کرنے کا حکم صادر فرمایا جائے۔

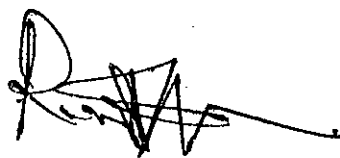
مورخہ 13-01-2018

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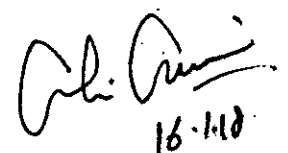
سائل.... رحمت اللہ ولد امان اللہ قوم کنڈی سکنہ گلشن کالونی سٹی ٹانک تحصیل و ضلع ٹانک۔

Mobile No.0344-9448280

IG/KP



SIR! KINDLY LOOK INTO THE
CASE & RE-INSTATE ON HUMANITARIAN

Grounds/ THANKS! 
16-1-18

خدمت جناب ناصر خان درانی صاحب انسپکٹر جنرل آف پولیس صوبہ خیبر پختونخواہ پشاور

عنوان: درخواست بمراد رحم اپیل در بارہ بحالی ملازمت

جناب عالی!

گزارش ہے کہ سائلہ ایک غم زدہ عورت ہے۔ زندگی غم ناک آزمائشوں سے گزرتی جا رہی ہے۔ دوران زندگی والدین وفات پا چکے ہیں۔ خاوند امان اللہ ٹریک حادثہ میں فوت ہوئے ہیں۔ ایک بیٹا سیخ اللہ چار بھائی اور ایک بھتیجا قتل ہوئے ہیں۔

خاوند امان اللہ کی وفات کے بعد اپنے دیور نصر اللہ کے رحم و کرم پر نکاح میں آئی جو کہ تاحال اسی کی شریک حیات ہوں۔

یہ کہ سائلہ کا بیٹا رحمت اللہ ولد امان اللہ مورخہ 29-09-2007 کو محکمہ پولیس ٹانک میں بھرتی ہو کر بطور کانسٹیبل ڈیوٹی سرانجام دیتا تھا جو کہ

میرے واپس بہن بھائیوں اور اہل و عیال کی کفالت کا واحد ذریعہ رہا۔

سال 2010ء میں چند لوگ میرے بیٹے رحمت اللہ کو قتل کرنے کے درپے تھے۔ جن کے مابین مسلح تصادم پر میرے بیٹے رحمت اللہ سے مسمی

زاہد شاہ قتل ہوا جس پر میرے بیٹے کے خلاف مقدمہ نمبر 684 مورخہ 26-10-2010 جرم PPC-302 تھانہ ٹانک درج رجسٹر ہو کر مورخہ

08-05-2011 کو میرا بیٹا رحمت اللہ نمبر 662 محکمہ پولیس ٹانک سے برخاست کیا گیا۔

سائلہ کی مقتول کے ورثاء سے برواج پشتو راضی نامہ ہو کر میرے بیٹے رحمت اللہ کو فی سبیل اللہ معاف کیا ہے اور مورخہ 26-06-2016

کو عدالت عالیہ ہائی کورٹ پشاور بیچ ڈیرہ اسماعیل خان سے میرا بیٹا رحمت اللہ بروئے راضی نامہ بری ہوا ہے۔

سائلہ کا بیٹا رحمت اللہ جو کہ شادی شدہ ہے اور جس کی ایک بیٹی اور دو بیٹے ہیں جن میں سے ایک بیٹا معذور ہے۔

موجودہ خاوند نصر اللہ جس نے عرصہ 10 سال سے دوسری شادی کی ہوئی ہے اور جس نے دوسری بیوی اور بچوں کی پرورش پر ترجیح دی ہوئی

ہے۔ میرے اور میرے بیٹے بیٹیوں کا حال تک نہیں پوچھتے۔ ایک اللہ اور ایک اس بیٹے رحمت اللہ کا آسرا ہے۔ وہ بھی بے روزگار ہے۔

زیادہ عمر بیت چکی ہے۔ غموں سے نڈھال حال ہوں۔ مسلسل غربت اور کٹھن حالات نے زندگی مزید اجیرن کر دی ہے۔

جناب والا!

رحم کی اپیل کرتی ہوں کہ میرے بیٹے رحمت اللہ سابقہ پولیس کانسٹیبل نمبر 662 کو محکمہ پولیس ٹانک میں کانسٹیبل کے عہدہ پر دوبارہ بحال کرنے

کا حکم صادر فرمایا جاوے۔ زندگی کے بقایا ایام میں دعا گو رہوں گی۔

(نوٹ:- عدالت عالیہ ہائی کورٹ پشاور بیچ DIKhan کی آرڈر شیٹ کا پی ہمراہ لف درخواست ہذا ہے)

عین نوازش ہوگی

نقطہ۔ مورخہ 01-01-2017

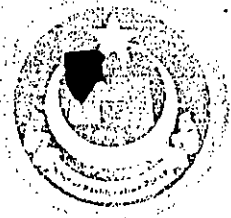
ارض



سائلہ: جمیلہ بی بی والدہ رحمت اللہ سابقہ پولیس کانسٹیبل نمبر 662 سکسٹھ گلشن کالونی نیو آبادی سٹی ٹانک

موبائل نمبر: 0348-0054266

شناختی کارڈ نمبر: 0-12201-8610717



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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 3091 /17, dated Peshawar the 23/05/2017.

ORDER

1244
31/5/17

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-FC Relmat Ullah No. 662. The appellant was dismissed from service on 26.10.2010 by DPO Tank vide OB No. 753, dated 28.05.2011 on the allegations that he made indiscriminate firing upon one Zahid Shah as a result of which he was hit and expired at the spot vide Case FIR No. 684 dated 26.10.2010 u/s 302-PPC Police Station Tank.

District & Session Judge, Tank awarded death sentence alongwith compensation of Rs. 50,00,000/- to the legal heirs of deceased Zahid Shah vide judgment dated 20.02.2016. The appellant approached Peshawar High Court Bench, DIKhan. Peshawar High Court Bench, DIKhan acquitted him on affecting domestic compromise between the parties vide judgment dated 20.06.2016.

Meeting of Appellate Board was held on 04.05.2017. Petitioner was called for hearing but he did not appear before the Board.

Perusal of record reveals that the impugned order of dismissal from service of petitioner was passed vide order dated 28.05.2011. The instant appeal filed on 01.01.2017 is badly time barred. Thus his appeal is rejected on grounds of limitation and merit as well.

This order is issued with the approval by the Competent Authority.

(MASOOD AHMAD KHAILIL)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. S/ 3092-99 /17,

Copy of the above is forwarded to the:

1. Regional Police Officer, D.I.Khan.
2. District Police Officer, Tank.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.
8. Central Registry Cell, CPO.

Attested to be true copy
in file
sn. J. Fikhar ulah

.....**Better copy**

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

To,

The Regional Police Officer,
DIKhan Region, DIKhan.

SUBJECTION:- APPEAL (EX-FC REHMAT ULLAH NO. 662)

Memo;

Ex-constable Rehmat Ullah No. 662, District Police, Tank had submitted appeal to the worthy inspection general of Police Khyber Pakhtunkhwa Peshawar for reinstatement in service.

Perusal of record of CPO revealed that the applicant had also submitted an appeal before the Worthy Inspection General of Police KPK Peshawar before the present one which was processed at CPO and filed by the competent authority vide this office order No. dated 30/05/2017.

His present appeal is filed by the competent authority.

According to Rule-11(3) of KPK Police Rules 1975 there shall be only one appeal against the original order and there is no scope of second appeal.

The applicant may kindly be informed accordingly.

Sd/-

Syed Ali Shah

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998
28/03/2018
28/3/18



Office of the
Inspector General
of Police, Peshawar
By: 808 /ES
Dt: 28-03-18

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

Amman
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No. S/ 981 /IS, dated Peshawar the 15/03/2018.

To: The Regional Police Officer,
Dikhlan Region, Dikhlan.

Subject: APPEAL (EX-FC RAHMAT ULLAH NO. 662)

Alam:

Ex-Constable Rahmat Ullah No. 662 of District Police Tank had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service.

Perusal of record of CPO revealed that the applicant had also submitted an appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar before the present office which was processed at CPO and filed by the competent authority vide this office order No. S-2081/92/17, dated 23.05.2017.

This present appeal is filed by the competent authority.

According to Rule 11 (3) of Khyber Pakhtunkhwa Police Rules 1975 there shall be only one appeal against the original order and there is no scope of 2nd appeal.

The applicant may kindly be informed accordingly

EC
DPO-Tank
No: 1112/ES
dt: 28-08-18

For informing the individual
concerned accordingly.

Regional Police Officer,
Dera Ismail Khan

(SYED ZIA ALI SHAH),
Registrar,
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

[Large handwritten signature and scribbles]

2018 (662) (2018) (2018) Ex
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BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Service Appeal No. 641/2018

Ex-Const. Rehmat Ullah No. 662

(Appellant)

Versus

1. Inspector General of Police,
Khyber PakhtunKhwa, Peshawar.

2. Regional Police Officer,
Dera Ismail Khan Region.

3. District Police Officer,
Tank.

)Respondents.

Para-wise comments on behalf of Respondents

Respectfully Shewith,

Para-wise comments on behalf of Respondents are submitted as under-

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action and locus standi to file the present appeal.
2. That the appeal is bad for misjoinder/non-joinder of necessary parties.
3. That the appeal is not maintainable and badly time barred.
4. That the appellant has not come with clean hands to the Hon'able Court.
5. That the appellant is estopped due to his own conduct.
6. That the appellant has concealed the material facts from Honorable Tribunal.

BRIEF ON FACTS.

1. Pertains to record.
2. Pertains to record.

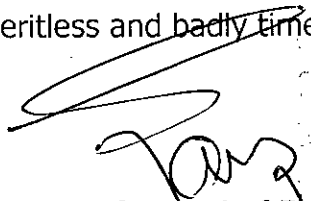
3. Incorrect because the appellant while posted in Police Lines Tank was charged in heinous crime of murder vide Case FIR No. 684, dated 26.10.2018 U/S 302-PPC PS SMA Tank directly. He did not join the investigation of the case and became at large. He was Proclaimed Offender. In accordance with the existing relevant law / rules, the appellant was properly charge sheeted. Inspector Legal Tank was nominated as Inquiry Officer. During enquiry, all possible efforts were made to ensure availability of the appellant for recording his statement but of no use. On completion of ex-parte enquiry proceedings, the appellant / accused official was awarded a Major Punishment of Dismissal from Service vide OB No. 753, dated 28.05.2011 by the Competent Authority which is legal and justified.
4. Pertain to record.
5. 1st portion of the Para is pertain to record whereas the remaining Para is incorrect. The appeal is badly time barred and the delay has not been plausibly explained.
6. That the appellant has got no cause of action and the instant Service Appeal is not maintainable..

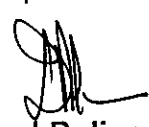
GROUND:

- a. Incorrect because the appellant was Proclaimed Offender. He was properly charge sheeted. During enquiry, all possible efforts were made to ensure the availability of the appellant / accused official for his examination and recording his defense reply but of no use. After completion of ex-parte departmental proceedings, the Competent Authority has awarded major punishment of Dismissal form Service to the appellant which is legal and justified.
- b. Incorrect because the order passed by the Competent Authority, against the appellant is within parameter of existing relevant law / rules.
- c. Incorrect because during enquiry all the legal formalities required under the relevant law / rules were observed thus proceedings initiated and completed against the appellant is legal and justified.
- d. Incorrect because the appellant was Proclaimed Offender. He was avoiding his lawful arrest. He has not joining the departmental enquiry proceedings intentionally. Therefore; despite of lot of efforts to provide opportunities of self defense, the appellant / accused official could not appeared before the Inquiry Officer intentionally. Thus the order passed by the Competent Authority is correct.

- e. Incorrect because the trial court of District & Session Judge Tank has convicted the appellant / accused official for death sentence Under Section 302-B PPC and also to pay compensation of Rs. 5,000,000/- (5-M) Under Section 544-A CRPC to the legal heirs of deceased Zahid Shah vide judgment dated 20.02.2016. Later-on, the appellant party has approached in Criminal Petition to the Hon' able Court of Peshawar High Court Bench, Dera Ismail Khan for set asiding the impugned order of Session Judge Tank. In the meanwhile, both the parties have effected in compromise in the case. The appellant was acquitted of the charges on the basis of domestic compromise between the parties vide order passed by the Hon' able Peshawar High Court Bench, Dera Ismail Khan dated 20.06.2016. Copy of Judgment is enclosed as Annexure "A".
- f. That the Respondents may also be allowed to raise additional objection at the time of arguments

In view of above, it is humbly prayed that on acceptance of Para-wise comments, the Service Appeal may kindly be dismissed being meritless and badly time barred.


Inspector General of Police
Khyber Pakhtunkhwa Peshawar
Respondent No. 1


Regional Police Officer,
Dera Ismail Khan Region.
Respondent No. 2
Regional Police Officer
Dera Ismail Khan


District Police Officer,
Tank.
Respondent No. 3

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Service Appeal No. 641/2018

Ex-Const. Rehmat Ullah No. 662

(Appellant)

Versus

1. Inspector General of Police,
Khyber PakhtunKhwa, Peshawar.

2. Regional Police Officer,
Dera Ismail Khan Region.

)Respondents.

3. District Police Officer,
Tank.

(Applicant)

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.

We, the respondents do hereby solemnly affirm and declare on oath that the contents of Comments / Written reply to Appeal are true & correct to the best of our knowledge and nothing has been concealed from this Honorable Tribunal.

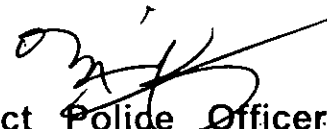


Inspector General of Police
Khyber Pakhtunkhwa Peshawar
Respondent No. 1



Regional Police Officer,
Dera Ismail Khan Region.

Respondent No. 2
Regional Police Officer
Dera Ismail Khan

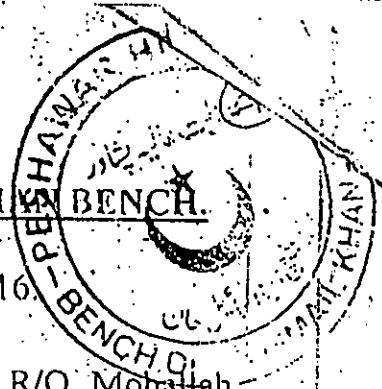


District Police Officer,
Tank.

Respondent No. 3

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BEFORE THE PESHAWAR HIGH COURT-DIKHANA BENCH

Criminal No. 10 D 12016

Rehmat Ullah son of Aman Ullah, Caste Kundi, R/O Mohallah Gulshan Colony, City Tank, Tehsil & District Tank at present convict prisoner Central Prison, Dera Ismail Khan. (Appellant)

Versus

1. The state.
2. Muhammad Shah son of Gul Khan, Caste Bhattani R/O Mohallah Qasaban City, Tank. (Respondents)

Filed today 806
Addl Registrar
23/2/16

Case FIR No. 684, dated 26/10/2010, under Section 302 PPC, Police Station S.M.A. District Tank.

APPEAL U/Ss 410 / 561-A, Cr.P.C AGAINST THE JUDGMENT DATED 20/02/2016 PASSED BY LEARNED SESSIONS JUDGE, TANK VIDE WHICH THE APPELLANT IS CONVICTED UNDER SECTION 302-B PPC AND SENTENCED HIM TO DEATH ALONGWITH COMPENSATION OF RS. 50,000,00/- TO THE LEGAL HEIRS UNDER SECTION 541-A Cr. P.C.

Respectfully,

The appellant humbly submits as under.

BRIEF FACTS.

1. That according to the story of the FIR complainant Muhammad Shah on 26/10/2010 at 2015 hours alongwith the dead body of his son namely Zahid Shah reported to the police at Civil Hospital Tank that he was present in his house. when he heard report of fire shot he came to the door when in a meantime a young man knocked at the door and asked the complainant to bring a cart, as Zahid Shah has been injured by someone, on which the complainant came out and saw that Mohalladaran

ATTESTED
EXAMINER
Peshawar High Court
D.I.Khan Bench

5/2/17

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were taking the injured to the Hospital but the injured succumbed to the injuries in the way. Usman son of Gul Muhammad, Caste Mahsood, R/O Mohallah Qasaban told the complainant that he alongwith deceased Zahid Shah were standing in the street near the house of Rehmatullah and there was bulb in lit condition, when he saw Rehmatullah son of Nasrullah armed with Kalashnikov and fired at Zahid Shah, with which he hit and fell down to the ground. Occurrence was witnessed by Usman Ali and other inhabitant of the Mohallah. Motive was stated to be exchange of hot words between accused and deceased in the Sarwar Bagh few moments ago. On this the Murassila was drafted, which was subsequently sent to Police Station and the ibid FIR was chalked-out.

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Addl. Registrar.
23/2/16

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2. That after the arrest of the accused the challan was put in court and the prosecution produced as many as 11-PWs and re-examined one Muhammad Ayub as RPW-01 and closed the prosecution evidence. Interestingly the alleged eye witnesses Zubair and Farooq were abandoned.
3. That thereafter the accused was examined under section 342 Cr. PC, and he refuse to be examined on oath and also refused to produce defense.
4. That learned trial court after hearing counsel for the parties alongwith public prosecutor and through impugned judgment dated 20/02/2016 convicted the appellant to death sentenced alongwith payment of five million rupees as compensation to the LRs of the deceased. Copy of impugned judgment is enclosed herewith as Annexure-A.
5. That feeling aggrieved from the impugned judgment, the appellant seek the indulgence of this Honourable Court in its appellate jurisdiction in the matter on, inter alia, the following grounds.

ATTESTED

EXAMINER

Peshawar High Court
D. Khan

5/8/17

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(8)

GROUNDS.

- A. That the appellant is innocent and have falsely been implicated in the case for ulterior motives on part of the complainant/private respondent.
- B. That the impugned Judgment of the learned trial Court is patently against the law and facts as available on record therefore, is not tenable in the eyes of law.
- C. That the learned trial court based the impugned judgment on surmises and conjectures instead of available record.
- D. That the presence of the complainant on the spot is not established on record because he contradicted his own report, while appearing as PW before the court and there is nothing on record to establish that there is a Bagh (garden) near the spot of occurrence, where the deceased alongwith eye witnesses sat for few moments and aiming the light of torch by the appellant on the deceased is proved.
- E. That interestingly the prosecution failed to produce the alleged eye witnesses Zubair and Farooq on the pretext that they are witnesses to the facts narrated by the PW Usman Ali, whereas the very presence of Usman Ali on the spot is not proved, therefore, the presumption of Article 29-G Qanoon-i-Shahadat was not considered by the trial Court that the two witnesses were not supporting the Prosecution case and that is why they were abandoned.
- F. That allegedly there was a bulb lit in the street, in the light of which PW Usman Ali identified the accused was never taken into possession by the IO, despite the fact that the same has been shown in the site plan and the PW Usman Ali also stated that the bulb was lit in the street, so how and why the

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EXAMINER

Rawalpindi High Court
D.I. Khan Bench

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prosecution story is believed, when the very source of light is not available, particularly when admittedly the occurrence is of night time and it was pitch dark.

G. That the place of very occurrence is not confirmed, as according to the IO and eye witness the occurrence took place in the street, whereas one of the witnesses of the recovery memo, through which the blood was secured by the IO, stated in the court that the blood was secured from nearby fields and the other witness of the recovery memo was not even in knowledge that from the blood was secured, therefore, the appellant is justified by saying that the occurrence is unseen one and subsequently the police with the connivance with complainant party, cocked up a false story and enroped the present appellant as an accused in the case.

H. That from the spot no empty was recovered, despite the fact that as per statement of the eye witness and complainant $\frac{3}{4}$ fire shots were made by the accused but only one fire shot proved effective.

I. That the site of injury on the dead body of deceased clearly negates the story of prosecution and the site plan as well, which also established on record that the eye witness was not present at the time of occurrence.

J. That PW-01 Shabbir Ahmad Stated that he alongwith the IO reached the spot at 08:00 PM, astonishingly the time of occurrence has been mentioned as 08:15 PM so how come the police reached the spot even prior to lodging of report, moreover the same witness admitted that it was dark at the spot, however the police inspected the spot in the light of torch, meaning thereby there was no bulb lit at the spot and the same witness said that the blood stained earth was lying in the fields, which was secured by the IO and more interestingly the IO contradicted this PW by saying that bulb was lit, when they reached the spot.

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TESTED
EXAMINER
D.I. Khan Bench
5/8/17

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- K. That the complainant stated in the Court that he alongwith eyewitness usman Ali went to the spot alongwith the police but the IO totally negated them by saying that when he reached the spot the eye witness and complainant were already present over there.
- L. That as per story of report as well as statement of complainant and eye witness, the injured died on the way to the hospital but interestingly the doctor in his cross examination stated that the injured was alive, when he was brought to the hospital and expired in front of the doctor and other interesting aspect of the case is that the doctor was present in the Hospital, as admitted by him, when the injured was brought but he conducted autopsy on the dead body in the next morning at 07:00 AM and no explanation has been offered by the doctor as to why the autopsy was not conducted on the same day.
- M. That the story of the prosecution is apparently doubtful because the complainant as well as Court statement said that some body knocked at the door at the time of occurrence and it is very astonishing that the said some body was Usman Ali PW, his next door neighbor and in his statement the said Usman Ali has narrated that after the occurrence I rushed to the house of the complainant and knocked the door of the complainant and ask him for brining Charpai, as his son has been injured by someone. Now neither the complainant said that Usman Ali came to his house nor the Usman Ali named any person as an accused, while informing the complainant, so what else may create such a serious doubt that whether the eye witness was present at the time of occurrence or not.
- N. That in the report the complainant has not mentioned the time of occurrence nor the alleged eye witness has mentioned the time of occurrence in his court statement and the Murasila is also doubtful because the time has been mentioned in the third line of the same and not in a sequence but is written above the

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 Allahwar High Court
 D.I.Khan Bench

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3rd line, which create reasonable doubt that the time mentioned as 1945 hours is subsequently written and if this argument is accepted then of course the entire case is proved to be doubtful, as in different well celebrated judgments the Murasila is acknowledge to be the result of afterthought, deliberation and consultation and in the instant case the mentioning of timing in the Murasila is solid proof of this particular aspect.

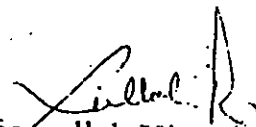
- O. That the entire evidence needs reappraisal by this Honourable Court to reach the just conclusion of the case in the interest of justice and fair play.
- P. That the counsel for the appellatant may be kindly be allowed to raise additional grounds during the course of arguments, if need be.

PRAYER:-

In view of above noted facts and grounds it is humbly prayed that on gracious acceptance of the instant appeal, the impugned Judgment dated 20/02/2016 passed by learned Sessions Judge, Tank may be set aside and the appellatant may be acquitted of the charges levelled against him.

Humbly,
Appellant,
Through counsel;

Dated: 23/02/2016.


(Saleemullah Khan (Ranazai))
Advocate Supreme Court.

ATTESTED

EXAMINER
Peshawar High Court
D.I. Khan Bench

05-8-17

Filed today 806
Addl: Registrar.
23/2/16

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service appeal No 641/2018x-constable



Put up to the court with
relevant appeal.

Rehmatullah No. 662 Appellant

Versus

Inspector General of Police KPK etc

Reader

12/3/19

**REJOINDER ON THE BEHALF OF APPELLANT AGAINST
THE PARA WISE COMMENTS OF RESPONDENTS.**

Respected sir,

Appellant submits as under,

REJOINDER AGAINST PRERLIMINARY OBJECTIONS:

1. That the appellant being aggrieved having cause of action and locus standi to file the present appeal. Thus this para is misconceived.
2. That the answering respondents have not explain the parties which has not made/joined in the present appeal. Thus this para is misconceived.
3. The para no 3 is incorrect. The appeal of the appellant is well within time after the rejection of departmental appeal/representation. However separate application for condonation of delay has submitted. Thus in the attendant circumstances the appeal is within time.
4. The answering respondents have not mentioned the un-cleanliness of appellant. Thus this para is miss-formulated.
5. That the answering respondent has not explained the conduct of estopple of the appellant. Thus this para is wrong.
6. That no fact has been concealed by the appellant. Hence para is denied.

12/3/19

REJOINDER ON FACTS:

1. Needs no reply as not denied.
2. Needs no reply as not denied.
3. Para No. 3 of the answering respondents are denied in above terms. Acutely the appellant was falsely implicated in the murder case. Later on the appellant was honorably acquitted by the honorable High Court Bench D I Khan on the basis of compromise / BADL-E-SULHA, because every acquittal is honorable in the light of verdicts of superior courts. Thus punishment of dismissal was harsh and is liable to be set-aside.
4. Needs no reply as not denied.
5. Para No 5 is denied in above terms. Moreover detail answer has been given in supra paras.
6. The appellant being aggrieved from the impugned dismissal order form services. Hence the appellant has locus standi and cause of action.

REJOINDER OF GROUNDS:

- a. Incorrect. That appellant was declared proclaimed offender. The appellant was never charge sheeted and no proper inquiry whatsoever was conducted against the appellant and no opportunity of hearing was given to the appellant and thus the impugned order of dismissal was issued against the natural justice.
- b. Incorrect. The authority has been passed the impugned order against the principal of law and service rules and also against the verdicts of superior Court.
- c. Incorrect. No inquiry whatsoever was conducted ^{against} ~~the~~ the appellant and thus no legal Parameter were observed and applied by the respondent authority.
- d. Incorrect. The detail answer is available in supra Para.
- e. Incorrect in above term and the para of the main appeal is referred in true verbatim.

Handwritten signature/initials

f. Need no reply.

It is therefore humbly prayed the appeal may kindly be please
is to be accepted.

Your humble Appellant


Rehmatullah

Dated: 21/02/2019


Through Council

Sheikh Iftikhar ul Haq
Advocate High Court

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

Service appeal No 641/2018x-constable

Rehmatullah No. 662 Appellant

Versus

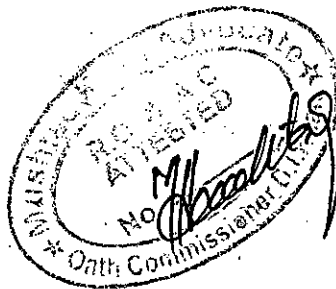
Inspector General of Police KPK etc

AFFIDAVIT

I, **Rehmat Ullah** son of Aman Ullah Khan caste Kundi R/o Gulshan Colony, Tehsil & Dist: Tank, the appellant, do hereby solemnly affirm and declare on oath that contents of above appeal are true & correct to the best of my knowledge as communicated to me by my client and that nothing has been concealed from this Honourable Court.

Dated: **21/02/2019**

Rehmatullah
DEPONENT



10

کے لئے

18 - دلالہ / راجپوت عزمی - علیہ السلام 102/112 مورخہ 26/10/1960ء

اس وقت خلیفہ پورہ 237/112 ایچ آر جی کوئی ڈیوٹی گیسٹ ہاؤس

کوئی ڈیوٹی گیسٹ ہاؤس 662 کوئی ڈیوٹی گیسٹ ہاؤس

پہلے ڈیوٹی گیسٹ ہاؤس ایچ آر جی کوئی ڈیوٹی گیسٹ ہاؤس

مسلم خلیفہ پورہ ایچ آر جی کوئی ڈیوٹی گیسٹ ہاؤس

کیا ہے لیس ڈیوٹی دلالہ / راجپوت عزمی کوئی ڈیوٹی گیسٹ ہاؤس

عزمی کوئی ڈیوٹی گیسٹ ہاؤس

صاف

کوئی ڈیوٹی گیسٹ ہاؤس

AB
25/11/60

PP - City - Tank
26.10.10

662/112
684/112

26/10/10

27/10/10

27/10/10

Approved

27-10-10

Sir, The constable is involved in murder case. May pl be placed under suspension recorded for departmental act.

By: Superintendent of Police Tank
27-10-10

5

30/10/10

Handwritten signature

Handwritten notes in Urdu script, including:

- 15-10-2010
- 30/10/10
- Handwritten signatures and names

5RC

Handwritten signature and name: Mr. ...

18-10-2010


Dy. Superintendent
... Tank

بات

حکم

کنشیل رتبت اللہ نمبر 662 کو بحوالہ مقدمہ نمبر 684 مورخہ 26.10.2010 جرم PPC 302 تھا
مات میں موٹ پائے جانے پر از روئے مسوئن اختیارات پولیس آرڈر 2000 ترقی 2005 فوری طور پر
موقوف لائن کیا جاتا ہے۔

حکم درج آرڈر ایک ہووے۔


ڈسٹرکٹ پولیس آفیسر ٹانک
27.10.2010

OB No 1741

27.10.10

163
CHARGE SHEET.

I MUHAMMAD HAZ ABID, District Police Officer, Tank as competent authority under the N.W.F.P. Removal From Service (Special Powers) Ord: 2000 (Amendment Act-2005), do hereby inform you Constable Rehmatullah No. 662 of Police Post City Tank as follow:-

That you have committed the following serious misconduct:-

While posted at PP City Tank was found involved in criminal case vide FIR No. 684/2010 Under Section 302-PPC Police Station, Tank and avoids your lawful arrest which is grave misconduct on your part which punishable under the rules.


2. You appear to be guilty of misconduct of under section-3 of the N.W.F.P Removal from Service (Special Powers) Ord: 2000 (amendment Act-2005) and have rendered yourself liable to any one of the penalties including dismissal from service in section-3 of the Ordinance ibid.

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

4. Your written defence, if any should reach the enquiry officer within specified period, failing which it shall be presumed that you have no defence to put on and in that case ex parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.


(MUHAMMAD HAZ ABID)
District Police Officer,
Tank.

صبا علی - چارنگہ سہیل کورنگی

کراچی

ڈاکٹر صاحبان کو عرض ہے کہ اس کے لئے

5-8903628-12201

صبا علی - چارنگہ سہیل کورنگی
کراچی کے چارنگہ سہیل کورنگی
اس کے لئے اس کے لئے
9-12-0

صبا علی - چارنگہ سہیل کورنگی
کراچی کے چارنگہ سہیل کورنگی
اس کے لئے اس کے لئے
9-12-0

62

41 - 57A
PP - City

DISCIPLINARY ACTION.

1. MUHAMMAD LAZ ABID, District Police Officer, Tank being competent authority am of the opinion that You, Constable Rehmatullah No. 662 of PP City Tank have rendered himself liable to be proceeded against for committing the following acts/omissions within the meaning of the N.W.F.P Removal from Service (Special Powers) Ord: 2000. (Amendment Act-2005).

STATEMENT OF ALLEGATION

While posted at PP City Tank was found involved in criminal case vide FIR No. 684/2010 Under Section 302-PPC Police Station, Tank and avoids your lawful arrest which is grave misconduct on your part which punishable under the rules.

Hence this statement of allegation is issued.

2. For this purpose of scrutinizing the conduct of said official with reference to above allegation, Insf. Legal. Toheed Khan TANK is appointed as Enquiry Officer to conduct proper departmental enquiry under the N.W.F.P Removal from Service (Special Powers) Ord:2000 (amendment Act-2005).

3. The enquiry officer shall in accordance with the provision of the ord; provide reasonable opportunity of the hearing to the accused, record its findings and make recommendations as to punishment or other appropriate action against the official within seven days of the receipt of this order.

4. The official and a well conversant representative of the department shall join the proceedings on the date time and place fixed by the enquiry officer.

M. J. A.
(MUHAMMAD LAZ ABID)
District Police Officer,
Tank.

No. 6589-90 dated Tank the 29-11-2010

Copy to the:-
1. Insf. Legal Toheed Khan the enquiry officer for initiating proceeding against the defaulter under the provision of N.W.F.P Removal from Service (Special Powers) Ord: 2000 (amendment Act-2005) and submit finding report within three days as per prescribed rules.

2. Const: Rehmatullah No. 662 with the direction to appear before the Enquiry Officer on the date, time and venue fixed by the IO for the purpose of enquiry proceedings.

M. J. A.
(MUHAMMAD LAZ ABID)
District Police Officer,
Tank.

Insf. Legal Toheed Khan
9.12.10

SHO. Heoffcity 411 -- 57A
PP -- city

NO. 6676
DT: 2-12-20

Subject:- CHARGE SHEET/DISCIPLINARY ACTION.

Copy of Charge Sheet/Disciplinary action duplicate of Concl. Report u/s 144 Cr.P.C. are sent herewith for Service upon him on this home address and duplicate Copy duly signed by him may be returned to this office with in two days positively.

His home address in as under :-

Concl. Report u/s 144 Cr.P.C. (Amended)
At Gulshan Nagar, C.T. Tank.

Ed. C.

[Signature]
District Police Officer
Tank.

SHO. Heoffcity

NO. 6676
DT: 2-12-20

Subject:- CHARGE SHEET/DISCIPLINARY ACTION.

Copy of Charge Sheet/Disciplinary action duplicate of Concl. Report u/s 144 Cr.P.C. are sent herewith for Service upon him on this home address and duplicate Copy duly signed by him may be returned to this office with in two days positively.

His home address in as under :-

Concl. Report u/s 144 Cr.P.C. (Amended)
At Gulshan Nagar, C.T. Tank.

[Signature]
District Police Officer
Tank.

MAS Tank

To furnish detail report regarding the abscondance of Constable Rehmatullah NO: 662 accordingly

~~Adm~~
MSD Legal
8/2/2011

Say officer to provide monthly salary record of Cons: Rehmatullah no. 662

~~Adm~~
MSD Legal
8/2/2011

کتاب خانہ کی طرف سے فراہم کردہ اس کتاب کی کاپی

8/2/2011
26/10/2011
10/11/2011
352
MSD Legal
TANK

کتابت

دستور

کتابت دستور 662 سیدنا 14 9/30/10

سیدنا 6 10/15 روزنامہ ٹولیس

سیدنا 15 روزنامہ ٹولیس

سیدنا 15 روزنامہ ٹولیس

کتابت دستور کو طاب کر کے در مطاب روزنامہ ٹولیس

سیدنا 684 26/10 302

آرڈر کیا گیا ہے

کتابت دستور کی خواہ مطاب روزنامہ ٹولیس

علاجیات: کتابت دستور کی عام موجودگی کے بارے میں cross

examination کے نتائج مسودہ ہو گئے ہیں۔ یہ حال تعلقات

سیدنا 10/15 روزنامہ ٹولیس میں۔ روزنامہ ٹولیس کی دستوری میں

دستورہ فقور روزنامہ ٹولیس میں۔ انوائسز کے بارے میں

آرڈر 2

Amir

INSPI Agent

18/2/2011

37

REPRANDS ATTACHED.

Departmental Enquiry against Const. Rehmatalley 567 of this District Police was tasked to Inspector, Legal Force 111 for conducting his finding report vide at P/A.

The finding report of enquiry Officer received to this office vide w/a.

Submitted for your kind perusal & further Order please.

/s/ W/DPO.

[Signature]
Service Roll Clerk.
24/2

Issue final show
cause notice

[Signature]
DPO. Cal

26-2-2014

30
SHO/Police/Inch

No. 11/2

Dt: 11-3-2011

Subject.

LEGAL SHOW CAUSE NOTICE.

Memo:

enclosed please find a show cause notice in duplicate of Const: Rehmatullah No. 667 for service upon him on his home address and duplicate copy of the same duly signed by him may sent to this office within two days positively

His home address is as under:

Const: Rehmatullah No. 667 S/O Amman ulah

S/O Ghalib, Calcutta city Tank.

M. P. S.
District Police Officer,
Tank.

Cause Notice

M. P. S.
DPO, Tank

26-2-2011

FINAL SHOW CAUSE NOTICE

1. WHEREAS, you *Cont. Rehnat ullohi etc etc* committed gross misconduct as defined in Section 3 of NWFP, Removal from Service (Special Powers) Ordinance 2000 (Amended Act-2005), resultantly you were Charge Sheeted and served with the statement of allegations and *Insf Legat Federal* was appointed to conduct enquiry.

2. WHEREAS, the Enquiry Officer/Committee finalized the Enquiry Proceedings, giving you full opportunities of defence. Consequent upon the completion of Exparte Enquiry Proceedings, the Enquiry Officer/Committee held you guilty of the charges leveled against you as per Charge Sheet.

3. AND WHEREAS, on going through the finding and recommendation of Enquiry Officer/Committee, the material placed on record and other connected papers including your defence reply before the said Committee, I am satisfied that you have committed the misconduct and are guilty of the charges leveled against you as per statement of allegations conveyed to you. Which stand proved and render you liable to be awarded one of the MAJOR PUNISHMENT under the said rules.

4. NOW THEREFORE, I *Muhammad Ijaz Abid* District Police Officer, Tank as competent authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "DISMISSAL FROM SERVICE" under Section 3 of the said Ordinance.

You are therefore, required to Show Cause within seven days of the receipt of this Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defence to offer and exparte action shall be taken against you. Meanwhile, also intimate whether you desire to be heard in person or otherwise.

M. Ijaz
District Police Officer,
Tank.

A. 28/12

34

مطالعہ

حوالہ نمبر 684 صفحہ 26¹⁰ 27 302

موسم ہونے کی بنا پر رقم 662

موسم ہونے کی بنا پر رقم 662

موسم ہونے کی بنا پر رقم 662

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موسم ہونے کی بنا پر رقم 662

موسم ہونے کی بنا پر رقم 662

SHQ 27.10.10

Dy: Superintendent of Police Tank 27-10-10

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REFERENCE ATTACHED.

Constable Rehmat Ullah No. 662 of this District Police was involved in case FIR No. 684 dated 26.10.2010 U/S 302 PPC PS/Tank. He was also charge sheeted and the Charge Sheet sent to Local Police Multan for served upon him and Inspector Legal Talib Khan Tank was appointed as Enquiry Officer for conducting Enquiry and submit his finding report.

The finding report of Enquiry Officer received to this office and issue final show cause notice to defaulter Constable and sent to Local Police for served upon him.

The above named defaulter Constable still absconded and not yet reported for duty.

Submitted for your kind perusal and further order please.

HC/W/DPD,

Services Clerk
10/5

میرزا محمد علی صاحب صاحب
اور 302 کیس میں غور سے

He was charged in the said FIR on 26.10.2010 From 26-10-2010 till to date he has remained absent since his absence period comes about six months.

Submitted for orders please
HC
10/5/11

HC
Discuss AP
Dismissed
DPD/TANK
14/5/11

N/DPD

28 No = 753
280 11

31


ORDER

This is an order in the Departmental Enquiry of Constable Rehmatullah No. 662 of this District Police committed the following acts of omission commission:-

That he while posted as Constable at Police Post Durend Gate City Tank made indiscriminate firing upon one Zahid Shah as a result of which he was hit and expired at the spot vide Case FIR No. 684 dated 26.10.2010 U/S 302-PPC Police Station, Tank. He didn't join the investigation and avoided his lawful arrest till this order.

He was issued charge sheet and statement of allegation under the NWFP Removal from Service (special Powers) Ord: 2000. Inspector Legal, Tank Mr. Tauheed Khan was nominated to conduct proper departmental enquiry into the matter. The enquiry officer completed the inquiry and submitted inquiry report.

On having been gone through the findings, recommendation of the Enquiry Officer, and material placed on record, I, MUHAMMAD IJAZ ABID, District Police Officer, Tank (Competent Authority) do hereby award Major Punishment of DISMISSAL FROM SERVICE to Constable Rehmatullah No. 662 from the date of his absence i.e. 26.10.2010.


(MUHAMMAD IJAZ ABID)
District Police Officer,
Tank

