

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Appeal No. 779/2018

Date of Institution ... 05.06.2018

Date of Decision ... 19.03.2019

Muhammad Dawood, Ex-Constable No. 3148 FRP Peshawar Range,  
Peshawar. ... (Appellant)

VERSUS

The Commandant Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar  
and one other. ... (Respondents)

Present.

Mr. Mubarak Zeb Khan,  
Advocate. ... For appellant

Mr. Muhammad Jan,  
Deputy District Attorney ... For respondents.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN  
MR. AHMAD HASSAN, ... MEMBER

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. Instant judgment is proposed to decide also Service Appeal No. 780/2018 (Ibrahim Gul Vs. the Commandant F.R.P Khyber Pakhtunkhwa, Peshawar and one other), as both the appellants were proceeded against departmentally and awarded penalty in pursuance to the same occurrence.

2. The facts relevant for the purpose of appeals in hand, are that the appellants were charged on 21.12.2017 in an offence u/s 9 CNSA by the Political Tehsildar Jamrud on account of being in possession of one Kg. of Heroin/powder. They, alongwith others, were arrested on the spot. The appellants were issued charge sheet and statement of allegations on the count of absence from duty w.e.f. 20.12.2017 and also for recovery of narcotics from their possession. An enquiry followed, wherein, major penalty was recommended. On 06.04.2018 the appellants were dismissed from service with immediate effect while the period of their absence was treated as absence from duty. The said order was passed by S.P, FRP, Peshawar Range, Peshawar. The appellants preferred departmental appeals but to no avail, hence the appeal in hand.

3. We have heard learned counsel for the appellants and learned Deputy District Attorney on behalf of the respondents. We have also carefully examined the available record.

Learned counsel for the appellants argued that the allegations against the appellants, as framed in the charge sheet and statement of allegations, were essentially due to the arrest of the appellants in a narcotics case. However, before the passing of impugned order dated 06.04.2018 the appellants stood acquitted on 13.03.2018 through an order passed by Political Agent/Sessions Judge, Khyber Agency. In the said manner, the impugned order was ill-founded, it was added. Learned counsel further

contended that it was a case of no evidence against the appellants in view of judgment of the Trial Court despite, they were penalized by the departmental authority which was not called for in the circumstances of the case.

Learned Deputy District Attorney on behalf of the respondents contended that the appellants had taken contradictory stances in their statements recorded during the course of enquiry, hence were not entitled for any leniency. It was further stated that the judicial proceedings and the departmental proceedings could go simultaneously and independent of each other in view of judgments reported as 2001-SCMR-2018 and 2005-SCMR-948.

4. The careful perusal of impugned order dated 06.04.2018, suggests that the appellants were awarded penalty on the count of absence from duty for 97 days as well as the registration of a case against them suggesting their involvement in the smuggling of heroin. It is clearly noted in the impugned order that the accused constables were suspended upon information of their involvement and arrest in criminal case. It is also on record that the appellants were served with charge sheet and statement of allegations when they were still under judicial custody. The said custody being continuous from the date of occurrence i.e. 21.12.2017 till their acquittal on 13.3.2018. The penalty on the count of absence from duty, in the circumstances of the case, therefore, appears to be not well founded.

We have also found that the impugned order passed against the appellants Muhammad Dawood and the appellant Ibrahim Gul were verbatim reproduction of each other. In the former it was noted that according to call record there was clear contradiction in the statement of appellant as he was in contact with the accused Raj Wali even before the occurrence. The said findings were not supported, at all, by copy of CDR appended with the reply of respondents which did not show any contact between the cell number of Muhammad Dawood appellant and the accused Raj Wali apprehended alongwith the appellants.

5. It is an admitted fact that the appellants were acquitted from the charge in criminal case through judgment recorded on 12.03.2018. In the said judgment the role of each accused, four in numbers, was discussed. It was found that the accused Raj Wali son of Safeer Khan r/o Khazana Payan, who was also travelling in the car alongwith the appellants and one other, had falsely implicated the rest of the accused in the commission of offence. However, during the trial proceedings the accused Raj Wali confessed his guilt before the court. It was also noted in the judgment that the contraband was recovered from personal possession of accused Raj Wali. Here it is worth noting that during the enquiry proceedings the stance of appellants was in terms that they had proceeded to Jamrud Bazar for purchase of a generator and on their return they hired a joint taxi car which was subsequently also boarded by the accused Raj Wali. On the way the



contraband narcotics was recovered by the officials stationed at Takhta Baig check post from the possession of said accused.

The contents of the judgment/order of acquittal of appellants do not appear to have been considered by the competent authority while passing the impugned order dated 06.04.2018. Similar was the case when appeals of appellants were decided in negative. Pertinently, the factum of acquittal of appellants in the criminal case found mentioned in the impugned order.

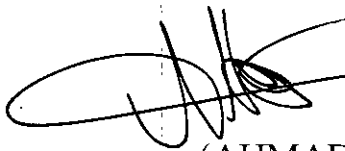
6. It is the claim of respondents that the appellants were proceeded against separately on the count of absence from duty of 97 days, however, in the record appended with the reply of respondents there is no separate enquiry report to the said count.

7. In view of the above discussion, we are of the opinion that the impugned orders against the appellants are liable for setting aside. Resultantly, the appeals in hand are allowed and the appellants are reinstated into service from the date of their respective dismissal. The respondents may undertake departmental proceedings against the appellants afresh but only in accordance with law and the rules. The denovo proceedings, if taken, shall positively be concluded within ninety days from the receipt of copy of instant judgment, wherein the appellants be provided fair opportunity of defending themselves in accordance with law. The issue



of back benefits in favour of appellants shall follow the outcome of denovo proceedings.

Parties are left to bear their respective costs. File be consigned to the record room.



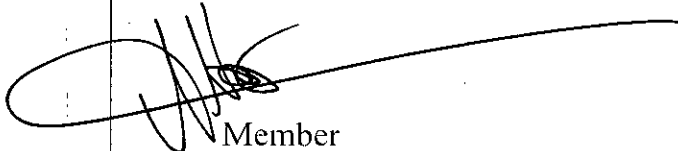
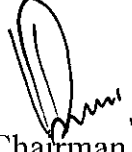
(AHMAD HASSAN)  
MEMBER



(HAMID FAROOQ DURRANI)  
CHAIRMAN

ANNOUNCED  
19.03.2019

779/2018

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
	19.3.2019	<p><u>Present.</u></p> <p>Mr. Mubarak Zeb Khan, ... For appellant Advocate</p> <p>Mr. Muhammad Jan, Deputy District Attorney ... For respondents</p> <p>Vide our detailed judgment of today, the appeal in hand is allowed and the appellant is reinstated into service from the date of his dismissal. The respondents may undertake departmental proceedings against the appellant afresh but only in accordance with law and the rules. The denovo proceedings, if taken, shall positively be concluded within ninety days from the receipt of copy of instant judgment, wherein the appellant be provided fair opportunity of defending himself in accordance with law. The issue of back benefits in favour of appellant shall follow the outcome of denovo proceedings.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p> Member</p> <p> Chairman</p> <p><u>ANNOUNCED</u> 19.3.2019</p>

06.12.2018

Counsel for the appellant and Addl. AG alongwith Ihsanullah, ASI for the respondents present.

The requisite written reply is submitted on behalf of the respondents. To come up for arguments before the D.B on 29.01.2019. The appellant may submit a rejoinder within a fortnight, if so advised.

  
Chairman

29.01.2019 Appellant in person present. Mr. Ziaullah, DDA for respondents present. Appellant seeks adjournment. Adjourned. Case to come up for arguments on 19.03.2019 before D.B.

  
(Ahmad Hassan)  
Member

(M. Hamid Mughal)  
Member



16.08.2018

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. written reply/comments not submitted. Case to come up for written reply/comments on 21.09.2018 before S.B.

  
Chairman

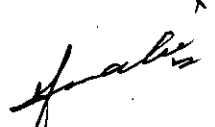
22.9.2018

Due to muharram ul haaram  
vacations the case was  
not heard on 20.9.2018  
Adjourned for 22-10-2018

  
READER

22.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 06.12.2018.

  
Reader

20.06.2018

Counsel for the appellant Muhammad Dawood present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Frontier Reserve Police (FRP). It was further contended that the competent authority dismissed him from service vide order dated 06.04.2018 on the allegation of his involvement in narcotic case as well as absence from duty, the appellant filed departmental appeal (undated) which was rejected on 10.05.2018. Hence the present service appeal on 05.06.2018. It was further contended that the appellant was acquitted by the competent authority vide judgment dated 13.03.2018. It was further contended that the absence of the appellant was due to his involvement in the aforesaid case and was in custody. It was further contended that neither proper inquiry was conducted nor opportunity of personal hearing was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the 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 16.08.2018 before S.B.

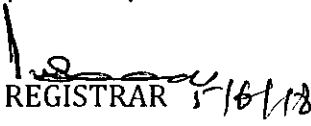

Appellant Deposited  
Security & Process Fee

*MA*  
(Muhammad Amin Khan Kundi)  
Member

Form- A  
FORM OF ORDER SHEET

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

Case No. 779/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/06/2018	<p>The appeal of Mr. Muhammad Daud presented today by Mr. Mubarak Zeb 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 5/6/18</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/6/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

Appeal No. 779 /2018

**Muhammad Dawood .....Appellant**

**VERSUS**


**The Commandant Frontier & others .....Respondents**

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-7
2.	Affidavit		8
3.	Copy of FIR dated 21.12.2017	A	9
4.	Copy of P.A / Session Judge	B	10-12
5.	Copy of charge sheet and reply	C & D	13-14
6.	Copy of inquiry report	E	15-22
7.	Copy of order dated 06.04.2018	F	23-24
8.	Copy of departmental appeal and dismissal order	G & H	25-31
9.	Wakalat Nama		32

  
Appellant

Through

  
**MUBARAK ZEB**  
Advocate, Peshawar

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

Appeal No. 779 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1033

Dated 05/6/2018

**Muhammad Dawood**

Ex-Constable No 3148 FRP Peshawar Range, Peshawar

.....**Appellant**

**VERSUS**

1. The Commandant Frontier Reserve Police Khyber Pakhtunkhwa, Peshawar.
2. Superintendent of Police FRP Peshawar Range, Peshawar.

..... **Respondents**

**APPEAL U/S 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT**  
**1974 AGAINST THE IMPUGNED ORDER**  
**DATED 06.04.2018 WHEREBY THE**  
**APPELLANT HAS BEEN AWARDED THE**  
**MAJOR PENALTY OF DISMISSAL FROM**  
**SERVICE AGAINST WHICH THE**  
**DEPARTMENTAL APPEAL HAS BEEN**  
**DISMISSED ON 10.05.2018.**

Filed to-day

Registrar

5/6/18

**Prayer in Appeal:**

**On acceptance of this appeal the impugned order dated 06.04.2018 may graciously be set aside and the Appellant may kindly be reinstated in service with all back wages & back benefits of service or any other relief not specifically ask for may also be granted.**

Respectfully Sheweth:

1. That the Appellant was initially appointed as Constable in Frontier reserve police in 07.09.2009.
2. That ever since his appointment the Appellant has performed his duties as assigned with Zeal and devotion and there was no complaints whatsoever regarding his performance. His performance was always appreciated by the high up.
3. That on dated 21.12.2017 I along with constable Ibrahim Gul No. 2590 FRP/Peshawar Range went to Kharkhano Market for shopping some articles and thereafter we went to Jamrud Bazar for buying generator.
4. That on return from Jamrud we both sit in a local taxi car and travelling some distance another passenger also sit in the same taxi car.

5. That when we reached to the takht Baig checkpoint, the levis/khasadar stop the car for searching and during searching the levis force recovered heroin from the personal possession of one passenger namely Rajwali and the levis for arrested we all i.e we two constable, Rajwali Passenger and driver of the car for the purpose of interrogation.
  
6. That on the same day dated 21.12.2017 an FIR No 3239 was registered by the Khasadar against us and it is clearly mention in the FIR No 3239 dated 21.12.2017 that the alleged heroin was recovered from the personal possession of Accused Rajwali. **(Copy of FIR dated 21.12.2017 is attached as Annex A)**
  
7. That on 12.03.2018 the Hon'ble Political Agent/Sessions Judge Khyber Agency acquitted the Appellant along with 2 other Accused in the said case and convict the Accused Rajwalil in the said case on the ground that the Alleged heroin was recovered from the personal possession of Accused Rajwali. **(Copy of P.A / Session Judge is attached as annex B)**
  
8. That Appellant was served charge sheet and summary of allegation containing the same false and baseless allegation of having tainted reputation and involvement in Anti social activities. That

Appellant duly reply the charge sheet and denied the allegation leveled against him. **(Copy of charge sheet and reply are attached as annex C & D)**

9. That the partial inquiry was conducted and the inquiry officer without properly associating the Appellant with the inquiry proceedings, he however while concluding the inquiry submitted his finding wherein the inquiry officer recommended the Appellant for major punishment. **(Copy of inquiry report is attached as annex E)**

10. That the competent authority without his prudent mind while agreeing with the inquiry recommendations awarded the Appellant with major punishment of dismissal from service vide order dated 6.04.2018. **(Copy of order dated 06.04.2018 attached as Annex F)**

11. That aggrieved from the order of his dismissal from service the Appellant submitted his departmental appeal before the commandant FRP Peshawar Range Peshawar, however the same was dismissed on 10.05.2018. **(Copy of departmental appeal and dismissal order is attached as annex G & H)**

12. That the Appellant prays for the acceptance of the instant appeal inter alia on the following grounds:



**GROUND OF SERVICE APPEAL:**

- A. That the Appellant has not been treated in accordance with law, hence his right secured and guaranteed under the law are badly violated.
  
- B. That no proper procedure has been followed before awarding the penalty to the Appellant, nor property impartial inquiry has been conducted, neither he has been properly associated with the inquiry proceeding, nor any witness has been examined, the inquiry officer gave his finding on surmises and conjunctures hence the proceeding so conducted are violative of law and thus not tenable.
  
- C. That the Appellant has not been given proper opportunity of personal hearing thus he has been condemned unheard.
  
- D. That the Appellant arrested on suspicion by the levis force and detained in custody for 97 days so his absence from service is not deliberate but to the above reason and later on the Appellant was honorably acquitted from the charged leveled against him.
  
- E. That the proceedings conducted under the police Rules 1975 (amended 2014) are illegal and result miscarriage of justice therefore the proceeding so

conducted are liable to be struck down on this score alone.


- F. That the inquiry officer has not carried out the inquiry as per the prescribed rules and the finding based on for imposing major penalty upon the Appellant is defective having no legal support from record as a single iota from evidence has not been brought on record to fix responsibility upon the Appellant of the alleged charges as such the order of dismissal is harsh, illegal & tenable at all.
  
- G. That the case of the Appellant does not come in the purview of misconduct and the inquiry officer has unlawfully held him guilty of misconduct by proposing major penalty just for no fault which is illegal, harsh and injustice.
  
- H. That the absence from service is not deliberate and the Appellant never involved in such like practices like relation with drug mafia, so the awarding of major penalty dismissal from service is against law & constitution.
  
- I. That the Appellant has at his credit a long and spotless service career of more than 8 years. However his unblemished service record has never been taken into consideration before imposition of penalty upon the Appellant.

- J. That the facts and grounds taken in the replies of the charges sheet & Departmental appeal of the Appellant may also be taken as integral part of this appeal.
- K. That the penalty imposed upon the Appellant is too harsh and is liable to be set aside.
- L. That the Appellant is jobless since the illegal dismissal from service.
- M. That the Appellant seeks permission of this Hon'ble Tribunal to rely on additional grounds at the time of hearing of the appeal.

**It is, therefore, prayed that on acceptance of this appeal the impugned order dated 06.04.2018 may please be set aside and the Appellant be re-instated in service with all back benefits of service.**

  
Appellant

Through

  
**MUBARAK ZEB**  
Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_/2018

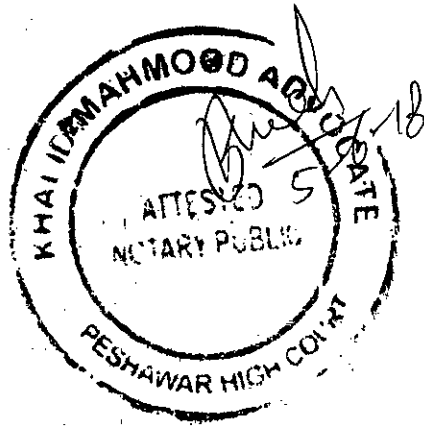
**Muhammad Dawood .....Appellant**

**VERSUS**

**The Commandant Frontier & others .....Respondents**

**AFFIDAVIT**

I, **Muhammad Dawood** Ex-Constable No 3148 FRP Peshawar Range, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



*Muhammad Dawood*  
**DEPONENT**

No. 3239 /PT-Jamrud Dated Jamrud The 21/12/2017

The Assistant Political Agent, Jamrud

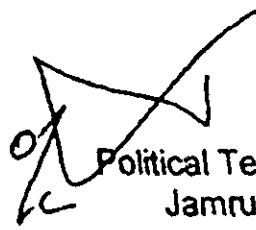
Subject:- SEIZURE OF NARCOTICS...ARREST.  
MEMO:-

Today on 21/12/2017, it has been reported by the Post Commander Takhta Baig Check Post that on tip of information the Khassadars party stopped an Alto Motor Car bearing No. LRG-7830, which was on its way from Jamrud towards Peshawar for checking purpose at Takhta Baig Check Post. During search 01 KG Heroin was recovered from the possession of accused Raj Wali mentioned below at S.No. 1. The said Motor Car along-with the following accused were taken into custody, brought to Jamrud Tehsil:-

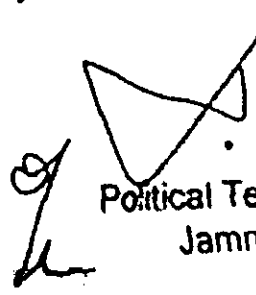
1. Raj Wali s/o Faqir Hussain r/o Khazana Payan Bala Peshawar.
2. Driver Muhammad Riaz s/o Sharif Khan, Kuki Khel r/o Jamrud.
3. Ibrahim Gul s/o Gul Razaq r/o Mardan.
4. Muhammad Dawood s/o Abdul Jalil r/o Charsadda.

The above accused were placed at lock-up and the seized narcotics were stored at Tehsil Malkhana after collection of 05 gram for its chemical examination while the Motor Car was parked at Tehsil backyard.

Report submitted for information, please.

  
Political Tehsil  
Jamrud.

No 3240 /PT-Jamrud  
Copy forwarded to the Political Agent Khyber for information please.

  
Political Tehsil  
Jamrud.

ATTESTED

Amir (B) 10

In the Court of the Political Agent / Sessions Judge, Khyber Agency

- STATE VERSUS 1) Raj Wali s/o Faqir Hussain r/o Khazana Payan Bala, Peshawar.  
2) Muhammad Riaz s/o Sharif Khan, Kuki Khel r/o Jamrud.  
3) Ibrahim Gul s/o Gul Razaq r/o Mardan.  
4) Muhammad Dawood s/o Abdul Jalil r/o Charsadda.

Recovery 01 kilogram Heroin

Charge: - Under section 9 (C) CNSA, 1997 read with 11 FCR 1901

ORDER:

My this order be read in juxtaposition of an Order of Reference already made in this case and is available on record. The detail of the prosecution case has been mentioned in the Order of Reference and need not be repeated.

The case was referred to Council of Elders and the Jirga members were asked to submit their award in the light of Questions framed in the Order of Reference. The Jirga members submitted their unanimous award on the Questions framed in the Order of Reference. While answering Question No: 1, the Jirga Members unanimously held that on 21/12/2017, a spy information was received to the post commander Takhta Baig that narcotics would be smuggled in an Alto motor car bears No. LRG-7830, via Takhta Baig Check Post. The Jirga Members further supported the case of prosecution in answering Question No: 2, that the said car bear No. LRG-7830 was stopped by the Khassadars posted at Takhta Baig Check Post for checking purposes. The Jirga Members also set in answering Question No: 3, that during personal checking, 01 Kg heroin was recovered from the personal possession of accused Raj Wali s/o Faqir Hussain r/o Khazana Payan Bala, Peshawar travelling in the car. The Jirga Members also confirmed each aspect of the case while answering Question NO:4 that the Political Tehsildar, Jamrud / Investigation Officer conducted investigation and

~~ATTESTED~~

Amir 2/4

one copy.

U.S. Reader 21.3.2018  
READER TO P.A.S. J. Khy  
KHYBER

recorded statements of the prosecution witnesses as well as the accused and also prepared the weigh certificate, recovery memo and separated one sample weighing 05 grams from the recovered contrabands for its chemical analysis. The Jirga members, furthermore, said in reply of Questions No: 5,6&7 that the accused Raj Wali himself admitted his guilt before them and also refuse to recognize the rest of the accused accompanied with him at the time of commission of offence. The Jirga members recorded his fresh statement as the previous statement was allegedly recorded by the khasadars under influence whereby accused Raj Wali himself pleaded guilty before them. In answering Question No: 8, the Jirga members concluded that the accused Riaz, Dawood and Ibrahim are innocent as accused Raj Wali confessed his guilt before the Jirga Members.

Keeping in view the Jirga award and the available evidence on record, along with the confessional statement of accused Raj Wali, I reached at the conclusion that the prosecution has proved its case beyond any shadow of doubt against the accused Raj Wali but failed to establish their stance against the accused namely Muhammad Riaz s/o Sharif Khan, Kuki Khel, Ibrahim Gul s/o Gul Raziq and Muhammad Dawood s/o Abdul Jalil. As per FIR, on 21-12-2017 car bear No. LRG 7830 was stopped by the Khassadars posted at Takhta Baig Check Post for checking purposes and during personal checking, 01 Kg heroin was recovered from the personal possession of accused Raj Wali s/o Faqir Hussain r/o Khazana Payan Bala, Peshawar travelling in the car. But during investigation, accused Raj Wali also falsely implicated the rest of the accused into the commission of offence however during the proceeding of the case before the court, accused Raj Wali retracted from his earlier statement and confessed his guilt at the bar. The jirga members also confirmed the defence plea raised by the accused namely Mohammad Riaz, Ibrahim Gul and Mohammad Dawood and held them innocent in questions No 6 to 9 of the order of reference. Therefore, the accused Raj Wali is guilty under section 9 (c) CNSA, 1997, hence, convicted and sentenced for the

ATTESTED *Witness to be*  
*same copy.*  
 READER TO PA-3.2018  
 KHYBER S.J. *Khyber*

period already undergone to suffer imprisonment with a fine of Rs.20, 000/- or in default of payment of fine further to undergo 02 months S.I. while the rest of the accused namely Muhammad Riaz s/o Sharif Khan, Kuki Khel, Ibrahim Gul s/o Gul Razaq and Muhammad Dawood s/o Abdul Jalil are acquitted from the charges leveled against them by the prosecution.

The fact that the motor car bears No: LRG-7830 was not used for carrying narcotic in Questions Nos.3, therefore, the said vehicle be handed over to its lawful owner or last possessee Mohammad Riaz against a proper receipt.

The case property (Heroin) be destroyed after the legal requirements of 516 (A) Cr.P.C.

Record of the case be consigned to record room after completion.

ANNOUNCED  
Dated 12.3.2018

*[Signature]*  
Political Agent / Sessions Judge  
Khyber Agency

*Submitted to be  
Erre copy.*

*U.S.*  
READER TO PA  
KHYBER  
*21.3.2018*  
*S.J. Khyber*

*[Signature]*  
ANNOUNCED





بیان اذال کنسٹیبل محمد داؤد نمبر 3148 ایف آر پی پشاور ریجن پشاور

جناب عالی! 14

مشمولہ فائل شوکاژ نوٹس مجاریہ جناب SP صاحب ایف آر پی پشاور ریجن پشاور معروض خدمت ہوں کہ مورخہ 21.12.2018 کو میں معہ کنسٹیبل ابراہیم گل نمبر 2590 کے ساتھ کارخانہ مارکیٹ حیات آباد دوکان کے لئے سامان وغیرہ لینے کے لئے گئے تھے۔ کنسٹیبل ابراہیم گل ایک عدد جزیئر جمروڈ بازار میں کریدنا چاہتا تھا۔ وہاں سے واپسی پر ہم ایک لوکل ٹیکسی میں بیٹھ گئے کچھ فاصلہ طے کرنے کے بعد ایک اور شخص جس کو نہیں جانتا تھا بھی ٹیکسی میں بیٹھ گیا۔ مطلوبہ شخص کے ہاتھ میں ایک نیلا شاپر بیگ بھی تھا جب تحتہ بیگ چیک پوسٹ پر پہنچ گئے تو وہاں پر خاصہ دارفوری نے گاڑی کو روکنے کا اشارہ کیا۔ جونہی ٹیکسی ڈرائیور نے گاڑی کو روکا تو خاصہ دارفوری کے تلاشی لینے پر مطلوبہ شخص جس کا نام بعد میں راج ولی معلوم ہوا۔ اسی نیلے رنگ کے شاپر سے کچھ ہیروئن برآمد ہوئی اور اسی بناء پر ہم دونوں ہمراہ اور ٹیکسی ڈرائیور اور مطلوبہ شخص راج ولی جس سے ہیروئن برآمد ہوا تھا کے ساتھ شک کے بناء پر گرفتار کر کے شامل تفتیش کیے۔ خاصہ دارفوری کے FIR نمبر 3239 مورخہ 21.12.2017 کے مطابق مطلوبہ ہیروئن مسمی راج ولی کے ذاتی قبضہ سے برآمد ہوا ہے اور اسی طرح پولیٹیکل ایجنٹ / سیشن جج خیبر ایجنسی نے بھی اپنے فیصلے کے مطابق جو مورخہ 12.03.2018 کو سنایا۔ کہ مذکورہ ہیروئن مسمی راج ولی کے ذاتی قبضہ سے برآمد ہوا ہے۔ من سائل کو کنسٹیبل محمد داؤد اور ٹیکسی ڈرائیور کو باعزت طور پر بری کر دیا گیا۔ اور یہ کہ نہ تو مسمی راج ولی کو میں پہلے سے جانتا تھا اور نہ ہی اُس کے ساتھ کوئی تعلق تھا۔

سائل نہایت ہی غریب گھرانے سے تعلق رکھتا ہے ماں باپ ضعیف العمر ہے من سائل اپنے ضعیف العمر ماں پاب، تین چھوٹے بہن بھائی، بیوی اور تین بچوں کا واحد سہارا ہے۔ چونکہ من سائل کو مقدمہ ہذا میں بے گناہ قرار دیکر بری کر دیا گیا ہے۔ اس لئے آپ صاحبان سے مہربانی کر کے سائل کے حال پر رحم کر کے سائل کو نوکری پر بحال کرنے کا حکم صادر فرما کر فرماویں۔ نیز سائل نے تقریباً 03 ماہ حراست میں گزارے ہیں اور میں غیر حاضر نہیں تھا۔ لہذا عرصہ غیر حاضری کو رخصت میں شمار کرنے کا حکم صادر فرما کر مشکور فرمائیں۔ پس یہی میرا بیان ہے جو حقیقت پر مبنی ہے۔

سائل تاحیات دعا گورہیگا۔

آپکا تابع فرمان کنسٹیبل داؤد نمبر 3148 ایف آر پی پشاور ریجن پشاور۔

ATTESTED

بحوالہ مشمولہ انکوائری کاغذات برخلاف کنسٹیبل داؤد نمبر 3148 ایف آر پی پشاور ریجن پشاور معروض خدمت ہوں کہ مذکورہ کنسٹیبل کے متعلق جناب SP صاحب ہیڈ کوارٹر نے بحوالہ لیٹر نمبر 02-03/PA مورخہ 01.01.2018 پر تحریر کیا ہے۔ ایکہ مذکورہ کنسٹیبل کو دیگر کسان کے ساتھ لیویز نے تختہ بیگ چیک پوسٹ پر ایک کلوگرام ہیرون برآمد ہونے پر گرفتار کیا ہے۔ آمدہ لیٹر پر جناب SP صاحب FRP پشاور ریجن پشاور نے مذکورہ کنسٹیبل کو معطل لائن کرنے اور ساتھ ہی مذکورہ کنسٹیبل کے خلاف چارج شیٹ و سمری آف الیکیشن جاری کر کے کاغذات برائے انکوائری ہم DSP نور زمین شاہ اور انسپکٹر اسد یوسف کو بحوالہ کئے۔

دوران انکوائری چارج شیٹ و سمری آف الیکیشن حسب ضابطہ بذریعہ DHC شاہ کر اللہ بحوالہ لیٹر نمبر 265/R/DSP مورخہ 08.01.2018 کو مذکورہ کنسٹیبل پر تقسیم کرنے کی غرض سے دفتر پولیٹیکل ایجنٹ خیبر ایجنسی پشاور بھجوایا جو کہ پولیٹیکل ایجنٹ خیبر ایجنسی پشاور کی اجازت سے مذکورہ کنسٹیبل پر تقسیم کی گئی۔ جو کہ مذکورہ نے بذات خود وصول کر کے وصولی کی نسبت اپنے دستخط ثبت کر کے شناختی کارڈ نمبر و موبائل نمبر درج کیا ہے۔ DHC شاہ کر اللہ نے پولیٹیکل تحصیل دار جمروڈ کے دفتر سے مذکورہ کنسٹیبل کے خلاف درج شدہ رپورٹ کی تصدیق شدہ فوٹو کاپی حاصل کر کے پیش کی جو کہ ہمراہ لف ہے۔

پولیٹیکل تحصیل دار کی رپورٹ نمبر 3239/PT Jamrud مورخہ 21.12.2018 کے ملاحظہ سے معلوم ہوا کہ مورخہ 21.12.2017 کو پوسٹ کمانڈر تحت بیگ چیک پوسٹ نے ابتدائی رپورٹ پیش کر کے اپنی رپورٹ میں تحریر کیا کہ 21.12.2018 پر تحت بیگ چیک پوسٹ کو خفیہ اطلاع ملی کہ گاڑی نمبر 7830 الٹو جمروڈ کی طرف سے آئیگی اور اس میں منشیات ہے۔ گاڑی کو مسمی محمد ریاض ولد شریف خان سکندر کی خیل جمروڈ چلا رہا تھا۔ گاڑی میں تین بندے اور سوار تھے۔ (1) راج ولی ولد فقیر حسین سکندر خوانہ پایان (2) ابراہیم گل ولد گل روزق سکندر مردان (3) محمد داؤد ولد عبدالجلیل سکندر چارسدہ۔ تلاشی کے دوران راج ولی ولد فقیر حسین سے 01 کلوگرام ہیرون برآمد ہوئی۔ چاروں آزاد کو بمعہ گاڑی اور بمعہ 01 کلوگرام ہیرون جمروڈ تحصیل چالان کیا گیا۔ رپورٹ ہمراہ لف ہے۔

اندریں سلسلہ بحوالہ لیٹر نمبر 701/R/DSP مورخہ 23.01.2018 پر HC مہر علی شاہ نمبر 774 کو سنٹرل جیل پشاور بھجو کر مذکورہ کنسٹیبل سے چارج شیٹ پر تحریری بیان لیا گیا۔ کنسٹیبل داؤد نمبر 3148 نے اپنے بیان میں تحریر کیا ہے کہ وہ اپنے دوست کنسٹیبل ابراہیم نمبر 2590 ایف آر پی پشاور ریجن کے ساتھ کچھ سامان خریدنے کے لئے علاقہ جمروڈ گئے تھے کہ واپسی پر جم بازار میں ایک لوکل ٹیکسی میں بیٹھے اور اس دوران ایک اور سواری بھی گاڑی میں بیٹھ گئی۔ تختہ بیگ چیک پوسٹ پر لیویز اخاصہ

ATTACHED

دارفورش نے گاڑی کو روک کر تلاشی لی اس دوران گاڑی میں بیٹھنے والی سواری سے کچھ ہیرنوں برآمد ہوئی۔ جس کا نام بعد میں راج ولی ولد فقیر حسین معلوم ہوا۔ لیکن لیویونے تفتیش کی غرض سے سب کو گرفتار کر لیا۔ راج ولی کے ساتھ کسی قسم کا کوئی تعلق نہیں ہے۔ بیان ہمراہ لف ہے۔

دوران انکوائری مزید معلومات کی غرض سے وقتاً فوقتاً لیٹر نمبر 972/R/DSP مورخہ 30.01.2018، پروانہ نمبر 04/R مورخہ 15.02.2018 اور پروانہ نمبر 11/R مورخہ 14.03.2018 دفتر پولیٹیکل ایجنٹ خیبر ایجنسی پشاور بھجوایا گیا اور کیس کا مکمل ریکارڈ طلب کیا گیا لیکن اس کیس کے دوران صرف منشیات کے متعلق FSL سے لی گئی رپورٹ ارسال ہو کر موصول ہوئی۔ FSL رپورٹ میں منشیات کو ہیرن قرار دیا گیا ہے رپورٹ ہمراہ لف ہے۔ مزید معلوم ہوا کہ مقدمہ درج بالا میں گرفتار مسمی راج ولی ولد فقیر حسین سکنہ خوانہ پایاں پشاور نے دوران گرفتاری جرم قبول کیا ہے۔ اور کنسٹیبل ابراہیم نمبر 2590، داؤد نمبر 3148 اور ڈرامیور ریاض ولد شریف خان سکنہ لکی خیل جرود کو مورخہ 12.03.2018 پر پولیٹیکل ایجنٹ / سیشن جج خیبر ایجنسی پشاور نے جرم درج بالا میں معصوم قرار دیکر بری کرنے کا حکم صادر کیا ہے۔ فیصلہ کی تصدیق شدہ نقل حاصل کر کے ہمراہ لف ہے۔

اندر میں سلسلہ ساتھی کنسٹیبل ابراہیم نمبر 2590 کے موبائل نمبر 03005711140 CDR حاصل کرنے کی غرض سے ایک تحریری لیٹر نمبر 3531/R/DSP مورخہ 27.02.2018 نچارج CKC برانچ پشاور کو بھجوایا گیا۔ اور مورخہ 18.12.2017 تا مورخہ 21.12.2017 تک CDR طلب کیا گیا۔ جو کہ CKC برانچ پشاور سے موصول ہوا۔ مذکورہ کنسٹیبل کے CDR کے ملاحظہ سے معلوم ہوا کہ مذکورہ کنسٹیبل ابراہیم نمبر 2590 کا کنسٹیبل داؤد نمبر 3148 کے موبائل نمبر (0315.9398124) اور مسمی راج ولی ولد فقیر حسین سکنہ خوانہ پایاں پشاور کے ساتھ اس کے موبائل نمبر (03169622699) پر گرفتاری کی تاریخ مورخہ 21.12.2017 سے قبل مورخہ 19.12.2017 اور مورخہ 20.12.2017 پر رابطے ہوئے ہیں۔ جس سے یہ بات ثابت ہوتی ہے کہ ملزم راج ولی ولد فقیر حسین کو ہر دو کنسٹیبلان ابراہیم اور داؤد مقدمہ درج بالا میں ایک ساتھ گرفتار ہونے سے پہلے سے جانتے تھے۔ اور ان کا آپس میں تعلق تھا۔ CDR ہمراہ لف فلیگ "A" ہے۔ اسی سلسلہ میں مذکورہ کے ساتھی کنسٹیبل ابراہیم نمبر 2590 نے دوران انکوائری کر اس سوالات کے جوابات کے دوران قبول کیا کہ وہ اور کنسٹیبل داؤد نمبر 3148 گرفتار ہونے سے پہلے سے مسمی راج ولی کو جانتے تھے۔ لیکن بدنامی کے ڈر سے منکر ہوئے۔ کنسٹیبل ابراہیم سے دوران انکوائری کئے گئے سوالات کی نقل ہمراہ لف فلیگ "B" ہے۔ دوران انکوائری کنسٹیبل داؤد نمبر 3148 سے کئے گئے کر اس سوالات اور مذکورہ کنسٹیبل کی طرف سے دئے گئے جوابات کی تفصیل ذیل ہیں۔

ATTESTED

س نمبر 1:- کیا آپ راج ولی ولد فقیر حسین سکھ خزانہ پایان پشاور جو کہ آپ کے ساتھ تختہ بیگ چیک پوسٹ پر مثنیات کے گریٹر ہوا تھا کو جانتے ہیں؟ کیس میں

ج نمبر 1:- گرفتاری سے قبل میں اس کو نہیں جانتا تھا۔ گرفتاری کے بعد راج ولی سے جان پہچان ہوئی۔ (نشان انگشت)

س نمبر 2:- کب سے راج ولی ولد فقیر حسین سکھ خزانہ پایان کے ساتھ تعلق ہے؟

ج نمبر 2:- گرفتاری کے بعد مورخہ 21.12.2017 پر اس کو پہلی بار دیکھا۔ (نشان انگشت)

س نمبر 3:- آپ کے زیر استعمال کون کون سے موبائل نمبرات ہیں؟

ج نمبر 3:- میرے زیر استعمال ذیل نمبرات ہیں - (1) 03159398124 (نشان انگشت)۔

03018987754(2)

(نشان انگشت)۔ (3) 03018947309 (نشان انگشت)۔

س نمبر 4:- کیا راج ولی کے ساتھ آپ کا موبائل کے ذریعے کبھی رابطہ ہوا ہے؟

ج نمبر 4:- میرا راج ولی کے ساتھ کبھی رابطہ نہیں ہوا۔ (نشان انگشت)

س نمبر 5:- راج ولی کے زیر استعمال موبائل نمبر کیا ہے؟

ج نمبر 5:- (1) 03169622699 راج ولی کے زیر استعمال - (2) 03485747578 جبکہ اس کے گھر میں

موبائل

نمبر۔ ہر دو نمبرات کیساتھ نشان انگشت

س نمبر 6:- آپ کو راج ولی کے زیر استعمال موبائل نمبرات کیسے ملے؟

ج نمبر 6:- سنٹرل جیل پشاور میں اس نے دیے تھے۔ (نشان انگشت)

س نمبر 7:- آپ خمیرا تجنسی کے علاقہ میں کس مقصد کے لئے گئے تھے؟ جب آپ وہاں گرفتار ہو گئے؟

ج نمبر 7:- کچھ خریداری کارخانوں مارکیٹ سے کی تھی۔ اور جم کے علاقہ میں جنریٹر خریدنے کے لئے گئے تھے۔ جنریٹر نہیں

خریدا

(نشان انگشت)

س نمبر 8:- آپ اور کنسٹیبل ابراہیم نمبر 2590 پشاور میں کس جگہ رہائش پذیر ہیں؟

ج نمبر 8:- ڈیوٹی سے فارغ ہونے کے بعد میں اور کنسٹیبل ابراہیم نمبر 2590 مکہ ٹاور نوڈ گورنمنٹ کالج پشاور ایک کمرہ میں

رہائش

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پذیریں۔ (نشان انگشت)

س نمبر 9:- کیا راج ولی ولد فقیر حسین نے کمرہ میں آپلوگوں کی کچھ خدمت وغیرہ کی ہے؟  
ج نمبر 9:- میں نے راج ولی ولد فقیر حسین کو کمرہ میں کبھی نہیں دیکھا۔ (نشان انگشت)

جناب عالی!

کنسٹیبل داؤد نمبر 3148 مقدمہ درج بالا میں پولیٹیکل ایجنٹ اسیشن ج خیمہ اتجنسی پشاور کے حکم پر سٹرل جیل پشاور سے بد میں وجہ بری کیا گیا، کیونکہ مسی راج ولی ولد فقیر حسین سکھ خزانہ پایان پشاور نے اقرار جرم کر لیا تھا۔ اور کنسٹیبل ابراہیم نمبر 2590، و کنسٹیبل داؤد نمبر 3148 اور ڈرائیور محمد ریاض (ہیڈ کنسٹیبل کرائم برانچ پشاور) سے لا تعلق کا اظہار کیا تھا۔ اب چونکہ CDR ہمراہ لف

فلگ A کی رو سے اور کنسٹیبل ابراہیم نمبر 2590 کے جوابات ہمراہ لف فلگ B سے یہ بات ثابت ہو چکی ہے کہ کنسٹیبل ابراہیم نمبر 2590، و کنسٹیبل داؤد نمبر 3148 ملوم راج ولی مذکورہ کو وقوعہ سے کئی عرصہ قبل سے جانتے تھے۔ اور ان کا آپس میں تعلق تھا۔ مذکورہ کنسٹیبل گرفتاری سے قبل مورخہ 20.12.2017 سے اپنی ڈیوٹی سے غیر حاضر تھا۔ مذکورہ کنسٹیبل اپنی سرکاری ڈیوٹی چھوڑ کر خیمہ اتجنسی علاقہ جرم و گیا تھا۔ اور دوران غیر حاضری مورخہ 21.12.2017 کو جرم درج بالا میں تحتہ بیگ چیک پوسٹ پر لیوینے ایک کلوگرام ہیرون برآمد ہونے پر دیگر کسان کنسٹیبل ابراہیم نمبر 2590 و ڈرائیور محمد ریاض (ہیڈ کنسٹیبل کرائم برانچ پشاور) اور مسی راج ولی ولد فقیر حسین سکھ خزانہ پایان کے ہمراہ ایک ہی دن، ایک ہی وقت، ایک ہی جگہ ایک ہی گاڑی آلٹو سے گرفتار کیا۔ جس سے صاف ظاہر ہے کہ کنسٹیبل ابراہیم نمبر 2590، کنسٹیبل داؤد نمبر 3148 اور راج ولی ولد فقیر حسین (جس نے اقرار جرم کیا) سب کی نیت اور غرض مشترک تھی۔ اور ہر جگہ پر انہوں نے راج ولی سے لا تعلق ظاہر کر کے اپنے آپ کو بچانے کی کوشش کی ہے۔ نیز مذکورہ کنسٹیبل نے چارج شیٹ کے جواب میں بتلایا ہیکہ کہ وہ جم بازار میں کچھ سامان خریدنے گئے تھے جبکہ دوران گرفتاری لیویز فورس کو بیان دیتے ہوئے بتلایا ہیکہ کہ وہ دوستوں سے ملنے کے لئے گئے تھے نقل بیان ہمراہ لف ہے۔ نیز دوران انکوائری کر اس سوالات کے دوران مذکورہ نے بتلایا کہ وہ جرم بازار میں جنریٹر خریدنے کے لئے گئے تھے۔ جس سے مذکورہ کنسٹیبل کے بیانات میں تضاد اور جھوٹ ثابت ہوتا ہے۔ یہ کنسٹیبلان جرم درج بالا میں ملوث ہو کر محکمہ پولیس کی بدنامی کا باعث بنے۔ ایسے ملازمین کا محکمہ پولیس میں رہنا دیگر ملازمین پر بہت بُرے اثرات مرتب کر سکتا ہے۔

نیز اسی جرم میں استعمال ہونے والی گاڑی آلٹو کے ڈرائیور محمد ریاض (ہیڈ کنسٹیبل کرائم برانچ پشاور) کے ساتھ کنسٹیبل ابراہیم نے رہائی کے بعد مورخہ 13.03.2018 تا مورخہ 21.03.2018 کے دوران اپنے نمبر

AT/CTED

فلک A کی رو سے اور کنسٹیبل ابراہیم نمبر 2590 کے جوابات ہمراہ لف فلک B سے یہ بات ثابت ہو چکی ہے کہ کنسٹیبل ابراہیم نمبر 2590، و کنسٹیبل داؤد نمبر 3148 ملزم راج ولی مذکورہ کو وقوعہ سے کئی عرصہ قبل سے جانتے تھے۔ اور ان کا آپس میں تعلق تھا۔ مذکورہ کنسٹیبل گرفتاری سے قبل مورخہ 20.12.2017 سے اپنی ڈیوٹی سے غیر حاضر تھا۔ مذکورہ کنسٹیبل اپنی سرکاری ڈیوٹی چھوڑ کر خیبر ایجنسی علاقہ جمرو د گیا تھا۔ اور دوران غیر حاضری مورخہ 21.12.2017 کو جرم درج بالا میں تحتہ بیگ چیک پوسٹ پر لیویز نے ایک کلوگرام ہیرون برآمد ہونے پر دیگر کسان کنسٹیبل ابراہیم نمبر 2590 و ڈرائیور محمد ریاض (ہیڈ کنسٹیبل کرائم برانچ پشاور) اور مسمی راج ولی ولد فقیر حسین سکنہ خزانہ پایان کے ہمراہ ایک ہی دن، ایک ہی وقت، ایک ہی جگہ ایک ہی گاڑی آٹو سے گرفتار کیا۔ جس سے صاف ظاہر ہے کہ کنسٹیبل ابراہیم نمبر 2590، کنسٹیبل داؤد نمبر 3148 اور راج ولی ولد فقیر حسین (جس نے اقرار جرم کیا) سب کی نیت اور غرض مشترک تھی۔ اور ہر جگہ پر انہوں نے راج ولی سے لاتعلقی ظاہر کر کے اپنے آپ کو بچانے کی کوشش کی ہے۔ نیز مذکورہ کنسٹیبل نے چارج شیٹ کے جواب میں بتلایا ہے کہ وہ جم بازار میں کچھ سامان خریدنے گئے تھے جبکہ دوران گرفتاری لیویز فورس کو بیان دیتے ہوئے بتلایا ہے کہ وہ دوستوں سے ملنے کے لئے گئے تھے نقل بیان ہمراہ لف ہے۔ نیز دوران انکوائری کراس سوالات کے دوران مذکورہ نے بتلایا کہ وہ جمرو بازار میں جنریٹر خریدنے کے لئے گئے تھے۔ جس سے مذکورہ کنسٹیبل کے بیانات میں تضاد اور جھوٹ ثابت ہوتا ہے۔ یہ کنسٹیبلان جرم درج بالا میں ملوث ہو کر محکمہ پولیس کی بدنامی کا باعث بنے۔ ایسے ملازمین کا محکمہ پولیس میں رہنا دیگر ملازمین پر بہت بُرے اثرات مرتب کر سکتا ہے۔

نیز اسی جرم میں استعمال ہونے والی گاڑی آٹو کے ڈرائیور محمد ریاض (ہیڈ کنسٹیبل کرائم برانچ پشاور) کے ساتھ کنسٹیبل ابراہیم نے رہائی کے بعد مورخہ 13.03.2018 تا مورخہ 21.03.2018 کے دوران اپنے نمبر 03379715943 سے ہیڈ کنسٹیبل محمد ریاض متعینہ کرائم برانچ پشاور کے ساتھ اس کے موبائل نمبر 03077126426 پر (6) بار رابطہ کیا ہے۔ لہذا ہو سکتا ہے کہ گرفتاری سے قبل بھی ان کا آپس میں رابطہ ہو۔

کنسٹیبل داؤد نمبر 3148 کی غیر حاضری کے متعلق علیحدہ سے انکوائری شروع ہے۔ لہذا اس انکوائری میں مذکورہ کنسٹیبل کو سنگین سزا دینے کی سفارش کی جاتی ہے۔

ATTESTED





بین ازان بیل زود ۱۹۱۸  
۳۱۴۸ / ۳۲۰۱  
۱۲۲

خدا علی  
صاحب  
شماره  
۳۱۴۸ / ۳۲۰۱  
تعداد  
۱۲۲

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صاحب عالی! مشورہ فائنل شوکار نوٹس مجاہد صاحب SP صاحب FRP لٹنر

درج لٹنر - خدمت میں عرض ہے کہ عرضہ 21/12/2017 کو میں بعد ابراہیم

گل کنسٹبل 2590 کے ساتھ کارخانہ مارکیٹ صارت آباد دوکان کھلے سامان  
درغیرہ لینے کھلے گئے تھے۔ اس کے بعد ہم دونوں جگہ دھڑکتی ایک درست سے  
ملنے گئے۔ اور مسی ابراہیم گل ایک عدد جینر ہڈی جینر د بازار میں نظر نہ آتا تھا۔

یہاں سے واپس کریم ایک لوکل ٹیکسی میں بیٹھے۔ کچھ فاصلہ طے کرنے کے بعد  
ایک اور شخص صلیویم میں جانے لگے۔ یہی سیارہ ساتھ اسی ٹیکسی میں بیٹھا تھا۔

مطلوبہ شخص کے ساتھ میں ایک نیلا شاپنگ بیگ بھی تھا۔ جب ہم اچھتے بیگ چیک  
لوہٹ کر رہے تھے۔ تو وہاں ہم خاصہ دار فورس نے گاڑی کو روکے گا اشارہ  
کیا۔ جو کہ ٹیکسی ڈرائیور نے گاڑی کو روکا۔ تو خاصہ دار فورس کے تلاشی لینے

ہم مطلوبہ شخص جس کا نام بعد میں معلوم ہوا۔ اسی نیلے رنگ کے شاپرے سے  
کچھ پیر وٹن بہر آمد ہوئی۔ اور اسی بناء پر ہم دونوں ہمراہ ٹیکسی ڈرائیور

اور مطلوبہ شخص (راج دہی) جس سے ہم وٹن بہر آمد ہوا تھا۔ بھی گرفتار  
کر لیا۔ یہ کہ ہم نے اسی وقت خاصہ دار فورس کو بتایا کہ ہم پولیس والے ہیں۔

لیکن انہوں نے ہم کو بھی تعیش کھلے گرفتار کر لیا۔  
یہ کہ خاصہ دار فورس کے FIR نمبر 3239 مورخہ 12/12/2017 کے مطابق

مطلوبہ بہر وٹن مسی راج دہی کے ذاتی قبضے سے بہر آمد ہوا ہے۔ اور اسی  
طرح پولیس کی ایجنٹ صاحبہ ارجنٹی نے بھی اپنے فیصلے کے مطابق جو مورخہ

12/3/2018 کو سنایا۔ کہ مطلوبہ بہر وٹن مسی راج دہی کے ذاتی قبضے سے  
بہر آمد ہوئی ہے۔ اور باقی تین ملزمان کے گناہ ہے۔

ATTACHED

۱۔ PA صاحب صدر اجنسی سے ہم کو مطلوب مقدمہ میں ہم علم ثبوت کے بناء پر درخواست ہے۔ یہ کہ نہ تو میں راجہ ولی کو بیٹے سے جانتا تھا۔ اور نہ کوئی تعلق تھا۔

یہ کہ مقدمہ عفران میں من سائل کو بگتہاہ قمار اور دیگر بہری کر دیا گیا ہے۔ اور

اب من سائل دربارہ اپنے نوکری ہم مجال کرن کا عفران حوالہ اٹریڈ انٹارنیٹ کے مجمع اپنے نوکری سے بہ خاصیت کر دیا تو یہ میری بنیادی حقوق کے خلاف ورزی ہے۔ اور اسی طرح آڈین / دستاویز پاکستان کے آرٹیکل 313 کے خلاف ورزی ہے۔ کہ ایک جرم کیلئے مجمع دو دفعہ سزا دی جا سکتی ہے۔ کیونکہ مطلوب جرم میں تھو کو بگتہاہ قمار اور دیگر بہری کر دیا گیا ہے۔

لہذا اکتہ علیہ کہ من سائل کو دربارہ اپنے نوکری

ہم مجال کرن اور من سائل کے ذہن ماہ کا شواہ

حالی کرن کا حکم صادر فرمائے۔ کیونکہ سائل ایک غریب

گنہگار سے تعلق رکھتا ہے۔ لہذا عفران ساقو انصاف

کا جائے۔ اور مطلوبہ انکوائری عفران کرن کا حکم صادر فرمائے

سائل کی حالت دیکھ کر دعا گو رہتا ہے۔

ATTESTED

Date:-

سائل کنستبل محمد داؤد 3148 FRP شماره 117/117

(Mob:- 0345-2561574)

Nic:- 17102-6054117-3

ORDER

ANNEX F  
P  
09/11/018  
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This office order relates to the disposal of formal departmental Inquiry against Constable Daud No.3148, of FRP Peshawar Range.

Brief facts of the case that Constable Daud No.3148, of FRP Peshawar Range absented himself from lawful duty w.e.from 19.12.2017 to 26.03.2018 for the total period of (97) days without taking any leave/permission from the Competent Authority.

In this connection Constable Daud No.3148 was issued charge sheet alongwith summary of allegation and LO/Zahid Khan of FRP/PR was nominated as inquiry officer, vide this office order No.532/PA dated 29.12.2017. The charge sheet served upon him, to which he replied, but his reply was found unsatisfactory by the inquiry officer. After completion of inquiry the inquiry officer submitted his findings.

In the meanwhile reportedly the delinquent Constable alongwith other constable namely Ibrahim No.2590 of FRP Peshawar Range have been arrested by the Levis/Khasadar at Takht Baig check post on 21.12.2017, being involved in the smuggling of Narcotics (heroin) and wherein one 01 KG heroin was recovered from their possession.

Afterward the accused constable was suspended vide this office order No.08-10/PA, dated 03.01.2018 and closed to FRP Police Line Peshawar.

On the allegation of above a separate charge sheet alongwith summary of allegations was issued and an inquiry committee comprising of DSP/Noor Zamin Shah of FRP/HQrs: & Inspector/Asad Yousaf of FRP Peshawar Range was constituted vide this office order No.17/PA, dated 03.01.2018. The charge sheet served upon him to which he replied.

After conducting proper departmentally the inquiry committee submitted their findings, wherein they reported that on 21.12.2017, on tip of information the Khasadar party of Takht Baig check post was stopped an Alto Motor Car bearing No.LRG-7830, which was on its way from Jamrud towards Peshawar for checking purpose. The said Motor Car was drive by one Muhammad Riaz s/o Shareef Khan while Raj Wali s/o Faqeer Hussain alongwith the accused constables Ibrahim No.2590 and Daud No.3148, of FRP Peshawar Range were also found ride in Motor Car. During the search 01 KG heroin was recovered from their possession and the Levis authority arrested them from the spot for investigation purpose. During the custody the accused constables denied regarding to relation with accused Raj Wali who confessed the offence, therefore, the accused constables along-with the said Motor Car driver Muhammad Riaz were innocent by the Court of Political Agent (Sessions Judge).

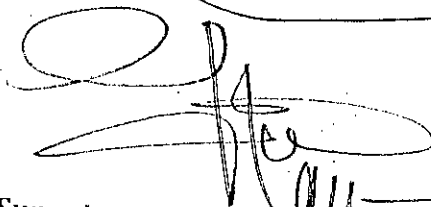
ATTACHED

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report of the accused constables were procured, which shows that the accused constables were contacted with the accused Raj Wali so many times i.e on 19.12.2017 and 20.12.2017, before the involvement in the above case. The CDR report proved their closed relations with each others for the purpose of the smuggling of Narcotics (Heroin) and the accused constables denied from accused Raj Wali in their statements. According to CDR report there is clear contradiction between their statements and after going through the available record the inquiry committee has been found the accused constable Daud No.3148, being a member of ideal Police force involved in moral turpitude nature offence, vis-A-vis developed links with the drugs mafia. Therefore, the accused constable Daud No.3148 of FRP Peshawar Range, is awarded for Major Punishment.

After receiving the findings of inquiry Committee the accused constable Daud No.3148, of FRP Peshawar Range was issued/served with Final Show cause Notice vide this office No.151/PA, dated 29.03.2018 to which he replied but his reply was found unsatisfactory. He was called for personal hearing in orderly room but did not satisfy the undersigned.

Based on the appreciation of the situation painted above, I, Jehanzeb Khan Superintendent of Police, FRP Peshawar Range, Peshawar exercise of power vest in me under 5(5) of Khyber Pakhtunkhwa Police Rules 1975.(amendment in 2014) award him a Major punishment of "Dismissal from Service" with immediate effect and his period of absence is hereby treated as absence from duty.

  
Superintendent of Police, FRP P  
Peshawar Range, Peshawar.

No. 188-92/PA dated Peshawar Range the 06/04/2018.

Copy of the above is forwarded to Worthy Commandant FRP KP Peshawar for favour of information please.

1. The Accountant FRP/PR Peshawar
2. The SRC/FRP/PR Peshawar
3. The LO/FRP/PR Peshawar
4. The OASI/FRP/PR Peshawar

(188-310  
09/4/18)

**ATTACHED**

Before the Honorable Commandant FRP/Peshawar K.

Departmental appeal to the Honorable Commandant FRP/Peshawar Range against the order "dismissal from service" of the worthy SP FRP/Peshawar Range dated OB No 310. 6 <sup>4</sup>/<sub>2018</sub>.

Sir,

Submitted as under,

Facts:

- (1) That I was appointed on dated 7/9/2009 as a constable in FRP/Peshawar Range.
- (2) That from my appointment till now I was perform my duty with honesty enthusiasm and never committed any mistake / misconduct regarding my service and nor involved in any illegal activities.
- (3) That after the finding of the inquiry

ATTESTED

Committee, the worthy sp FRP/peshawer Range exercised the power u/s 5(5) of Khyber Pakhtunkhwa police rules 1975 (amendment 2014) award me major punishment of "Dismissal from Service".

(copy of order is attached)

(4) That the order of the worthy sp FRP/peshawer Range of dismissal from Service is against the rule of natural justice, arbitrary, against law & facts hence liable to be set aside.

Grounds:- (1) That on 21 <sup>12</sup>/<sub>2017</sub> I along with Constable Ibrahim Gul No 2590 FRP/peshawer Range went to Karhano market for shopping some things for there shop.

(2) After there we both went to Jammud Bazar for buying Generator.

(3) on return from Jammud we both sit in a local taxi car and a travelling some distance another person sit in the said motor car.

ATTESTED

AT/ST/ST/ST

Sheet according to the departmental inquiry, I am not deliberately & willfully also from my duty but for the above

(order of P.A. is attached)

the accused Raywalk from whose personal possession the alleged heroin is recovered.

us in the said case and commit the Agent/Session Judge Khyber Agency acquired

(b) Sheet on 12<sup>3</sup>/<sub>2018</sub> the Hon'ble Police (copy of FIR is attached)

the accused Raywalk recovered from the personal possession of

Khaskan that the said heroin was no 3239 dated 21<sup>12</sup>/<sub>2017</sub> lodge by Lewis/

(c) Sheet according to the contents of FIR

possession of the third passenger whose name was being known to me as

recovered some heroin from the personal the car and during search the Lewis being check post. The Lewis/Khaskan stop

(d) Sheet when we reached to the Takht



alleged harm received from the personal Sessions Judge Cyber Agency that the order of the Hon'ble Judicial Magistrate

11) That as per contents of FIR no 3239 before the committee. The said notices and also personally appear to this effect of submitted the reply of notices about my absence from service, issued me committee issued me

10) That enquiry committee issued me notices about my absence from service, the said notices and also personally appear to this effect of submitted the reply of notices about my absence from service, issued me committee issued me

8) That according to the findings of the departmental enquiry also pursued the CDR report which shows only that Constable Ibrahim Gul contacted with the accused Raywala on 19-12-2017 to 20-12-2017 there is nothing in the CDR report which shows my contact with accused Raywala. That before the instant case neither I know the accused Raywala I not have any relation with them and not known about the relation of Ibrahim Gul Constable of accused Raywala.

possession of accused Rajwali and I am along with Ibrahim Gul and Driver acquitted in the instant case.

(12) That the awarding of major penalty "Dismissal from Service" is against my fundamental rights and also against the rule of natural justice.

(13) That the appellant belong to a very poor family and there is nothing on the record which connect me with the commission of offence.


It is therefore humbly requested that on acceptance of this appeal against the order of Sp FRP/Peshawar range dated 6<sup>4</sup>/<sub>2018</sub> to set aside the said order & re-instate me on my service with all back benefits.

Appellant:

Constable David  
No 3148 - FRP/Peshawar  
Range.

ATTORNEY

ORDER

30  Arif Hussain H<sup>6</sup>

This order will dispose of the departmental appeal preferred by Ex- constable Daud No. 3148 of FRP Peshawar Range against the order of dismissal from service passed by SP FRP Peshawar Range, Peshawar vide Order Endst: No. 188-92/PA, dated 06.04.2018. The applicant was proceeded against on the allegations that he absented himself from law full duty with effect from 19.12.2017 to 26.03.2018 for total period of (97) days, without any leave/permission of the Competent Authority.

Proper departmental enquiry was initiated against him. He was issued Charge Sheet alongwith Summary of Allegations and Line Officer Zahid Khan of FRP Peshawar Range was nominated as Enquiry Officer to conduct proper enquiry against him. The charge Sheet served upon him, to which he replied, but his reply was found unsatisfactory by the Enquiry Officer. After completion of Enquiry the Enquiry Officer submitted his findings.

In the meanwhile reportedly the delinquent constable alongwith other constable Ibrahim No. 3148 of FRP Peshawar Range, have been arrested by the Levis/Khasadar at Takht Baig Check Post on 21.12.2017, being involved in the smuggling of Narcotics (heroin) and wherein one Kg heroin was recovered form their possession. Afterward the accused constable was suspended vide order No. 08-10/PA, dated 03.01.2018 and closed to FRP Police Line Peshawar.

On the allegations of above a separate Charge Sheet alongwith Summary of Allegations was issued and an Enquiry Committee comprising of DSP/Noor Zamin Shah of FRP/HQrs: & Inspector/Asad Yousaf of FRP Peshawar Range was constituted vide office order No. 17/PA, dated 03.01.2018. The Charge Sheet Served upon him to which he replied.

After conducting proper departmentally the Enquiry Committee submitted their findings, wherein they reported that on 21.12.2017, on tip of information the Khasadar party of Takht Baig Check Post was stopped an alto motor car bearing No. LRG-7830, which was on its way form Jamrud towards Peshawar for checking purpose. The said Motor Car was drive by one Muhammd Raiz S/O Shareef Khan while Raj Wali S/O Faqeer Hussain alongwith the accused constables Ibrahim No. 2590 and Daud No. 3148, of FRP Peshawar Range were also found ride in Motor Car. During the search 01 KG heroin was recovered from their possession and the Levis authority arrested them form the spot for investigation purposes. During the custody the accused constables denied regarding to relation with accused Raj Wali who confessed the offence, therefore, the accused constables alongwith the said driver Muhammad Riaz were equated from the criminal case by the Court of Political Agent/Session Judge, Khyber Agency, while accused Raj Wali was found guilty under section 9(c) CNSA, 1997, hence, convicted and sentenced for the period already undergone to suffer imprisonment with a fine of Rs. 20,000/- or in default of payment of fine further to undergo 02 months Suffer Imprisonment.

**ATTACHED**

Spec.

During the course of departmental Enquiry CDR report of the accused constables were procured, which shows that the accused constables were developed links with the accused/offender Raj Wali as they contacted so many times i.e on 19.12.2017 and 20.12.2017, before the involvement in the above criminal case. The CDR report proved their closed relations with each others for the purpose of the smuggling of Narcotics (Heroin). However, the accused constables denied form relations with accused Raj Wali in their Statements. According to CDR report there is clear contradiction has been found in their statements. After going through the available record the Enquiry Committee has been found the accused constable Ibrahim No. 2590 guilty of the charges leveled against him. He being a member of ideal Police force involved in a moral turpitude nature offence vis-a vis developed links with the drug mafia. Therefore, the Enquiry Committee recommended him for major punishment.

After receiving the findings of Enquiry Committee he was issued/served with Final Show Cause Notice vide office No. 152/PA, dated 29.03.2018 to which he replied but his reply was found unsatisfactory. He was called for personal hearing in orderly room, but did not satisfy the Competent Authority.

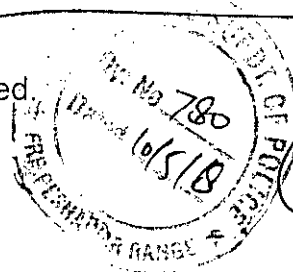
Upon the findings of Enquiry Committee and other relevant material available on record, he was awarded major punishment of dismissal from service. Order Endst: No. 183-87/PA, dated 06.04.2018.

Feeling aggrieved against the impugned order of SP FRP Peshawar Range Peshawar, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 08.05.2018. During the course of hearing he could not present any cogent justification for his innocence.

Keeping in view the facts mentioned above the applicant has been found to be an irresponsible person, disregarded of discipline of the force. From perusal of enquiry file and the service record of the applicant, it is abundantly clear that delinquent official has been found involved in a criminal case with the intent of moral turpitude. Such conduct on the part of a police officer is bound to tarnish the reputation of the entire force.

Based on the findings narrated above, I, Capt (R) Tahir Ayub, being Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, find no substance in the appeal, therefore, the same is rejected as being meritless.

Order Announced



Commandant  
Frontier Region Police  
Khyber Pakhtunkhwa, Peshawar

**ATTENDED**

SDe  
For record plz  
[Signature]  
SP/FRP/AR

rel No 6434-55 TEC, dated Peshawar the 10/05/2018.

- Copy of above is forwarded for information and necessary action to the:-
1. SP FRP Peshawar Range, Peshawar. His service record is enclosed herewith.
  2. Ex- constalbe Ibrahim Gul No. 2590 S/O Gul Rauf Khan, Village Perano Daag Police Station Takht Bahi, District Mardan.

قیمت: 10 روپے

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی

ایڈووکیٹ ادستخط:

بار کونسل ابار ایسوسی ایشن نمبر: BC-10-3455

رابطہ نمبر: 0324-9274247



3553

DISTRICT BAR ASSOCIATION  
Charsadda

ڈسٹرکٹ بار ایسوسی ایشن چارسدہ

بعدالت جناب:

دعویٰ:	سرمہ سہیل
علت نمبر:	
مورخہ:	
جرم:	
تھانہ:	
منجانب:	محمد داؤد
بنام:	حکومت

باعت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام سرمہ سہیل مدارک نمبر / محمد عصفی شاہ کو وکیل 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 کرنے و تقرر ثالث و فیصلہ برحلاف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

المترقوم:

العبد گواہ العبد

Accepted

مقام: سرمہ سہیل کے لئے مندرجہ بالا

محمد داؤد ولد محمد اجمل  
محمد عصفی شاہ

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
**JUDICIAL COMPLEX (OLD), KHYBER ROAD,**  
**PESHAWAR.**

No.

Appeal No. 779 of 2018.

Mr. Muhammad Ali Durrani Appellant/Petitioner

Versus

Commandant FRP Peshawar Respondent

Respondent No. 1

Notice to:

Commandant FRP,  
K.P.K. Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 16-8-2018 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. \_\_\_\_\_ dated \_\_\_\_\_

Given under my hand and the seal of this Court, at Peshawar this 10th

Day of July, 2018.

[Signature]  
10-07-2018  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

Appeal No. 779 of 20 18,  
M. A. Muhammad Ali Appellant/Petitioner

Commandant F.P.P. Peshawar Respondent

Respondent No. 1

Notice to:

Commandant F.P.P. Peshawar  
F.P.P. Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 15-07-18 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement along with any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 15 .....

Day of July ..... 20 18.

*[Signature]*

*[Signature]*  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

# **BEFORE THE SERVICE TRIBUNAL PESHAWAR.**

**SERVICE APPEAL NO. 780/2018**

**Ex Constable Muhammaā Dawood .....Petitioner.**

## **VERSUS**

**1. Addl: IGP/Commandant FRP Khyber  
Pakhtunkhwa Peshawar**

**2. SP/FRP PESHAWAR Range.....Respondents.**

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES
1.	Para-wise Comments		04
2.	Absence Report	A	01
3.	CDR	B	01
4.	Charge Sheet	C & D	02
5.	Final Show Cause Notice	E	01
6.	Enquiry Report	F	04
7.	Rejection Order	G	02
<b>Total</b>			<b>17</b>

  
**RESPONDENTS**



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 779/2018.

Muhammad Dawood No. 3148, FRP Peshawar Range,.....Appellant

**VERSUS**

1. Commandant, Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar
2. Superintendent of Police,  
FRP, Peshawar Range, Peshawar..... Respondents

**PRELIMINARY OBJECTIONS**

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has no cause of action to file the instant appeal.
4. That the appellant has not come to this Honorable Court with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant trying to concealed material facts from this Honorable Tribunal.

**WRITTEN REPLY ON BEHALF OF RESPONDENTS**

**FACTS**

**RESPECTED SHEWETH:-**

1. Pertains to the appellant record needs no comments.
2. Para No. 2 is admitted to the extent that the appellant was remained absent from duty for a long period of 97 days without any leave or prior permission from his seniors. (Copy of absence report attached herewith as annexure "A")
3. Incorrect and rejected, as reportedly the appellant alongwith other constable namely Ibrahim No. 2590, of FRP Peshawar Range, have been arrested by the Levis Khasadar at Takht Baig check post on 21.12.2017, being involved in the smuggling of Narcotics (Heroin).
4. Incorrect and rejected. The Khasadar Party of Takht Baig Check post stopped an Alto Motorcar Bearing No. LRG-7830, which was on its way from Jamrud toward Peshawar for checking purpose. The said Motorcar was driven by one Muhammad Riaz S/O Sharif Khan, while Raj Wali S/O Faqir Hussain alongwith the appellant and constable Ibrahim No. 2590, of FRP were also found ride in the said motorcar. During the search one KG Heroin was recovered from their possession.
5. Incorrect and rejected. During the course of departmental enquiry the CDR report of the appellant was procured, which shows that the appellant was contacted with the accused Raj Wali so many times i.e 19.12.2017 and 20.12.2017, before the involvement in the above criminal case. (Copy of CDR attached as annexure "B")
6. Incorrect and rejected. That a criminal case vide FIR No. 3239, dated 21.12.2017 was register against all of them. However, during the course of enquiry the appellant was found guilty of the charges leveled against him. As the

- CDR report proved the closed relations between the appellant and his co-accused Raj Wali for the purpose of the smuggling of Narcotics.
7. Para No. 7 is admitted to the extent that court proceeding and departmental proceedings are two different entities and can run side by side. However, during the course of departmental enquiry the appellant was found guilty of the charges leveled against him.
8. Para No. 8 is admitted to the extent that on the allegations of involvement of above criminal case the appellant was issued Charge Sheet alongwith Summary of allegations and enquiry committee comprising on DSP FRP HQ and Inspector Asad Yousaf of FRP Peshawar Range was constituted to conduct enquiry against him to unearth the actual facts. The reply of Charge Sheet submitted by the appellant was found unsatisfactory by the enquiry committee.
9. Incorrect and rejected. Proper departmental enquiry was initiated against the appellant according to law/rules and an imple opportunity for defence was also provided to the appellant and it is evident from the Charge Sheet and Final Show Cause Notice. The Enquiry Committee found him guilty of the charges leveled against the appellant and therefore, recommended for major punishment. (Copy of Charge Sheet, Final Show Cause Notice & Enquiry report are attached as annexure "C, D E & F").
10. Incorrect and rejected. After receiving the findings of enquiry committee the appellant was served with Final Show Cause Notice, to which he replied, but his reply was found unsatisfactory. Besides, he was heard in person by the competent authority, but he failed to present any justification regarding to his innocence and after fulfillment the due codal formalities the appellant was awarded the major punishment of removal from service as per law/rules.
11. Correct, to the extent that departmental appeal submitted by the appellant was thoroughly examined and rejected on sound grounds. (Copy of rejection order is attached as annexure "G")
12. Incorrect and rejected. The appellant not come to this Honorable Tribunal with clean hands.

#### GROUND:-

- A. Incorrect and rejected. The appellant was treated in accordance with law as preview in the article No. 4 of the constitution and an other law enforce of the subject.
- B. Incorrect and rejected. Proper departmental enquiry was initiated against the appellant, as he was issued Charge Sheet and Summary of Allegations to which he replied. After receiving the findings of enquiry committee, the appellant was served with Final Show Cause Notice to which he replied, but his reply was found unsatisfactory by the competent authority. Besides he was also heard in person in orderly room, but he failed to present any justification before the


competent authority regarding to his innocence. The plea of non participation with enquiry proceeding of the appellant is after thought story as it is evident from the Charge Sheet and Final Show Cause Notice and his replies that the appellant was solely participated with the enquiry proceeding.

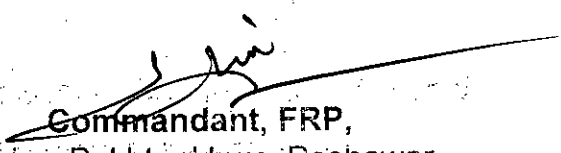
- C. Incorrect and rejected. As during the course of enquiry an ample opportunity for personal hearing was already provided to the appellant to which he availed too, but he failed to satisfy the competent authority during the course of personal hearing.
- D. Incorrect and rejected. The appellant was arrested by the Khasadar Force with red-handed from the spot and therefore a criminal case vide FIR No. 3239, dated 21.12.2017 was register against the appellant alongwith others.
- E. Incorrect and rejected. As the appellant was dealt with proper departmental proceedings under the relevant law i.e Police Rules 1975 (amended 2014), which is fully adhered to the appellant.
- F. Incorrect and rejected. That the appellant was issued Charge Sheet alongwith Statement of Allegations and Enquiry Committee was constituted to unearth the actual facts. During the course of enquiry The Enquiry Committee procured the CDR report of the appellant, which is a strong evident against him and through the CDR the allegations was properly proved and therefore, the appellant was held responsible for the alleged charges leveled against him. After fulfillment the due codal formalities the appellant was dismissed from service by the competent authority. The penalty awarded to the apellant is commensurate with the gravity of the appellant and in accordance to law.
- G. Incorrect and rejected. That the appellant was involved in a moral turpitude nature criminal case being a member of disciplined force and during the course of enquiry the allegations leveled against him was proved against him and therefore the Enquiry Committee orrectly recommended for major punishment.
- H. Incorrect and rejected. That the appellant was remained absent from duty without prior permission of the competent authority and subsequently involved in the above mentioned criminal case. His relation with the drug mafia was also proved against him during the course of enquiry and after fulfillment the due codal formalities he was awarded the major punishment of dismissal from service according to law/rules, which is commensurate with the gravity of the appellant and his grass misconduct.
- I. Incorrect and rejected. The long service is not a cogent ground for reinstatement in service. Besides the allegations leveled against the appellant was proved against him during the course of enquiry as the appellant being a member of ideal police force involved in moral turpitude offence to which he developed links with the drug mafia and which is a gross misconduct on his part, therefore, he was awarded the major punishment of dismissal from service.
- J. Incorrect and rejected that his reply of Charge Sheet and departmental appeal were thoroughly examined by the respondents and found unsatisfactory.

- K. Incorrect and rejected. The penalty awarded to the appellant is commensurate with the gross misconduct of the appellant so in view of his miss conduct and subsequent enquiry proceedings the instant appeal liable to be dismissed.
- L. Incorrect and rejected. The appellant was dismissed from service due to his gross misconduct and to which has been absolutely proved against him during the course of enquiry.
- M. The respondent may also be permitted to create additional grounds at the time arguments.

**PRAYERS:-**

It is therefore, most humbly prayed that in the light of aforesaid facts/submission the instant service appeal may kindly be dismissed with cost.

  
Superintendent of Police, FRP,  
Peshawar Range, Peshawar  
(Respondent No.2)

  
Commandant, FRP,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1) *etc*



Letter no 3531/R Dsp Dated 27.02.2018 FRP/HQrs

CALL TYPE	MSISDN ID	START TIME	NUMBER	MINS	SECS	TIME	SITE ADDRESS
Call - Outgoing	923005711140	12/18/2017 17:22:43	03109670701	0	22	355100000216260	Dab Banda, Mohallah Kashmirian
Call - Outgoing	923005711140	12/18/2017 17:41:05	03109670701	0	36	355100000216260	Village Mir Ahmed Shah New Police
Call - Outgoing	923005711140	12/18/2017 17:53:50	03109670701	0	49	355100000216260	Sarushah Coverage site - Takhtbhai
Call - Outgoing	923005711140	12/18/2017 18:09:03	03179967549	0	46	355100000216260	Thaket bhai Mardan
Call - Outgoing	923005711140	12/18/2017 18:15:07	03109670701	0	13	355100000216260	Thaket bhai Mardan
Call - Incoming	923005711140	12/18/2017 18:16:22	3109670701	0	22	355100000216260	Thaket bhai Mardan
Call - Outgoing	923005711140	12/18/2017 20:03:09	03158030629	0	23	355100000216260	Thaket bhai Mardan
Call - Outgoing	923005711140	12/18/2017 20:05:46	03127575758	0	46	355100000216260	Thaket bhai Mardan
Call - Incoming	923005711140	12/19/2017 15:17:36	3159398124	0	52	355100000216260	Japan bussines Center,
Call - Outgoing	923005711140	12/19/2017 15:32:05	1103159398124	10	17	355100000216260	Judical Complex, Pehsawar
Call - Incoming	923005711140	12/19/2017 16:33:18	3159398124	0	39	355100000216260	Pajagi RD Near Shama cinema
Call - Incoming	923005711140	12/19/2017 17:02:39	3119200764	0	47	355100000216260	HUJRA MALIK ABDULLAH JAN
Call - Incoming	923005711140	12/19/2017 18:57:13	3169622699	3	21	355100000216260	Judical Complex, Pehsawar
Call - Incoming	923005711140	12/20/2017 09:38:49	3169622699	0	13	355100000216260	Firdous Dalazak Road Peshawar
Call - Incoming	923005711140	12/20/2017 13:16:05	3109516721	1	50	355100000216260	Shams plaza, chowk shadi pir,
Call - Incoming	923005711140	12/20/2017 16:37:10	3379715943	0	9	356164072498560	Aslam khan market, malakand road,

د

ع

بیل برصیح فری 2590 FRP/PR

فری (20) و فری صیح

Attested

*[Signature]*  
DSP FRP/E.O

Attested

*[Signature]*  
INSPI FRP/E.O

P-5

د کس طرح جائے

BR

'C' 'D'

3

**CHARGE SHEET U/R 6(1)(A) NWFP (NOW KHYBER PAKHTUNKHWA)**  
**POLICE RULES 1975.**

You **Constable Daud No.3148** posted at FRP/Peshawar Range, Peshawar is hereby charged for committing the following Omission/Commissions.

This office intimated by office of the Superintendent of Police HQrs: Peshawar vide letter No.02-3/PA dated 01.01.2018 that **Constable Daud No.3148** of FRP Peshawar Range has been arrested by the Levis at Takht Baig check post in narcotics & recovered one (01) Kilogram heroin from his possession.

Your reply should reach to the enquiry officer within (7) days from date of receipt of this charge Sheet, failing with Ex-part proceeding shall be initiated against you.

**SUMMERY/STATEMENT OF ALLEGATION**

This office intimated by office of the Superintendent of Police HQrs: Peshawar vide letter No.02-3/PA dated 01.01.2018 that **Constable Daud No.3148** of FRP Peshawar Range has been arrested by the Levis at Takht Baig check post in narcotics & recovered one (01) Kilogram heroin from his possession. Your reply should reach to the inquiry officer within (7) days from date of receipt of this charge Sheet, failing with Ex-part proceeding shall be initiated against you.

دود سومری  
شعبہ انسداد دہشت گردی  
پشاور

*[Handwritten signature]*

*[Handwritten signature]*

Superintendent of Police, FRP  
Peshawar Range, Peshawar.

NIC # 17102-6054117-3  
mobile # 0315-9398124

P-9

date 09/01/2018

1 D 3

3

**ORDER OF ENQUIRY AGAINST CONSTABLE DAUD NO.3148, CONTAINED  
UNDER SUB.RULE 4, OF RULE 5 OF NWFP (NOW KHYBER  
PAKHTUNKHWA)(E&D) RULES 1975.**

It has been made to appear before me that accused Constable Daud No.3148 is prima-facie guilty of the following charges to be dealt with under General Police proceedings contained u/r 5(4) of NWFP Rules (E&D) 1975.

This office intimated by office of the Superintendent of Police HQrs: Peshawar vide letter No.02-3/PA dated 01.01.2018 that **Constable Daud No.3148** of FRP Peshawar Range has been arrested by the Levis at Takht Baig check post in narcotics & recovered one (01) Kilogram heroin from his possession.

The act of accused official falls within the ambit of misconduct within the meaning of rules 2 (iii) rules 1975 and is liable to be proceeded with under the General police proceedings, contained in Police Rules 1975.

From the above charge, I am convinced that the said official has ceased to become efficient and it accused of gross misconduct therefore, I Superintendent of Police FRP/Peshawar Range, Peshawar being authorized officer within the meaning of 2(ii) of the said rules nominate Inquiry Officer. DSP. Noor Zamin Shah Khan <sup>Et</sup> to inquiry into the charge, levelled against him. Inspector Asad Yousof FRP/PR

The inquiry officer after completing all inquiry proceedings, shall forward the verdict/Findings to the undersigned within due dated period of 10-days contained U/S 6 (5) of the rules.

Charge sheet and summary of allegations against the accused officer, are being issued separately, reply where of shall be submitted before the inquiry officer within the period of 07. days from date of receipt.



(Jehanzeb Khan)  
Superintendent of Police, FRP  
Peshawar Range, Peshawar.

No. 17 /PA dated Peshawar Range the 03 / 01 /2018.

Copy to:-

Inquiry Officer. DSP. Noor Zamin Shah Khan

<sup>Et</sup>  
Inspector Asad Yousof FRP/PR



'E'  
20

FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.

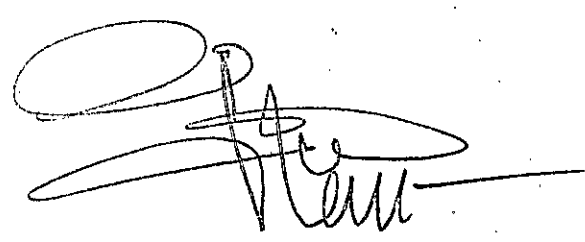
I, Superintendent of Police FRP Peshawar Range Peshawar, as competent authority do hereby serve you Constable Daud No.3148, of FRP/PR Peshawar.

- 1) I. That consequent upon the completion of inquiry conducted against you by DSP/Noor Zameen Shah of FRP/HQrs: and Inspector Asad Yousaf of FRP/PR for which you were given full opportunity of hearing. On going through the finding/recommendations of the inquiry officers the material available on record and other connected papers I am satisfied that you have committed the following acts/omissions per police rules 1975.

This office intimated by office of the Superintended of Police HQrs: Peshawar vide letter No.02-3/PA dated 01.01.2018 that you Constable Daud No.3148 of FRP Peshawar Range, has been arrested by the Levis at Takht Baig check post in Narcotics & recovered one (01) Kilogram heroin from your possession. Your this act amount to gross miss-conduct and punishable.

- 2) Therefore, I Superintendent of Police FRP/PR Peshawar as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said Rules.
- 3) You are, therefore, required to Show Cause as to why penalty should not be imposed upon you.
- 4) If no reply to Final Show Cause Notice is received within the fifteen days of it delivered in the normal course of circumstance, it shall be presumed that you have no defense to put in and consequently ex-parte action shall be taken against you.

Urdu signature  
Daud  
17102-6054117-3  
0315-9398124



Superintendent of Police, FRP Peshawar Range, Peshawar.

No. 181 /PA, dated Peshawar the 29 / 03 / 2018.

جناب عالی!

بحوالہ مشمولہ انکوائری کاغذات برخلاف کنسٹیبل داؤد نمبر 3148 ایف آر پی پشاور ریجن پشاور معروض خدمت ہوں کہ مذکورہ کنسٹیبل کے متعلق جناب SP صاحب ہیڈ کوارٹر نے بحوالہ لیٹر نمبر 02-03/PA مورخہ 01.01.2018 پر تحریر کیا ہے۔ ایک مذکورہ کنسٹیبل کو دیگر کسان کے ساتھ لیویز نے تختہ بیگ چیک پوسٹ پر ایک کلوگرام ہیروئن برآمد ہونے پر گرفتار کیا ہے۔ آمدہ لیٹر پر جناب SP صاحب FRP پشاور ریجن پشاور نے مذکورہ کنسٹیبل کو معطل لائن کرنے اور ساتھ ہی مذکورہ کنسٹیبل کے خلاف چارج شیٹ و سمری آف الگیشن جاری کر کے کاغذات برائے انکوائری ہم DSP نور زمین شاہ اور انسپکٹر اسد یوسف کو بحوالہ کئے۔

دوران انکوائری چارج شیٹ و سمری آف الگیشن حسب ضابطہ بذریعہ DHC شاہ کر اللہ بحوالہ لیٹر نمبر 265/R/DSP مورخہ 08.01.2018 کو مذکورہ کنسٹیبل پر تقسیم کرنے کی غرض سے دفتر پولیٹیکل ایجنٹ خیبر ایجنسی پشاور بھجوا یا جو کہ پولیٹیکل ایجنٹ خیبر ایجنسی پشاور کی اجازت سے مذکورہ کنسٹیبل پر تقسیم کی گئی۔ جو کہ مذکورہ نے بذات خود وصول کر کے وصولی کی نسبت اپنے دستخط ثبت کر کے شناختی کارڈ نمبر و موبائل نمبر درج کیا ہے۔ DHC شاہ کر اللہ نے پولیٹیکل تحصیل دار جرود کے دفتر سے مذکورہ کنسٹیبل کے خلاف درج شدہ رپورٹ کی تصدیق شدہ فوٹو کاپی حاصل کر کے پیش کی جو کہ ہمراہ لف ہے۔

پولیٹیکل تحصیل دار کی رپورٹ نمبر Jamrud 3239/PT مورخہ 21.12.2018 کے ملاحظہ سے معلوم ہوا کہ مورخہ 21.12.2017 کو پوسٹ کمانڈر تحت بیگ چیک پوسٹ نے ابتدائی رپورٹ پیش کر کے اپنی رپورٹ میں تحریر کیا کہ 21.12.2018 پر تحت بیگ چیک پوسٹ کو خفیہ اطلاع ملی کہ گاڑی نمبر 7830 الٹو جرود کی طرف سے آئیگی اور اس میں منشیات ہے۔ گاڑی کو مسمی محمد ریاض ولد شریف خان سکے خرکی خیل جرود چلا رہا تھا۔ گاڑی میں تین بندے اور سوار تھے۔ (1) راج ولی ولد فقیر حسین سکے خزانہ پایان (2) ابراہیم گل ولد گل روزق سکے مردان (3) محمد داؤد ولد عبدالجلیل سکے چارسدہ۔ تلاشی کے دوران راج ولی ولد فقیر حسین سے 01 کلوگرام ہیروئن برآمد ہوئی۔ چاروں آزاد کو بمعہ گاڑی اور بمعہ 01 کلوگرام ہیروئن جرود تحصیل چالان کیا گیا۔ رپورٹ ہمراہ لف ہے۔

اندریں سلسلہ بحوالہ لیٹر نمبر 701/R/DSP مورخہ 23.01.2018 پر HC امر علی شاہ نمبر 774 کو سٹریل جیل پشاور بھجوا کر مذکورہ کنسٹیبل سے چارج شیٹ پر تحریری بیان لیا گیا۔ کنسٹیبل داؤد نمبر 3148 نے اپنے بیان میں تحریر کیا ہے کہ وہ اپنے دوست کنسٹیبل ابراہیم نمبر 2590 ایف آر پی پشاور ریجن کے ساتھ کچھ سامان خریدنے کے لئے علاقہ جرود گئے تھے کہ واپسی پر جم بازار میں ایک لوکل ٹیکسی میں بیٹھے اور اس دوران ایک اور سواری بھی گاڑی میں بیٹھ گئی۔ تختہ بیگ چیک پوسٹ پر لیویز اخلاص

دارفورش نے گاڑی کو روک کر تلاشی لی اس دوران گاڑی میں بیٹھنے والی سواری سے کچھ ہیرنوں برآمد ہوئی۔ جس کا نام بعد میں راج ولی ولد فقیر حسین معلوم ہوا۔ لیکن لیویز نے تفتیش کی غرض سے سب کو گرفتار کر لیا۔ راج ولی کے ساتھ کسی قسم کا کوئی تعلق نہیں ہے۔ بیان ہمراہ لف ہے۔

دوران انکوائری مزید معلومات کی غرض سے وقتاً فوقتاً لیٹر نمبر 972/R/DSP مورخہ 30.01.2018 پر روانہ نمبر 04/R مورخہ 15.02.2018 اور پروانہ نمبر 11/R مورخہ 14.03.2018 دفتر پولیٹیکل ایجنٹ خیبر ایجنسی پشاور بھجوا گیا اور کیس کا مکمل ریکارڈ طلب کیا گیا لیکن اس کیس کے دوران صرف منشیات کے متعلق FSL سے لی گئی رپورٹ ارسال ہو کر موصول ہوئی۔ FSL رپورٹ میں منشیات کو میرون قرار دیا گیا ہے رپورٹ ہمراہ لف ہے۔ مزید معلوم ہوا کہ مقدمہ درج بالا میں گرفتار مسمی راج ولی ولد فقیر حسین سکھ خزانہ پایاں پشاور نے دوران گرفتاری جرم قبول کیا ہے۔ اور کنسٹیبل ابراہیم نمبر 2590، داؤد نمبر 3148 اور ڈرائیور ریاض ولد شریف خان سکھ لکی خیل جرود کو مورخہ 12.03.2018 پر پولیٹیکل ایجنٹ ایسٹن جی خیبر ایجنسی پشاور نے جرم درج بالا میں معصوم قرار دیکر بری کرنے کا حکم صادر کیا ہے۔ فیصلہ کی تصدیق شدہ نقل حاصل کر کے ہمراہ لف ہے۔

اندریں سلسلہ ساتھی کنسٹیبل ابراہیم نمبر 2590 کے موبائل نمبر 03005711140 CDR حاصل کرنے کی غرض سے ایک تحریری لیٹر نمبر 3531/R/DSP مورخہ 27.02.2018 نکارج CKC برانچ پشاور کو بھجوا گیا۔ اور مورخہ 18.12.2017 تا مورخہ 21.12.2017 تک CDR طلب کیا گیا۔ جو کہ CKC برانچ پشاور سے موصول ہوا۔ مذکورہ کنسٹیبل کے CDR کے ملاحظہ سے معلوم ہوا کہ مذکورہ کنسٹیبل ابراہیم نمبر 2590 کا کنسٹیبل داؤد نمبر 3148 کے موبائل نمبر (0315.9398124) اور مسمی راج ولی ولد فقیر حسین سکھ خزانہ پایاں پشاور کے ساتھ اس کے موبائل نمبر (03169622699) پر گرفتاری کی تاریخ مورخہ 21.12.2017 سے قبل مورخہ 19.12.2017 اور مورخہ 20.12.2017 پر رابطے ہوئے ہیں۔ جس سے یہ بات ثابت ہوتی ہے کہ ملزم راج ولی ولد فقیر حسین کو بر دو کنسٹیبلان ابراہیم اور داؤد مقدمہ درج بالا میں ایک ساتھ گرفتار ہونے سے پہلے سے جانتے تھے۔ اور ان کا آپس میں تعلق تھا۔ CDR ہمراہ لف فلیگ "A" ہے۔ اسی سلسلہ میں مذکورہ کے ساتھی کنسٹیبل ابراہیم نمبر 2590 نے دوران انکوائری کر اس سوالات کے جوابات کے دوران قبول کیا کہ وہ اور کنسٹیبل داؤد نمبر 3148 گرفتار ہونے سے پہلے سے مسمی راج ولی کو جانتے تھے۔ لیکن بدنامی کے ڈر سے منکر ہوئے۔ کنسٹیبل ابراہیم سے دوران انکوائری کئے گئے سوالات کی نقل ہمراہ لف فلیگ "B" ہے۔ دوران انکوائری کنسٹیبل داؤد نمبر 3148 سے کئے گئے کر اس سوالات اور مذکورہ کنسٹیبل کی طرف سے دئے گئے جوابات کی تفصیل ذیل ہیں۔

س نمبر 1:- کیا آپ راج ولی ولد فقیر حسین سکھ خزانہ پایان پشاور جو کہ آپ کے ساتھ تختہ بیگ چیک پوسٹ پر منشیات کے گرفتار ہوا تھا کو جانتے ہیں؟ کیس میں

ج نمبر 1:- گرفتاری سے قبل میں اس کو نہیں جانتا تھا۔ گرفتاری کے بعد راج ولی سے جان پہچان ہوئی۔ (نشان انگشت)

س نمبر 2:- کب سے راج ولی ولد فقیر حسین سکھ خزانہ پایان کے ساتھ تعلق ہے؟

ج نمبر 2:- گرفتاری کے بعد مورخہ 21.12.2017 پر اس کو پہلی بار دیکھا۔ (نشان انگشت)

س نمبر 3:- آپ کے زیر استعمال کون کون سے موبائل نمبرات ہیں؟

ج نمبر 3:- میرے زیر استعمال ذیل نمبرات ہیں - (1) 03159398124 (نشان انگشت)۔

(2) 03018987754

(نشان انگشت)۔ (3) 03018947309 (نشان انگشت)۔

س نمبر 4:- کیا راج ولی کے ساتھ آپ کا موبائل کے ذریعے کبھی رابطہ ہوا ہے؟

ج نمبر 4:- میرا راج ولی کے ساتھ کبھی رابطہ نہیں ہوا۔ (نشان انگشت)

س نمبر 5:- راج ولی کے زیر استعمال موبائل نمبر کیا ہے؟

ج نمبر 5:- (1) 03169622699 راج ولی کے زیر استعمال۔ (2) 03485747578 جبکہ اس کے گھر میں

موبائل

نمبر۔ ہر دو نمبرات کیساتھ نشان انگشت

س نمبر 6:- آپ کو راج ولی کے زیر استعمال موبائل نمبرات کیسے ملے؟

ج نمبر 6:- سنٹرل جیل پشاور میں اس نے دیے تھے۔ (نشان انگشت)

س نمبر 7:- آپ خیر اکتھنسی کے علاقہ میں کس مقصد کے لئے گئے تھے؟ جب آپ وہاں گرفتار ہو گئے؟

ج نمبر 7:- کچھ خریداری کارخانوں مارکیٹ سے کی تھی۔ اور جم کے علاقہ میں جنریٹر خریدنے کے لئے گئے تھے۔ جنریٹر نہیں

خریدا

(نشان انگشت)

س نمبر 8:- آپ اور کنٹریبل ابراہیم نمبر 2590 پشاور میں کس جگہ رہائش پذیر ہیں؟

ج نمبر 8:- ڈیوٹی سے فارغ ہونے کے بعد میں اور کنٹریبل ابراہیم نمبر 2590 مکہ ٹاور نوڈ گورنمنٹ کالج پشاور ایک کمرہ میں

رہائش

پذیر ہیں۔ (نشان انگشت)

س نمبر 9:- کیا راج ولی ولد فقیر حسین نے کمرہ میں آپلوگوں کی کچھ خدمت وغیرہ کی ہے؟  
ج نمبر 9:- میں نے راج ولی ولد فقیر حسین کو کمرہ میں کبھی نہیں دیکھا۔ (نشان انگشت)

جناب عالی!

کنشیل داؤد نمبر 3148 مقدمہ درج بالا میں پولیٹیکل ایجنٹ اسیشن جج خیرا تیکسی پشاور کے حکم پر سٹرل جیل پشاور سے بد میں وجہ بری کیا گیا، کیونکہ مسمی راج ولی ولد فقیر حسین سکنہ خوانہ پایان پشاور نے اقرار جرم کر لیا تھا۔ اور کنشیل ابراہیم نمبر 2590، و کنشیل داؤد نمبر 3148 اور ڈرائیور محمد ریاض (ہیڈ کنشیل کرائم برانچ پشاور) سے لا تعلقی کا اظہار کیا تھا۔ اب چونکہ CDR ہمراہ لف

فلگ A کی رو سے اور کنشیل ابراہیم نمبر 2590 کے جوابات ہمراہ لف فلگ B سے یہ بات ثابت ہو چکی ہے کہ کنشیل ابراہیم نمبر 2590، و کنشیل داؤد نمبر 3148 ملزم راج ولی مذکورہ کو وقوعہ سے کئی عرصہ قبل سے جانتے تھے۔ اور ان کا آپس میں تعلق تھا۔ مذکورہ کنشیل گرفتاری سے قبل مورخہ 20.12.2017 سے اپنی ڈیوٹی سے غیر حاضر تھا۔ مذکورہ کنشیل اپنی سرکاری ڈیوٹی چھوڑ کر خیرا تیکسی علاقہ جرمود گیا تھا۔ اور دوران غیر حاضری مورخہ 21.12.2017 کو جرم درج بالا میں تحتہ بیگ چیک پوسٹ پر لیوینے ایک کلوگرام ہیرون برآمد ہونے پر دیگر کسان کنشیل ابراہیم نمبر 2590 و ڈرائیور محمد ریاض (ہیڈ کنشیل کرائم برانچ پشاور) اور مسمی راج ولی ولد فقیر حسین سکنہ خوانہ پایان کے ہمراہ ایک ہی دن، ایک ہی وقت، ایک ہی جگہ ایک ہی گاڑی آلتو سے گرفتار کیا۔ جس سے صاف ظاہر ہے کہ کنشیل ابراہیم نمبر 2590، کنشیل داؤد نمبر 3148 اور راج ولی ولد فقیر حسین (جس نے اقرار جرم کیا) سب کی نیت اور غرض مشترک تھی۔ اور ہر جگہ پر انہوں نے راج ولی سے لا تعلقی ظاہر کر کے اپنے آپ کو بچانے کی کوشش کی ہے۔ نیز مذکورہ کنشیل نے چارج شیٹ کے جواب میں بتلایا ہیکہ کہ وہ جم بازار میں کچھ سامان خریدنے گئے تھے جبکہ دوران گرفتاری لیویز فورس کو بیان دیتے ہوئے بتلایا ہیکہ کہ وہ دوستوں سے ملنے کے لئے گئے تھے نقل بیان ہمراہ لف ہے۔ نیز دوران انکوائری کر اس سوالات کے دوران مذکورہ نے بتلایا کہ وہ جرمود بازار میں جزیٹ خریدنے کے لئے گئے تھے۔ جس سے مذکورہ کنشیل کے بیانات میں تضاد اور جھوٹ ثابت ہوتا ہے۔ یہ کنشیلان جرم درج بالا میں ملوث ہو کر محکمہ پولیس کی بدنامی کا باعث بنے۔ ایسے ملازمین کا محکمہ پولیس میں رہنا دیگر ملازمین پر بہت بُرے اثرات مرتب کر سکتا ہے۔

نیز اسی جرم میں استعمال ہونے والی گاڑی آلتو کے ڈرائیور محمد ریاض (ہیڈ کنشیل کرائم برانچ پشاور) کے ساتھ کنشیل ابراہیم نے رہائی کے بعد مورخہ 13.03.2018 تا مورخہ 21.03.2018 کے دوران اپنے نمبر

فلگ A کی رو سے اور کنسٹیبل ابراہیم نمبر 2590 کے جوابات ہمراہ لف فلگ B سے یہ بات ثابت ہو چکی ہے کہ کنسٹیبل ابراہیم نمبر 2590، کنسٹیبل داؤد نمبر 3148 ملزم راج ولی مذکورہ کو وقوعہ سے کئی عرصہ قبل سے جانتے تھے۔ اور ان کا آپس میں تعلق تھا۔ مذکورہ کنسٹیبل گرفتاری سے قبل مورخہ 20.12.2017 سے اپنی ڈیوٹی سے غیر حاضر تھا۔ مذکورہ کنسٹیبل اپنی سرکاری ڈیوٹی چھوڑ کر خیبر ایجنسی علاقہ جمرو گیا تھا۔ اور دوران غیر حاضری مورخہ 21.12.2017 کو جرم درج بالا میں تحتہ بیگ چیک پوسٹ پر لیویز نے ایک کلوگرام ہیرون برآمد ہونے پر دیگر کسان کنسٹیبل ابراہیم نمبر 2590 و ڈرائیور محمد ریاض (ہیڈ کنسٹیبل کرائم برانچ پشاور) اور مسمی راج ولی ولد فقیر حسین سکنہ خزانہ پایان کے ہمراہ ایک ہی دن، ایک ہی وقت، ایک ہی جگہ ایک ہی گاڑی آٹو سے گرفتار کیا۔ جس سے صاف ظاہر ہے کہ کنسٹیبل ابراہیم نمبر 2590، کنسٹیبل داؤد نمبر 3148 اور راج ولی ولد فقیر حسین (جس نے اقرار جرم کیا) سب کی نیت اور غرض مشترک تھی۔ اور ہر جگہ پر انہوں نے راج ولی سے لائق ظاہر کر کے اپنے آپ کو بچانے کی کوشش کی ہے۔ نیز مذکورہ کنسٹیبل نے چارج شیٹ کے جواب میں بتلایا ہے کہ وہ جم بازار میں کچھ سامان خریدنے گئے تھے جبکہ دوران گرفتاری لیویز فورس کو بیان دیتے ہوئے بتلایا ہے کہ وہ دوستوں سے ملنے کے لئے گئے تھے نقل بیان ہمراہ لف ہے۔ نیز دوران انکوائری کر اس سوالات کے دوران مذکورہ نے بتلایا کہ وہ جمرو بازار میں جزیر خریدنے کے لئے گئے تھے۔ جس سے مذکورہ کنسٹیبل کے بیانات میں تضاد اور جھوٹ ثابت ہوتا ہے۔ یہ کنسٹیبلان جرم درج بالا میں ملوث ہو کر محکمہ پولیس کی بدنامی کا باعث بنے۔ ایسے ملازمین کا محکمہ پولیس میں رہنا دیگر ملازمین پر بہت بُرے اثرات مرتب کر سکتا ہے۔

نیز اسی جرم میں استعمال ہونے والی گاڑی آٹو کے ڈرائیور محمد ریاض (ہیڈ کنسٹیبل کرائم برانچ پشاور) کے ساتھ کنسٹیبل ابراہیم نے رہائی کے بعد مورخہ 13.03.2018 تا مورخہ 21.03.2018 کے دوران اپنے نمبر 03379715943 سے ہیڈ کنسٹیبل محمد ریاض متعینہ کرائم برانچ پشاور کے ساتھ اُس کے موبائل نمبر 03077126426 پر (6) بار رابطہ کیا ہے۔ لہذا ہو سکتا ہے کہ گرفتاری سے قبل بھی ان کا آپس میں رابطہ ہو۔

کنسٹیبل داؤد نمبر 3148 کی غیر حاضری کے متعلق علیحدہ سے انکوائری شروع ہے۔ لہذا اس انکوائری میں مذکورہ کنسٹیبل کو سنگین سزا دینے کی سفارش کی جاتی ہے۔

ORDER

30 (15) Arisad Ag

This order will dispose of the departmental appeal preferred by Ex- constable Daud No. 3148 of FRP Peshawar Range against the order of dismissal from service passed by SP FRP Peshawar Range, Peshawar vide Order Endst: No. 188-92/PA, dated 06.04.2018. The applicant was proceeded against on the allegations that he absented himself from law full duty with effect from 19.12.2017 to 26.03.2018 for total period of (97) days, without any leave/permission of the Competent Authority.

Proper departmental enquiry was initiated against him. He was issued Charge Sheet alongwith Summary of Allegations and Line Officer Zahid Khan of FRP Peshawar Range was nominated as Enquiry Officer to conduct proper enquiry against him. The charge Sheet served upon him, to which he replied, but his reply was found unsatisfactory by the Enquiry Officer. After completion of Enquiry the Enquiry Officer submitted his findings.

In the meanwhile reportedly the delinquent constable alongwith other constable Ibrahim No. 3148 of FRP Peshawar Range, have been arrested by the Levis/Khasadar at Takht Baig Check Post on 21.12.2017, being involved in the smuggling of Narcotics (heroin) and wherein one Kg heroin was recovered form their possession. Afterward the accused constable was suspended vide order No. 08-10/PA, dated 03.01.2018 and closed to FRP Police Line Peshawar.

On the allegations of above a separate Charge Sheet alongwith Summary of Allegations was issued and an Enquiry Committee comprising of DSP/Noor Zamin Shah of FRP/HQrs: & Inspector/Asad Yousaf of FRP Peshawar Range was constituted vide office order No. 17/PA, dated 03.01.2018. The Charge Sheet Served upon him to which he replied.

After conducting proper departmentally the Enquiry Committee submitted their findings, wherein they reported that on 21.12.2017, on tip of information the Khasadar party of Takht Baig Check Post was stopped an alto motor car bearing No. LRG-7830, which was on its way form Jamrud towards Peshawar for checking purpose. The said Motor Car was drive by one Muhammd Raiz S/O Shareef Khan while Raj Wali S/O Fageer Hussain alongwith the accused constables Ibrahim No. 2590 and Daud No. 3148, of FRP Peshawar Range were also found ride in Motor Car. During the search 01 KG heroin was recovered from their possession and the Levis authority arrested them form the spot for investigation purposes. During the custody the accused constables denied regarding to relation with accused Raj Wali who confessed the offence, therefore, the accused constables alongwith the said driver Muhammad Riaz were equated from the criminal case by the Court of Political Agent/Session Judge, Khyber Agency, while accused Raj Wali was found guilty under section 9(c) CNSA, 1997, hence, convicted and sentenced for the period already undergone to suffer imprisonment with a fine of Rs. 20,000/- or in default of payment of fine further to undergo 02 months Suffer Imprisonment.

During the course of departmental Enquiry CDR report of the accused constables were procured, which shows that the accused constables were developed links with the accused/offender Raj Wali as they contacted so many times i.e on 19.12.2017 and 20.12.2017, before the involvement in the above criminal case. The CDR report proved their closed relations with each others for the purpose of the smuggling of Narcotics (Heroin). However, the accused constables denied form relations with accused Raj Wali in their Statements. According to CDR report there is clear contradiction has been found in their statements. After going through the available record the Enquiry Committee has been found the accused constable Ibrahim No. 2590 guilty of the charges leveled against him. He being a member of ideal Police force involved in a moral turpitude nature offence vis-a vis developed links with the drug mafia. Therefore, the Enquiry Committee recommended him for major punishment.

After receiving the findings of Enquiry Committee he was issued/served with Final Show Cause Notice vide office No. 152/PA, dated 29.03.2018 to which he replied but his reply was found unsatisfactory. He was called for personal hearing in orderly room, but did not satisfy the Competent Authority.

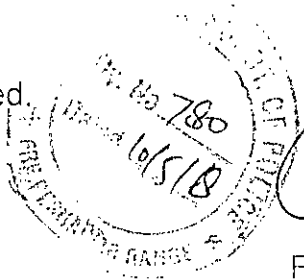
Upon the findings of Enquiry Committee and other relevant material available on record, he was awarded major punishment of dismissal from service vide Order Endst: No. 183-87/PA, dated 06.04.2018.

Feeling aggrieved against the impugned order of SP FRP Peshawar Range, Peshawar, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 08.05.2018. During the course of personal hearing he could not present any cogent justification for his innocence.

Keeping in view the facts mentioned above the applicant has been found to be an irresponsible person, disregarded of discipline of the force. From perusal of the enquiry file and the service record of the applicant, it is abundantly clear that the delinquent official has been found involved in a criminal case with the intent of moral turpitude. Such conduct on the part of a police officer is bound to tarnish the image of the entire force.

Based on the findings narrated above, I, Capt (R) Tahir Ayub Khan PSP Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being meritless.

Order Announced.



*[Handwritten Signature]*  
Commandant

Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar.

*[Handwritten notes in left margin:]*  
SDe  
received pls  
After  
SP/RR/MD  
10/5

No. 6434/52/EC, dated Peshawar the 10/05/2018.

Copy of above is forwarded for information and necessary action to the:-

1. SP FRP Peshawar Range, Peshawar. His service record alongwith D file sent herewith.
2. Ex- constalbe Ibrahim Gul No. 2590 S/O Gul Rauf Khan, Village Perano Daag, Police Station Takht Bahi, District Mardan.



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 633 /ST

Dated 29-3- / 2019

To


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

Subject: -

JUDGMENT IN APPEAL NO. 779/2018, MR. MUHAMMAD DAWOOD & OTHER.

I am directed to forward herewith a certified copy of Judgement dated 19.03.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.