BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 750/2018

Date of institution ... 29.05.2018
Date of judgment ... 19.02.2020

Constable Ahmad Nawaz No. 413 ... (Appellant)

VERSUS

1. The Inspector General of Police Khyber Pakhtunkhwa CPO Peshawar.
2. Deputy Inspector General of Police Khyber Pakhtunkhwa Kohat Region Kohat.
3. Additional Inspector General Peshawar.
4. District Police Officer Kohat. ... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 13.01.2017 WHEREBY THE APPELLANT HAS BEEN AWARDED MAJOR PENALTY OF COMPULSORY RETIREMENT AND THE REJECTION OF DEPARTMENTAL APPEAL AND ORDER DATED 04.12.2017 AND FINAL ORDER DATED 08.05.2018 WHEREBY THE MERCY REVISION PETITION HAS BEEN REJECTED.

Miss. Uzma Syed, Advocate. .. For appellant.
Mr. Riaz Ahmad Paindakheil, Assistant AG .. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. HUSSAIN SHAH .. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Appellant alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant Advocate General alongwith Mr. Arif Saleem, ASI for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Police Department. He was imposed major penalty of compulsory retirement vide order dated

13.01.2017 on the allegation of absence from duty and involved in case FIR No. 804 dated 27.08.2016 under sections 302/202/109/148/149 PPC Police Station MRS and FIR No. 811 dated 28.08.2016 under sections 223/224 PPC Police Station MRS. The impugned order dated 13.01.2017 was communicated to the appellant on 30.10.2017 as revealed from the copy of impugned order. The appellant filed departmental appeal on 28.11.2017 which was rejected vide order dated 06.12.2017, the appellant filed revision petition on ~~08.12.20~~17 which was rejected vide order dated 08.05.2018, hence, the present service appeal on 29.05.2018.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Police Department. It was further contended that the appellant was involved in case FIR No. 804 dated 27.08.2016 under sections 302/202/109/148/149 PPC Police Station MRS and FIR No. 811 dated 28.08.2016 under sections 223/224 PPC Police Station MRS. It was further contended that the appellant was acquitted by the competent court vide detailed judgment dated 13.11.2017. It was further contended that neither any charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor the appellant was associated in any inquiry proceeding nor any absence notice was issued to the appellant nor any absence notice/show-cause notice was published in any newspaper, therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was involved in the aforesaid criminal cases. It was further contended that the appellant remained absent from duty without the permission of lawful authority. It was further contended that the appellant was charge sheeted but he was absconder in the aforesaid criminal cases, therefore, he could not submit reply to the charge sheet. It was further contended that a show-cause notice was also issued to the appellant but the same was also not replied, therefore, it was vehemently contended that the appellant was rightly imposed major penalty of compulsory retirement by the competent authority after fulfilling all the codal formalities and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Police Department. He was involved in the aforesaid criminal cases and the respondent-department imposed major penalty of compulsory retirement on the allegation of his absence from duty and involvement in the aforesaid criminal cases. The record further reveals that the appellant was acquitted by the competent court vide detailed judgment dated 13.11.2017. The record further reveals that charge sheet was issued but the appellant was not properly served therefore, ex-parte inquiry was conducted against the appellant and on the basis of ex-parte inquiry dated 07.10.2016, he was imposed major penalty of compulsory retirement vide order dated 13.01.2017. The record further reveals that neither the appellant was associated in the said inquiry nor he was provided opportunity of cross examination nor any show-cause notice was issued to the

appellant nor copy of inquiry report was handed over to the appellant before passing the impugned order meaning thereby, that the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order, reinstate the appellant into service and direct the respondent-department to conduct de-novo inquiry in the mode and manner prescribed under Police Rules, 1975 with further direction to fully associate the appellant in inquiry proceeding and also provide him opportunity of cross examination and defence within a period of 90 days from the date of receipt of copy of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
19.02.2020

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

(HUSSAIN SHAH)
MEMBER

19.02.2020 Appellant alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant Advocate General alongwith Mr. Arif Saleem, ASI for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of four pages placed on file, we partially accept the appeal, set-aside the impugned order, reinstate the appellant into service and direct the respondent-department to conduct de-novo inquiry in the mode and manner prescribed under Police Rules, 1975 with further direction to fully associate the appellant in inquiry proceeding and also provide him opportunity of cross examination and defence within a period of 90 days from the date of receipt of copy of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
19.02.2020

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

(HUSSAIN SHAH)
MEMBER

HUSSAIN SHAH
MEMBER

29.07.2019 Appellant in person and Mr. Usman Ghani learned District Attorney alongwith Inayat Ullah H.C present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 23.10.2019 before D.B.

Member Member

23.10.2019 Miss. Uzma Syed Advocate submitted wakalat nama on behalf of appellant which is placed on file. Learned Addl: AG present.

Learned Addl; AG states that the instant appeal was assigned to learned Asstt: AG, who is not available today due to serious and sudden illness of his brother.

Adjourned to 13.12.2019 before the D.B

Member Chairman

13.12.2019 Lawyers are on strike as per the decision of All Pakistan Joint Lawyers Action Committee. Adjourn. To come up for further proceedings/arguments on 19.02.2020 before D.B

Member Member

01.03.2019 Mr. Muhammad Jan learned Deputy District Attorney present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 16.04.2019 before D.B

Member Member

16.04.2019 Learned counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 28.05.2019 before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

28.05.2019 Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the requested for adjournment. Adjourned to 29.07.2019 for arguments before D.B.

(HUSSAIN SHAH)
MEMBER

(M. AMIN KHAN KUNDI)
MEMBER

04.10.2018 Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 19.11.2018 before D.B.

(Hussain Shah)
Member

(Muhammad Hamid Mughal)
Member

19.11.2018 Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Ishaq Khan DSP legal present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourn. To come up for arguments on 08.01.2019 before D.B.

Member

Member

08.01.2019 Appellant in person and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Qaisar Alam H.C for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for rejoinder and arguments on 01.03.2019 before D.B

Member

Member

21.06.2018 Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that on the allegations of absence from duty disciplinary proceedings were initiated against him and upon conclusion major penalty of compulsory retirement was imposed on him vide impugned order dated 13.01.2017. Feeling aggrieved he filed departmental appeal on 28.11.2017 which was dismissed on 04.12.2017. That he filed review petition on 11.12.217 which was dismissed on 08.05.2018, hence, the instant service appeal. Apparently departmental appeal filed against the impugned order is time barred. An application for condonation of delay has also been submitted by the learned counsel for the appellant. Learned counsel for the appellant when confronted on the point of limitation contended that impugned order was void order and no limitation runs against a void order.

Appellant Deposited Security & Process Fee

Points urged need consideration. Admit, subject to limitation. Appellant is directed to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 26.07.2018 before S.B.

(AHMAD HASSAN)
MEMBER

26.07.2018 Counsel for the appellant Miss. Naila Jan, Advocate present. Mr. Muhammad Jan, DDA for respondents present. Written reply not submitted. Learned DDA made a request for adjournment. Granted. To come up for written reply/comments on 05.09.2018 before S.B.

Chairman

05.09.2018 Learned counsel for the appellant and Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Arif Saleem, Stenographer for the official respondents present. Written reply submitted on behalf of the respondents. To come up for rejoinder and arguments on 04.10.2018 before D.B.

(Muhammad Amin Kundi)
Member

Form-A

FORMOF ORDERSHEET

Court of_____

Case No. **750/2018**

S.No.	Date of order proceedings	Order or other proceedings with **signature** of judge
1	2	3
1	29/05/2018	The appeal of Mr. Ahmad Nawaz presented today by Naila Jan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR 29/5/18
2-	30/05/18.	This case is entrusted to S. Bench for preliminary hearing to be put up there on 08/06/18. CHAIRMAN
	08.06.2018	Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 21.06.2018 before S.B. (Ahmad Hassan) Member

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In S.A No. 750 /2018

Ahmad Nawaz

Versus

Inspector General Of Police Khyber Pakhtunkhwa and others

INDEX

Dated: 29/05/2018

Appellant

Through Naila Jan Advocate Peshawar High Court

Naila Jan

Advocate High Court

Peshawar.

(1)

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Khyber Pakhtukhwa Service Tribunal
Diary No. 1008
Dated 29-5-2018

In S.A No. 750 /2018

Constable Ahmad Nawaz No. 413.

----------(*Appellant*)

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa CPO Peshawar.
2. Deputy Inspector General Of Police Khyber Pakhtunkhwa. Kohat Region Kohat.
3. Additional Inspector General Peshawar.
4. District Police Officer Kohat.

----------(*Respondents*).

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 13/01/2017 WHEREBY THE APPELLANT HAS BEEN AWARDED MAJOR PENALTY OF COMPULSORY RETIREMENT AND THE REJECTION OF DEPARTMENTAL APPEAL AND ORDER DATED 04/12/2017 AND FINAL ORDER DATED 08/05/2018 WHEREBY THE MERCY REVISION PETITION HAS BEEN REJECTED.

Filed to-day
Registrar
29/5/18

Naila Jan Advocate
Peshawar High Court

Prayer:-

ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDERS DATED 13/01/2017, 16/12/2017 AND 08/05/2018 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED IN SERVICE WITH ALL BACK BENEFITS.

Respectfully Sheweth:-

Appellant submits as under:-

1. That the appellant was enlisted in the Police force in the year 1991 and since his appointment the appellant performed his duty with great zeal zest, honesty, devotion and to the entire satisfaction of the Respondents.

2. That the appellant came to know about his re-instatement in service by worthy Regional Police Officer on 26/08/2016 through some one after office hours and went to police line Kohat to report his arrival. When he reached his house at about 11 pm. he found his wife Mst. Farkhanda Bibi missing from the house. he

immediately started search for her but could not find her any where till next morning. On 27/08/2016 at about 07 Am, he learnt that a dead body was found in the fields of Baqi Zai so he went there and identified the dead body to be of his wife Farkhanda Bibi, he lodged the report vide FIR No. 804 dated 27/08/2016 U/S 302/202/109/148/149 PPC Police Station MRS Kohat with the Police on the spot against unknown accused for the murder of his wife. Due to this incident he could not report his arrival at the Police line. **(Copy of FIR is annexed as annexure "A")**

3. That the local Police called the appellant on 28/08/2016 with respect to the above mentioned FIR and the appellant went to Police Station whereby after some investigation the appellant was allowed to go home.

4. That the miseries of the appellant further aggravated when he was falsely charged by his father in law in the above criminal case on

Naila Jan Advocate
Peshawar High Court

29/08/2016 in his statement U/S 161 CrPC. **(Copy of statement is attached as annexure "B")**

5. That though the appellant went home on the permission of Police on 28/08/2016 one day before charging in the FIR No. 811 dated 27/08/2016, on 28/08/2016, however astonishingly another false case FIR No. 811 dated 28/08/2016, U/S 223/224 PPC was registered against the appellant which showed malafide on the part of the local Police. **(Copy of the FIR is attached as annexure "C")**

6. That the appellant was issued the impugned illegal order dated 13/01/2017 whereby the appellant was awarded major punishment of compulsory retirement. Without issuing charge sheet statement of allegation, show cause Notice or conducting regular or fact finding inquiry. **(Copy of order is attached as annexure "D")**

7. That aggrieved from the above order the appellant filed a Departmental Appeal which

was rejected on 16/12/2017. **(Copy of Departmental appeal and order is attached as annexure "E & F")**

8. That the appellant filed mercy petition/revision however the same was rejected on 08/05/2018. copy of mercy petition is annexure 'G'
(Copy of the order is attached as annexure "H")

9. That feeling aggrieved from the above mentioned orders the appellant now filling the instant appeal on following grounds:-

Grounds:

A. That the impugned orders are against the law, principle of natural justice and void abinitio hence liable to be set aside.

B. That the appellant has not been provided any opportunity of personal hearing or defence.

C. That no charge sheet statement of allegation show cause Notice has been issued which are mandatory hence the whole proceedings are illegal.

Naila Javid Advocate
Peshawar High Court

D. That though so called fact finding inquiry has been conducted at the back of the appellant but no statement of any witness has been recorded, nor did opportunity of cross examination provided to the appellant.

E. That the malafide of the local police while involving the appellant in the FIR No. 811 dated 28/08/2016 is evident from the fact that occurrence has been shown on 28/08/2016 the FIR was lodge on 28/082016 while the arrest card was issued on 29/08/2016 which is self contradictory. **(Copy of the arrest card is attached as annexure "E")**

F. That the appellant so called absence is not willful but for the reason above which does not amount to Mis-conduct.

G. That the appellant was acquitted honorably by the criminal court, hence no charge remain in field.

Naila Jan
Advocate
Peshawar High Court

H. That right of fair trial has not been provided to the appellant which is fundamental right of the appellant.

I. That the so called inquiry or proceeding against the appellant is neither in accordance with Police rules nor did in accordance with E & D rules 2011.

J. That the impugned orders are not speaking order hence liable to be set aside.

K. That the appellant seeks permission of this Hon'ble Tribunal to adduce other grounds during the course of arguments.

It is, therefore, requested that the appeal may kindly be accepted as prayed for.

Dated: 29/05/2018

Appellant

Through

Naila Jan Advocate
Peshawar High Court

Naila Jan

Advocate High Court
Peshawar.

NOTE:-
No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

Advocate.

Naila Jan Advocate
Peshawar High Court

"B"

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In S.A No. _____/2018

Ahmad Nawaz

Versus

Inspector General Of Police Khyber Pakhtunkhwa and others

AFFIDAVIT

I, **Constable Ahmad Nawaz No. 413**, do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Ayd

DEPONENT

Identified By:

Naila Jan Advocate
Peshawar High Court

Naila Jan

Advocate High Court
Peshawar.

ATTESTED
IRFAN ULLAH ADVOCATE
NOTARY PUBLIC
29

(9)

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In S.A No. _____/2018

Ahmad Nawaz

Versus

Inspector General Of Police Khyber Pakhtunkhwa and others

ADDRESSES OF PARTIES

APPELLANT.

Ex-Constable Ahmad Nawaz No. 413.

RESPONDENTS:

1. Inspector General of Police Khyber Pakhtunkhwa CPO Peshawar.
2. Deputy Inspector General Of Police Khyber Pakhtunkhwa ~~Kohat region~~ Kohat.
3. Additional Inspector General Peshawar.
4. District Police Officer Kohat.

Dated: 29/05/2018

Appellant

Through

Naila Jan Advocate High Court Peshawar

Naila Jan

Advocate High Court

Peshawar.

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In S.A No. _____/2018

Ahmad Nawaz

Versus

Inspector General Of Police Khyber Pakhtunkhwa and others.

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth,

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.

2. That the final impugned order was communicated to the appellant on 08/05/2018 and the instant appeal is within time, however if it would be considered time barred then the limitation is condonable on the following grounds:

Grounds:

A. That the impugned orders are void order and no limitation run against the void orders.

B. That the final order was communicated to the appellant on 08/05/2018

C. That the impugned order is void order and as per judgment of supreme Court of Pakistan there is no limitation runs against void order.

D. That there are number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.

It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.

Dated: 29/05/2018

Appellant

Through Naila Jan Adv

Naila Jan
Advocate, High Court
Peshawar

(18) (12)

فارم نمبر ۲۴-۵(۱)

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

ضلع کوہاٹ

تاریخ و وقت وقوعہ شب گزشتہ / آج

تاریخ و وقت رپورٹ 27/8/16 وقت 07.30 بجے صبح

نام و سکونت اطلاع دہندہ و مستغیث از ولد اعتبار خان سکنہ پی

مختصر کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو 302 PPC 149

جائے وقوعہ فاصلہ تھانہ سے اور سمت اراضی پیر مہربان

نام و سکونت ملزم معلوم

کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو۔ مدعی سے موصول ہونے پر درج رجسٹر کیا جاتا ہے

تھانہ سے روانگی کی تاریخ و وقت بطور سپیشل رپورٹ

POLICE STATION KOHAT

ابتدائی اطلاع نیچے درج کرو

[illegible]

پرچہ نقول FIR، مراسلہ اور ضروریات جیسے فلی بغرض تفتیش حوالہ
شامل ہے۔ اور افسران بالا کو مطلع کریں میں ملزمان کی رہائشی پتہ
میں حروف ہیں دستخط رنگ میری سجاد حیدر 27-8-16 بارہ والی تھانہ
مراسلہ حرف حرف درج بالا ہے کہ نقل پرچہ جرائم جات ہے کہ نقل FIR
مراسلہ بغرض تفتیش حوالہ SHO شامل کیا جاتا ہے پرچہ بطور سٹیشن ڈائری
گزارش ہے

MHC MPs
27-8-16

ATTESTED TO BE TRUE COPY

دستخط
عہدہ

رپورٹ ضمنی

ضلع کوہاٹ ضمنی نمبر 2016 (4) رپورٹ نمبر 806

تھانہ میں موصول ہونے کا وقت و تاریخ 27.8.16

تھانہ سے روانگی کا وقت و تاریخ 302.109.202.148.149

تھانہ کچہری جبل — حالات تفتیش — منجانب گل رازم خان SI

بذریعہ نور محمد ولد فضل محمد سکنہ اوسک درویش چترال

بنام ① احمد نواز ولد اعتبار خان سکنہ ہی کرہاٹ

② عثمان ولد احمد نواز " " "

③ شیر نواز ولد " " "

④ مسماۃ فرہاد بی بی زوجہ احمد نواز "

⑤ فضل بلال ولد فضل الرحمان سکنہ "

⑥ قاسم ولد سجاد سکنہ "

⑦ شفیع اللہ ولد شمشیر سکنہ درہ آدم خیل

جناب عالی۔ حالات مقدمہ یوں ہے کہ مدعی مقدمہ نور محمد کی دعویداری بیان زیر دفعہ 161 ق ف ج قلمبند کیا گیا تھا جو کہ بخوشی خود عدالتی بیان بھی قلمبند کروانا چاہتا ہے مدعی مقدمہ کو ہدایت ہوئی ہے کہ وہ کچہری میں عدالت ڈویژنل مجسٹریٹ صاحب سول جج XI آئیں میں روانہ کچہری ہوں۔

2 اس وقت کچہری آئے جب ہدایت مدعی مقدمہ بھی موجود ہے مدعی مقدمہ کی درخواست تحریری درخواست زیر دفعہ 164 ق ف ج پیش کر کے جناب جج صاحب نے مدعی مقدمہ کا بیان قلمبند کر کے مدعی مقدمہ کو بعد قلمبندی بیان رخصت کیا گیا میں معہ نفری پولیس بغرض تلاشی و پیشی ہراری روانہ ملزمان ہو کر دوران تلاشی پیشی ہراری اطلاع ملی کہ ملزمان میں سے ملزمہ فرہاد بی بی کو SHO صاحب نے P.T.O

Naila Jan Advocate
Peshawar High Court

(15)

جس ضابطہ گرفتار کی ہے۔ لہذا میں واپس روانہ
تھانہ ہوں۔

3 اس وقت تھانہ آیا۔ محرر شاخانے کارڈ گرفتاری مسماۃ
فرحادلی بی بیس کرکے جو کہ زیر نگرانی لیڈی کانسٹیبل نادیہ جاوید
زمتر SHO موجود ہے

مسماۃ فرحادلی بی کو بموجودگی لیڈی کانسٹیبل نادیہ جاوید بر پہلو
پیرا نمبر 2 گرفتار کیا گیا ہے تو ملزمہ نال مٹول سے کام لے رہی تھی مگر
آخر کار ملزمہ نے اپنی زبان کھول کر بتلائی کہ عرصہ دو سال سے احمد نواز
ولد اعتبار خان سکنہ تپی کیساتھ شادی ہوئی ہے جس کے نطفہ سے تین
بیٹے شیر نواز، عثمان، سلمان اور ایک بیٹی نائلہ ہیں۔ احمد نواز
نے تقریباً دو سال قبل مسماۃ فرخندہ بی بی سکنہ شیراں کے ساتھ دوسری
شادی کی اور شیراں میں اس کے سسرال کے گھر پر رہ رہے تھے
اور خاوندم احمد نواز اس کے پاس آتا جاتا کرتا تھا اور کافی رقم
بھی خرچ کی تھی تقریباً ایک ماہ کا عرصہ ہوتا ہے کہ خاوندم احمد نواز
نے مسماۃ فرخندہ بی بی کو اپنے ساتھ کرہاٹ لائی اپنے گھر میں
اس کو علیحدہ گھر بنایا اور اس کے ساتھ ایک تین سال سے زائد
نامی بھی موجود تھا۔ احمد نواز کی اس بیوی فرخندہ کو ہم لوگ
اپنے ہر طرح اور میرے بیٹے ناراض تھے اور احمد نواز کے ان کرتوتوں
سے کافی تنگ آئے تھے ہم نے سوچا کہ اس لڑکی سے کیسے جان
چھڑائی جائے اور آخر کار میں نے اپنے بیٹوں شیر نواز، عثمان
اور دلبر زاد قاسم بھتیجا شفیع اللہ اور میرے بیٹے عثمان کے دوست
بلال کیساتھ خاوندم احمد نواز کے مشورہ سے اس کو قتل کرنے کی
پلاننگ بنائی اور احمد نواز نے کہا کہ میں گھر سے جاتا ہوں آپ
لوگ اپنا کام کریں۔ مورخہ 16/2 کو میں نے اپنے بیٹوں شیر نواز،
عثمان، بلال، قاسم اور شفیع اللہ کیساتھ فرخندہ کے قتل کرنے کا
منصوبہ بنا کر میں نے گھر سے رسی اٹھا کر انکے حوالے کیے میں
چلی گئی اور مسماۃ فرخندہ کو بالوں سے پکڑ کر زمین پر گرا دیا
شفیع اللہ نے اس کے پاؤں رسی سے باندھ لیے بلال اور شیر نواز

Advocate
Peshawar High Court

پولیس فارم ۲۵-۵۴(۱)

(16)

جاری ہے

حصہ دوم (ایف آئی آر)

رپورٹ ضمنی

بیانات 161 ض ف

اس کے ہاتھ پکڑ لیئے جبکہ قاسم اور عثمان نے اس کے منہ پر چادر رکھ دیا اور بعد میں میں نے گلے میں رسی ڈالکر قاسم نے گلے میں رسی کو زور دیکر جس سے وہ بے ہوش ہوگئی اور جان بحق ہوگئی اور اس کی نعش کو چارپائی کے نیچے چھپایا گیا۔ بعد میں شیر نواز کو نعش ٹھکانے لگانے کیلئے کہا۔ شیر نواز نے شام کے بعد سوزوکی لائی اور فرضدہ کی لاش کو سوزوکی میں ڈالکر گئی اور بظاہر میں نے انکو دفنانے کیلئے دیا۔ شیر نواز، عثمان بلال، قاسم، شفیع اللہ نعش کو ٹھکانے اور دفنانے کیلئے چلے گئے تھوڑی دیر بعد میرے بیٹے گھر آئے اور کہا کہ کسی نے ہم پر تارچ لگا دی اور ہم نے نعش کو باقبرنی الگڈہ کے کنارے کھیکر کے درختوں میں چھوڑ دی ہے میں نے یہ کام دلبرداشتہ ہو کر بہنوں کے رشتہ پر کی ہے ملزمہ فرحادہ بی بی بخوشی خود موقعہ کی نشاندہی کیلئے بھی تیار ہے لہذا ملزمہ فرحادہ بی بی کو زیر نگرانی لیڈی کنسٹبل نادیہ جاوید و دیگر نفری پولیس رحمت اللہ ASI افتخار 73 کو بھی ہمراہ کر کے ملزمہ کو سرکاری گاڑی کے باڈی میں زیر نگرانی لیڈی کنسٹبل نجمالی جاکر ملزمہ کے کہنے پر ہنوں روڈ پر جاتے ہوئے ہنوں روڈ پر ہی پہنچکر ملزمہ نے گاڑی روکنے کا اشارہ کر کے ملزمہ گاڑی سے نیچے اتر کر آگے آگے جاتے ہوئے پولیس پارٹی کو پیچھے پیچھے ملزمہ خانہ خرد کے اندر جاکر ملزمہ نے ان صفاحات کی درست نشاندہی کی جہاں پر ملزمہ نے دیگر ملزمان کیساتھ مقتولہ فرضدہ بی بی کو قتل کر کے نعش کے ذریعے ٹھکانے لگائی تھی اور ایک عدد رسی

Naila Jan Advocate
Peshawar High Court

برگد خٹر پندرہ فٹ چھ انچ اٹھالی جاکر بلند آواز میں
کہا کہ جو رسی ہم نے لوقت وقوعہ مقتولہ فرخندہ بی بی
کے پاؤں باندھے تھے یہ وہی رسی کا ٹکڑا ہے۔ جو
روبرو گواہان برائے قبضہ پولیس کی فرد انتقال مذہب موقعہ بھی
مرتب کی اور ملزمہ مسماۃ فرحادہ بی بی کی نشاندہی پر
وقوعہ کی نقشہ موقعہ بھی۔ لہٰذا ضرورت کے لئے کارروائی
آخر ہوگئی۔ مسماۃ فرحادہ بی بی کو بھی نشاندہی موقعہ
دوبارہ سرکاری کیا اب میں تھانہ جاکر روانہ تھانہ ہوں۔

4 اس وقت تھانہ آیا۔ گواہان رحمت اللہ ASI۔ افتخار 73 کے
بیانات زیر دفعہ 161 لیے جاکر ضمنی درج رجسٹر سلسلہ 1:2 پر لف
قابل ملاحظہ ہیں۔

ملزمہ فرحادہ بی بی جو کہ جرم قتل سے انکاری ہے اور بخوشی خود
عدالتی بیان بھی قلمبند کروانا چاہتی ہے چونکہ ابھی عدالت کا
وقت ختم ہے دیگر ملزمہ عورت کے ساتھ تھانہ میں نہیں رکھ سکتے
اب میں ملزمہ سے موجودگی لیڈی سٹیشن مادیہ جاوید کے صرف
دریافت ہوں۔

5 ملزمہ فرحادہ بی بی زوجہ احمد نواز عمر تقریباً 32 سال سکنہ تپی کا
بیان لیا جاکر ضمنی حصہ دوم سلسلہ نمبر 3 پر لف قابل ملاحظہ ہے
ملزمہ کو زیر گرفتاری لیڈی سٹیشن و دیگر لفری پولیس سرکاری تک ا
میں ... جاکر لفرض پیشی کرکے ڈیوٹی مجسٹریٹ روانہ ہوں۔

6 اس وقت کچہری آکر مگر عدالت کا وقت ختم ہو چکا ہے
ڈیوٹی مجسٹریٹ کو NA میں برائے تحریری درخواست
پیشی کرکے مگر وہ اپنے بیان سے منحرف ہو کر ملزمہ کا
جیل وارنٹ حاصل کرکے میں دیگر کارسرکار کی خاطر تھانہ
میں واپس کر رحمت اللہ ASI لیڈی سٹیشن مادیہ جاوید کے

Naila Jan Advocate
Peshawar High Court

فارم نمبر ۲۴ (۱)

ابتدائی اطلاع رپورٹ

(18) 11

انسپکٹر جنرل پولیس صوبہ سرحد فارم نمبر ۲۳

کپتان

(فائیل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

ضلع کوہاٹ

تھانہ MRS

نمبر 811

تاریخ و وقت وقوعہ 28/8/2016

وقت 17:45

تاریخ و وقت رپورٹ 29/8/2016

وقت 21:00 چاکبندی برچہ 29/8/16 وقت 21:10

نام و سکونت اطلاع دہندہ و مستغیث: گل حسان SHO تھانہ MRS 1615663-5 0333-9606732

مختصر کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو: PPC 223/224

جائے وقوعہ فاصلہ تھانہ سے اور سمت: بلڈنگ تھانہ MRS

نام و سکونت ملزم: احمد نواز ولد اعتبار خان سکنہ تپی۔ حالفنوان HC سید میر جان 593/LHC، محمد ریاض 460/LHC، امراز شاہ 1162

کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو: حسب الحکم افسران بالا

تھانہ سے روانگی کی تاریخ و وقت: بذریعہ ڈاک

متعلقہ کارروائی جو مرکز مستغیثہ گئی: [illegible]

پرسن فائل [illegible]

ابتدائی اطلاع نیچے درج کرو حسب عالی۔ مقدمہ علت 804 مورخہ 27/8/16 جرم 302 PPC تھانہ MRS میں مدعی مقدمہ احمد نواز ولد اعتبار خان سکنہ تپی کو ملزم فرار کے کل مورخہ 28/8/16 کو گرفتار کرکے محرر سٹاف کے نگرانی میں بیٹھا کر محفوظ حراست میں رکھنے کی ہدایت کی۔ خود دیگر کاروائی میں مصروف رہا۔ تھوڑی دیر بعد ملزم نے محرر سٹاف کو دھوکہ دے کر تھانہ سے روجھڑ کی جانب فرار ہو کر اپنی گرفتاری میں لیت و لعل کا مظاہرہ کیا۔ محرر سٹاف غفلت لاپرواہی کے مرتکب ہوئے۔ لہذا حالفنوان HC محرر سید میر جان 593/LHC، محمد ریاض 460/LHC اور امراز شاہ 1162 کے خلاف غفلت لاپرواہی در گرفتاری ملزم اور ملزم احمد نواز کے خلاف گرفتاری میں لیت و لعل اور [illegible] کا مرتکب قرار دیا جاتا ہے۔ محرر حالفنوان HC سید میر جان 593/LHC کو اضافی گرفتار کیے جبکہ محمد ریاض 460/LHC، امراز شاہ 1162 کو الزام بالا 27 روزہ میں حاضر ہیں۔ ملزم کی گرفتاری احمد نواز سمیت دریں ہے۔ حالفنوان FIR محرر تفتیش حمید خان کو حوالہ کی جاتی ہیں

Ghulam

SHO MRS 29.8.2016

POLICE STATION KOHAT MUHAMMAD RS

Akhtar

(19) Annexure "D"

POLICE DEPTT: **DISTRICT KOHAT**

ORDER

This order is passed on the departmental enquiry against Constable Ahmad Nawaz No. 413 under the Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014).

Brief facts are that after his re-instatement in service vide W/RPO Kohat letter No. 5686/EC dated 26.08.2016. He did not report his arrival at Police Lines Kohat hence, willful absented and he was charged in case FIR No. 804 dated 27.08.2016 u/s 302 PPC PS MRS. He was arrested in the above case and made good escape from the lawful custody of police/Police station. Hence charged in case FIR No. 811 dated 29.08.2011 u/s 223/224 PPS PS MRS.

He was served with Charge Sheet & Statement of Allegations DSP City Kohat was appointed as enquiry officer to proceed against him departmentally. Enquiry officer submitted his finding and stated that and the available record the above named accused official was found involved in the above mentioned cases and he is declared as PO. Moreover he was re-instated in service on 26.08.2016. but he did not join his duty at Police Lines Kohat & recommended for a major punishment.

He was issued Final Show Cause Notice, reply of Final Show Cause Notice received and found un-satisfactory. He was called in OR and heard in person but he did not satisfy the undersigned about his innocence. The allegation leveled against him have been proved.

In view of above I, Javed Iqbal District Police Officer, Kohat being a competent authority under KPK Police Rules 1975 Amendment 2014, hereby award a major punishment of "**Compulsory retirement**" with immediate effect.

Announced.
11.01.2017

Recieved on 30/1/17

OB No. 60
Date 13-1-/**2017**

DISTRICT POLICE OFFICER,
KOHAT 11/1.

OFFICE OF THE DISTRICT POLICE OFFICER, KOHAT

No 328-30 / PA, dated Kohat the 16-1-/2017.

1. Copy of above is forwarded to the Head Clerk APO Peshawar High Court for necessary action.

Naila Jan

(20) Annex "E"

BEFORE THE W/REGIONAL POLICE OFFICER, KOHAT REGION

Subject: - **APPEAL FOR SETTING ASIDE THE PUNISHMENT ORDER OI COMPULSORY RETIREMENT FROM SERVICE PASSED BY DPC KOHAT VIDE OB NO. 60, DATED 13.01.2017.**

R/Sir,

With great veneration the appellant submits the following few line for your kind and sympathetic consideration: -

1. That the appellant joined police service as Constable on 03.04.1991.
2. That the appellant successfully completed basic recruit course from PT Hangu and posted in Police Lines, Kohat.
3. That on 27.08.2016, I was falsely involved in case vide FIR No. 804 dated 27.08.2016 u/s 302 PPC PS MRS Kohat.
4. That I was dealt with departmentally on the score of above charges and als the enquiry proceedings were conducted against me..
5. That on 13.01.2017, ex-parte action was taken against me and on tl recommendation of so-called enquiry, I was awarded major punishment of compulsory retirement from service by just single stroke of pen by DI Kohat.
6. That all enquiry proceedings so far conducted against me are contrary law /rules and ab-initio in the eyes of law.
7. That in the said FIR, I, myself was a complainant, then how I was charged fc commission of offense.
8. That in the instance case, I have been acquitted by the court of law, judgme attached.

It is, therefore, humbly prayed that on acceptance of my appeal, t punishment of Compulsory Retirement from service may kindly be set aside and I may re-instated in service with all back benefits.

I shall be very grateful to you for this act of compassion and will p for your long life and prosperity please.

Dated: 28.11.2017

No 11141 /E.C
dt 28/11/2017

Appellant

Ahmed Nawaz
Ex-Constable No. 41
Kohat district Polic

DPO Kohat
For Comments along with Service Record and Enquiry File please.

Nail Ud Advocate
Peshawar High Court

DIG POLICE
KOHAT
28/11/017

(21)

Annexure F

ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Ahmed Nawaz No. 413 of Kohat district Police against the punishment order, passed by DPO Kohat vide OB No. 60, dated 13.01.2017, whereby he was awarded major punishment of Compulsory Retirement from service for the allegations of his involvement in criminal cases vide FIR No. 804, dated 27.08.2016 u/s 302 PPC PS MRS Kohat & 811, dated 29.08.2016, u/s 223/224 PPC PS MRS Kohat.

He preferred appeal to the undersigned, upon which comments were obtained from DPO Kohat and his service record was perused.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved and the punishment order passed by DPO Kohat is correct. Furthermore, the appellant already availed pension benefits vide DAO Kohat Payment Order No. KT-12182. Hence, his appeal being devoid of merits is hereby **rejected.**

Order Announced
04.12.2017

Awal Khan

(AWAL KHAN)
Regional Police Officer,
Kohat Region.

No. 11329 / EC, dated Kohat the 06/12 /2017.

Copy to the District Police Officer, Kohat for information w/r to his office Memo: No. 21459/LB, dated 30.11.2017. His service record is enclosed herewith.

Encls:
S/Roll = 01
Eng: File + Fauji Missal
+ Pension Case

Naila Jan Advocate
Peshawar High Court

Awal K

(AWAL KHAN)
Regional Police Officer,
Kohat Region

(22) AS For n. acta

Registrar PS process

11/12/17

BEFORE THE WORTHY PROVINCIAL POLICE OFFICER, KHYBER PAKHTUNKHWA PESHAWAR

Amtiaz 11/12/17

Subject, **REPRESENTATION/MERCY PETITION**

RESPECTED SIR,

1. With veneration, it is submitted that the petitioner had joined police department as constable in the year 1991 and qualified the basic recruits course at PTC Hangu. The petitioner while posted in Police Lines Kohat was falsely charged/ involved in case FIR No. 804 dated 27-8-2016 u/s 302 PPC PS MRS Kohat during the course of investigation.
2. That the petitioner was subsequently charged vide FIR No. 811 dated 29-8-2016 u/s 223/224 PPC PS MRS Kohat.
3. That the petitioner was acquitted by the court in the case cited at para No. 2 aboved vide order dated 13.11.2017 (Photo copy of the court order is attached for perusal please.
4. That in the murder case mentioned at para No. I above, the petitioner was involved merely on suspicious and hearsay evidence and spy information.
5. That for the alleged involvement of the petitioner in the above cited cases, the petitioner was awarded the punishment of compulsory retirement from service by DPO Kohat vide order dated 13.1.2017.
6. That the petitioner preferred an appeal to the worthy DIG of Police Kohat Range Kohat but the same was rejected vide order dated 4.12.2017.
7. That the order passed by worthy DIG of Police Kohat Range is not a speaking order but has endorsed the order of DPO Kohat issued vide OB No. 60 dated 13.1.2017 without assigninging cogent reasons.
8. That in the interest of both the parties, the petitioner has entered into compromise with the legal heirs of the deceased in the murder case which offence is compoundable under the law.
9. That for the above mentioned reasons, the petitioner has preferred the instant mercy petition for sympathetic consideration.

PRAYER: In view of the above submissions, it is requested that by accepting this representation/ mercy petition, the order passed by worthy DIG of Police Kohat Range Kohat may kindly be re-instated in service from the duty of his compulsory retirement from service by DPO Kohat vide OB.No. 60 dated 13.1.2017. I may also be heard in person.

Naila Jan Advocate Peshawar High Court

Office of the PPO KPK, Peshawar
(Secret Branch)
Dy: No. S/ 3531/17
Dated 11-12-2017

Yours Obediently

Ex-Constable Ahmad Nawaz
No. 413 Distt: Police Kohat
S/O
Itbar Khan R/O Tappi PS MRS Kohat.

Mob: 0336-8966170

(23)

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 1708 /18, dated Peshawar the 08/05/2018.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by **Ex-FC Ahmad Nawaz No. 413**. The petitioner was compulsory retired from service by DPO Kohat vide OB No. 60, dated 13.01.2017 on the charge that the petitioner after his re-instatement in service vide RPO Kohat letter No. 5686/EC, dated 26.08.2016. He did not report his arrival at Police Lines Kohat and absented himself from duty. He was charged in case FIR No. 804 dated 27.08.2016 u/s 302 PPC Police Station MRS. He was arrested in the above case and made good escape from the lawful custody of police/police station and was also charged in case FIR No. 811 dated 29.08.2011 u/s 223/224 PPC Police Station MRS.

His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 11329/EC, dated 06.12.2017.

Meeting of Appellate Board was held on 26.04.2018 wherein petitioner was heard in person. During hearing petitioner contended that he has been acquitted by the court.

Perusal of record revealed that petitioner was dismissed from service on the charges of involvement in case FIR No. 804 dated 27.08.2016 u/s 302 PPC Police Station MRS and FIR No. 811 dated 29.08.2011 u/s 223/224 PPC Police Station MRS. He has been acquitted by the Court on the basis of compromise. Furthermore, the appellant already availed pension benefits. His appeal is also time barred. Therefore, the Board decided that his petition is hereby rejected.

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

(IRFAN ULLAH KHAN)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Nasir Khan Advocate
Peshawar High Court

No. S/ 1709-15 /18,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat.
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

(9 (24)

I

Amount

مادہ گل تیاری

ضلع کوہاٹ

جرم مقدمہ: 811 مورخہ 29 ~~08~~ 16 جرم 223/224 PPC تھانہ MRS

نام ملزم: خالد نواز ولد [illegible] LHC

(2) ۔ سید سرجان 593 LHC

جناب عالی!

دوران سوال بالا میں ملزمان بالا جسب طالب گل تیار حوالہ درخواست لہذا لہذا بجوالات تھانہ کبلا۔ مادہ گل تیاری علیحدہ جاری ہوکر الحاقاً گزارش ہے۔

SHO MRS
29-08-016

Naila Jan Advocate
Peshawar High Court

(25)

قیمت 50 روپے

36642

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

ایڈوکیٹ: Naila Jan

بار کونسل / ایسوسی ایشن نمبر:

رابطہ نمبر: 03129215417

بعدالت جناب: KP Service Tribunal Peshawar

منجانب: Appellant

Ahmad Nawaz
Ex-constable
بنام
Police

دعویٰ: اپیل

علت نمبر: 750/2018 اپیل

مورخہ:

جرم:

تھانہ:

باعث تحریر آنکہ

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

آن مقام Peshawar کیلئے Naila Jan & Hina Khan 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 وتقرر ثالث و فیصلہ بر حلف 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 ونظر 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 وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہٰذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 29/05/2018

العبد — گواہ شد — العبد

مقام Peshawar کے لیے منظور ہے۔

Ex-Constable Kohat

Ahmad Nawaz

Naila Jan Advocate
Peshawar High

Accepted

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR.

Service appeal No. **750/2018**
Constable Ahmad Nawaz No. 413 ..... Appellant.

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, and others ..... Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectively Sheweth:-

Parawise comments are submitted as under:-

Preliminary Objections:-

a. That the appellant has got no cause of action.
b. That the appellant has got no locus standi.
c. That the appeal is not maintainable in the present form.
d. That the appellant has not come to this Hon: Tribunal with clean hands.
e. That the appellant has been granted all financial benefits of retirement and availing pension benefits as well, hence the appeal is bad in eyes of law and liable for dismissal in limine.
f. That the appeal is bad for misjoinder of unnecessary parties and non-joinder of necessary parties.
g. That post of Respondent No. 3 is not mentioned in the appeal, hence the appeal is not maintainable.
h. That the appeal is badly time barred.

FACTS:-

1. Enlistment of appellant as constable, pertains to record. The remaining para is incorrect as the entire service of the appellant remained unsatisfactory, he earned about **80** bad entries and different kinds of punishment awarded to him by the competent authorities. Besides the punishment of his compulsory retirement from service, the appellant was previously dismissed from service in the year 1998 and 2016.
2. Incorrect, the appellant was dismissed from service and subsequently reinstated by departmental appellate authority, but he deliberately did not make his arrival and reported absent. Furthermore, during his absence, he alongwith other family members was charged for the murder of his wife vide FIR No. 804 dated 27.08.2016 U/Ss 302, 202, 109, 148, 149 PPC, PS MRS Kohat.

3. Incorrect, the appellant was arrested, who made good escape from the lawful custody of Police, hence, he and responsible Police officers were charged vide FIR No. 811 dated 29.08.2011 U/Ss 223, 224 PPC, PS MRS Kohat.
4. The para pertains to criminal case registered against the appellant, wherein the appellant was nominated as accused in a murder case.
5. Incorrect, the appellant alongwith his family members were charged in murder of his wife. Subsequently, the appellant made his good escape from the lawful custody.
6. The appellant was proceeded with departmentally on the score of above misconduct/charges in accordance with law /rules. He was held guilt of the charges by the inquiry officer and the proceedings culminated into his compulsory retirement in service vide order dated 13.01.2017.
7. The appellant filed a departmental appeal to respondent No. 2, after a laps of about 11 months, which was found badly time barred. In addition to this, the appellant had already availed pension benefits vide District Account Officer, Kohat payment order No. KT-12182. Copy of payment order is **annexure A**.
8. The mercy petition filed to the respondent No. 1 was time barred and rejected on the ground of payment order as well.
9. The appellant is estopped to file the instant appeal for his own conduct.

GROUNDS:-

A. Incorrect. The orders were passed in accordance with law & rules.
B. Incorrect, the appellant was provided ample opportunity of personal hearing by the respondents, but he failed to advance any plausible explanation / defense to the charges established against him.
C. Incorrect, proper charge sheet alongwith statement of allegations were issued and served at his home address through local Police. The appellant was not available and the charge sheet was handed over to his brother named Dil Nawaz, who acknowledged. Copies are **annexure B & C**.
D. Incorrect, the concerned witnesses were examined by the inquiry officer. Despite service of summon and issuance of charge sheet, the appellant deliberately avoided to join the proceedings. It is added that final show cause notice was served upon the appellant by respondent No. 4, which was received by him and he submitted reply to be final show cause notice, wherein, he did not submit any objection on the inquiry proceedings. Copy is **annexure D**.
E. Incorrect, the appellant was wanted in murder case made good escape from the lawful custody. Therefore, the concerned Police officials and the appellant were charge.

F. Incorrect, the appellant willfully absented after reinstatement in service and later on charged in a murder case.

G. Incorrect, the appellant has not been acquitted honorably in murder case.

H. Incorrect, the appellant was dealt with departmentally in accordance with law & rules, therefore, no fundamental right of the appellant has been violated.

I. Incorrect, all the proceedings against the appellant were carried out according to law & rules.

J. Incorrect, the respondents passed legal and speaking orders in accordance with law & rules.

K. The respondents may also be allowed to advance any other grounds at the time of hearing.

Keeping in view of the above, it is submitted that the appellant has availed pension benefits and receiving regularly pension. Furthermore, the appeal is badly time barred, without merit and not substantiated. It is, therefore, prayed that the appeal may kindly be dismissed with cost please.

Dy: Inspector General of Police,
Kohat Region Kohat
(Respondent No. 2)

Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No. 1)

District Police Officer,
Kohat
(Respondent No. 4)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service appeal No. **750/2018**
Constable Ahmad Nawaz No. 413 ..... Appellant.

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, and others .... Respondents.

PETITION FOR CONDONATION OF DELAY.

Respectively Sheweth:

Parawise reply to the application is submitted as under:-

Preliminary Objections:

1. That the applicant has got no cause of action.
2. That the applicant is estopped due to his own conduct to file the instant appeal.
3. That the application is not maintainable in its present form.
4. That the appellant has not come to this Hon: Tribunal with clean hands.
5. That the appeal/application is badly time barred.

Facts / Grounds:

1. The applicant is estopped due to his own act to file the instant appeal. Therefore, the application alongwith appeal is not maintainable on merit and limitation as well.
2. Incorrect, the applicant was in knowledge of the punishment order of compulsory retirement from service. The appellant submitted the relevant documents to the dealing hands and signed all the papers for pension purpose. Hence, the plea of the applicant is not sustainable.

Grounds:-

A. Incorrect, legal and speaking orders were passed under the law & rules, therefore, limitation is applicable in the case.

B. Incorrect, the compulsory retirement from service was communicated to the applicant after announcement, upon which the applicant submitted signatures and other relevant papers to the dealing hands for preparation of pension documents.

C. Incorrect, legal orders were passed.

D. Incorrect, each and every case has its own circumstances and facts. Therefore, the applicant cannot refer the precedent of the superior court cases in the instant case.

Keeping in view of the above, it is submitted that the application is devoid of merits / law, without any substantiate. It is, therefore, prayed that the instant application of the applicant may kindly be dismissed with cost.

Dy: Inspector General of Police,
Kohat Region Kohat
(Respondent No. 2)

Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No. 1)

District Police Officer,
Kohat
(Respondent No. 4)

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR.

Service appeal No. **750/2018**
Constable Ahmad Nawaz No. 413 ..... Appellant.

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, and others ..... Respondents.

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.

Dy: Inspector General of Police,
Kohat Region Kohat
(Respondent No. 2)

Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No. 1)

District Police Officer,
Kohat
(Respondent No. 4)

Pensioner Data Verification Sheet

Date of Issue : 03.03.2017
Entry Type : FRESH
Head Number : 00163060-01
File No:
Pension Register No:
Pensioner's Name : **AHMAD NAWAZ**
Father / Husband name : **ITBAR KHAN**
Designation: CONSTABLE
NIC No.: 1430124611709
Grade / Scale : 05
Department.Min: LAW AND ORDER KOHAT
Pensioner's Type: **SELF**
Pension Type: COMPULSARY RETIREMENT
Date of Birth :28.01.1968
Date of appointment:03.04.1991
Date of retirement: 13.01.2017
Date of Death:
Date of commence :14.01.2017
Date of Restoration :03.01.2036
Accounts office ID :KT
Accounts office Name :Kohat
Federal / Province :Khyber Pakhtunkhwa
Length of Qualifying Service :19 years,3 months,22 days
Old PPO Number :
No. and Date of sanction of pension / Letter No. :
and the date of the other Audit and Accounts officer authourising the Pension/Gratuity/Commuration
Permanent Address:VILL TAPPI DISTT KOHAT

Note :
Age : 49 years
Last Drawn pay/Emoluments(Rs.): 20350.00
Gross Pension(Rs.) : 9021.8
1/4th Surrendered Portion (Rs.) :
Commuted Portion (Rs.) : 3157.6
Net Pension (Rs.) : **5864.1**
Net Family Pension (Rs.) : 0.00
Amount of Commutation(Rs.) : 719339.00
With Held Amount (Rs.) : 0.00
Life Time Arrears (Rs.) : 0.00
Arrears Of Pension (Rs.) : 0.00
Special Additional Pension (Rs.) : 0.00
Commutation Percentage : 35.00
Commutation Table value : 18.98
Recovery on A/C of :
Debitable to Govt :Khyber Pakhtunkhwa
Total Net Share

Federal :	0.00	Punjab :	0.00
Sindh :	0.00	NWFP :	0.00
Balochistan :	0.00	Military :	0.00
AJK :	0.00	Autonomous :	0.00

Payment Mode :NATIONAL BANK OF PAKISTAN
Bank Branch : BEHZADI CHAKAR KOT
BEHZADI CHAKAR KOT
Bank Account Number : 3106527178
Employee Station : LAW & ORDER KOHAT

He/She is also entitled to the following increases

Sr. No.	Period	Increase % or amount	Increase Amount	W.E.F.
1	JUL 2010	15.00 %	879.63	14.01.2017
2	JUL 2011	15.00 %	1011.57	14.01.2017
3	JUL 2015	10.00 %	775.54	14.01.2017
4	JUL 2016	10.00 %	853.09	14.01.2017
5	7/2010	Rs. 0.00 25/MA	0.00 1685-95	14-01-2017
6	7/2015	25/MA	421-48	14-01-2017
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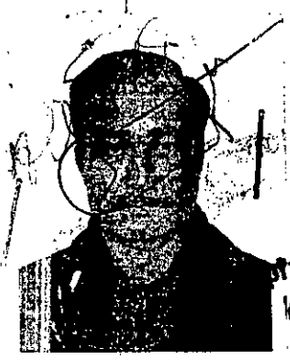

Controller of Accounts
Kohat

A sum of Rs. 719339.00 (Rupees SEVEN HUNDRED NINETEEN THOUSAND THREE HUNDRED THIRTY NINE) on account of commuted value of pension is also payable

The Payment value is debitable to the head

Major Object : A04 Transfer Payments
Minor Object A041 Superannuation Allowance and Pe
Detailed Object A04101 Pension
A04102 Commuted value of Pension
A04103 Gratuity Civil
A04104 Other Pension
A04105 Gratuity Pension (Where Pension is mature)
A04170 Others

(Signature).....
District Comptroller of Accounts
Designation.....

PPO NO- KT-12182

Dy No 4043
Dated 8-5-18

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 1708 /18, dated Peshawar the 08/05/2018.

ORDER

his order is hereby passed to dispose of departmental appeal under Rule 11-A of Kh Pakhtunk[redacted]lice Rule-1975 submitted by **Ex-FC Ahmad Nawaz No. 413**. The pet tioner was compu retired fr[redacted]ice by DPO Kohat vide OB No. 60, dated 13.01.2017 on the charge hat the petitioner his re-ins[redacted]t in service vide RPO Kohat letter No. 5686/EC, dated 26.08.2016. He did not repor arrival at Lines Kohat and absented himself from duty. He was charged in case FIR No. 804 d 27.08.201 02 PPC Police Station MRS. He was arrested in the above case and m ade good escape f the lawfu[redacted]ly of police/police station and was also charged in case FIR No. 811 dated 29.08.2011 223/224 P[redacted]ice Station MRS.

is appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 11329/ dated 06.[redacted].

eeting of Appellate Board was held on 26.04.2018 wherein petitione was heard in pers During he[redacted]etitioner contended that he has been acquitted by the court.

rusal of record revealed that petitioner was dismissed from servi e on the charges involveme[redacted]ase FIR No. 804 dated 27.08.2016 u/s 302 PPC Police Station MRS a nd FIR No. 811 da 29.08.201 223/224 PPC Police Station MRS. He has been acquitted by the Court on the basis compromi[redacted]thermore, the appellant already availed pension benefits. His appea is also time barr Therefore[redacted]ard decided that his petition is hereby rejected.

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

No 5707/Ee
dt 10/05/2018

(IRFAN ULLAH KHAN)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. S/ [redacted] 15 /18.

Copy of the above is forwarded to the:

1. nal Police Officer, Kohat.
2. ct Police Officer, Kohat.
3. o IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Supdt: E-IV CPO Peshawar.

4348
10/5/18

DPO Kohat
For information and also inform the appellant concerned, please.

DIG POLICE
KOHAT

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

No. S/ 7675 /17, dated Peshawar the 18/12/2017.

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

Subject: APPEAL (EX-FC AHMAD NAWAZ NO. 413)

Memo :

Ex-Constable Ahmad Nawaz No. 413 of District Police Kohat had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service. His appeal was processed / examined at Central Police Office, Peshawar and filed by the competent authority being badly time barred.

The applicant may please be informed accordingly.

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

No. 11924/Ee
dt 21/12/2017

DPO Kohat
For information and also inform the appellant concerned accordingly please.

DIG POLICE
KOHAT

O/Ae/SRe
To inform the above named Ex FC accordingly please.

13156
26/12/17

22/12

POLICE DEPTT: **DISTRICT KOHAT**

ORDER

This order is passed on the departmental enquiry against Constable Ahmad Nawaz No. 413 under the Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014).

Brief facts are that after his re-instatement in service vide W/RPO Kohat letter No. 5686/EC dated 26.08.2016. He did not report his arrival at Police Lines Kohat hence, willful absented and he was charged in case FIR No. 804 dated 27.08.2016 u/s 302 PPC PS MRS. He was arrested in the above case and made good escape from the lawful custody of police/Police station. Hence charged in case FIR No. 811 dated 29.08.2011 u/s 223/224 PPS PS MRS.

He was served with Charge Sheet & Statement of Allegations DSP City Kohat was appointed as enquiry officer to proceed against him departmentally. Enquiry officer submitted his finding and stated that and the available record the above named accused official was found involved in the above mentioned cases and he is declared as PO. Moreover he was re-instated in service on 26.08.2016, but he did not join his duty at Police Lines Kohat & recommended for a major punishment.

He was issued Final Show Cause Notice, reply of Final Show Cause Notice received and found un-satisfactory. He was called in OR and heard in person but he did not satisfy the undersigned about his innocence. The allegation leveled against him have been proved.

In view of above I, Javed Iqbal District Police Officer, Kohat being a competent authority under KPK Police Rules 1975 Amendment 2014, hereby award a major punishment of "**Compulsory retirement**" with immediate effect.

Announced.
11.01.2017
OB No. 60
Date 13-1-/**2017**

DISTRICT POLICE OFFICER,
KOHAT

OFFICE OF THE DISTRICT POLICE OFFICER, KOHAT

No 328-30/ PA, dated Kohat the 16-1-/2017.

1. Copy of above is forwarded to the Reader/PO/EC/OHC for necessary action.

BEFORE THE DISTT: POLICE OFFICER, KOHAT

Subject: **REPLY OF THE FINAL SHOW CAUSE NOTICE**

Respected Sir,

In response to the final show cause notice bearing your office No.20822/PA dated 9-12- 2016, my submission in respect of each allegation is as under.

1. I came to know about my re-instatement in service by worthy Regional Police Officer on 26-8-2016 through some one after office hours and went to police line Kohat to report my arrival. However I was told by the muharrir that in the absence of any " Parwana " regarding my re-instatement in service, my arrival report could not be entered in the Daily diary. I remained in Kohat city in connection with private business till 10 PM. When I reached my house at about 11 PM. I found my wife Mst:Farkhanda Bibi missing from the house. I immediately started search for her but could not find her any where till next morning. On 27-8-2016 at about 07 AM, I learnt that a dead body was found in the fields of Baqi Zai so I went there and identified the dead body to be of my wife Farkhanda Bibi. I lodged the report with the police on the spot against unknown accused for the murder of my wife. Due to this incident I could not report my arrival at the police line. My miseries further aggravated when I was falsely charged by Noor Muhammad father of the deceased lady and I was arrested on 29-8-2016 in the case vide FIR No. 804 dated 27-8-2016 u/s 302 PPC PS MRS Kohat. This also resulted in delay in reporting my arrival at the Police Line Kohat. Thus I did not absented willfully.
2. True that I was charged in case FIR No. 804 dated 27-8-2016 u/s 302 PPC PS MRS Kohat but falsely and on mare suspicion and the falsehood of the charge was proved subsequently which resulted in my release an bail by the court. The said Noor Muhammad i-e father of Mst:Farkhanda Bibi had confirmed my innocence in the murder case before the court.
3. It is incorrect- The fact is that I was summoned by the local police on 29-8-2016 for discussion regarding the murder of Mst:Farkhanda Bibi deceased. After the discussion, I was not arrested but let go by police. I left the police station in presence of the police and no body arrested me at that time. A false case was registered against me vide FIR No. 811 dated 29-8-2016 u/s 223/224/ PPC PS MRS Kohat.

In addition to the above, I may also be heard in person please.

Yours Obediently

Constable Ahmed Nawaz No 413
Police Line Kohat.

A348950

Rupees 40

۴۰ روپیہ

بیان حلفی

بعدالت جناب ایڈیشنل سیشن جج صاحب کوہاٹ

سائل بنام شہید نواز ولد احمد نواز سکنہ تبی کوہاٹ (ملزم)

مقدمہ نمبر 807 مورخہ 27/8 جرم 302 PPC تھانہ MRS

مسمی نور محمد ولد فضل محمد سکنہ اوسیک کوہاٹ فائنڈ دروش تحصیل و ضلع چترال کا ہوں۔

حلفاً بیان کرتا ہوں کہ مقدمہ مندرجہ عنوان بالا میں ملزم شہید نواز ولد احمد نواز سکنہ تبی نے مناقر کی برخلاف قرآن قسم کرائی ہے کہ وہ بے گناہ ہے اور مناقر کی قسم ہیچ ہے۔

حلفاً بیان ہے کہ مناقر ہذا کی برخلاف قرآن ملزم مذکورہ کے خلاف مزید عدالتی کارروائی نہیں کرنا چاہتا ہے اگر عدالت ملزم مذکورہ کو ضمانت پر رہا کر دے تو مجھکو کوئی اعتراض و عذر نہ ہوگا۔

حلفاً بیان ہے کہ مندرجہ بالا تحریر میرے علم و نیت کے مطابق درست ہے۔

نور محمد

رحمت جان ولد محمد الدین سکنہ دروش تحصیل و ضلع چترال

رحمت جان

15201-1266965-7 ، 15201-0205571-1

SHER LIAQAT
Advocate
Oath Commissioner
Distt Courts Kohat

ATTESTED

حکومت پاکستان

15201-[illegible]

علی ارشد حکیم

8

15201-0209571-1 شناختی کارڈ نمبر

S260DD خاندان نمبر

2

13/06/2011 تاریخ اجراء

31/05/2018 تاریخ تنسیخ

ATTESTED TO BE TRUE COPY

EXAMINER

COPING BRANCH DIRAT

12/16

19

انسپکٹر جنرل پولیس صوبہ سرحد فارم نمبر ۲۳ ۵۰

ابتدائی اطلاع رپورٹ

کونٹر

(فائنل) : ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

تھانہ WRS ضلع کوہاٹ

تاریخ و وقت وقوعہ شب گزشتہ غلوم

نمبر 8c/1

۱	تاریخ و وقت رپورٹ	27/8/16
۲	نام و سکونت اطلاع دہندہ و مستغیث	احمد نواز ولد اعتبار خان سکنہ تپی 0333-8059763
۳	مختصر کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو	302 PPC
۴	جائے وقوعہ فاصلہ تھانہ سے اور سمت	اراضی پیر زمان واقع بجد باغیزئی نزد جرما گلہ
۵	نام و سکونت ملزم	غلوم
۶	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو۔	پرچہ کی مراسلہ فوراً پر چہ دیا جاتا ہے
۷	تھانہ سے روانگی کی تاریخ و وقت	بطور سنٹل رپورٹ

ابتدائی اطلاع نیچے درج کرو: موقعہ تحریری مراسلہ صاحبان
سیاہ عہدہ نے دیا جاتا ملزم اپنا بدست کنسٹبل نائق علی 1062 حوصول ہو کر ذیل ہے۔ ایک
سیاہ تھانہ WRS وقوعہ کی اطلاع پا کر ہمراہ نفری موقعہ پر پہنچا جو موقعہ پر ایک عورت زاد
نعش جو جوڑ پا کر جسکے گلے سر پر بلا شناخت رسی اور پاؤں بذریعہ ناڑہ رسی
باندھے ہوئے ہیں جو تشدد کے ذریعے قتل کی گئی ہے۔ نعش کیساتھ ایک
بیلچہ ایک گنتی چادر اور ایک مرد زنانہ جوتا خالی سیمنٹ بوری پڑی تھی۔ جو لوگ
موجود تھے اشخاص نے متعلقہ بندہ کے وقت قتل کرتے نعش یہاں ٹھکانے لگانے کے
آئے تھے۔ جو موقعہ پر موجود تھا شہ مسمی احمد نواز ولد اعتبار خان بعمر 48/49 سال سکنہ
تپی شناختی کارڈ 14301-2461710-9 موبائل نمبر 0333-8059763 جو موقعہ پر نعش کا
شناخت کرتے ہوئے رپورٹ کرتا ہے کہ نعش بنام مرحومہ دختر نور محمد سکنہ
حسن زئی جو میری منکوحہ بیوی تھی۔ کی ہے 18/20 سال قبل شادی کرکے عرصہ
دو ماہ قبل اپنے گھر واقع تپی لے آئی تھی۔ کل میں بھی باہر کیلئے گھر سے نکلا تھا شام کو
بعد واپسی گیارہ بجے معلوم ہوا کہ مرحومہ ام سمائہ مرحومہ گھر سے نکل کر چلی گئی ہے بازار
میں تلاش کرتا تھا۔ کہ آج قتل ہونے کا معلوم ہوا جو کسی شخص یا اشخاص نے تشدد
کے ذریعے قتل کیا ہے۔ میں مرحومہ ام سمائہ مرحومہ کی تشدد کے ذریعے قتل کرنے کا مقدمہ
معلوم ملزم کے ملزمان و عوامل ہیں کسی کا علم نہیں دستخط انگریزی کا رپورٹ پولیس صاحب تفتیش طویل
درج ہو کر پرچہ مدعی سنایا سمجھایا گیا درست تسلیم کرکے رپورٹ خود دستخط انگریزی
کی جگہ میں لگا رہا ہوں۔ مقتولہ کے کاغذات نہ ہونے کے باعث
ملزم پر حفاظتاً کنسٹبل نمبر 548 LMH کو ساتھ بھیجا گیا۔ رسی، ناڑہ، جائے
بیلچہ، گنتی چادر اور بیلچہ ہمراہ مرد جوتا پولیس ہے۔ مضمون رپورٹ سے صورت جرم
پایا جاتا ہے جس کا مراسلہ بدست کنسٹبل نائق علی 1062 ارسال تھانہ ہے۔ بعد چالیدگی

چونکہ بقول FIR، مرسلہ اور مرد ذات مقصود علی بغرض تفتیش حوالہ KBI
شامل ہے۔ اور افسران بالا کو مطلع کرنے میں ملزمان کی بلاوجہ تاخیر ہوئی
اس حوالہ میں دستخط رنگ میری سجاد صدر 27.8.16 بارہ بجے تھانہ آمدہ
مرسلہ حرف حرف درج بالا ہے کہ نقل FIR سے
مرسلہ بغرض تفتیش حوالہ KBI شامل کیا جاتا ہے جو بطور سپیشل رپورٹ
گزارش ہے

MHC MRs
27.8.16

دستخط
عہدہ

نوٹ: اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا۔ یا اس کی مہر یا نشان لگایا جائے گا۔ اور افسر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق
حروف الفبا باب سرخ روشنائی سے بالمقابل نام پر ایک منزل یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان
لکھنا چاہیئے۔

ORDER.

This order is aimed to dispose of departmental appeal, filed by Ex-Constable Ahmed Nawaz No. 413 of Kohat district Police against the punishment order of dismissal from service passed by DPO Kohat vide OB No. 831, dated 16.08.2016.

Short facts are that the appellant while posted in Police Lines Kohat, willfully absented himself from duty vide DD No. 29, dated 27.02.2016. He was served with show cause notice under Rule 5 (3) of the ibid Rules at his home address through local Police. Reply received and found unsatisfactory.

He preferred an appeal to the undersigned, upon which his service record and comments were obtained from DPO Kohat. He was heard in person in Orderly Room on 24.08.2016.

I have gone through the available record and came to the conclusion that the punishment awarded is too harsh and is not commensurate with the gravity of offense. Hence, I take lenient view, set-aside the order of punishment, passed by DPO Kohat and reinstate him into service from the date of dismissal. The intervening period is treated as leave with pay. He is warned to be careful in future.

Order Announced
24.08.2016

(AWAL KHAN)
Regional Police Officer
Kohat Region.

No. 9 [illegible] /EC, dated Kohat the 31-8 /2016

Copy to the District Police Officer, Kohat for information w.r.t to his office Memo: No. 17542/LB, dated 24.07.2016. His service record enclosed herewith.

Off/SRC/PO
For return

(AWAL KHAN)
Regional Police Officer
Kohat Region

FINAL SHOW CAUSE NOTICE

1. I, **Javed Iqbal, District Police Officer, Kohat** as competent authority under the Khyber Pakhtunkhwa, Police Rule 1975 Amendment 2014 serve you **Constable Ahmad Nawaz No. 413** as fallow:-

The consequent upon the completion of enquiry conducted against you by the Enquiry Officer, **Mr. Raza Muhammad Khan DSP City, Kohat.**

2. On going through the findings and recommendations of the Enquiry Officer, the materials on the record and other connected papers, I am satisfied that the charges leveled against you is proved and you have committed the following acts/omission specified in Police Rule 1975 Amendment 2014.

i. That you after your re-instatement in service vide W/RPO Kohat letter No. 5686/EC dated 26.08.2016, you did not report your arrival at Police Lines Kohat hence, willful absented.

ii. That you constable has been charged in case FIR No. 804 dated 27.08.2016 u/s 302 PPC PS MRS.

iii. That you were arrested in the above case and made good escape from the lawful custody of police/Police station. Hence charged in case FIR No. 811 dated 29.08.2011 u/s 223/224 PPS PS MRS.

3. As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Khyber Pakhtunkhwa, Police Rule 1975 Amendment 2014.

4. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

5 If no reply to this notice is received within seven (7) days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

No 20822/**PA**

Dated 07-12-**2016**

DISTRICT POLICE OFFICER,
KOHAT

SHO PS MRS

No 20853 /PA

Dated 08-12 /2015.

Subject: - **FINAL SHOW CAUSE NOTICE.**

Memo: –

Enclosed find herewith a Final Show Cause Notice (in duplicate) against Constable Ahmad Nawaz No. 413 to serve upon him on his home address. One copy of the same duly signed by him and return to this office for further necessary action. His home address is as under: -

Constable Ahmad Nawaz No. 413 S/O Aethbar Khan R/O Tappi Kohat Mobile No. 0334-8260803.

DISTRICT POLICE OFFICER,
KOHAT
9/12

D:\PA Work 2016\PA Letters 2016\PA Letters 01.01.2016

FINAL SHOW CAUSE NOTICE

1. I, **Javed Iqbal, District Police Officer, Kohat** as competent authority under the Khyber Pakhtunkhwa, Police Rule 1975 Amendment 2014 serve you **Constable Ahmad Nawaz No. 413** as fallow:-

The consequent upon the completion of enquiry conducted against you by the Enquiry Officer, **Mr. Raza Muhammad Khan DSP City, Kohat.**

2. On going through the findings and recommendations of the Enquiry Officer, the materials on the record and other connected papers, I am satisfied that the charges leveled against you is proved and you have committed the following acts/omission specified in Police Rule 1975 Amendment 2014.

i. That you after your re-instatement in service vide W/RPO Kohat letter No. 5686/EC dated 26.08.2015, you did not report your arrival at Police Lines Kohat hence, willful absented.

ii. That you constable has been charged in case FIR No. 804 dated 27.08.2016 u/s 302 PPC PS MRS.

iii. That you were arrested in the above case and made good escape from the lawful custody of police/Police station. Hence charged in case FIR No. 811 dated 29.08.2011 u/s 223/224 PPS PS MRS.

3. As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Khyber Pakhtunkhwa, Police Rule 1975 Amendment 2014.

4. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

5 If no reply to this notice is received within seven (7) days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

No. 20822/PA

Dated 09-12/2016

DISTRICT POLICE OFFICER,
KOHAT

DEPARTMENTAL ENQUIRY AGAINST CONSTABLE AHMAD NAWAZ NO. 413

ALLEGATIONS **(PUC Flag A)**	i. That you after your re-instatement in service vide W/RPO Kohat letter No. 5686/EC dated 26.08.2016, you did not report your arrival at Police Lines Kohat hence, willful absented. ii. That you constable has been charged in case FIR No. 804 dated 27.08.2016 u/s 302 PPC PS MRS. iii. That you were arrested in the above case and made good escape from the lawful custody of police/Police station. Hence charged in case FIR No. 811 dated 29.08.2011 u/s 223/224 PPS PS MRS
CHARGE SHEET/ STATEMENT OF ALLEGATIONS **(Flag B)** AND WRITTEN REPLY **(Flag C)**	Issued and served upon the defaulter official and **DSP City Kohat** was appointed as Enquiry Officer.
FINDING / RECOMMENDATION OF ENQUIRY OFFICER **(Flag D)**	The Enquiry Officer conducted departmental enquiry and submit his finding. The E.O recommended the said constable for Major punishment i.e Removal from service.
FINAL SHOW CAUSE NOTICE	Nil

Submitted for favour of perusal and order please.

W/DPO, KOHAT

PA 10/10

O.R

E.S.C

6/12/11

11/6

D:/PA Work 2016/Orderly Room Proforma 2016/OR Proforma

No 567
Date 07/10

FINDING

DEPARTMENTAL ENQUIRY AGAINST ACCUSED CONSTABLE AHMAD NAWAZ NO. 413.

This departmental enquiry has been initiated against the above named accused Constable allegations are that:-

i. He was re-instated in service vide /RPO, Kohat latter No. 5686/ EC dated 26.08.2016, but he did not made arrival report in Police lines Kohat for duty up till now.

ii. The above named accused Constable was charged in case FIR No. 804 dated 27.08.2016 u/s 302 PC PS MRS.

iii. The above named accused was arrested in the above case and he made escaped from the lawful custody of Police/ Police Station MRS. Hence was charged in case FIR No. 811 dated 29.08.2016 u/s 223/224PPC PS MRS.

On the bases of the above case, he was issued charge Sheet with summary of allegation by W/DPO, Kohat vide office Endst: No. 8740-41/ PA dated 06.09.2016. The undersigned was appointed as enquiry officer to conduct departmental enquiry against him.

Charge Sheet and statement of allegation was sent to above named accused Constable on his home address through special messenger (DFC) but he was not available as he is PO.

During the course of enquiry SHO PS MRS, DFC Rehman Khan of PP Mills area and Moharrar Police Lines Abdul Hameed were summoned, heard in person and recorded their statement which are enclosed enquiry file.

Inspector Gul Janan SHO PS MRS stated that accused Constable Ahmed Nawaz s/o Itbar Khan r/o Tappi Kohat has been charged vide in case FIR No. 804 dated 27.08.2016 u/s 302PPC PS MRS. Moreover the said accused was arrested in the said case and he made good escape from the lawful custody of Police/ Police Station. Hence he charged in case FIR No. 811 dated 29.08.2016 u/s 223/224 PPC PS MRS.

Constable Rehman Khan DFC of PP Mills area stated that he went to the accused Constable house to serve upon charge sheet and statement allegation but he was not available.

Moharrar Police Line stated that accused Constable Ahmed Nawaz No. 413 is re-instated in service on 26.08.2016 but he did not joine his duty Police Lines Kohat up till now.

Keeping in view, the enquiry report and available record the above named accused Constable was found involved in the mentioned cases and he is declared proclaimed offenders. Moreover he was re-instated in service on 26.08.2016, but he did not Joine his duty at Police Lines Kohat up till now. Therefore, it is recommended that he may be awarded Major Punishment of removal from service.

Submitted please.

Sub-Divisional Police Officer,
City Circle Kohat.

بیان از ان گل جان SHO

گل جان خان SHO تھانہ MRS نے بریافت بیان کیا کہ آعدنواز ولد اعتبار خان
سکنہ شیخ جو مقدمہ علت 804 مورخہ 27 $\frac{8}{16}$ جرم 302 PPC تھانہ MRS مقدمہ
علت 224 مورخہ 25 $\frac{8}{16}$ جرم 223/224 PPC تھانہ MRS میں نامزد ہو کر جیل گرفتاری
کی کوشش جاری ہے۔ اور کارروائی پولیس مکمل ہو چکی ہے۔ وارنٹ کی تعمیل بھی ہو چکی ہے۔ لیکن
مذکورہ آعدنواز دیرہ دانشمند کو پر جائز گرفتاری سے گریز کر رہا ہے یہ میرا بیان ہے

SHO. MRS
25-8-16

Attested
SP
KOHAT

بیان از ال رحمان خان DFC چوکی ملز ایریا

تحریر حکیم چارج شیٹ مع اگیشن فرسٹ چوکی ملز ایریا نے مجھے حوالہ کیا
کہ کیپٹن احمد نواز عرف بابا کو اس کے گھر سے پیر چارج شیٹ حوالہ کی جائے
حکم کی تعمیل فوری طور پر کرتے ہوئے کیپٹن احمد نواز کے گھر واقع تی
ناہ جو اس کے گھر کو باہر سے تالا لگا ہوا تھا اور گھر میں کوئی بھی شخص
موجود نہیں تھا اور چارج شیٹ کاپی اس کے حقیقی بھائی کیپٹن (ر) نواز 33 کو حوالہ کیا
نوٹ:- کیپٹن احمد نواز عرف بابا جو بحوالہ مقدمہ علت 804 فورم 27/16
جرم 302 تھانہ MRS میں ملزم ہے اور گرفتاری سے بچنے کیلئے
روپوش ہے یہ میرا بیان ہے

DFC
29.09.16

Attested
SDPO CITY
KOHAT

بیان از ان عبدالحمید صدر پولیس لائن کوہاٹ

بیان کرتا ہوں کہ کنسٹیبل احمد نواز 413 جو سروس پر دوبارا بحال ہو چکا ہے۔ جس کی حاضری قد 22 سزا مجموعہ 30 8/16 کو طلب تھی مگر تاحال پولیس لائن حاضر نہیں آیا۔ اور بدستور اپنی حاضری کی رپورٹ نہیں کرتا ہے۔

Hamid
THE. Line
04-10-16

Attested
SDPO
KOHA

درج کریں

پولیس لائن نتھلہ 22 روز تاریخ 30/8/16

مورخہ 22 رپورٹ ہذا مورخہ 30/8/16 وقت 16:00 بجے اس وقت آرڈر
ادارہ کالی نمبری 8607 بذریعہ ڈاک دفتر IHC سے
موصول ہوئی بحوالہ آرڈر نمبری 4586/EC 30-8-16 جاری دفتر ریجنل
پولیس آفیسر کوہاٹ کانسٹیبل اعجاز نواز نمبر 413 بحال ہو چکا
ہے لیکن کانسٹیبل اعجاز نواز 413 نے تاحال حاضری نہیں دی
ہے۔ رپورٹ درج روزنامچہ تحریر کر کے اطلاع کی جاتی ہے
کہ نقلہ علاوہ عرضی کے افسران بالا صاحبان کی
خدمت میں ارسال کی جائے۔

جناب عالی!
نقلہ بالا لف ارسال ہے

ASI
MM Line Kt
30-8-16

Disposed off

DSP Legal

P.A

Pl discuss

Issue SCN on
following charges:-
- Involvement in murder
- Absenteeism
- Escape from lawful custody

31/8

31/8

ORDER.

This order is aimed to dispose of departmental appeal, filed by Ex-Constable [illegible] Nawaz No. 413 of Kohat district Police against the punishment order of dismissal from service passed by DPO Kohat vide OB No. 831 dated 16.03.2016.

Short facts are that the appellant while posted in Police Lines Kohat, willfully absented himself from duty vide DD No. 29, dated 27.02.2016. He was served with show cause notice under Rule 5 (3) of the ibid Rules at his home address through local Police. Reply received and found unsatisfactory.

He preferred an appeal to the undersigned, upon which his service record and comments were obtained from DPO Kohat. He was heard in person in Orderly Room on 24.08.2016.

I have gone through the available record and came to the conclusion that the punishment awarded is too harsh and is not commensurate with the gravity of offense. Hence, I take lenient view, set-aside the order of punishment, passed by DPO Kohat and reinstate him into service from the date of dismissal. The intervening period is treated as leave with pay. He is warned to be careful in future.

Order Announced
24.08.2016

Awal Khan

(AWAL KHAN)
Regional Police Officer,
Kohat Region.

No. 9586 /EC, dated Kohat the _____/2016.

Copy to the District Police Officer, Kohat for information w/r to his office Memo: No. 17542/LB, dated 24.07.2016. His service record is enclosed herewith.

Awal Khan

(AWAL KHAN)
Regional Police Officer,
Kohat Region.

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

ضلع کراچی

WRS

تاریخ و وقت وقوعہ	شب گزشتہ معلوم
تاریخ و وقت رپورٹ	27/8/16
نام و سکونت اطلاع دہندہ و مستغیث	احمد نواز ولد اعتبار خان سکنہ تپی 1301-2461710-9 333-8059763
مختصر کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو	302 PPC
جائے وقوعہ فاصلہ تھانہ سے اور سمت	اراضی پیر زمان واقع بلدیہ تپی نزد جہاز گلی
نام ملزم	معلوم
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو۔	پرچہ کی مراسلہ نمبر ۱۰۶۲ پر دیا جاتا ہے
روانگی کی تاریخ و وقت	بطور سپیشل رپورٹ

ابتدائی اطلاع نیچے درج کرو۔ ہوتت تاریخ فریادی مراسلہ صاحب [illegible] جہاز گلی ملزم پیر زمان کنٹیل ناظم علی 1062 موصول ہوکر ذیل ہے۔ از [illegible] MRS نمبر کی اطلاع پر ہمراہ نفری موقع پر پہنچا جو موقع پر ایک عورت [illegible] موجود پاکر جسکے بارے مسمی احمد نواز ولد اعتبار خان سکنہ تپی [illegible] جو تشدد کے ذریعے قتل کی گئی ہے۔ تفتیش کیا تو [illegible] گھنٹی ایک مرد اور ایک عورت خالی سیمنٹ بوری پڑی ہوئی۔ جو [illegible] خاص نے مقتولہ کو ہلاک کرنے کے بعد قتل کرکے لاش یہاں پھینکا ہے۔ [illegible] مقتولہ جو موجود تھا مسمی احمد نواز ولد اعتبار خان [illegible] 48/49 سال [illegible] 1301-2461710-9 موبائل نمبر 0333-8059763 جو موقع پر لاش [illegible] کرتے جو موقع پر رپورٹ کرتا ہے۔ کہ مقتولہ مسماۃ فرخندہ دختر [illegible] جو میری منکوحہ ہوتی تھی۔ یہ 18/20 سال قبل شادی کرکے [illegible] گھر واقع تپی میں رہتی تھی۔ کل میں بھی ماں کیلئے گھر سے [illegible] معلوم ہوا کہ مسماۃ فرخندہ گھر سے نکال کر قتل کی گئی ہے [illegible] کرتا تھا۔ کہ آج قتل ہونے کا معلوم ہوا جو کسی شخص یا اشخاص نے تشدد [illegible] قتل کیا ہے۔ میں زوجہ مسماۃ فرخندہ کی تشدد کے ذریعے قتل کرنے کا [illegible] ملزمان دیوبندار پیر زمان مسمی [illegible] دستخط ایک پرچہ کا روائی پولیس صاحب تفتیش [illegible] پرچہ مدعی [illegible] سمجھایا گیا درست تسلیم کرکے پرچہ رپورٹ خود دستخط [illegible] جسکی میں تصدیق کرتا ہوں۔ مقتولہ کے کاغذات [illegible] پوسٹمارٹم کیلئے [illegible] کو بھیجا گیا۔ [illegible] چادر اور بیلچہ برائے مزید تفتیش پولیس [illegible]۔ مقتولہ [illegible] صورت [illegible] مراسلہ بدست کنٹیل ناظم علی 1062 ارسال تھانہ ہے۔ بعد چالیدگی

چونکہ بقول FIR، مراسلہ اور ضروریات مقبوضگی بغرض تفتیش حوالہ
شناختی ہے۔ اور افسران بالا کو مطلع کرنے میں ملزمان کی نیت شبہ
میں ہے موقع پر دستخط رنگ بیری سجاد حیدر کے 27-8-16 کارروائی تھانہ
مراسلہ حرف بحرف درج بالا ہے کہ چونکہ بیان جاں ہے کہ بقول FIR
مراسلہ بغرض تفتیش حوالہ KBI شناختی کیا جاتا ہے۔ یہ چونکہ بطور سپیشل
گزارش ہے

MHCMRs
27.8.16

دستخط
عہدہ

فارم نمبر ۲۴

ابتدائی اطلاعی رپورٹ

(فائنل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

ضلع

تھانہ MRS

نمبر 811

تاریخ و وقت رپورٹ 29/8/2016

نام و سکونت اطلاع دہندہ و مستغیث

مختصر کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو

جائے وقوعہ فاصلہ تھانہ سے اور سمت

نام و سکونت ملزم احمد نواز ولد اعتبار خان سکنہ تپی

کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو۔

تھانہ سے روانگی کی تاریخ و وقت

تاریخ و وقت وقوعہ 28/8/2016

وقت 21:00 بجے

گل خان SHO تھانہ MRS

P. 223/224

ملزمان تھانہ MRS

سید سرخان 593/LHC

حکم الحکم افسران بالا

ابتدائی اطلاع نیچے درج کرو

حال حوالی: [illegible]

[illegible] 27/8/16 [illegible] 302 تھانہ MRS میں مدعی مقدمہ احمد نواز ولد [illegible] سکنہ تپی کو ملزم فرار ہے کر کل مورخہ 28/8/16 کو گرفتار کر کے محرر تھانہ کے [illegible] بٹھا کر محفوظ حراست میں رکھنے کی ہدایت کی۔ خود دیگر کارروائی [illegible] مصروف رہا۔ تھوڑی دیر بعد ملزم نے محرر تھانہ کو دھوکہ دے کر تھانہ [illegible] کی گرفتاری کیلئے تلاش جاری تھی۔ لیکن نہ ملا۔ ملزم احمد نواز [illegible] کی جائز حراست سے فرار ہو کر اپنی گرفتاری میں تعطل کا ارتکاب کیا [illegible] محرر تھانہ غفلت لاپرواہی کے مرتکب ہوئے۔ لہذا حوالدار HC [illegible] سید سرخان 593/LHC، محمد [illegible] 460/LHC اور ایراشاہ 1162/LHC کے [illegible] لاپرواہی در گرفتاری ملزم و ملزم احمد نواز کے خلاف گرفتاری [illegible] حراست سے فراری کا مقدمہ بالا درج رجسٹر کیا جاتا ہے۔ محمد الصواب [illegible] کو باضابطہ گرفتار کیا جبکہ محمد [illegible] 460 اور ایراشاہ 1162 [illegible]

CHARGE SHEET.

1. I **MUHAMMAD SOHAIB ASHRAF, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, hereby charge you **Constable Ahmad Nawaz No. 413** Under Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014) as you have committed the following illegal act.

   i. That you after your re-instatement in service vide W/RPO Kohat letter No. 5686/EC dated 26.08.2016, you did not report your arrival at Police Lines Kohat hence, willful absented.

   ii. That you constable has been charged in case FIR No. 804 dated 27.08.2016 u/s 302 PPC PS MRS.

   iii. That you were arrested in the above case and made good escape from the lawful custody of police/Police station. Hence charged in case FIR No. 811 dated 29.08.2011 u/s 223/224 PPS PS MRS.

2. By reasons of the above, you appear to be guilty of misconduct as defined in Rule 2 (iii) of Police Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the penalties explained in rule 04 of the said rules.

3. You are, therefore, required to submit your written statement within 07days of the receipt of this Charge Sheet to the enquiry officer.

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

A statement of allegation is enclosed.

DISTRICT POLICE OFFICER,
KOHAT

مسمی احمد نواز ولد عبدالرحمان سکنہ تپی میرے حقیقی بھائی ہے جو بحق
موضع 26 $\frac{8}{16}$ جزو 302 قطعہ 8 میں تاحال روپوش ہے مکان خود ہے

دلنواز خان ولد اعتبار خان سکنہ تپی تحصیل و ضلع کوہاٹ
14301-4221762-7 mob-0334-8260805

GUL NAWAZ
NAZIM Ward 16
N/C Tappi Kohat.
گلنواز ناظم وارڈ 6 گاؤں تپی کوہاٹ
0334-8341614

جناب عالی!
تفصیل مسمی دلنواز خان سکنہ تپی سے تعلق احمد نواز
مقدمہ علت 804 موضع 26 $\frac{8}{16}$ جزو 302 قطعہ صدر میں
روپوش ہے رپورٹ عرض ہے

DFC PP MD
11-09-16

09-09-2016

از دفتر SDPO/Hafizabad

کو پائے

جناب SHO صاحب تھانہ MRS کو

کیپٹل اکمل نواز نے 413 کی چابی شیئر

امیشو ہو چکی ہے۔ اسکی کاپی کے پتے پر تقسیم

کی جائے۔ دو کاپیز اسکے حوالے کر کے اور سیکنڈ

کاپی پر اس سے دستخط لیکر دفتر ہذا کو واپس

کریں۔ تاکہ انکوائری مکمل کر کے افسران

بالا کو رپورٹ حتمی پیش کی جائے۔

9/9/2016

SDPO/Hafizabad

1115/c
9.9.2016

DISCIPLINARY ACTION

1. I, **MUHAMMAD SOHAIB ASHRAF, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **Constable Ahmad Nawaz No. 413** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

i. That you after your re-instatement in service vide W/RPO Kohat letter No. 5686/LC dated 26.08.2016, you did not report your arrival at Police Lines Kohat hence, willful absented.

ii. That you constable has been charged in case FIR No. 804 dated 27.08.2016 u/s 302 PPC PS MRS.

iii. That you were arrested in the above case and made good escape from the lawful custody of police/Police station. Hence charged in case FIR No. 811 dated 29.08.2011 u/s 223/224 PPS PS MRS.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations DSP City is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Disciplinary Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

DISTRICT POLICE OFFICER,
KOHAT

No. 8740-41/PA, dated 06-9/2016.

Copy of above is forwarded to:

1. DSP City: The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. **Constable Ahmad Nawaz No. 413:-** The concerned official/officer's with the directions to appear before the Enquiry officer, on the date, time and place fixed by the enquiry officer, for the purpose of enquiry proceedings.

.....

CHARGE SHEET.

1. I **MUHAMMAD SOHAIB ASHRAF, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, hereby charge you **Constable Ahmad Nawaz No. 413** Under Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014) as you have committed the following illegal act.

   i. That you after your re-instatement in service vide W/RPO Kohat letter No. 5686/EC dated 26.08.2016, you did not report your arrival at Police Lines Kohat hence, willful absented.

   ii. That you constable has been charged in case FIR No. 804 dated 27.08.2016 u/s 302 PPC PS MRS.

   iii. That you were arrested in the above case and made good escape from the lawful custody of police/Police station. Hence charged in case FIR No. 811 dated 29.08.2011 u/s 223/224 PPS PS MRS.

2. By reasons of the above, you appear to be guilty of misconduct as defined in Rule 2 (iii) of Police Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the penalties explained in rule 04 of the said rules.

3. You are, therefore, required to submit your written statement within 07days of the receipt of this Charge Sheet to the enquiry officer.

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

4. A statement of allegation is enclosed.

DISTRICT POLICE OFFICER,
KOHAT 9/25/17.

نقلمد روزنامچہ 21/12/16

ضلع

پولیس لائن

مورخہ حاضری 20 مورخہ 21/12/16 وقت 15:45 بجے اس وقت
کنٹیبل احمد نواز بحوالہ آرڈر نمبر 9586-EC/26-8-16 چارج
DIG ہاؤس سروس پر برخاستگی سے دوبارہ بحال ہوئے
جبکی حاضری ادنے روزنامچہ ہوکر نقلمد بغرض نمبر الرٹ کے
دفتر OHC روانہ کیا گیا۔

ا ے ایس آئی

نقل بمطابق اصل ہے

M.M. Line. KT
Kohat
21-12-16

ORDER.

This order is aimed to dispose of departmental appeal, filed by Ex-Constable Ahmed Nawaz No. 413 of Kohat district Police against the punishment order of dismissal from service passed by DPO Kohat vide OB No 831, dated 16.08.2016.

Short facts are that the appellant while posted in Police Lines Kohat, willfully absented himself from duty vide DD No. 29, dated 27.02.2016. He was served with show cause notice under Rule 5 (3) of the ibid Rules at his home address through local Police. Reply received and found unsatisfactory.

He preferred an appeal to the undersigned, upon which his service record and comments were obtained from DPO Kohat. He was heard in person in Orderly Room on 24.08.2016.

I have gone through the available record and came to the conclusion that the punishment awarded is too harsh and is not commensurate with the gravity of offense. Hence, I take lenient view, set-aside the order of punishment, passed by DPO Kohat and reinstate him into service from the date of dismissal. The intervening period is treated as leave with pay. He is warned to be careful in future.

Order Announced
24.08.2016

(AWAL KHAN)
Regional Police Officer,
Kohat Region.

No. 9[illegible]/EC, dated Kohat the [illegible]/2016

Copy to the District Police Officer, Kohat for information with reference to his office Memo: No. 17542/LB, dated 24.07.2016. His service record is enclosed herewith.

Off/SRC/PO
For Notice

(AWAL KHAN)
Regional Police Officer,
Kohat Region.

Ahmad

ORDER

This order will dispose of departmental proceedings initiated under Khyber Pakhtunkhwa Police Rules (Ammended-2014) 1975 against constable Ahmed Nawaz No. 413 (hereinafter referred as accused).

Short facts arising of the case are that the accused while posted in Police Lines Kohat willful absented himself from duty vide DD No. 29 dated 08.06.2016. He was served with show cause notice under Rule 5 (3) of the ibid Rules at his home address through local Police. Reply received and found unsatisfactory. Accused was called in OR on 01.08.2016, but deliberately did not appear. The accused again absented from lawful duty vide DD No. 10 dated 08.06.2016 till date.

Record gone through which indicates that the accused remained absent on different occasions (about 78 times) and awarded different kind of punishments including suspension and once dismissal from service, but he did not improve himself.

Keeping in view of the above and bad entries in the service record of the accused, I came to the conclusion that the accused is a habitual absentee, lack of interest in discharge of his duty and satisfied that his retention in a disciplined Force is a burden on public exchequer. Therefore, in exercise of powers confirmed upon me under Rule 5 (3) of KP Police Rules (Ammended-2014)-1975, I **Muhammad Sohaib Ashraf**, District Police Officer, Kohat hereby impose a major punishment of dismissal from service on accused constable Ahmed Nawaz No. 413 with immediate effect.

about 80 bad entries

OB No. 831 /
Date 11-8 /2016.

DISTRICT POLICE OFFICER,
KOHAT

/PA dated Kohat the 11-8 /2016.

Copy to the Reader/Pay Officer/SRC/OHC for necessary action.

ORDER.

This order will dispose of a departmental appeal moved by Ex-Constable Ahmed Nawaz No. 413 of Kohat district Police against the punishment order, passed by DPO Kohat vide OB No. 60, dated [illegible] whereby he was awarded major punishment of dismissal from service [illegible] allegations of his involvement in criminal cases vide FIR No. [illegible] dated 27.08.2016 u/s 302 PPC PS MRS Kohat & 811, dated 29.08.2016, u/s 223/224 PPC PS MRS Kohat.

He preferred appeal to the undersigned, upon which comments were obtained from DPO Kohat and his service record was perused.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved and the punishment order passed by DPO Kohat is correct. Furthermore, the appellant already availed pension benefits vide DAO Kohat Payment Order No [illegible]T-12182. Hence, his appeal being devoid of merits is hereby **rejected.**

Order Announced
04.12.2017

(AWAL KHAN)
Regional Police Officer,
Kohat Region.

No. 11329 / EC, dated Kohat the 06/12 /2017.

Copy to the District Police Officer, Kohat for information w/r to his office Memo: No. 21459/LB, dated 30.11.2017. His service record is enclosed herewith.

Encls:
S/Roll = 01
F/missed = 01
Enq: File + Pension case.

12393
6/12/17

(AWAL KHAN)
Regional Police Officer,
Kohat Region

RL/SRC/OHC Dispatch
For notation

6/12

لائن ریکارڈ

ضلع کوہاٹ

پولیس لائن

نقلمد 11 روزنامچہ 2/8/15

مورخہ 11 حاضری از غیر حاضری LO فارم 2/8/15 وقت 17:40 بجے
اس وقت احمد نواز 413 غیر حاضر شدہ دفتر بحوالہ ورود بار
2/8/15 سے حاضر آیا بیان کیا کہ میں کنسٹیبل بھی کام کے کام کے
سلسلہ میں پشاور گیا تھا اور باقاعدہ آرڈر حکام سے اجازت لیا تھا
اس دوران میرے موبائل میں چارج نہ ہونے کی وجہ میرے ساتھ ڈیوٹی پر
کنسٹیبل نے میرے خلاف رپورٹ غیر حاضری درج کی ہے اس دفعہ غلطی ہوئی
ہے آئندہ محتاط رہوں گا۔

جناب عالی!

نقل مطابق اصل ہے۔

2-8-15

Sd/-

Forwarded.

SI

DHM

LO

(1) One day with out pay

Sub Divisional Police Officer
HQrs: Kohat

OB No 36-1
Dated 7-1-2016

ضلع کوہاٹ

ڈی پی او صاحب

نمبر ۵۵ روزنامچہ ۱۸/۸/۱۵

اطلاع درج رجسٹر غیر حاضری ہے فورم 8/15 وقت 18:40 بجے
اس وقت کنسٹیبل عمران 1111 نے تھانہ شہری کوہاٹ سے
آرمی نمبر لاپتہ فون نمبر 0333-5713784 سے اطلاع دی کہ میرے ساتھ انچارج
احمد نواز 413 فورم 7/15 سے ڈیوٹی کیلئے نہیں آیا ہے اس اطلاع
رپورٹ درج روزنامچہ کرنے حسب آمدہ اطلاع کنسٹیبل درج روزنامچہ
جو کہ نمبر ۵۵ احمد نواز 413 کے خلاف 7/15 سے غیر حاضر تصور کیا جائے
ہے۔

جناب عالی!

نقل بمطابق اصل ہے

M Salim Sir.
2-8-15

Forwarded,

ORDER

This order will dispose of departmental proceedings initiated under Khyber Pakhtunkhwa Police Rules (Ammended-2014) 1975 against constable Ahmed Nawaz No. 413 **(hereinafter-referred accused)**.

Short facts arising of the case are that the accused while posted in Police lines Kohat willful absented himself from duty vide DD No. 29 dated 27.02.2016. He was served with show cause notice under Rule 5 (3) of the ibid Rules at his home address through local Police. Reply received and found unsatisfactory. Accused was called in OR on 01.08.2016, but deliberately did not appear. The accused again absented from lawful duty vide DD No. 10 dated 09.06.2016 till date.

Record gone through which indicates that the accused remained absent on different occasions **(about 78 times)** and awarded different kind of punishments including suspension and once dismissal from service, but he did not improve himself.

Keeping in view of the above and bad entries in the service record of the accused, I came to the conclusion that the accused is a habitual absentee, lack of interest in discharge of his duty and satisfied that his retention in a disciplined Force is a burden on public exchequer. Therefore, in exercise of powers confirmed upon me under Rule 5 (3) of KP Police Rules (Ammended-2014)-1975, **I Muhammad Sohaib Ashraf,** District Police Officer, Kohat hereby impose a major punishment of dismissal from service on accused constable Ahmed Nawaz No. 413 with immediate effect.

OB No. 831
Date 16-8 **/2016.**

DISTRICT POLICE OFFICER,
KOHAT

No. 8055-57/PA dated Kohat the 16-8-/2016.

Copy to the Reader/Pay Officer/SRC/OHC for necessary action.

.....

F: 2014-DSP Legal, Covering Letter, CL-9 Sabirdoc

جناب عالی!

بحوالہ شوکاز نوٹس نمبری 4845-PA مورخہ 29/6/16

جناب ڈسٹرکٹ پولیس آفیسر صاحب کوہاٹ۔

معروض ہوں کہ سائل ایچ ڈیوٹی شوق سے کر رہا ہے، بدقسمتی سے سائل کی شریک حیات پر جنات کا سایہ ہے، جسکی وجہ سے سائل سخت پریشان ہے، کافی علاج معالجہ کروا چکا ہوں۔ ابھی دم درود کیلئے جا رہا ہوں۔

جہاں تک غیر حاضری کا تعلق ہے، کل ایک ماہ غیر حاضری عمداً نہیں ہے بلکہ گھر میں ذمہ دار نہ ہونیکی وجہ ہوئی ہے، تاہم آئندہ کیلئے محتاط رہوں گا۔ اس دفعہ عرصہ غیر حاضری کو لانگ لیو میں شمار کیا جائے۔ تاحیات دعاگو رہوں گا۔

احمد نواز 413/HC

AJ

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

SHOW CAUSE NOTICE

(Under Rule 5(3) KPK Police Rules, 1975)

1. That You **Constable Ahmad Nawaz No. 413** have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014) for following misconduct;

i. While posted at Police Lines Kohat had absented yourself from official duty vide DD No. 29 dated 27.02.2016 and reported arrival vide DD No 61 dated 30.03.2016 **(Total absence period 31 days)** without any leave or permission from the competent authority, which show your in-efficiency and lake of interest in the discharge of government duties.

2. That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer:

3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.

4. That your retention in the Police force will amount to encourage in efficient and unbecoming of good Police officers.

5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.

6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) for the misconduct referred to above.

7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.

8. You are further directed to inform the undersigned that you wish to be heard in person or not.

9. Grounds of action are also enclosed with this notice.

No. 4845/PA

Dated 29-4-/2016

DISTRICT POLICE OFFICER,
KOHAT

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

SHOW CAUSE NOTICE

(Under Rule 5(3) KPK Police Rules, 1975)

1. That You **Constable Ahmad Nawaz No. 413** have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014 for following misconduct;

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No. 4845 /PA

Dated 29-4- /2016

DISTRICT POLICE OFFICER,
KOHAT

الف احمد نواز ولد اعتبار خان سکنہ توچی

0336-9355547

14301-2461710-9

جواب دعویٰ:

کانسٹیبل مذکورہ کو مورخہ 24/5/16 کو
آپ کا کوئی شوکاز نوٹس جاری کرکے دستخط
لیے گئے رپورٹ درست ہے

DSP PP MA
25-05-16

SHO PS MRS

No_____
Dated_____

Subject: - **SHOW CAUSE NOTICE.**

Memo: -

Enclosed find herewith a Show Cause [illegible] duplicate) against Constable Ahmad Nawaz No. 413 to serve upo[illegible] his home address. One copy o the same dully signed by him ar[illegible] to this office for further necessary action. His home address is as [illegible] Constable Ahmad Nawaz No. 413 S/O Aetb[illegible] R/O Tappi.

DISTRICT POLICE OFFIC[illegible]
KOHAT

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

SHOW CAUSE NOTICE

(Under Rule 5(3) KPK Police Rules, 1975)

1. That You **Constable Ahmad Nawaz No. 413** have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014) for following misconduct;

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2. That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer:
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the Police force will amount to encourage in efficient and unbecoming of good Police officers.
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) for the misconduct referred to above
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

No. 4845 **/PA**

Dated 29-4- **/2016**

DISTRICT POLICE OFFICER,
KOHAT

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

GROUNDS OF ACTION

That You **Constable Ahmad Nawaz No. 413** committed following misconducts:-

a. While posted at Police Lines Kohat had absented yourself from official duty vide DD No. 29 dated 27.02.2016 and reported arrival vide DD No. 61 dated 30.03.2016 **(Total absence period 31 days)** without any leave or permission from the competent authority, which show you in-efficiency and lake of interest in the discharge of government duties.

By reasons of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules 1975, hence these ground of action.

DISTRICT POLICE OFFICER,
KOHAT

جناب عالی!

بحوالہ شوکاز نوٹس احکام نمبر 367/HQ مورخہ 11.04.2016 مجاریہ جناب DSP/H صاحب کوہاٹ معروض خدمت ہوں۔ کہ میری بیوی عرصہ 3/4 سال سے جنات کی بیماری میں مبتلا ہے کافی دم دارو کر چکا ہوں۔ مگر صحت یاب نہ ہوئی۔ جس پر وقتاً فوقتاً دورے آتے رہتے ہیں۔ جسکی وجہ سے سائل کو سخت پریشانی کا سامنا ہے۔ بدین وجہ غیر حاضر ہو چکا ہوں۔ میری اس مجبوری کو مدنظر رکھتے ہوئے شوکاز نوٹس کو فائل کرنے کا حکم صادر فرمائیں۔ تمام عمر دعا گو رہے گا۔

A Jd

بدکنسٹیبل احمد نواز 413 پولیس لائن کوہاٹ

10

31 دیم تنخواہ
اسپیشل کا انکریمنٹ منہا کیا جائے۔

EDPO/HQ

Reader/RC/OH

NO 410 HQ
Dt 25-4-016

25/4

SHOW CAUSE NOTICE

(Under Rule 5 (3) Khyber Pakhtunkhwa Police Rules 1975)

1. That you Constable Ahmed Nawaz No.413 while posted at Police Line, Kohat have rendered yourself liable to be proceeded under Police Rules 5(3) of Khyber Pakhtunkhwa Police Rules 1975 for following misconduct:-

That on 27-02-2016 after perusal of Daily Diary No.29 dated 27-02-2016 you were absenting himself without any prior permission of the Seniors and present on 30-03-2016 vide D.D. No.61 dated 30-03-2016 **(total absentia period 31-days 11 hours and 35 minutes)** which shows your inefficiency, lack of interest in the discharge of Govt: duties and gross misconduct on your part.

2. That by reason of above as sufficient material is place before the undersigned therefore it is decided to proceed against you in general police proceeding without aid of Enquiry Officer.

3. That the misconduct on your part is prejudicial to good order of discipline in the Police Force.

4. That your retention in the Police Force will amount to encourage inefficiency and unbecoming of good Police Officers.

5. That by taking cognizance of the matter under enquiry the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.

6. You are therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.

7. You should submit reply to this Show Cause Notice within 07 days of the receipt of the notice failing which an ex- parte action shall be taken against you.

8. You are further directed to inform the undersigned that you wish to be heard in person or not.

No. 367 /HQrs:
Dated 11/4 /2016.

(Abdur Rashid Khan)
Sub-Divisional Police Officer,
Headquarters Kohat.

OFFICE OF THE SUB DIVISIONAL POLICE OFFICER HQRS; KOHAT.

GROUND OF ACTION

That **You Constable Ahmed Nawaz No.413 Police Lines, Kohat.**
Committed following misconducts:-

That on 27-02-2016 after perusal of Daily Diary No.29 dated 27-02-2016 you were absenting himself with-out any prior permission of the Seniors and present on 30-03-2016 vide D.D. No.61 dated 30-03-2016 **(total absentia period 31-days 11 hours and 35 minutes)** which shows your inefficiency, lack of interest in the discharge of Govt: duties and gross misconduct on your part.

By reason of above you have rendered yourself liable to be proceeded under KhyberPakhtunkhwa Police Rules 1975 (Amendment 2014) hence these ground of action.

(Abdur Rashid Khan)
Sub: Divisional Police Officer,
Headquarters Kohat.

SHOW CAUSE NOTICE

(Under Rule 5 (3) Khyber Pakhtunkhwa Police Rules 1975)

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4. That your retention in the Police Force will amount to encourage ineffi unbecoming of good Police Officers.

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8. You are further directed to inform the undersigned that you wish to be heard in or not.

No. 367 /HQrs:
Dated 11/4 /2016.

(Abdur Rashid Khan)
Sub-Divisional Police Offic
Headquarters Kohat.

OFFICE OF THE SUB DIVISIONAL POLICE OFFICER HQRS; KOHAT.

GROUND OF ACTION

That **You Constable Ahmed Nawaz No.413 Police Lines, Kohat.** Committed following misconducts:-

That on 27-02-2016 after perusal of Daily Diary No.29 dated 27-02-2016 absenting himself with-out any prior permission of the Seniors and present on 30-02 D.D. No.61 dated 30-03-2016 (**total absentia period 31-days 11 hours and 35 min** shows your inefficiency, lack of interest in the discharge of Govt: duties and gross mis your part.

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(Abdur Rashid Khan)
Sub: Divisional Police Offi
Headquarters Kohat.

ضلع کوہاٹ

تعلیم 61 روزانہ $30\frac{3}{16}$

حاضری از غیر حاضری 26 فرد $30\frac{3}{16}$ دن 07:35 بجے اس دن
کنسٹبل احمد نواز 413 غیر حاضری بحوالہ 29 روزانہ $27\frac{2}{16}$
حاضر آ کر بیان کیا کہ میری اہلیہ کو اچانک دماغی توازن بگڑ
گیا ہے شدید بیمار ہو کر جسکی وجہ سے علاج و معالجہ کی خاطر مجھے خانہ
پر رہنا پڑا کافی علاج و معالجہ کے بعد بھی ابھی صحت یاب نہیں ہوئی ہے اب میں
حاضر آیا ہوں میری غیر حاضری کی جائے جسکی حاضری کو 2 روزانہ ہو کر
تعلیم افسران بالا کو ارسال ہوگا۔

جناب عالی!

نقل بیان ماتحت اصل ہے۔

Hussain
Mtr line
30-3-16

D. H.
31 : 11

Sir
Forwarded.

LO - Tet
30-3-16

PA
1884 S.C.N
SDPO

ضرورتی کورس

نمبر 29 دورانیہ 2 $27\frac{2}{16}$

گنتی ملازمان کورس غیر حاضر 10 مورخہ $27\frac{2}{16}$ وقت 2:00 بجے
اس وقت گنتی ملازمان کی تمام تاریخ ارد لوئی ملازمان گنتی میں
موجود پائے گئے جو رسالہ حاضری درمیانہ کلم و ادکام کے گنتی فرمائش
گئی جیسا کہ نمبر احمد نواز 4118 گنتی میں عدم موجود پایا گیا جسکے
ملازمہ کورس غیر حاضر دورانیہ 2 کی جاتی ہے۔

فیا۔ عالی!

نمبر بطاقہ اصل ہے۔

m.m. [illegible]
02-03-16.

Sir,

I

[illegible]

[illegible]

[illegible]

[illegible] 23 [illegible]
6-6-16

[illegible] 26 [illegible]
1-4-16

[illegible] (پولیس [illegible])

[illegible]
6-6-16

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

S.A No. _____/2018

Ahmad Nawaz

Versus

Police

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth
Preliminary Objection:-

All the preliminary objections raised by the Respondents are incorrect. The appellant come to the Tribunal with clean hand there is no misjoinder and nonjoinder of necessary party in the instant appeal. Further the appeal is within time.

FACTS:-

1. Para No. 1 of the appeal is correct and that of the reply is incorrect. Previous conduct has nothing to do with the impugned order which is illegal.

2. Para No.2 of the appeal is correct and that of the reply is incorrect.

3. Para No.3 of the appeal is correct and that of the reply is incorrect.

4. Para No4 of the appeal is correct and that of the reply is incorrect.

5. Para No.5 of the appeal is correct and that of the reply is incorrect.

6. Para No.6 of the appeal is correct and that of the reply is incorrect. Neither the appellant was associate with the inquiry proceeding nor did statement of any material which has been recorded hence the whole proceedings are contrary to law and rules.

7. Para No.7 of the appeal is correct and that of the reply is incorrect the appellant has been awarded major penalty without fulfilling the codal and legal formalities.

8. Para No.8 of the appeal is correct and that of the reply is incorrect no proof with respect to the communication of the impugned orders has been and by the Respondents.

9. Para No.9 of the appeal is correct and that of the reply is incorrect.

GROUNDS:-

A. Ground A of the appeal is correct and that of the reply is incorrect.

B. Ground B of the appeal is correct and that of the reply is incorrect. As no opportunity of personal hearing at any stage has been provided to the appellant.

C. Ground C of the appeal is correct and that of the reply is incorrect.

D. Ground D of the appeal is correct and that of the reply is incorrect.

E. Ground E of the appeal is correct and that of the reply is incorrect. The appellant never escape from law full custody the whole story narrated by the concern official are fabricated concocted and based on surmises and conjucture.

F. Ground F of the appeal is correct and that of the reply is incorrect.

G. Ground "G" of the appeal is correct and that of the reply is incorrect. As per consistant view of Supreme Court of Pakistan in various judgments is that every acquitted amount to Hon'ble acquittal.

H. Ground H of the appeal is correct and that of the appeal is incorrect

I. Ground I of the appeal is correct and that of the appeal is incorrect.

J. Ground J of the appeal is correct and that of the appeal is incorrect.

K. Ground H of the appeal is correct and that of the appeal is incorrect

It is, therefore, requested that the appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Dated 19/11/2018

Petitioner

Through

Naila Jan

Advocate, High Court

Peshawar.

RE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

S.A No. _____/2018

Ahmad Nawaz

Versus

Police

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth
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GROUNDS:-

A. Ground A of the appeal is correct and that of the reply is incorrect.

B. Ground B of the appeal is correct and that of the reply is incorrect. As no opportunity of personal hearing at any stage has been provided to the appellant.

C. Ground C of the appeal is correct and that of the reply is incorrect.

D. Ground D of the appeal is correct and that of the reply is incorrect.

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Dated 19/11/2018

Petitioner

Through

Naila Jan

Advocate, High Court

Peshawar.

بعدالت

KP Service Tribunal, Peshawar

مورخہ 2019ء منجانب اپیلانٹ

مقدمہ احمد نوید بنام پولیس

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ آن مقام Peshawar کیلئے مہمانا سید اپنڈ عظمی سید ایڈووکیٹ مقرر کرکے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث وفیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک وروپیہ ارعرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی ونظر ثانی وپیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور وقبول ہوگا دوران مقدمہ میں جو خرچہ ہرجانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہٰذا وکالت نامہ لکھدیا کہ سند رہے۔

المرقوم 23 ماہ 10 2019ء

العبد گواہ العبد

مقام Peshawar کے لئے منظور ہے۔

ضمیمہ قلم نمبر ۲۳

قلم نمبر ۲۴ ۵۰

ابتدائی اطلاعی رپورٹ

(قابل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

تھانہ

ضلع

نمبر MRS

تاریخ و وقت رپورٹ

نام و سکونت اطلاع دہندہ کا / استغاثہ

کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو

فاصلہ تھانہ سے اور سمت

تاریخ و وقت وقوعہ

28/2/16

وقت 21:00

وقت 21:10

وقت 21:45

SHO

MRS

P 223/24

تاریخ و وقت

ابتدائی اطلاع نیچے درج کرو

P 302

MRS

دستخط افسر تحریر کنندہ ابتدائی اطلاع کا دستخط

واسطے بلشبہ مجرمان علاقہ مجسٹریا وسط

دستخط اطلاع دہندہ کا دستخط

حروف الف یا ب سرخ روشنائی سے بالمقابل نام ملزمان

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 990 /ST Dated 20 /03/ 2020

To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Kohat.

Subject: - **JUDGMENT IN APPEAL NO. 750/2018, MR. AHMAD NAWAZ.**

I am directed to forward herewith a certified copy of Judgement dated 19.02.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

صدر فارم نمبر ۲

قلم نمبر ۲۴ - ۵۰

ابتدائی اطلاعی رپورٹ

(قابل دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ

تھانہ

ضلع

نمبر MRS

تاریخ و وقت اطلاع

28/2/16 وقت 17:45

نام و سکونت اطلاع دہندہ و استغاثہ

27/16 وقت 21:00 آمد 21:10

مختصر کیفیت جرم (معہ دفعہ) حال اگر کچھ لگایا ہو

گل خان SHO تھانہ MRS 14301-1615663-5 0333-9606732

تاریخ و وقوعہ فاصلہ تھانہ سے اور سمت

PS 223/224

نام و سکونت ملزم

بلڈنگ تھانہ MRS

کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج رجسٹر میں توقف ہوا ہو تو وجہ بیان کرو

حکم افسران بالا

تھانہ سے روانگی کی تاریخ و وقت

ابتدائی اطلاع نیچے درج کرو

جائے واقعہ: قبرستان

مورخہ 27/16 جرم 302 تھانہ MRS میں مدعی مقدمہ اجمل ولد ازاد [illegible] سکنہ [illegible] کو ملزم سراج کے کل مورخہ 28/2/16 کو گرفتار کر کے قبرستان کے نگرانی میں [illegible] کر محفوظ حراست میں رکھنے کی ہدایت کی۔ خود دیگر اہلکاران [illegible] مصروف رہا۔ تھوڑی دیر بعد ملزم نے قبرستان کی دیوار پھلانگ کر تھانہ سے فرار کر [illegible] کی گرفتاری کیلئے تلاش جاری تھی لیکن نہ مل سکا۔ ملزم اجمل ولد ازاد [illegible] کی جائز حراست سے فرار ہو کر اپنی گرفتاری میں رکاوٹ کا ارتکاب کیا اور [illegible] قبرستان [illegible] لاپرواہی کے مرتکب ہوئے۔ لہٰذا ذالنورین 11 قبرستان [illegible] سید سرتاج 273/2/16 [illegible] 460/2/16 اور ابراہیم شاہ 1162/2/16 کے خلاف [illegible] لاپرواہی در گرفتاری ملزم اور ملزم اجمل ولد ازاد کے خلاف گرفتاری [illegible] حراست سے فراری کا الزام بالا ہر چہ بالا [illegible] ذالنورین 11 [illegible] کو باضابطہ گرفتار کیے [illegible] 460 ابراہیم شاہ 1162 [illegible]

KOHAT

4 /2017

[illegible] FIR [illegible] تفتیش [illegible]
[illegible] ملزمان کی [illegible]
[illegible] 27-8-16 [illegible]
[illegible] FIR [illegible]
[illegible] 12B [illegible]
[illegible] ہے

MHC MRS
27.8.16

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دستخط

عہدہ

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا۔ یا اس کی مہر یا نشان لگایا جائے گا۔ اور افسر تحریر کنندہ ابتدائی اطلاع کا دستخط

حروف الف، ب، ج، روشنائی سے بالمقابل نام ملزم ملزم یا مشتبہ علیہ التہمت واسطے باشندگان علاقہ غیر یا وسط

Order-11
13.11.2017

APP for state present. All the accused also appeared before the court alongwith their counsel. Record of the case FIR No. 804 received.

Arguments on the application for acquittal heard while record perused.

Brief but relevant fact of the case are such that complainant Gul Janan SHO PS MRS reported the matter in same police station that on 28.08.2016 he arrested one Ahmad Nawaz involved in a case FIR No. 804 dated 27.08.2016 u/s 302 PPC and handed over to the Murhrir staff for the safe custody while he himself busy in other official work. After sometime the accused run away from the police station. Accordingly, Khaliq Nawaz HC/Muhrrir and Madad Muhrrir Syed Marjan as well as Muhammad Riaz and Ibrar Shah were nominated in the case. Consequently FIR No. 811 was chalked out on 29.08.2016.

After completion of the investigation challan was submitted before the court on 11.09.2017. After appearance of the accused they moved two separate applications for their acquittal, one filed by the accused Ahmad Nawaz on the ground that at the time of alleged occurrence he was complainant in the murder case while second application has been field be the police official that in the departmental enquiry they were exonerated.

The court also requisitioned the record of Sessions trial noted above alongwith police file

Keeping in view the submission at the bar and from perusal of the record, the court observed the following points.

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1. That case FIR No. 804 was registered on 27.08.2016 at 08.20 hours as per instance of Ahamd Nawaz s/o Aitbar Khan as per murasila of Sajjad Haider SI/Incharge Mills Area. After registration of FIR the investigation was handed over to the investigation and entrusted to Gul Razim Khan SI.
2. The IO started his investigation after taking necessary steps and duly noted down in his daily diary. According to DD No. 2 dated 28.08.2016 he visited in the area Tappi and gathered information from the facilitator and elders of the locality. On the same day he got the information that murder of Mst. Farkhanda w/o the accused Ahmad Nawaz is done by Ahmad Nawaz himself alongwith the accused Sher Nawaz, Usman s/o Ahmad Nawaz, Qasim s/o Farhad and Mst. Farhad Bibi another wife of Ahamd Nawaz, Fazal Bilal s/o Fazal Ur Rehman and Shafiullah s/o Shamsher. It is also written that the accused was not found at their residences, however at 03.00 p.m he got all the knowledge regarding the murder including planning and manner of the murder. At the bottom of his opinion he concluded that after verification the above noted accused would be charged. His investigation was completed on 28.08.2016. So, without charging the accused till 28.08.2016 complainant Ahmad Nawaz was not charged being accused in the case.
3. On 29.08.2016, Noor Muhammad the father of the deceased lady came in the police station when the IO Gul Razim Khan was in the illaqa Tappi for the purpose of investigation in the

case. The IO informed Noor Muhammad regarding the accused who charged the accused. The IO recorded statement u/s 161CrPC and rushed to the Kachehry but due to shortage of time he was directed to appear before the concerned Magistrate for recording his statement u/s 164 CrPC. At the late hours at about 07.00 p.m he formally charged the accused Ahamd Nawaz etc and also issued "Parwana Izadgi Jaraim (Memo)" against them.

4. Meanwhile SHO Gul Janan of PS MRS while showing the arrest of the accused Ahmad Nawaz on 28.08.2016 allegedly handed over the accused Ahamd Nawaz to the Muhrrir staff of PS MRS. Although there is no daily diary regarding the arrest of Ahmad Nawaz available on the case file however, it is not appealable to a prudent mind that without charging the accused either formally or on the basis of suspicion the SHO arrested the accused Ahamd Nawaz. There was no communication either formally or informally between the SHO and the IO. Similarly, there is no explanation in the FIR that why the concerned SHO keep mum from 17:45 hours of 28.08.2016 to 21.10 hours of 29.08.2016 regarding the alleged occurrence.

5. It is also a matter of record that all the police officials were exonerated in the departmental inquiry by the competent authority.

In view of above discussion the court come to the conclusion that at the time of alleged occurrence, the accused Ahamd Nawaz was complainant in the murder case bearing FIR No. 804. Secondly, his arrest

contd:

4 contd:

by the SHO was not a formal arrest. Thirdly, the IO was the proper person to whom the custody should be transferred, therefore the liability of the police officials of the PS MRs was also not regular. Consequently, while accepting both the applications, all the accused are acquitted. They are on bail. Their sureties be discharged for the liability of the bail bonds. Record be returned forthwith. File be consigned to the record room after completion.

Announced
13.11.2017

Raja Muhammad Shoaib Khan
Senior Civil Judge/JM/Sec30,
Kohat.

ATTESTED
COPING BRANCH

15/11/17

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 990 /ST Dated 20 /03/ 2020

To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Kohat.

Subject: - **JUDGMENT IN APPEAL NO. 750/2018, MR. AHMAD NAWAZ.**

I am directed to forward herewith a certified copy of Judgement dated 19.02.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

S.A No. _____/2018

Ahmad Nawaz

Versus

Police

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth
Preliminary Objection:-

All the preliminary objections raised by the Respondents are incorrect. The appellant come to the Tribunal with clean hand there is no misjoinder and nonjoinder of necessary party in the instant appeal. Further the appeal is within time.

FACTS:-

1. Para No. 1 of the appeal is correct and that of the reply is incorrect. Previous conduct has nothing to do with the impugned order which is illegal.