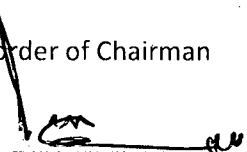


Form- A

## FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 1351/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/09/2022	<p>The appeal of Mr. Waseem Abbas resubmitted today by Mr. Mir Zaman Safi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Waseem Abbas Ex-constable no. 14, Police Line Swabi received today i.e. on 12.09.2022 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Affidavit is not attested by the Oath Commissioner.
- 4- Annexures of the appeal may be attested.
- 5- Annexures-B and F of the appeal are illegible which may be replaced by legible/better one.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2554/S.T,

Dt. 13/9 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Mir Zaman Safi Adv. Pesh.

*Note:*

*Sir,*

*All objections have been removed  
hence re-submitted today dated 16.09.2022*

*Mr. Zaman Safi*  
*16/9/2022*

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

APPEAL NO. 1351/2022

WASEEM ABBAS

VS

POLICE DEPTT:

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4	Suspension order dt: 16.09.2014	B	7.
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6	Judgment/acquittal order	F	14- 24.
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8	Impugned order	H	28.
9	Departmental appeal	I	29- 30.
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**APPELLANT**

THROUGH:

  
**MIR ZAMAN SAFI**  
**ADVOCATE**

Office: Room No. 6-E, 5<sup>th</sup> Floor,  
Rahim Medical Centre, Hashtnagri,  
Peshawar.  
Cell: 0333-9991564

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

APPEAL NO 1351 /2022

Date of Filing 1323

Date 12-9-2022

Mr. Waseem Abbas, Ex-Constable No. 74,  
Police Lines, District Swabi .....

.....APPELLANT

**VERSUS**

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer Mardan Region at Mardan.
- 3- The District Police Officer, District Swabi.

.....RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT-1974 AGAINST**  
**THE IMPUGNED ORDER DATED 13.05.2022 WHEREBY**  
**MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS**  
**BEEN IMPOSED UPON THE APPELLANT AND AGAINST**  
**THE IMPUGNED APPELLATE ORDER DATED 08.08.2022**  
**COMMUNICATED TO THE APPELLANT ON 06.09.2022**  
**WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT**  
**HAS ALSO BEEN REJECTED BEING DEVOID OF MERIT**

**PRAYER:**

That on acceptance of this appeal the impugned orders dated 13.05.2022 and 08.08.2022 may very kindly be set aside and the appellants be re-instated into service with all back benefits. Any other remedy which this August Tribunal deems fit that may also be awarded in favor of the appellants.

**R/SHEWETH:**

**ON FACTS:**

*Brief facts giving rise to the present appeal are as under:-*

- 1- That appellants were the employees of respondent Department and performing his duty as Constable quiet efficiently and up to the entire satisfaction of his superiors.
- 2- That during service the appellants were falsely implicated in criminal case by the local police vide FIR No. 583, dated 14.09.2014, under section 392 PPC at Police Station Yar Hussain and in FIR No. 414, dated 14.09.2014, Under Section 392, PS Kalu Khan. Copy of FIR is attached as annexure.....A.

- 3- That the local police arrested the appellant and sent to the judicial lock up and due to involvement in the said criminal case the appellant was suspended vide order dated 13.09.2014. Copy of the suspension order is attached as annexure.....**B.**
- 4- That the appellant was behind the bar in the above mentioned criminal case and at the meantime the respondent Department conducted departmental inquiry in the matter without associating the appellant and straight away issued dismissal order dated 05.03.2015 without waiting to the outcome of Trial in the aforementioned criminal case. Copies of the inquiry, Final Show Cause Notice, reply and order dated 05.03.2015 are attached as annexure.....**C, D & E.**
- 5- That after acquittal in the above mentioned criminal case the appellant preferred departmental appeal before the appellate authority followed by service appeal No.741/2017 before this august Tribunal which was allowed in favor of the appellant vide judgment dated 14.12.2021 with the directions to the respondent to conduct de-novo inquiry in the matter strictly in accordance with law and rules. Copies of the acquittal order and judgment dated 14.12.2021 are attached as annexure.....**F & G.**
- 6- That the respondents has not been properly associated the appellant into the de-novo inquiry and once again issued the impugned order dated 13.05.2022 whereby major penalty of dismissal from service has been imposed upon the appellant. Copy of the impugned order is attached as annexure.....**H.**
- 7- That appellant feeling aggrieved from the impugned order dated 13.05.2022 preferred departmental appeal before the appellate authority but the same has also been rejected vide order dated 08.08.2022 without touching merit of the case and the same communicated to the appellant on 06.09.2022. Copies of the departmental appeal and rejection order dated 08.08.2022 are attached as annexure.....**I & J.**
- 8- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst others.

**GROUND:**


- A- That impugned orders dated 13.05.2022 & 08.08.2022 issued by the respondents are against the law, facts, norms of natural justice and material on record, hence not tenable and liable to be set aside.

- B- That the appellant has not been treated in accordance with law and rules by the respondent department on the subject noted above and as such violated Article 4 and 25 of the Constitution Of Islamic Republic of Pakistan.
- C- That no charge sheet and statement of allegations have been issued to the appellant before issuing the impugned order dated 13.05.2022.
- D- That the de-novo inquiry had been conducted by the authorities but the appellant has not been properly associated in such inquiry and as such the same had not been conducted in the proper manner as per law and prescribed rules, therefore, the inquiry conducted by the authorities is null and void in the eye of law.
- E- That statements of the complainant has not been recorded during the inquiry proceedings and as such chance of cross examination has not been provided to the appellant over the complainant and other witnesses which was necessary as per rule and judgment of the Apex Court, therefore the impugned order dated 13.05.2022 is not tenable in the eye of law, hence the same is liable to be set aside.
- F- That no chance of personal hearing/defense has been provided to the appellant before issuing the impugned order dated 13.05.2022.
- G- That the complainant already recorded his statement before the Trial Court that the appellant has no relevancy with the occurrence and as such the police officials their self nominated the appellant in the aforementioned criminal case.
- H- That the appellant was falsely implicated in the above mentioned criminal case and the Trial Court also declared the appellant as innocent, therefore, the impugned order dated 13.05.2022 is not tenable and liable to be set aside.
- I- That the inquiry report has not been supplied by the authorities to the appellant, therefore, the impugned order dated 13.05.2022 is not tenable in the eye of law, hence the same is liable to be set aside.
- J- That the impugned order dated 13.05.2022 is violative of law, prescribed rules and judgments of the superior courts, hence the impugned order dated 13.05.2022 is not tenable and liable to be set aside.
- K- That the appellant seeks permission to advance any other ground and proof at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may very kindly be accepted as prayed for.


**Dated: 12.09.2022**

**APPELLANT**  
  
**WASEEM ABBAS**

**THROUGH:**   
**MIR ZAMAN SAFI**  
**ADVOCATE**

**CERTIFICATE:**

It is, certified that no other earlier appeal was filed between the parties.

  
**DEPONENT**

**LIST OF BOOKS:**

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED

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

APPEAL NO. \_\_\_\_\_/2022


WASEEM ABBAS

VS

POLICE DEPTT:

**AFFIDAVIT**

I **Mir Zaman Safi, Advocate High Court, Peshawar** on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

  
**MIR ZAMAN SAFI,**  
Advocate  
High Court, Peshawar



14.9.14

SHOP/ SM HUSSAIN

ATTESTED

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Police Officer Swabi

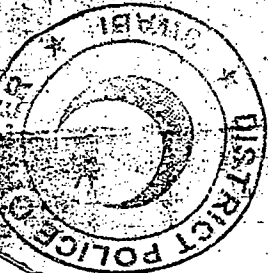
ATTESTED

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Certified to be true copy

Table with multiple rows and columns containing handwritten entries in Urdu.

(6)



POLICE OFFICER SWABI

BETTER COPY 0A-6

## ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ ۱۵۴ مجموعہ ضابطہ نو جداری

ضلع صوابی

تھانہ یار حسین

علت 414

تاریخ وقوع وقوعہ 10/9/14 وقت 20:30 بجے

1	درج وقت رپورٹ۔	11/9/14 وقت 11:10 بجے
2	نام سکونت اطلاع دہندہ مستغیث۔	رحیم سید ولد خاستہ قوم افغان عمر 36/37 سال ساکن یار حسین قدیم
3	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو	PPC 392
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	آرینہ یار حسین روڈ نزد چھاٹک مسجد بحد زیم یار حسین جانب شمال مشرق بقاصلہ 2/3 km از تھانہ
5	نام و سکونت ملزم	عباد خان ولد عبداللطیف، وسیم عباس ولد جاوید جان، یاسر ولد سید عباس ساکنان کالو جان
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو	برسیدگی رپورٹ مدد درج رجسٹر کیا جاتا ہے۔
7	تھانہ سے روانگی کی تاریخ و وقت۔	یہ سبیل ڈاک

ابتدائی اطلاع نیچے درج کرو:- مستغیث مندرجہ خانہ نمبر 2 بوت صدر بچے بحاضری تھانہ آ کر یوں رپورٹ

کرتا ہے کہ مورخہ 10/9/14 کو میں نے اپنی ربی مسجد یار حسین آدینہ روڈ پر نماز عشاء ادا کر کے دیگر نازیوں کے عبد اپنے گھر میں روڈ پر یار حسین کی طرف روانہ ہوئے۔ چند قدم کے فاصلے پر جا کر اپنے گھر کے قریب پہنچ کر بوت قریب 20:30 بجے یار حسین کی جان تین کسان آ کر موٹر سائیکل روڈ پر کھڑا کر کے ایک شخص مسلح میرے سامنے کھڑا ہو کر دو کسان میرے پیچھے مسلح کھڑا ہو کر تینوں نے مجھ پر اپنے اپنے پستول ایم کر کے میرا تلاشی لے کر میرے جیب سے بیٹوں لے کر بیٹوں میں مبلغ دس ہزار روپے اور سامنے جیب سے موبائل نوکیا بزر چھین کر لے گئے۔ سامنے آنے پر ملزمان کی شکایت کر سکتا ہوں۔ اب تک معلومات کر تا رہا اب مجھے معلوم ہوا کہ مجھ سے بزر رقم مبلغ دس ہزار روپے اور چھیننے والے مسیماں عباد خان ولد عبداللطیف، وسیم عباس ولد جاوید خان۔ یاسر ولد سید عباس ساکنان کالو جان معلوم ہوئے۔ رپورٹ میں دیری اس وجہ سے ہوئی کہ اب تک معلومات کر رہا تھا۔ میں بیٹوں میں رقم مبلغ دس ہزار روپے ایک نوکیا سیٹ بزر چھیننے کا برخلاف متذکرہ بالا کسان دعویٰ ہوں۔ العبد زرشاد ولد شہباز خان وم افغان ہمر 40/41 سال ساکن قدیم یار حسین نے رپورٹ موصول ہوئی۔ العبد حسب گفتہ سائل رپورٹ درج ہو کر پڑھ کر سنایا سمجھایا گیا درست تسلیم کر کے زیر رپورٹ خود انگوٹھا ثبت کیا جسکی میں تائید کنندہ سے تائیدی انگوٹھا ثبت کیا گیا مضمون رپورٹ سے صورت جرم بالا کا پاء جا کر پرچہ جرم فوق مرتبہ ہو کر نقول FIR بغرض تفتیش حوالہ انچارج انوسٹی گیشن سٹاف۔ کئے جاتے ہیں۔ پرچہ گزارش ہے۔

-sd-

SHO/P.SY.HUSSAIN

14.9.14

ATTESTED

M. Hussain

0

B-7

7

ORDER

Being found involved in the following cases, I, Sajjad Khan, PSP, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby place Constable Waseem Abbas No. 74, under suspension, with immediate effect. He is being proceeded against departmentally.

1. Case FIR No.583 dated 14.09.2014 u/s 392 PPC Police Station Kalu Khan.
2. Case FIR No.414 dated 14.09.2014 u/s 392 PPC Police Station Yar Hussain.

O.B No. 1194  
Dated 11.09.2014.

(SAJJAD KHAN) PSP  
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI  
No. 1611-13 /PA, dated Swabi, the 16/09/2014.  
Copies to the: -

1. DSP, H.Qrs, Swabi.
2. Establishment Clerk.
3. FMC.

ATTESTED

*M. Jaffer*

Certified to be True Copy

ATTESTED

ATTESTED

District Police Officer, Swabi.

(9) C-8

DY: No. 48 / TP  
DATED: 11 / 09 / 2015

SUBJECT:

**DEPARTMENTAL ENQUIRY AGAINST CONSTABLE WASEEM ABBAS  
NO.74. CONDUCTED BY MR. SHAH MUMTAZ DSP TOPL**

It is submitted that a departmental enquiry against the above named constable was entrusted to the undersigned vide Endst: No. 174/CC/PA, dated 15.09.2014 on the following allegations:-

**ALLEGATIONS.**

It is alleged that Constable Waseem Abbas No.74, of this District Police involved himself in the following case, which is highly against the discipline and amounts to gross mis-conduct.

1. Case FIR No. 583 dated 14.09.2014 u/s 392 PPC Police Station Kalu Khan.
2. Case FIR No. 414 dated 14.09.2014 u/s 392 PPC Police Station Yar Hussain.

**PROCEEDING :-**

During the course of enquiry statement of SI Fayaz Khan IO of the case of PS Kalu Khan, ASI Sajid IO of the case of PS Yarhusain and Mr. Ajeem Said s/o Khaista Noor r/o Yar Husain complainant of the case FIR No. 414 were called for recording their statements and provision of relevant record.

**01. STATEMENT OF SI MUHAMMAD FAYAZ KHAN OF PS: KALU KHAN NOW POSTED  
DISTT: CHARSADDA PS: UMARZAI.**

He stated in his statement that in case FIR No. 583 dated 14.09.2014 u/s 392 PPC Police Station Kalu Khan, complainant Shah Pasand s/o Taj Muhammad r/o Adeena direct charged accused constable Ibad Khan No. 568 and Waseem Abbas No. 74 for the offence.

During the course of investigation both the accused have been arrested and tactfully interrogated. The snatched amount/property was recovered at their instance and later on challaned to court also admitted into judicial lock-up Swabi. He further added that his application for bail has been cancelled by the court of W/ Session Judge Swabi and now filed another appeal in the Honorable High Court Peshawar for bail, which is still pending.

**Certified to be True Copy.**

**02. STATEMENT OF ASI SAJJID ALI OF PS: YAR HUSAIN.**

He stated in his statement that in case FIR No. 414 dated 14.09.2014 u/s 392 PPC Police Station Yar Husain, complainant Ajeem Said s/o Khaista Noor r/o Yar Husain direct charged accused constable Ibad Khan No. 568 and Waseem Abbas No. 74 for the offence.

During the course of investigation both the accused have been arrested and tactfully interrogated. The snatched amount/property was recovered at their instance and later on challaned to court also admitted into judicial lock-up Swabi.

**03. STATEMENT OF MR. AJEEM SAID S/O KHAISTA NOOR R/O YAR HUSAIN.**

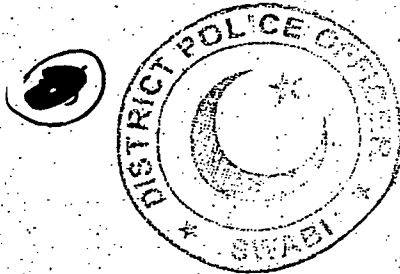
He stated in his statement that in case FIR No. 414 dated 14.09.14 u/s 392 PPC PS Yar Husain he direct charged accused Waseem Abbas s/o Javed, Yasir s/o Saif Abbas, Ibad s/o Abdul Nazif for the snatching of cash amount rupees 10,000 and a Mobile set.

**ATTESTED**

*M. [Signature]*

**ATTESTED**

**PIO**  
District Police Officer, Swabi



9

CONCLUSION.


From perusal of the above statements and relevant record, it is evident that in Case FIR No. 583 dated 14.09.2014 u/s 392 PPC Police Station Kalu Khan and FIR No. 414 dated 14.09.2014 u/s 392 PPC Police Station Yar Hussain complainant of the cases direct charged constable Waseem Abbas No.74 and Ibad No.568 for the offence. On the other side during interrogation the snatched property has also been recovered at their instance which clearly manifest accused ship and involvement of both the constables in the cases.

In view of the above the delinquent constable is not deserve for any leniency and recommended for the award of **MAJOR** punishment.

DEPUTY SUPDT: OF POLICE  
TOPI

Issue F.S.C.N

Certified to be True Copy

  
DPO Swabi  
12/2

ATTESTED  


ATTESTED  
  
District Police Officer, Swabi.

FINAL SHOW CAUSE NOTICE.

D-10

Whereas, you Constable Waseem Abbas No.74, while posted to District Police Swabi, involved yourself in the following cases which is highly against the discipline, and amounts to gross mis-conduct.

1. Case FIR No. 583 dated 14.09.2014 u/s 392 PPP Police Station Kalu Khan.
2. Case FIR No. 414 dated 14.09.2014 u/s 392 PPC Police Station Yar Hussain.

In this connection you were charge sheeted and served with summary of allegation and DSP, Topi was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry and submitted his findings, wherein, he held you Waseem Abbas No.74 guilty for the mis-conduct.

Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence I Sajjad Khan, PSP, District Police Officer, Swabi in exercise of power vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to show cause finally as to why the proposed punishment should not be awarded to you.

Your reply should reach to the office of the undersigned within seven days of the receipt of this notice failing which it will be presumed that you have no explanation to make.

**Certified to be True Copy.**

You are also at liberty to appear for personal hearing before the undersigned.



District Police Officer,  
Swabi.

**ATTESTED**

PIO

District Police Officer, Swabi.

Date: 13.02.2015

745 Constable  
Waseem Abbas  
23-2-15

**ATTESTED**

*[Signature]*

Received no 2369  
dt 23/02/15

*[Signature]*  
24/2/15

(11)

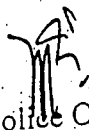
**Government of Khyber Pukhtunkhawa.**  
Office of the District Police Officer, Swabi  
Phone No. 0938-221399, Fax No. 0938-222434

From: The District Police Officer, Swabi.  
To: The Superintendent, Judicial Lock-up  
Swabi.  
No: 369 /RA, dated Swabi, the  
Subject: SERVICE OF SHOWCAUSE NOTICE

23/02/2015.

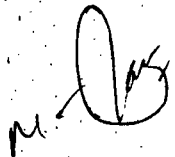
Memo:

Enclosed please find herewith Final Show Cause Notice in r/o Constable Waseem Abbas No.74 for service upon him. Duplicate copy, thereof duly signed by him may be returned to this office for further necessary action, please.

  
District Police Officer,  
Swabi.

**Certified to be True Copy.**

**ATTESTED**



**ATTESTED**

**PIQ**

District Police Officer, Swabi.

M-1  
ATTESTED

District Police Officer, Swabi

ATTESTED  
DPO

Handwritten signature and text in Urdu script.

27 2/15

Certified to be True Copy.

Main body of handwritten text in Urdu script, containing a detailed report or statement.

12



**OFFICE OF THE DISTRICT POLICE OFFICER, SWABI**

**ORDER.**

It is alleged that Constable Waseem Abbas No. 74, while posted to District Police, involved himself in the following cases, which is highly against the discipline and amounts to gross mis-conduct.

1. Case FIR No. 583 dated 14.09.2014 u/s 392 PPC PS Kahi Khan.
2. Case FIR No. 414 dated 14.09.2014 u/s 392 PPC PS Yar Hussain.

Therefore, he was served with charge sheet and summary of allegations and Mr. Shah Mumtaz, DSP, Topi was appointed as Enquiry Officer. The Officer conducted proper departmental enquiry and recorded statements of all concerned. The Officer submitted his findings wherein he found him guilty for the mis-conduct and recommended him for Major punishment. The undersigned perused the enquiry papers, findings and by agreeing with the Enquiry Officer issued him Final Show Cause Notice. His reply to the Final Show Cause Notice was received, perused and was not found satisfactory.

Therefore, I Sajjad Khan, PSP, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975, hereby Dismiss Constable Waseem Abbas No. 74 from Service from the date of his arrest i.e 14.09.2014.

**Certified to be True Copy.**

O.E. No. 273

Dated 28/3/2015.

(SAJJAD KHAN) PSP  
District Police Officer, Swabi.

**OFFICE OF THE DISTRICT POLICE OFFICER, SWABI**

No. 425-28 /PA, dated Swabi, the 28/3/2015.

Copies to the:-

1. Pay Officer.
2. Establishment Clerk.
3. Fatiji Missal Clerk.
4. Official concerned.

**ATTESTED**

*[Handwritten signature]*

**ATTESTED**

**P/O**  
District Police Officer, Swabi.

78-3-15

IN THE COURT OF  
MALIK AMJAD RAHIM  
ADDITIONAL SESSIONS JUDGE-IV, SWABI

F-14

Case No. 81/SC of 2015  
Date of Original Institution 08.01.2015  
Date of Decision 04.03.2016

State through Shah Pasand son of Taj Muhammad, R/O Dasti  
Baba Adina, District Swabi ..... (Complainant)

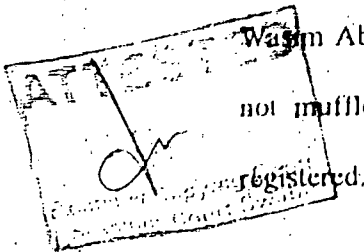
VS

- (1) Ibad S/O Abdul Lateef  
(2) Yasir S/O Abbas  
(3) Waseem Abbas S/O Javed Khan all R/Os Kalu Khan District  
Swabi.....(The accused facing trial)

FIR No. 583  
Dated: 14.09.2014  
U/S 395/411 PPC  
Police Station Kalu Khan

JUDGMENT:

The brief facts reflected in the FIR are, that the complainant Shah Pasand reported the matter to the local police to the effect that he alongwith his son namely Sabir Khan were proceeding to their home situated near Dasti Baba road, found three persons standing duly armed, when they reached there the accused snatched forcibly Rs:13400/- from him and Rs:200/- from his son Sabir Khan on gunpoint and after the occurrence, they fled away. That all the accused muffled their faces except one. Later on he came to know that the accused facing trial namely Ibad Khan, Yasir and Waseem Abbas have robbed him and his son. The accused whose face was not muffled was Waseem Abbas. Hence the present FIR in hand was



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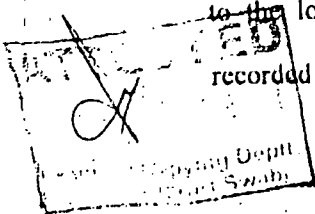
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2. On the completion of investigation, complete challan was submitted for trial on 08.01.2015, and the accused was accordingly summoned, in compliance whereof accused facing trial Waseem Abbas and Ibad produced in custody before the court while accused Sheraz, Tufail and Yasir present on bail. Provisions U/S 265-C Cr.P.C were duly complied with against accused facing trial on 13.01.2015, in compliance whereof, the thumb signatures of the accused facing trials were taken alongwith the order sheet. Vide order dated 19.03.2015, the accused were formally charged U/S.395/411 PPC to which charge, the accused facing trials did not plead their guilt and claimed trial. The prosecution was invited to produce its evidence. The statements of the witnesses in brief are reproduced as under:

**PW-1 Shah Pasand S/O Taj Muhammad R/O Dasti Baba Adina;**

Deposed, that on the day of occurrence, he alongwith his son Sabir Khan after buying breads from a Thandor situated in Adina Adda were proceeding to their house situated at Dasti Baba and when reached the Dasti Baba road, there three persons duly armed with firearms were present on the bank of road. When they reached near them all of them aimed their pistols at them and carried out their body search. The accused forcibly took away Rs:13400/- from him and Rs:200/- from his son Sabir Khan. The accused were muffled faces except one whose face was opened. Later on he came to know that the accused facing trial namely Ibad Khan, Yasir and Wasim Abbas have robbed him and his son. The accused whose face was not muffled was Waseem Abbas. He made report regarding the occurrence to the local police at Police Station Kulu Khan where his report was recorded in the shape of FIR EX.PA, the contents of which are correct and



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*M. V. Khan*

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correctly bears his signature as well as thumb impression of his son. He charges the accused facing trial for the commission of offence.

**PW-2 Ayub Khan ASI of P.S Kalu Khan,**

Deposed that, in his presence the accused Sheraz and Tufail made pointation of the spot regarding which the investigation officer prepared the pointation memo Ex.PW2/1 (STO, pointation of the accused is statement before the police which is not admissible in evidence).

**PW-3 Raza Khan ASI of P.P Jehangira,**

Deposed that, during the days of occurrence, he was posted at Police Station Kalu Khan. On 14.09.2014 at 08:50 hours, the complainant namely Shah Pasand son of Baz Muhammad R/O Dasti Baba Adina came to the Police Station Kalu Khan and made report regarding the occurrence to him wherein he charged accused namely Ibad, Yasir and Waseem for the offence of robbery committed in respect of the complainant. He recorded the report of the complainant in the shape of FIR Ex.PA. Today, he sees the copy of the FIR, the contents of which are correct and correctly bear his signature. He read over and explained the report to the complainant who after admitting the same to be correct thumb impressed the same. The report was also verified by Sabir Khan son of Shah Pasand R/O Adina. He also arrested accused. Waseem and Ibad on 14.09.2014. At the time of arrest he recovered cash amount Rs:11600/-, one cell phone set Nokia from possession of accused Waseem Abbas and cash amount Rs:2200/-, one CNIC, one cell phone set Qmobile from possession of accused Ibad and took the same into his possession vide memo EX.PW3/1. The contents of recovery memo Ex.PW3/1 are correct and correctly bear his signature.

**PW-4 Saeed Sultan ASI of P.S Lahor,**

Deposed that, during the days of occurrence, he was posted at Police Station Kalu Khan. In his presence the Investigation Officer recovered one motorcycle 70CC on pointation of the accused facing trial Waseem Abbas

2014-09-15  
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 Saeed Sultan

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and took the same vide memo EX.PW4/1. Similarly in his presence the said accused made pointation of the spot to the Investigation Officer and to this effect pointation memo Ex.PW4/1 was prepared. (STO, pointation before the police is not admissible in evidence).

**PW-5 Muhammad Fayaz Inspector CTD D.I.Khan**

Deposed that, during the days of occurrence, he was posted as SI at PS Kalu Khan. After the registration of the present case, the investigation was entrusted to him. He went to the spot and prepared the site plan EX.PB at the instance of complainant and eyewitnesses. He conducted search of the house of the accused facing trial but the accused were not found nor any incriminating articles were recovered. Vide search memo Ex.PW5/1 to EX.PW5/3 the accused Waseem Abbas and Ibad were arrested by Raza Khan ASI and handed over to him for interrogation. During the course of interrogation the accused Waseem Abbas led him as well as the police party near to his house where on his pointation he recovered one Motorcycle, the chassis number is mentioned in the recovery memo EX.PW4/1. Similarly the accused also pointed out the spot to him vide pointation memo Ex.PW4/2. He produced the accused Waseem Abbas and Ibad before the court of JM and obtained two days police custody vide his application EX.PW5/4. (STO by the defence counsel that pointation of the spot by the accused in police custody is not recognized by law). Accused Tufail and Sheraz were also arrested in the instant case and handed over to him for interrogation. The accused Tufail was produced and obtained two days police custody vide his application EX.PW5/5. He also obtained two days police custody of accused Sheraz vide his application EX.PW5/6. The accused also pointed out the spot vide pointation memo EX.PW2/1. Accused Tufail and Sheraz refused to confess their guilt and were sent to judicial lockup vide his application EX.PW5/7. Similarly accused Yasir voluntarily surrendered before the SHO and then handed over to him. He produced him and obtained one day police custody

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vide his application Ex.PW5/8. Accused Yasir refused to confess his guilt and was sent to judicial lockup vide his application Ex.PW5/9. He also placed on file certain FIRs. He recorded the statements of the PWs u/s 161 Cr.P.C. After completion of investigation of the case he handed over the case file to the SHO for submission of complete challan against the accused facing trial.

**PW-6 Muhammad Ghayas FC No.238 PP Etham,**

Deposed that, in his presence Raza Khan SI apprehended accused Waseem Abbas and on his personal search he recovered Rs:11600/- different notes with different numbers from his front pocket and one mobile Nokia model C-3 having sim No.03159025236 and IME number are mentioned in the recovery memo while on the search of accused Ibad Rs:2200/- alongwith one ID card and mobile model E-750 having sim No.0312-2439860 and IME number mentioned in the recovery memo alongwith police card in the name of Ibad. The above mentioned articles were taken into possession on the recovery memo already exhibited as EX.PW3/1.

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3. After the evidence of the prosecution was over, the court had taken down the statements of the accused facing trial U/S 342 Cr.P.C. In their long statements, they confessed nothing of the offence and he deposed, that they are innocent and falsely charged in the instant case. No independent witness deposed against them, all the witnesses are interested. That the whole story of the prosecution is concocted. The accused facing trial did not wish to be examined U/S 340(2) Cr.P.C. They also did not wish to produce evidence in defense.

4. Arguments heard and record on file perused.

5. The perusal of record reveals, that the prosecution has examined as many as 06 witnesses in support of its case, while rest of the PWs were abandoned being unnecessary.

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Station. He has further admitted that except his signature upon the recovery memo above mentioned in the PS nothing else has taken place in his presence. He has admitted correct that the signature/name of a police officer has been removed and then a sign of another police officer is mentioned.

8. It is pertinent to mentioned that the prosecution has abandoned PW Sabir Khan eyewitness/victim of the incident being unnecessary. Moreover the prosecution has placed on file confessional statement of accused Waseem Abbas but that confessional statement is not related to the instant case rather it relates to another FIR No.668 dated 15.09.2014.

9. It is evident from the FIR Ex.PA on the file that the occurrence has took place on 10.09.2014 at 20:00 hours while the FIR has been registered on 14.09.2014 at 08:50 hours which shows that there is four days delay in the registration of the FIR. The complainant as PW-1 has admitted in his cross examination that the accused were already arrested by the local police and they were shown to him by them at the time of his report, the unexplainable delay in the registration of the case and already arrest of the accused facing trial before the registration of the case speak concoctness of the case. In the FIR the accused facing trial has charged only Ibad, Yasir, and Waseem Abbas and the number of the accused in the FIR has also been mentioned three but in the instant case subsequently the other co-accused facing trial namely Sheraz and Tufail have been involved and there is nothing on file about their involvement in the instant case. The recovery

memo witness PW-6 has admitted in his cross examination that he has put his signature on the recovery memo at the PS and has admitted it correct that the signature of one of the police officer has been removed and then a sign of another police officer is mentioned on the recovery memo. The

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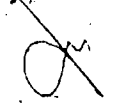
placing of confessional statement of one of the accused facing trial namely Tufail of some other case, on the case file of the instant case also show the mala-fide intention of the prosecution. The prosecution has placed several numbers of FIRs on the file against the accused facing trial but there is nothing on file which could show that anyone of the accused facing trial has been convicted in any of these cases. The contradictions in the statements of the witnesses and the record on file makes the case of prosecution doubtful.

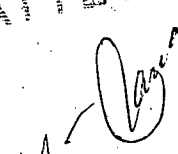
10. Moreover, the accused facing trials have remained with the police for sufficient time at the police station during the custody, but the accused had made no confession. Even in their statements recorded u/s 161 Cr.P.C the accused facing trial professed their innocence.

11. Moreover despite the weaknesses in the evidence, the complainant side has no objection on the acquittal of the accused facing trial.

12. The above discussion and scrutiny of the evidence led me to conclusion that prosecution has failed to establish the case against the accused facing trials. Hence keeping in view the above facts, reasons and circumstances, I acquit the accused facing trials namely Waseem Abbas S/O Javed, Ibad S/O Abdul Nazeef, Sheraz S/O Sohail Bacha, Tufail S/O Sabir and Yasir S/O Syed Abbas all resident of Village Kalu Khan District Swabi in this case. The accused facing trial Waseem Abbas S/O Javed, Ibad S/O Abdul Nazeef R/O Kalu Khan are in custody, they be released forthwith, if not required in any other case. While accused facing trials namely Sheraz S/O Sohail Bacha, Tufail S/O Sabir and Yasir S/O

Syed Abbas all resident of Village Kalu Khan are on bail, their bail bonds

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 Deputy  
 Magistrate

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stand cancelled and the sureties are absolved from the liability of their bail bonds.

Reliance is placed on:-

*PLD 2009 Peshawar 20*

*2008 S C M R 1064*

13. The case property, if any, shall be kept intact till the expiration of period of appeal/revision and thereafter the same be disposed of in accordance with law.

14. File, after its necessary completion and compilation, be consigned to record room.

**ANNOUNCED**  
04.03.2016

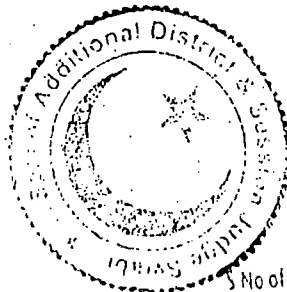
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**(MALIK AMJAD RAHIM)**  
Additional District & Sessions Judge-IV, Swabi

CERTIFICATE

Certified that this judgment consists of eleven (11) pages. Each page has been read, checked, correct wherever necessary and signed by me.

*(Signature)*  
**(MALIK AMJAD RAHIM)**  
Additional District & Sessions Judge-IV, Swabi

**ATTESTED**  
*(Signature)*  
Deputy Registrar  
District Court Swabi



Certified to be true copy

*(Signature)*  
**EXAMINER**  
District & Sessions Judge, Swabi  
Authorized Under Article 27 of  
the Qanun-e-Shahadat Order 1984

**ATTESTED**

*(Signature)*

No of Application	23345
Date of Presentation of	13.9.20
Date of receipt of	13.9.20
Date of	13.9.20
Total	(11)
Signature of	<i>(Signature)</i>

BEFORE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 741 /2017

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 730

Dated 23-6-2017

WASEEM ABBAS S/O Javed Khan,  
R/O Kain Khan, District Swabi.



Appellant

Versus

1. GOVT. OF KHYBER PAKHTUNKHWA,  
Through Secretary to Govt. of Khyber Pakhtun Khwa,  
Home and Tribal Affairs,  
Civil Secretariat, Peshawar

2. Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar,  
Central Police Office, Peshawar.

3. Deputy Inspector General of Police,  
Mardan Region-1, Mardan.

4. District Police Officer, Swabi.

Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE ACT OF THE  
RESPONDENT NO. 2 WHO ISSUED IMPUGNED ORDER  
DATED: 26-04-2017 AND UPHELD THE IMPUGNED  
ORDER DATED: 05-03-2015, 26-04-2016 and 10-11-2016.

Filed to-day

Registrar  
23/6/17

PRAYER IN APPEAL:

Re-submitted to -day  
and filed.

Registrar  
23/6/17

ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED  
ORDER DATED: 26-04-2017 AND ORDER DATED: 05-03-  
2015, 26-04-2016 and 10-11-2016 MAY KINDLY BE SET  
ASIDE AND RESULTANTLY THE APPELLANT MAY

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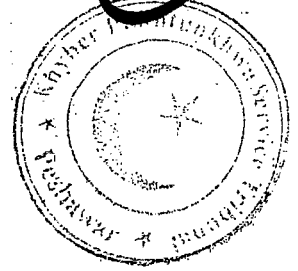
Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.**

Service Appeal No. 741/2017

Date of Institution ... 23.06.2017

Date of Decision ... 14.12.2021



Waseem Abbas S/O Javed Khan, R/O Kalu Khan, District Swabi.

... (Appellant)

**VERSUS**

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

... (Respondents)

MR. ASAD ZEB KHAN,  
Advocate

--- For appellant.

MR. KABIRULLAH KHATTA,  
Additional Advocate General

--- For respondents.

MR. SALAH-UD-DIN  
MR. ATIQ-UR-REHMAN WAZIR

--- MEMBER (JUDICIAL)  
--- MEMBER (EXECUTIVE)

**JUDGMENT:**

**SALAH-UD-DIN, MEMBER:-**

Precise facts forming the background of the instant service appeal are that the appellant was appointed as Constable vide appointment order dated 03.07.2012. During the course of his service, the appellant was charged in case FIR No. 583 dated 14.09.2014 under section 392 PPC Police Station Kalu Khan Swabi as well as case FIR No. 414 dated 14.09.2014 under section 392 PPC Police Station Yar Hussain Swabi, therefore, disciplinary action was taken against the appellant. On conclusion of the inquiry, the appellant was dismissed from service vide order dated 05.03.2015. Upon acquittal of the appellant in the criminal case, he filed

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Khyber Pakhtunkhwa  
Services Tribunal  
Peshawar

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departmental appeal, which was also filed vide order dated 25.04.2016. The revision as well as review petitions of the appellant were also declined, hence the instant service appeal.

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

3. Learned counsel for the appellant has contended that the appellant was admittedly in custody at the time of inquiry proceedings and he was not at all associated with the inquiry proceedings; that neither charge sheet nor statement of allegations were served upon the appellant and he was condemned unheard; that no copy of the inquiry was handed over to the appellant alongwith final show-cause notice, which has caused prejudice to the appellant; that the appellant has already been acquitted in the criminal cases, therefore, the competent Authority was not justified in awarding him major penalty of dismissal from service; that the mandatory provisions of Police Rules, 1975 were not complied in the inquiry proceedings and the impugned orders are thus liable to be set-aside by reinstating the appellant in service with all back benefits.

4. Conversely, learned Additional Advocate General for the respondents has contended that the appellant was involved in criminal cases of robbery, therefore, departmental action was taken against him and he was found guilty in a regular inquiry conducted against him; that the appeal in hand is time barred and is liable to be dismissed on this score alone; that the impugned orders have been passed in accordance with law, therefore, the same may be kept intact and the appeal in hand may be dismissed with costs.

5. We have heard the arguments of learned counsel for the appellant as well as learned Additional Advocate General for the respondents and have perused the record.

6. A perusal of the record would show that Deputy Superintendent of Police was appointed as inquiry officer for

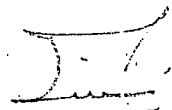
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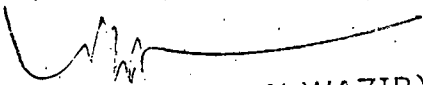
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conducting inquiry into the matter. While going through the inquiry report as well as other material available on the record, it is crystal clear that the appellant was in custody at the time of inquiry proceedings and he was not at all associated with the inquiry proceedings. Nothing is available on the record, which could show that charge sheet as well as statement of allegations was served upon the appellant. Similarly, final show-cause notice was though issued to the appellant, however copy of inquiry report was not handed over to him. In view of the aforementioned material dents in the inquiry proceedings, the impugned orders are not sustainable in the eye of law. Moreover, one Ibad Khan Constable, who was also charged in the same criminal cases had filed Service Appeal bearing No, 1067/2016 against the order of his dismissal from service, which was disposed of by this Tribunal vide judgment dated 11.09.2018 by remitting the matter back to the department for conducting of de-novo inquiry.

7. In light of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders. The appellant is reinstated in service and the respondents are directed to conduct de-novo inquiry against the appellant strictly in accordance with relevant law/rules within a period of 90 days of receipt of copy of this judgment. The issue of back benefits shall be subject to outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
14.12.2021

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

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

Certified to be true copy

EXAMINED  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Petition 28/01/22  
Number of Words 1600  
Copying Fee 18/-  
Agent 18/-  
Date of Presentation of Appeal 31/01/22  
Date of Delivery of Copy 31/01/22

**ORDER**

This Order will dispose of the departmental enquiry against **Constable Waseem Abbas No.74**, who charged in the following cases.

1. Case FIR No.583 dated 14.09.2014 U/s 392 PPC PS Yar Hussain.
2. Case FIR No.414 dated 14.09.2014 U/s 392 PS Kalu Khan.

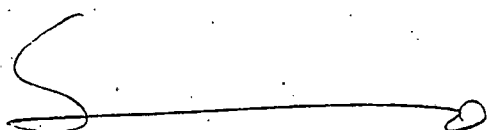
Therefore, he was issued with charge sheet alongwith summary of allegations and Syed Muhammad Bilal PSP, AIG/Human Rights, CPO Peshawar was nominated as enquiry officer vide AIG Enquiries Internal Accountability Branch Khyber Pakhtunkhwa Peshawar Memo No.296-98/CPO/IAB dated 03.03.2022. The enquiry officer conducted proper departmental enquiry, recorded statements of all concerned, collected evidence and submitted his findings, wherein he found Constable Waseem Abbas No.74 guilty for the mis-conduct and recommended for Major Punishment of dismissal from service.

The undersigned gone through the enquiry papers and findings of the enquiry officer and by agreeing with the recommendations of the enquiry officer issued him with Final Show Cause Notice for Major punishment. The Final Show Cause Notice was served upon him through local Police. The defaulter Constable, submitted his reply to the Final Show Cause Notice, which was perused and found un-satisfactory.

Therefore, I, **Muhammad Shoaib Khan, PSP**, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award **Constable Waseem Abbas No.74**, Major Punishment of Dismissal from service, with immediate effect.

O.B No. 462

Dated 13/05/2022.

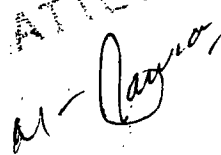
  
**MUHAMMAD SHOAIB KHAN (PSP)**  
DISTRICT POLICE OFFICER,  
SWABI

**OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.**

No. 2271-72/PA, dated Swabi, the 13/05/2022.

Copies to the: -

1. Regional Police Officer Mardan for favor of information, please.
2. AIG enquires Internal Accountability Branch Khyber Pakhtunkhwa Peshawar Memo No.296-98/CPO/IAB dated 03.03.2022.
3. AIG Human Rights CPO Peshawar.
4. Pay Officer, Swabi
5. Establishment Clerk.
6. I/C PAL.
7. Fauji Missal Clerk.

**ATTESTED**  


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To,

The Regional Police Officer,  
Mardan Region at Mardan.

Subject:

**DEPARTMENTAL APPEAL AGAINST THE IMPUGNED  
ORDER DATED 13.05.2022 WHEREBY MAJOR PENALTY OF  
DISMISSAL FROM SERVICE HAS BEEN IMPOSED UPON  
THE APPLICANT.**

Respected Sir:

With due respect it is stated that the applicant was the employee of your good self-Department and was serving as constable No.74 quite efficiently and upto the entire satisfaction of his superiors.

That during service the applicant was charged in case FIR No. 583, dated 14.04.2014 under section 392 PPC, Police Station Kalu Khan, Swabi as well as case FIR No. 414, dated 14.09.2014 Under Section 392 Police Station Yar Hussain, Swabi. That the police officials arrested the applicant and sent to the judicial lockup.

That due to involvement in criminal case the authorities conducted departmental inquiry but without associating the applicant and straight away issued the order dated 05.03.2015 whereby the applicant had been dismissed from service. That after acquittal from the criminal charges the applicant preferred departmental appeal before your good self followed by service appeal No.741/2017 before the august Service Tribunal, Peshawar which was accepted in favor of the applicant vide judgment dated 14.12.2021 and the authorities were directed to conduct de-novo inquiry in the matter strictly in accordance with law and rules within a period of 90 days.

That after obtaining the judgment dated 14.12.2021 the authority concerned issued show cause notice which was properly replied by the applicant and denied all the allegations leveled against him. That it is pertinent to mention that as per directions of the august Service Tribunal proper de-novo inquiry has not been conducted by the authorities and straight away issued the impugned order dated 13.05.2022 whereby major penalty of dismissal from service has been imposed upon the applicant while another colleague of the applicant namely Ibad Khan, FC who was also charged in the same FIR, has been re-instated by awarding punishment of reduction in pay by two stages which is clear discrimination.

That the concerned authority has not been provided any chance of personal hearing/defense before issuing the impugned order dated 13.05.2022 which is clear violation of the legal/constitutional right of the undersigned and as such the same is violative of judgment of the Apex Court.

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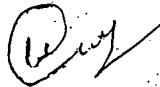
That it is a well settled principle of law that where is no conviction there is no departmental punishment, therefore, the impugned order dated 13.05.2022 is not tenable in the eye of law and liable to be set aside.

That the undersigned feeling aggrieved from the impugned order dated 13.05.2022 preferred the instant departmental appeal before your good self.

It is, therefore, most humbly prayed that on acceptance of this Departmental appeal the impugned order dated 13.05.2022 may very kindly be set aside and the applicant be re-instated into service with all back benefits. Any other remedy which your good self deems fit that may also be awarded in favor of the undersigned.

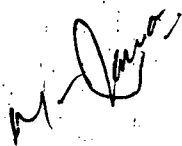
Dated: 09.06.2022.

You're obediently



WASEEM ABBAS, Ex-Constable No.74  
Police Lines, Swabi

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**ORDER.**

This order will dispose-off the departmental appeal preferred by **Ex- Constable Waseem Abbas No. 74** of Swabi District Police against the order of District Police Officer, Swabi, whereby he was awarded major punishment of dismissal from service vide OB: No. 462 dated 13.05.2022. The appellant was proceeded against departmentally on the allegations that during service, he was found involved in case vide FIR No.583 dated 14.09.2014 U/S 392 PPC Police Station, Kalu Khan, District Swabi and FIR No.414 dated 14.09.2014 U/S 392 PPC Police Station Yar Hussain, District Swabi. On account of involvement in criminal cases, he was proceeded against departmentally and awarded major punishment of dismissal from service vide OB No. 273 dated 05.03.2015 by the then District Police Officer, Swabi.

Feeling aggrieved from such order, he filed departmental appeal which was also rejected by the then Regional Police Officer Mardan order endorsement No. 3357/ES, dated 25.04.2016.

He also filed revision petition which was rejected vide CPO order endorsement No. 7196/16, dated 10.11.2016.

Feeling aggrieved from the orders of department, he filed Service Appeal No. 741/2017 before Khyber Pakhtunkhwa Service Tribunal Peshawar which was contested by the department. The Tribunal after hearing both the parties, partially accepted the Service Appeal by setting aside the orders of department with the directions to conduct de-novo enquiry against the delinquent Officer vide judgment dated 14.12.2021. In compliance of judgment dated 14.12.2021 passed in Service Appeal No. 741/2017, delinquent Officer was reinstated into service for the purpose of de-novo enquiry.

Appellant was served with Charge Sheet/Summary of Allegations and Syed Muhammad Bilal (PSP), Assistant Inspector General of Police, Human Rights, CPO Peshawar was appointed as Enquiry Officer to conduct de-novo proceedings vide Assistant Inspector General of Police Enquiries & Internal Accountability Branch, Khyber Pakhtunkhwa Peshawar Memo: No. 296-98/CPO/IAB, dated 03.03.2022. The Enquiry Officer after proper departmental enquiry, submitted his findings, wherein he found the delinquent Officer guilty for the misconduct and recommended him for major punishment of dismissal from service.

The District Police Officer, Swabi perused the findings and by agreeing with the recommendations of Enquiry Officer, issued Final Show Cause Notice to the delinquent Officer. His reply to Final Show Cause Notice was received and perused, but was found unsatisfactory. Therefore, he was awarded major punishment of dismissal from service by the District Police Officer, Swabi vide OB No. 462 dated 13.05.2022.

Feeling aggrieved from the order of District Police Officer, Swabi, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 05.08.2022.

ATTESTED

*[Handwritten Signature]*

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From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. As during de-novo enquiry proceedings he failed to produce even a single iota of evidence in his defense, therefore, on the basis of which he was again dismissed from service. Moreover, the perusal of judgments/orders passed by the trial Courts in the above mentioned cases revealed that the appellant has affected compromise with the complainant party. It is added that there are two heinous criminal cases vide mentioned above registered against him in different Police Stations of District Swabi showing that he is a habitual offender. During the course of investigation stolen property was also recovered at his instance which clearly manifests his guilt and involvement in the said cases. The involvement of appellant in these heinous criminal cases is clearly a stigma on his conduct as Police Department being custodian of life and properties of the general public, cannot afford to have such a person in the force whose character and conduct is doubtful and of criminal nature. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has indulged himself in criminal activities. Moreover, he could not present any cogent justification to warrant interference in the order passed by the competent authority.

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

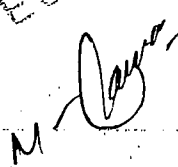
**Order Announced.**

  
Regional Police Officer,  
Mardan.

No. 5239 /ES, Dated Mardan the 08/08 /2022.

Copy forwarded to District Police Officer, Swabi for information and necessary w/r to his office Memo: No. 94/Insp: Legal dated 07.07.2022. His service record is returned herewith.

(\*\*\*\*\*)  
ATTESTED



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*[Faint handwritten text]*

*[Faint handwritten text]*

6-9-2022

*[Faint handwritten text]*

03419558534

ATTESTED

*[Signature]*

06/09/2022

WAKALAT NAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

\_\_\_\_\_ OF 2022

Waseem Abbas

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Police Deptt:

(RESPONDENT)  
(DEFENDANT)

I/We Waseem Abbas

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, High Court, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_\_ / \_\_\_\_\_ /2022

Waseem Abbas  
CLIENT

Mir Zaman Safi  
ACCEPTED  
MIR ZAMAN SAFI  
ADVOCATE

OFFICE:

Room No.6-E, 5<sup>th</sup> Floor,  
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Hashtnagri, Peshawar.  
Mobile No.0333-9991564  
0317-9743003