

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 901/2013

Date of Institution ... 24.04.2013

Date of Decision ... 29.06.2017

Miraj Muhammad Khan, Head Constable No. 326, Police Line
Karak ... (Appellant)

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
and 2 others. (Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE ORDER OF RESPONDENT NO. 03 VIDE WHICH
PENALTY OF TIME SCALE FOR THREE YEARS WAS
IMPOSED ON APPELLANT AND ORDER OF RESPONDENT
NO. 2 VIDE WHICH THE REPRESENTATION OF APPELLANT
AGAINST THE ORDER OF RESPONDENT NO. 3 WAS FILED.

MR. JABRAN KHALIL,
Advocate ... For appellant.

MR. KABIRULLAH KHATTAK,
Asstt. Advocate General ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. MUHAMMAD HAMID MUGHAL, ... MEMBER

JUDGMENTNIAZ MUIHAMMAD KHAN, CHAIRMAN.-

The learned counsel for the appellant argued that the appellant was mainly charge sheeted for his involvement in two criminal cases registered vide FIR No. 391/2009 and 406/2009 under Section 17(3) Haraba Police Station Karak. That the appellant was acquitted honourably in both the criminal cases. That beside the criminal litigation departmental proceedings were also initiated against the appellant

which resulted in his dismissal from service on 15.12.2009 against which this Tribunal in service appeal No. 603/2010 passed an order dated 11.03.2011 setting aside order of dismissal of the appellant with ^{direction}~~permission~~ to the respondents to conduct denovo enquiry. That denovo enquiry was held and again the appellant was dismissed from service on 25.05.2011. The same order was again set aside by the Tribunal for the second time vide judgment dated 14.12.2011 in service appeal No. 1359/2011. The Tribunal reinstated the appellant with all back benefits. However, the respondents were again ^{permitted}~~directed~~ to conduct denovo enquiry strictly in accordance with law. That again through the impugned order dated 01.03.2013 major penalty of time scale for three years was imposed on the appellant. This second denovo enquiry has been impugned on the grounds that it has not been conducted fairly, without affording opportunity of defence to the appellant and without examining the star witness namely Munir Sultan despite clear directions of the Tribunal. That the impugned order is not sustainable also for the reason that there is nothing in the enquiry proceedings except mere allegations of registration of criminal cases against the appellant. That as per the judgment of the august Supreme Court of Pakistan in case entitled "*Mian Ghulam Sarwar Samija versus Divisional Superintendent, Pakistan Railways, Multan*" reported as 2013-SCMR-714 such departmental order cannot be maintained. Another dictum pressed into service by the learned counsel for the appellant is case entitled "*Rashid Mehmood Versus Additional Inspector General of Police and 2 others*" reported as 2002-SCMR-57 wherein the civil servant was dismissed only on the basis of charge of his involvement in criminal case without any regular enquiry. The august Supreme Court of Pakistan set aside the orders of departmental authority as well as the Punjab Service Tribunal.

2. On the other hand the learned Assistant Advocate General argued that mere acquittal in the criminal case cannot be made basis for exoneration in departmental


proceedings. He referred to a judgment entitled "*Messrs Habib Bank Limited Versus Shahid Masud Malik*" reported as 2001-SCMR-2018. He further argued that proper enquiry was conducted and the appellant was afforded reasonable opportunity of hearing as per spirit of law.

3. After hearing arguments of both the learned counsel for the parties and going through the record this Tribunal is of the view that it is settled law that the proceedings of criminal trial has got no effect on departmental proceedings being one of civil in nature. The criminal proceedings are always decided on the basis of benefits of reasonable doubts whereas departmental proceedings being civil in nature are always decided on the basis of preponderance of probability of evidence. This principle is supported by some cases from Indian Jurisdiction "*Union of India Vs. Sardar Bahadur*, reported as 1972-SLR SC 355, "*State of A.P Vs. Sree Rana Rao*" reported as ALR 1963 S.C 1723 and "*Nand Kishore Prasad Vs. State of Bihar*" reported as 1978(2)SLR SC 46. The same principle has been reflected by the august Supreme Court of Pakistan in judgment reported as 2001-SCMR-218 though not referring specifically. On the basis of this principle "*Circular letter No. SOR.II(S7GAD)5(29)/86(KC) dated 08.01.1990*" was issued by the Provincial Government.

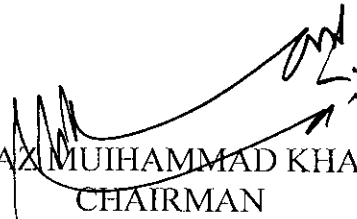
4. But the question would be that in the present enquiry what was the evidence available before the departmental authority where-under the penalty has been imposed three times on the appellant. This Tribunal in view of the settled position of law is not inclined to take into consideration acquittal of the appellant in criminal cases and shall see the material available in the enquiry proceedings as held in the first mentioned two judgments and relied upon by the learned counsel for the appellant and also in the later judgment relied upon by the learned Assistant Advocate General. On the basis of this criteria the material available in the enquiry proceedings forming the basis for penalty is nothing except mere registration of

criminal cases against the appellant. This Tribunal had directed the department, atleast to corroborate the allegations in FIR and examination of the complainant which has not been done. The crux is that the appellant cannot be punished in the departmental proceedings simply on the basis of his involvement in criminal cases and it cannot be said that there is preponderance of probability of evidence against the appellant in departmental proceedings.

5. Consequently this appeal is accepted and the impugned order alongwith order of departmental authority are set aside. The costs to follow the event. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
MEMBER



(NIAZ MUHAMMAD KHAN)
CHAIRMAN

ANNOUNCED

29.06.2017

03.04.2017

Counsel for the appellant and Mr. Saif Ur Rahman, (ASI) alongwith Mr. Kabir Ullah Khattak, Assistant AG for the respondents present. Argument could not be heard due to incomplete bench. To come up for final hearing on 29.06.2017 before D.B.

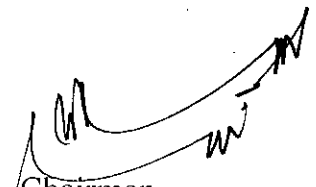

Chairman

17. 29.06.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Assistant Advocate General alongwith Farmanullah, S.I for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of to-day this appeal is accepted and the impugned order alongwith order of departmental authority are set aside. The costs to follow the event. File be consigned to the record room.


Member


Chairman

ANNOUNCED

29.06.2017

04.05.2016


Appellant in person and Mr. Tariq Usman, SI alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to leaned Member (Judicial) is on leave, therefore, the case is adjourned to 25.07.2016 for arguments.


Member

25.07.2016

None present on behalf of the appellant. Mr. Muhammad Ishaq, Inspector alongwith Additional AG for respondents present. Notice be issued to appellant and his counsel for arguments for

28-11-16 before D.B.


MEMBER


MEMBER

28.11.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Counsel for the appellant submitted fresh Wakalat Nama which is placed on file and requested for adjournment. Request accepted. To come up for arguments on

3.4.17.


(ABDUL LATIF)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

30.12.2014

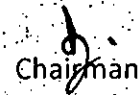
No one is present on behalf of the appellant Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 16.04.2015.



Reader.

16.04.2015

Counsel for the appellant and Addl. A.G for respondents present. Witten reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments 14.7.2015 before S.B.



Chairman

14.07.2015

Counsel for the appellant and Mr. Habib Khan, ASI alongwith Addl. A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 26.11.2015.



Chairman

26.11.2015

Appellant in person and Mr. Habib Khan, ASI alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to learned Member (Executive) is on leave. Therefore, the case is adjourned to 4/5/16 for arguments.



Member

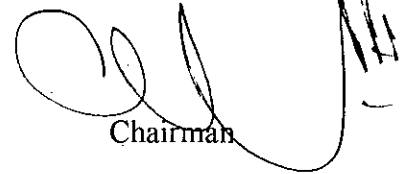
16-12-14.-
Appellant deposited
Security & process
fee Rs 180/- Bank
receipt is attached
with file
JW

The Hon'ble Bench is on tour
Therefore, case is adjourned to
24.2.14.

SP
Radder

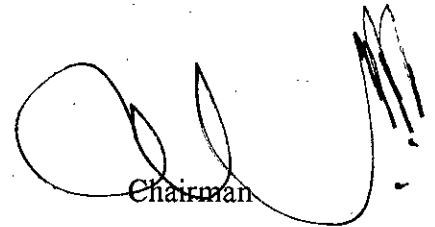
24.2.2014

No one is present on behalf of the appellant. Notices to the respondents could not be issued due to late deposit of security and process fee. Notices be issued to the respondents for written reply/comments on 26.5.2014.


Chairman


26.5.2014

Appellant in person present. Respondents are not present despite their service through registered post/concerned official. However, Mr. Usman Ghani, Sr. GP is present and would be contacting the respondents for written reply/comments on 29.8.2014.


Chairman

29.8.2014

No one is present on behalf of the appellant. Mr. Muhammad Adeel Butt, AAG for the respondents present. Written reply has not been received, and request for further time made on behalf of the respondents. Another chance is given for written reply/comments on 30.12.2014.


Chairman

Appeal No. 901/2013
Mr. Miraj Muhammad Khan

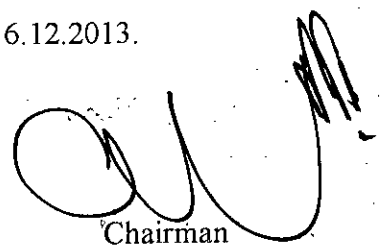
31.07.2013

Counsel for the appellant present and requested for adjournment to redraft especially the page No.1. To come up for preliminary hearing on 25.09.2013.


Member

25.9.2013

Appellant with counsel present and heard. The learned counsel for the appellant contended that initially the appellant was dismissed from service on the allegation of his involvement in the criminal case of Haraba, and his appeal against the order of his dismissal was accepted by this Tribunal with direction to the respondent-department to conduct denovo departmental proceedings in accordance with law by providing opportunity of defence/hearing to the appellant. The departmental/enquiry proceedings conducted as a result of order of the Tribunal dated 11.03.2011 also failed to meet the requirements of law and judgment of the Tribunal, resulting in the acceptance of his appeal by the Tribunal vide order dated 14.12.2011, whereby the appellant was reinstated with all back benefits while directing the respondent-department to conduct denovo inquiry strictly in accordance with law. The learned counsel maintained that neither charge sheet/statement of allegations nor show cause notice was issued to the appellant following the order dated 14.12.2011 of the Tribunal; and without conducting enquiry proceedings and providing opportunity of defence, hearing and cross-examination to the appellant, he was again subjected to major penalty of imposition of reduction(sic) in time scale for three years vide order dated 01.03.2013 of the authority i.e DPO, Karak (respondent NO.3), and his departmental appeal/representation was also rejected by the appellate authority i.e DIG of Police, Kohat Region, Kohat(respondent No.2) vide order dated 3.04.2013, hence this appeal on 24.04.2013. The points raised at the Bar need consideration. Admit. Process fee and security within 10 days. Thereafter, notices be issued to the respondents for written reply/comments before learned Bench-I on 16.12.2013.




Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 901/2013

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 16/05/2013 | <p>The appeal of Mr. Miraj Muhammad Khan resubmitted today by Mr. Ashraf Ali Khattak Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2 | 15-7-2013 | <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>31-7-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |

The appeal of Mr. Miraj Muhammad Khan Head Constable No.326 received today i.e. on 24/04/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓1- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- ✓2- Annexures of the appeal may be attested.
- ✓3- Copy of charge sheet and statement of allegation are illegible which may be replaced by legible one.
- ✓4- Address of appellant is incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal Rules 1974.

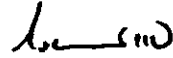
No. 669 /S.T,

Dt. 24/04/2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

MR. ASHRAF ALI KHATTAK ADV. PESH.

Sir, Re-submitted after completion.



16-5-2013

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 901 /2013


Miraj Muhammad Khan..... (Appellant)


Versus

Provincial Police Officer, KP & two others ----- (Respondents)

I N D E X

| S#. | Description of document | Annex: | Page |
|-----|--|--------|-------|
| 1. | Grounds of appeal | | 1-4 |
| 2. | Affidavit | | 5 |
| 3. | Impugned order of Respondent No.3 | A | 6 |
| 4. | Impugned order of Respondent No. 2 | B | 7 |
| 5. | Dismissal from service order dated 15.12.2009 | C | 8-9 |
| 6. | Copy of representation against the order of respondent No. 03 dated 15.12.2009 | D | 10-11 |
| 7. | Order of respondent No. 2 passed on representation | E | 12 |
| 8. | Copy of Judgment of Service Tribunal passed on appeal No. 603/2010 | F | 13-15 |
| 9. | Copy of Charge sheet | G | 16-17 |
| 10. | Copy of Statement of allegation | H | 18-19 |
| 11. | Reply of appellant in response to charge sheet | I | 20-23 |
| 12. | Copy of dismissal from service order dated 25.05.2011 | J | 24-25 |
| 13. | Copy of judgment passed on service appeal No. 1359/2011 | K | 26-28 |
| 14. | Representation against impugned order of respondent No. 03 | L | 29-32 |
| 15. | Wakalatnama | | 33 |


Appellant


Through Council

Ashraf Ali Advocate



BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

G.W.F. Province
Case No. 812
Date 24/4/13

Service Appeal No. 901 /2013

Miraj Muhammad Khan Head Constable No.326 ... (Appellant)
R/o Police Line Karak.
Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Deputy inspector General Police Kohat Region Kohat
3. District Police Officer, Karak (Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER OF RESPONDENT NO. 03 VIDE WHICH PENALTY OF TIME SCALE FOR THREE YEARS WAS IMPOSED ON APPELLANT AND ORDER OF RESPONDENT NO. 02 VIDE WHICH THE REPRESENTATION OF APPELLANT AGAINST THE ORDER OF RESPONDENTS NO. 03 WAS FILED. COPIES OF THE IMPUGNED ORDERS ARE ENCLOSED AS ANNEXURE - A & B RESPECTIVELY.

PRAYER IN APPEAL

On acceptance of the service appeal, the impugned orders may be set aside with all back benefits and the period remaining out of service considered as leave of the kind due vide impugned order may be ordered as duty period.

Respectfully Sheweth: -

Facts forming the background of appeal are as follows: -

FACTS

1. That in the year 2009 appellant while posted as additional clerk of Police station Karak was malafidely implicated in criminal cases vide FIR No.391/2009, 406/2009 under section 17(3) Harraba Police station Karak.
2. That in addition to implicating appellant in the above cited criminal cases, Respondent No.03 also issued dismissal from service order of appellant without conducting general enquiry proceedings. Copy of the order is enclosed as Annexure-C.

Filed to-day
24/4/13

re-submitted to
and filed.

Registered 16/5/13

That appellant submitted departmental representation against the above order of respondent No. 03 before Respondent No.02 but the representation was rejected. Copy of the representation and order

of Respondent No.02 are enclosed as Annexure-D and E respectively.

4. That appellant filed service appeal No.603/2010 against the above orders. The appeal was accepted vide order dated 11.03.2011, however the department was allowed to conduct de-novo enquiry proceedings. Copy of the order of this Honorable Tribunal is enclosed as Annexure-F.
5. That the respondents reinstated appellant in service and issued fresh charge sheet and statement of allegation to appellant and departmental enquiry was initiated. Copy of the charge sheet and statement of allegations are enclosed as Annexure-G & H respectively.
6. That appellant submitted detailed reply in response to the charge sheet and statement of allegation. Copy of the reply is enclosed as Annexure-I.
7. That enquiry officer without examining any witness and considering the defense of appellant submitted hollowed finding report and the charge was wrongly reported as proved.
8. That Respondent No.03 again issued order of dismissal from service of appellant vides order dated 25.05.2011. Copy enclosed as Annexure-J.
9. That appellant again lost departmental battle, therefore, filed service appeal No. 1359/2011 before this honorable tribunal which was accepted vide order dated 14.12.2011, however, the department was again allowed to conduct de-novo enquiry. Copy of the order of this honorable tribunal is attached as Annexure-K.
10. That in pursuance of so-called de-novo enquiry respondent No. 03 imposed penalty of time scale for three years on appellant vides order. In addition to imposing penalty of time scale on appellant, the period remaining out of service was wrongly considered leave of the kind due instead of period on duty. Copy of impugned order already enclosed as Annexure-A
11. That appellant filed representation against the order of respondent No. 03 before respondent No.02. Copy of representation is

enclosed as Annexure-L. The representation was filed vide impugned order. Copy already enclosed as Annexure-B. Hence this appeal on the following grounds.

GROUND

- a. That the impugned orders were passed without considering the defense plea of appellant. The impugned order was also passed contrary to the observations of this Honorable Tribunal dated 11.03.2011 passed on service appeal No.1359/2011. The respondent did not adhere to directions contained in the judgment of this honorable tribunal.
- b. That the enquiry committee did not examine the alleged star witness namely Munawar Sultan despite mention of the said witness in the charge sheet and statement of allegations issued to appellant.
- c. That no chance of defense was provided to appellant. No evidence in support of the charges was collected and brought on record during course of enquiry.
- d. That appellant was implicated in the criminal cases on the basis of statement of Munawar Sultan. Actually the said Munawar Sultan was involved in the above mentioned criminal case and he in order to save his own skin implicated appellant and others in the case. Furthermore the said Munawar Sultan was not examined during course of enquiry proceedings. Therefore the enquiry committee based their opinion on no evidence. Again the trial court recorded acquittal order dated 28.07.2012 in the criminal case FIR No. 406 referred above.
- e. That major penalty of time scale for three years was imposed on appellant on mere charges of arrest in criminal cases. First appellant was malafidely arrested in the criminal cases; secondly no conviction order of appellant was recorded in the criminal cases.
- f. That appellant was compulsory ousted from service for long period with no wrong on the part of appellant or commission of misconduct. Impugned penalty of time scale for three years was imposed on appellant in addition to counting the long period as leave of the kind due instead of duty period as appellant was compulsory ousted from service.

g.

That Respondent No.02 filed the representation of the appellant without considering the materials available on the file. He did not pass speaking order on the representation of appellant.

h.

That penalty of time scale for three years was imposed on appellant without specifying stages of reduction in pay. Again penalty of time scale was alien to Police disciplinary rules - 1975. Therefore, the impugned orders were not sustainable.

i.

That appellant may please be allowed to agitate any other ground during course of arguments.

It is therefore requested that the impugned orders of Respondent No.02 and 03 may be set aside with back benefits and the period remaining out of service may be treated as period on duty.

Appellant

Miraj Khan

(MIRAJ MUHAMMAD KHAN)

Head Constable No.326

Miraj Khan

Through counsel

Ashraf Ali Khan

Advocate

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No. _____/2013

Miraj Muhammad Khan _____ (Appellant)

Versus


Provincial Police Officer, KP & two others _____ (Respondents)

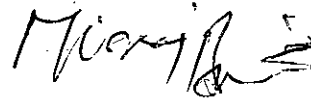
Subject: - AFFIDAVIT

I appellant, Miraj Muhammad Khan Head Constable No.326, do hereby affirm on oath that the contents of service appeal are true and correct to the best of my knowledge and belief. Noting has been concealed from this Honorable Tribunal.

Deponent

Appellant


Miraj Khan Advocate
Oath Commissioner
Distt. Courts Karak
13/19/2013



(MIRAJ MUHAMMAD KHAN)

ORDER

Annexure "A"

"6"

This Order is passed on the departmental proceedings initiated against Miraj Muhammad Khan Head Constable. According to the Charge Sheet he was in league with Rehmat Ullah notorious proclaimed offender (now arrested). He was also arrested in two criminal cases registered against Said Rehamt Ullah and others. Statement of one Munwar Sulatan recorded under section 164 Cr.PC in case FIR No. 406/2009 and 391/2009 under section 17(3) Haraba Police Station Karak. Major penalty of dismissal from service was twice imposed on accused official but the Service Tribunal while accepting the Service appeal of Miraj Muhammad Khan Head Constable filed against the penalty of dismissal from service. The Service Tribunal directed examination of Munwar Sulttan in presence of accused official. The enquiry panel failed to procure attendance of said Munwar Sultan. Similarly the said witness did not attend the court despite warrant of arrest were issued against him. However, the enquiry Committee has reported that serious allegations of involvement of accused official in criminal cases of offences against propriety were leveled against the accused official. Therefore, recommended award of major penalty. He was also heard in person

In view of the finding report of the enquiry committee, major penalty of Time Scale for three years is imposed on Miraj Muhammad Khan Head Constable. The period spent out of service is treated leave of the kind due.

OB No. 221
 Dated 01-03/2013

[Signature]
 District Police Officer, Karak

[Signature]
 Inspector legal
 Karak

دکتر انوار علی
 ایڈووکیٹ
 ایف اے ایف سی ایف جی ایف ڈی
 ایف اے ایف سی ایف جی ایف ڈی

ASHRAF ALI KHATTAK
 ADVOCATE

[Signature]
 4/03/13

POLICE DEPARTMENT

KOHAT REGION.

ORDER.

This order will dispose off the Representation of Ex-Head Constable Miraj Muhammad Khan of Karak District Police requesting, therein for setting aside the punishment awarded to him in-shape of dismissal from service vide DPO Karak OB No.1341 dated 15.12.2009.

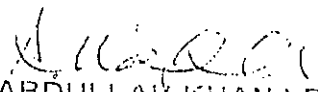
Brief facts of the allegation are that the above named Head Constable has close contact with a criminal gang led by Rehmatullah. Being a Police Official, he was involved with criminals and providing help and information to them which has been proved during the course of investigation in case FIR No.406 dated 06.12.2009 under section 17(3) Haraba Police Station Karak. At present the accused officer confined in district jail Karak thus he was awarded a major punishment of dismissal from service.

The DPO Karak has passed his Dismissal from Service under section 5(4) of Removal from Service (Special Powers), Ordinance 2000.

He was called in Orderly Room held in this office on 23.02.2010 but he failed to appear in Orderly Room due to his confinement in District Jail Karak vide case FIR No. 406 dated 16.12.2009 U/S 17(3) Haraba Police Station Karak and declared absent.

His application has been examined and filed.

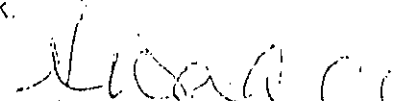
ORDER ANNOUNCED.
23.02.2010



(ABDULLAH KHAN) PSP,
Dy. Inspector General of Police,
Kohat Region, Kohat.

No. 1908.5 /EC, dated Kohat the 13/3 /2010.

Copy to the District Police Officer, Karak for information w/r to his Memo: No.1205/EC, dated 30.01.2010.

2. Ex-Head Constable Miraj Muhammad Khan S/o Zair Muhammad R/O Sharif Wala Police Station Latamber District Karak.


(ABDULLAH KHAN) PSP,
Dy. Inspector General of Police,
Kohat Region, Kohat.


Inspector Legal
Karak


ASHRAF ALI KHATTAK
ADVOCATE

ORDER

A criminal gang involved in offences of robbery, dacoity, kidnapping, abduction and murder led by notorious and hardened proclaimed offender Rehmat Ullah committed robbery and abducted three persons vide FIR No. 406 dated 06.12.2009 under section 17 (3) Haraba Police station Karak. All the three abductees including complainant Bahadar Khan son of Gulab Khan were confined by the criminals in a bungalow situated at KDA Karak owned by Doctor Muhammad Ali Zafar and hired on rent by the criminals gang through one Asghar resident of Latamber.

During course of Investigation it came to light that Head Constable Miraj Muhammad Khan No. 341 was in league with Rehmat Ullah the leader of the criminal gang. One Munawar Sultan son of Gul Bat Khan resident of KDA Karak was examined by the Investigation Officer in the above referred case under section 161 Cr.PC. He was also examined under section 164 Cr.PC before the judicial Magistrate. The statements are placed on file. He stated that the bungalow where the abductees in the above-cited case were confined is the property of Doctor Muhammad Ali Zafar and is situated in his neighbour. On the transfer of Doctor Muhammad Ali Zafar the bungalow was placed under his management. He stated in unequivocal terms in his statements that after the registration of above referred case, the ring leader of the gang managed his visit to Village Ahmad Abad in connection with changing the agreement of the rent of the bungalow from said Asghar. The change of the agreement was made with intend to absolve Asghar from criminal action. He signed the agreement at gunpoint. He further stated that Rehmat Ullah, the gang leader contacted Head Constable Miraj Muhammad Khan No. 341 on mobile phone and told him that the agreement should be handed over to said Head Constable. He accordingly handed over the agreement to Head Constable Miraj Muhammad Khan at Session Court Karak.

In addition to above it is also evident from the Investigation conducted so far in the case that Head Constable Miraj

Asghar

ASHRAF ALE KHATTAK
ADVOCATE



Muhammad Khan was active member of the gang and he used to provide information about the movement of Police to the members of gang.

Sufficient documentary evidence is available on the file against Head Constable Miraj Muhammad Khan about his close contact with the criminal gang led by Rehman Ullah. He being a Police Officer is involved in nefarious game of providing help and assistance to the criminals.

There is sufficient evidence on file against Head Constable Miraj Muhammad Khan, therefore there is no need of conducting inquiry proceeding. Hence the inquiry proceedings are dispense with while exercising powers vested in me under section 5 (4) of the N.W.F.P Removal from Service (Special Powers) Ordinance, 2000. The charges of serious nature are proved against the said Head Constable. His retention in service is prejudicial to service discipline and Police department. Hence he is dismissed from service with immediate effect.

(SAJID KALAN MOHMAND)
District Police Officer, Karak.

OB No. 1341

Dated 15-12-2009

*Attended
1-12-09*

ASHRAF ALI KHATTAK
ADVOCATE

12/12/09

Attykh

Inspector Local
(H.A.B.A.D)

To: The Deputy Inspector General of Police,
Kohat Region Kohat

Through: Superintendent Sub-Jail Karak

Subject: **REPRESENTATION AGAINST ORDER OF
DISTRICT POLICE OFFICER, KARAK BEARING
OB NO. 1341 DATED 15.12.2009**

Respected Sir,

With due respect appellant very humbly submits the present representation against the subject cited order on the following facts and grounds.

FACTS

1. That in the year 2009 appellant was posted as additional station clerk of Police station Karak.
2. That appellant was wrongly and malafidely implicated in criminal case FIR No. 406 dated 16.12.2009 under section 17(3) Haraba Police station Karak.
3. That the local Police in order to save the skin of one influential accused namely Munawar Sultan made appellant a scapegoat and the District Police Officer, Karak issued the impugned order of dismissal of appellant from service. Hence the present representation on the following grounds.

GROUND

- a) The impugned order is contrary to law and fact on record. The order was passed in absentia. Appellant was not associated in the departmental proceeding and was completely condemned unheard.
- b) That neither charge sheet nor show cause notice was issued to appellant. Similarly no evidence was brought on file in support of the alleged charges of involvement in the above referred criminal case. No one was examined as witness in the presence of appellant.

ASHRAF ALI KHATTAK
ADVOCATE

*At the time
of the order*

- c) That the impugned order was only based on the statement of one Munawar Sultan who gave statement to Police to save his own skin in the above referred criminal case.
 - d) That the whole record of service of appellant was unblemished and there was no complaint against appellant about contact with criminals.
 - e) That appellant was arrested in the case and the impugned order was passed without conducting proper enquiry and issuing charge sheet to appellant. The legal, codal and procedural formalities were not adopted before passing the impugned order.
 - f) That actually a criminal gang had occupied a bungalow at Headquarter Karak for committing robberies and kidnapping. Therefore, the local Police in order to conceal their inefficiency and negligence in duty issued the impugned order of dismissal from service of appellant.
 - g) That appellant is behind the bar and is unable to defend himself in departmental proceedings. Furthermore, the local Police implicated appellant in criminal case and the impugned order add salt to the burning injuries of appellant.
- It is therefore requested that the impugned order may be set aside and appellant may be reinstated in service with all back benefits.

Enclosure:

Impugned order

Yours Truly,

Miraj Khan
 (MIRAJ MUHAMMAD KHAN)
 Ex- Head Constable No.341
 Presently confined in judicial
 lock up sub jail Karak

Ashraf Ali Khattak
 1-5-84
 ASHRAF ALI KHATTAK
 ADVOCATE

ORDER

This order will dispose off on the representation preferred by Head Constable Meraj Muhammad No. 326 of Karak District Police against the order of DPO Karak vide OB No. 221 dated 01.03.2013 in which the petitioner awarded a major punishment time scale for three years.

Facts rising that the appellant while posted in the year 2009 as Addl: Station Clerk of PS Karak involved in case FIR No. 406 dated 16.12.2009 u/s 17(3) Haraba in case FIR No. 391, dated 24.11.2009 u/s 17(3) Haraba for the allegation that having link with hardened criminal gangs of the area and dismissed from service by DPO Karak vide OB No. 1341, dated 15.12.2009. He filed an appeal before the Service Tribunal which was accepted and ordered de-nove enquiry.


In the light of judgment passed by the Service Tribunal the DPO Karak conducted de-nove enquiry and awarded him a major punishment of time scale for three years vide his OB No. 221 dated 01.03.2013.

Feeling aggrieved from the above impugned order he preferred the instant representation requesting therein to set-aside the impugned order.

The appellant was called in orderly room on 03.04.2013 heard in person and record requisitioned.

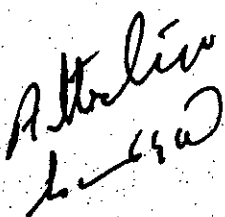
From the perusal of record the undersigned reached to the conclusion that the punishment awarded to him is accordance with law & commensurate with the charge based on merit and record which is upheld. Therefore, representation filed by the appellant is hereby rejected.

Announced
03.04.2013



(AZAD KHAN) Tst, PSP
Dy: Inspector General of Police,
Kohat Region, Kohat.

No. 2442 /EC, dated Kohat the 4-4 /2013.

Copy to District Police Officer Karak for information w/r to his Memo: No. 3442/EC, dated 22.03.2013. service record is returned herewith.



ASHRAF ALI KHATTAK
ADVOCATE


(AZAD KHAN) Tst, PSP
Dy: Inspector General of Police,
Kohat Region, Kohat.



| No. of or proceedings | Date of Order or proceedings. | Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary. |
|-----------------------------|-------------------------------------|--|
| 1 | 2 | |
| 12. | 11.03.2011 | <p style="text-align: center;"><u>Service Appeal No.603/2010</u> (<u>Miraj Muhammad Khan, Ex-H.C-vs- Govt. of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Peshawar Department, Peshawar etc.</u>)</p> <p>Appellant with counsel (Mr.Ashraf Ali Khattak, Advocate) and Mr.Sher Afgan Khattak, AAG alongwith Falak Nawaz, Inspector (legal) on behalf of the respondents present. Mr.Ashraf Ali Khattak, Advocate filed fresh Wakalat Nama on behalf of the appellant. Arguments heard and record perused.</p> <p>In the instant appeal for his reinstatement, Mr.Miraj-Muhammad Khan, ex-Head Constable (appellant), has called in question his dismissal from service, vide order dated 15.12.2009 of the District Police Officer, Karak (Respondent No.4), as well as order dated 23.2.2010, bearing endorsement dated 3.3.2010 of the Deputy Inspector General of Police, Kohat Range Kohat (Respondent No.3), whereby his departmental appeal/representation was filed.</p> <p>The appeal has been lodged on the grounds that the impugned action has been taken against the appellant on the basis of allegation of his involvement in case FIR No. 406 dated 6.12.09, leveled against him by an accused in the case namely Munawar Sultan, without either serving him with a charge sheet/statement of allegations or show cause notice and also without conducting departmental/inquiry proceedings against him, thus depriving him of the opportunity of defending the case against him.</p> <p>The respondents, in their written reply, defended the impugned action against the appellant on the grounds that he was involved with a criminal gang led by most wanted P.O Rehmatullah and that a witness in the case namely Munawar-Sultan had deposed about involvement of the appellant in the case</p> |

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ATTESTED
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EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

were furnished in accordance with section 5 (4) of the aforesaid Ordinance, 2000, which were essential in view of fact and circumstances of the case in the light of judgment of the august Supreme Court of Pakistan reported as 2007 SCMR 192(d) (Supreme Court of Pakistan). The impugned action has been taken against the appellant on the basis of his involvement in a criminal case in the light of statement of a witness in the case, without waiting for the out-come of the criminal case, which is not warranted by law as held in the case reported as 2007 PLC(C.S) 997(b) (Supreme Court of Pakistan). As such, the entire departmental proceedings have been undertaken unilaterally, without affording opportunity of defence and hearing to the appellant, and at no stage of the departmental proceedings or proceedings on his departmental appeal, the appellant was provided opportunity of hearing, as is evident from both the impugned orders. In short, the appellant has not been dealt with in accordance with law, therefore, the impugned orders against him are not sustainable in law.

Consequently, on the acceptance of the appeal, both the impugned orders of the authority dated 15.12.2009 and that of the appellate authority dated 23.2.2010 bearing endorsement dated 3.3.2010 are set aside, with the result, the appellant is reinstated in service with direction to the respondents-department to conduct denovo departmental proceedings in accordance with law by providing opportunity of defence/hearing to the appellant. The departmental proceedings shall be concluded within reasonable time, but in no case later than three months, and during this period, the appellant shall remain suspended. There shall, however, be no order as to costs.

ANNOUNCED
 11.03.2011 (Syed Manzoor Ali Shah) (Qalandar Ali Khan)
 Member Chairman

Certified to be true copy
[Signature]
EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Date of Presentation of Application 11-3-2011
 Number of Words 1200
 Copying Fee 8-00
 Urgent 1
 Total 8-00
 Name of Copyist A
 Date of Completion of Copy 18-3-2011
 Date of Delivery of Copy 18-3-2011

236
CHARGE SHEET

Annexure G '16'
No 305/EE
dt 21/12/11

1. Sajid Khan Mohammad District Police Officer, Karak as competent authority hereby charge you Head constable Miraj Muhammad Khan as follows:-

You Head constable Miraj Muhammad Khan while posted as additional station clerk of Police station Karak was found in league with criminal gang led by Rehmat Ullah the most wanted proclaimed offender (now arrested) One Mansoor Suleman son of Gul Beg Khan resident of KDA Karak during course of investigation in case FIR No. 408 dated 16 12 2009 under section 17 (3) offenses against property Hudood Ordinance 1979. Police station Karak stated that you Miraj Muhammad Khan participated in and facilitated the commission of offence reported vide above FIR. You were arrested in the case. You were also arrested in another case FIR No. 397 dated 24 12 2009 under section 17(3) offenses against property Hudood Ordinance 1979 Police station Karak committed by the said criminal gang. Thus you were found involved in two criminal cases of offences against property. You acted in the manner prejudicial to service discipline and good order.

2. By reason of above, you are held to be guilty of misconduct under Section 3 of the Khyber Pakhtunkhwa (Removal from Service) Special Power Ordinance-2000 and have rendered you liable to all or any of the penalties specified in Section 3 of the ordinance ibid

3. You are, therefore, required to submit your written defence within 7 days of the receipt of this charge sheet to the enquiry officer

4. Your written defence if any, should reach the Enquiry Officer within the specified period failing which it shall be presumed

Alto
Ins. Gu

ASHRAF ALI KHATTAK
Advocate
ADVOCATE

Auth: G

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16

CHARGE SHEET

I, Sajid Khan Mohammad District Police Officer, Karak as competent authority, hereby charge you Head Constable Miraj Muhammad Khan as follows:-

1. You Head Constable Miraj Muhammad Khan while posted as additional station clerk on Police Station Karak was found in league with criminal gang led by Rehmat Ullah the most wanted proclaimed offender (now arrested). One Munawar Sultan son of Gul Bar Khan resident of KDa Karak during course of investigation as case FIR No.406 dated 16.12.2009 under section 17 (3) offences against property Hudood Ordinance 1679. Police Station Karak stated that you Mian Muhammad Khan participated in and (sic) the compromise of offence reported vide above FIR. You were arrested in the case. You were also arrested in another case FIR No.391 dated 24.11.2009 under section 17(3) offences against Property Hadood Ordinance 1979 Police Station Karak committed by the (Sic) (sic) gang. Then you were found arrested in two criminal case of offences against property. You acted in the (sic) prejudicial to serve discipline and good order.

2. By reason of above. You appear to be guilty of misconduct under Section-3 of the Khyber Pakhtunkhwa (Removed from Service) Special Power Ordinance 2000 and have removed your self liable to all or any of the penalties specified in Section-3 of the ordinance ibid.

3. You are therefore, requested to provide your written defence within 7 days of the receipt of the charge sheet by the enquiry officer.

4. Your written defense if any should reach the Enquiry Officer within the specified period during (sic) (sic) be presumed

27

Annexure - 17

that you have no defense to put in and in that case ex-parte action will follow against you.

5. Intimate either you desire to be heard in person

6. A statement of allegation is enclosed.

(SAJID KHAN MOHMAND)
District Police Officer, Karak

*Ashraf Ali
Advocate*

ASHRAF ALI KHATTAK
A. Ali
ADVOCATE

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That you have no defense to put in and in that case ex-parte action shall follow against you.

5. Intimate either you desire to be heard in person.
6. A statement of allegation is enclosed.

(SAJID KHAN MOHMAD)
District Police Officer, Karak

98
DISCIPLINARY ACTION.

Annexure - A

18

Consequent upon the order passed on service appeal No. 803/2010 titled Miraj Muhammad Khan Ex-head constable versus government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department Peshawar and others wherein directions for conduct of regular enquiry were issued. Therefore I, Saad Khan Mohmand District Police Officer, Karak as competent authority, am of the opinion that Head constable Miraj Muhammad has rendered himself liable to be proceeded against departmentally. He committing the following acts / omission within the meaning of Section 3 of N.W.F.P (Khyber Pakhtunkhwa) Removal from Service (Special Powers) Ordinance-2000.

STATEMENT OF ALLEGATION

Head constable Miraj Muhammad Khan while posted as additional station clerk of Police station Karak was found in league with criminal gang led by Rahmat Ullah the most wanted proclaimed offender (now arrested). One Manwar Sufian son Gul Baj Khan resident of KDA Karak during course of investigation in case FIR No. 406 dated 16.12.2009 under section 17 (3) offenses against property Hudood Ordinance 1979. Police station Karak stated that Miraj Muhammad Khan participated in and facilitated the commission of offence reported vide above FIR. He was arrested in the case. He was also arrested in another case FIR No. 391 dated 24.11.2009 under section 17(3) offenses against property Hudood Ordinance 1979 Police station Karak committed by the said criminal gang. Thus he was found involved in two criminal cases of offences against property. He acted in the manner prejudicial to service discipline and good order.

2. For the purpose of scrutinizing the conduct of said officer with reference to the above allegation, Izhar Ahmed DSP, Takht-e-Nasrati is appointed as enquiry officer.

ASHRAF ALI KHATTAK
ADVOCATE

Attest
Is - [Signature]

DISCIPLINARY ACTION

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(18)

Consequent upon the order passed on service appeal No.603/2010 titled Miraj Muhammad Khan Ex-head constable versus government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Peshawar and others wherein directions for conduct of regular enquiry were issued. Therefore, I Sajid Khan Mohmand District Police Officer, Karak as competent authority, am of the opinion that Head constable Miraj Muhammad has rendered the himself liable to be produced against departmentally. He (sic) the following acts/ omission within the meaning of Section-3 of NWFP (Khyber Pakhtunkhwa) Removal from Service (Special Powers) Ordinance, 2000.

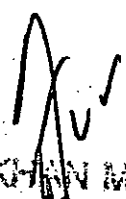
STATEMENT OF ALLEGATION

Head constable Miraj Muhammad Khan while posted as additional station clerk was found in league with criminal gang led by Rehmat Ullah the most wanted proclaimed offender (now arrested). One Manawar Sultan son Gul Bat Khan resident of KDA Karak during course of investigation in case FIR NO.106 dated 16.12.2009 under Section 17 (3) offences against property Hudood Ordinance, 1979. Police Station Karak stated that Miraj Muhammad Khan participated in and facilitated the commission of offence reported vide above FIR. He was arrested in the case. He was also arrested in another case FIR No.391 dated 24.11.2009 under Section 17(3) offences against property Hudood Ordinance 1979. Police Station Karak committed by the said criminal gang. Thus he was found involved in two criminal cases of offences against property. He acted in the manner prejudicial to service discipline and good order.

2. For the purpose of scrutinizing the conduct of said officer with reference to the above allegation, Izhar Ahmad DSP, Takht-e-Nasruati is appointed as enquiry officer.

3. The enquiry officer shall provide reasonable opportunity of hearing to the accused officer as envisaged in the ordinance and record statement of witnesses in presence of accused officer by providing of opportunity of cross examination. He shall finalize enquiry within twenty-five (25) days of the receipt of this order, and submit recommendation as to punishment or other appropriate action against the accused.

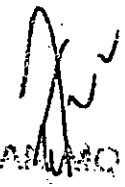
4. The accused officer shall join the proceeding on the date, time and place fixed by the enquiry officer.


 (SAJID KHAN MOHMAND)
 District Police Officer, Karak

No. 3006-7 /EC (enquiry), dated 21/3 /2011

1.
 ✓ 2.

The DSP, Takht-e-Nasratin (Enquiry Officer)
 Head constable Miraj Muhammad Khan Police Lines
 Karak


 (SAJID KHAN MOHMAND)
 District Police Officer, Karak

Attestation
As per

ASHRAF ALI KHATTAK
 ADVOCATE

3. The enquiry officer shall provide reasonable opportunity of hearing to the accused officer as envisaged in the ordinance and record statement of witnesses in presence of accused officer by providing opportunity of cross examination. He shall finalize enquiry within twenty five (25) days of the receipt of this order, and submit recommendation as to punishment or other appropriate action against the accused.

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

(SAJID KHAN MOHMAND)
District Police Officer, Karak

No.3006-7/ EC (enquiry), dated 21.03.2011

1. The DPS Takht-e-Nusrati (Enquiry Officer)
2. Head Constable Miraj Muhammad Khan Police Lines Karak

(SAJID KHAN MOHMAND)
District Police Officer, Karak

اور جن مسائل کو عدالتی کارروائی کے لیے لیا گیا ہے۔ جس کا اسکینڈل ہے ہر دو وقتوں میں مسائل کو عدالت کے لیے لیا گیا ہے۔
 عدالت نے ہر دو وقتوں میں مسائل کو عدالت کے لیے لیا گیا ہے۔ جس کا اسکینڈل ہے ہر دو وقتوں میں مسائل کو عدالت کے لیے لیا گیا ہے۔
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کوآلڈ آرڈرنگ نمبر 1341 مورخہ 15/12/2010 کو عدالت سے درخواست کیا گیا۔ مسائل کو عدالت کے لیے لیا گیا ہے۔
 عدالت نے ہر دو وقتوں میں مسائل کو عدالت کے لیے لیا گیا ہے۔ جس کا اسکینڈل ہے ہر دو وقتوں میں مسائل کو عدالت کے لیے لیا گیا ہے۔
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Service Tribunal کے لیے درخواستیں کی گئی ہیں۔ جو کہ کوآلڈ آرڈرنگ نمبر 1908 مورخہ 03/03/2010 سے لے کر 03/03/2010 تک
 عدالت نے ہر دو وقتوں میں مسائل کو عدالت کے لیے لیا گیا ہے۔ جس کا اسکینڈل ہے ہر دو وقتوں میں مسائل کو عدالت کے لیے لیا گیا ہے۔
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Service Tribunal کے لیے درخواستیں کی گئی ہیں۔ جو کہ کوآلڈ آرڈرنگ نمبر 603/2010 سے لے کر 603/2010 تک
 عدالت نے ہر دو وقتوں میں مسائل کو عدالت کے لیے لیا گیا ہے۔ جس کا اسکینڈل ہے ہر دو وقتوں میں مسائل کو عدالت کے لیے لیا گیا ہے۔
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 (u)

ASHRAF ALI KHATTAK
 ADVOCATE

نامہ مسائل قلمدانہ کارروائی اور فوجداری مقدمات کا دفاع رکھیں۔ اور مقروض زندگی سے ملکتے جانے

② لفظی چارج سمیت مسائل کے خلاف دو فوجداری مقدمات میں ملوث ہو کر انکوائری کیا گیا ہے۔
جناب والد!۔ مسائل کو انہی الزامات کے بنیاد پر دلوزت سے درخواست کیا گیا تھا۔ گور
Service Tribunal کے سامنے سپریم ٹریبونل کو ان مسائل کی اصل منظر پر پیش کر کے ملوث ہونے سے واضح الفاظ
میں ذکر کیا گیا ہے۔ کہ مسائل کے خلاف قلمدانہ کارروائی اور فوجداری مقدمات میں ملوث ہونے سے
بنیاد پر ملوثی تھی۔ جبکہ یہی فوجداری مقدمات انہی تک محدود نہ ہو رہے ہیں اور Service Tribunal نے
اسی مسائل کی بنیاد پر قانون کو الٹا سالہ 2007 PLC (CS) صفحہ نمبر (8) 997 کے حکم کو
اٹھا کر ان کے مرکز کو بھی نہیں۔ جناب والد! یہ دو مقدمات بدستور زیر کونز کے اور ڈسٹرکٹ
کو کسٹم انفرنگ کے مقدمات کے مفصلہ سے قبل گھر خارج نہیں جاری کیا ہے۔ جو کہ خلاف قانون

اور Service Tribunal کے سامنے سپریم ٹریبونل کے مفصلہ کے لفظی ہیں۔ DPO کی بدکردم تھا کہ عدالت
کو مقدمات کے فوری اور حیدر عدالت کی استدعا کرتا۔ عدالت کے مفصلہ سے قبل مسائل کے خلاف
قلمدانہ کارروائی دوبارہ ارجحی ہوگی۔ اور یہ خلاف قواعد و ضوابط ہوگی۔ چونکہ اس وقت یہ مسائل
خلاف کوئی ٹکس سہاوت موجود نہ ہے۔ اور مسائل کی بریت کا قوی امکان ہے

③۔ یہ دو مقدمات میں مسائل سے گھر قربانی کا بڑا بنایا ہے۔ کوئی دوسری ذلت میں مسائل کے خلاف انہی تک
میں سے کوئی نہ کی ہے۔ اس کے خلاف کئی دفعہ سپریم ٹریبونل کو درخواستیں پیش کی گئی ہیں جو موجود ہیں
یہی وہ لفظی عدالت کے مسائل کو عدالت پر جانے کا حکم کیا گیا ہے۔
جناب والد! مقروض کے مسائل کے خلاف ملوث ہونے سے اس کی حقیقت سے دور
کے مفصلہ کے نہیں ہے۔ اس لیے ان کو مقروض میں ملوث ہونے سے جانے کے لیے سر خلاف بدستوری
اور سب سے اسکریٹ ایجنٹ Investigation کے ایلا پر مبنی ہے۔ اور مسائل کے خلاف
زیر دست میں تھا۔ انہوں نے بار بار قلمدانہ کارروائی کے خلاف بیان دینے کی فریب دیا ہے

Advocate
A. A. K.

ASHRAF AIL KHATTAK
ADVOCATE

ORDER

This order is passed on departmental proceedings initiated against Head Constable Miraj Muhammad Khan. Facts leading to the instant departmental action are as follows: -

That Head Constable Miraj Muhammad Khan was posted as Additional "Moharrer" of Police station Karak. He was reportedly in league with the most wanted Proclaimed offender namely Rehmat Ullah (now arrested). He was arrested by this district Police in case FIR No. 406 dated 16.12.2009 under section 17 (3) offenses against property Hudood Ordinance 1979, and case FIR No. 391 dated 24.11.2009 under section 17(3) offenses against property Hudood Ordinance 1979 Police station Karak. He reportedly participated in and facilitated the commission of offence reported vide above referred occurrences. Therefore he was dismissed from service vide order bearing O.B. No.1341, dated 15.12.2009. Deputy Inspector General of Police, Kohat Region Kohat rejected his departmental representation vide order dated 23.02.2010. He filed service appeal No.603/2010 against the above orders. The appeal was contested. The service tribunal accepted the service appeal vide order dated 11.03.2011, however, the department was directed to conduct de-novo proceedings against the appellant.

Charge sheet was issued to Miraj Muhammad Khan HC. Izhar Ahmed the then DSP Takht-e-Nasrati was appointed as enquiry officer. On his transfer, the enquiry was marked to DSP headquarter Karak. He submitted detailed finding report and the charged was reported as proved. Final show cause notice was issued to Miraj Muhammad Khan Head Constable and his reply was found evasive.

Miraj Muhammad Khan Head Constable was arrested in two criminal cases of moral turpitudes. He being a Police officer was required to fight against the crimes but he himself was found in league with notorious criminal gang led by Rehmat Ullah and also

Asst. Secy

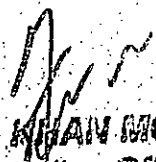
Asst. Secy

ASHRAF ALI KHATTAK

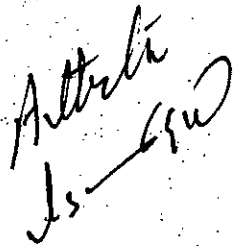
 ADVOCATE

reportedly participated in commission of the offence. He has contended examination of witnesses but his contention is not tenable because it is the job of trial court and the examination of witnesses was avoided during enquiry proceedings lest it should prejudice the trial of the case. The involvement of Police officers in offences against properties amounts to gross misconduct. Therefore Miraj Muhammad Khan Head Constable is dismissed from service with effect from the date of his previous dismissal order.

OB No. 402Dated 25-05 /2011


(SAJID KHAN MOHMAND)
District Police Officer, Karak



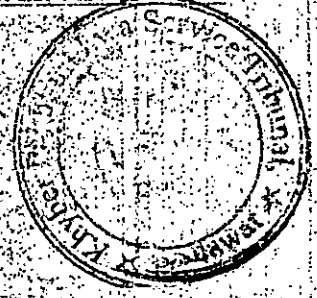

Asst. Commr


ASHRAF ALI KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1359/2011

Date of Institution .. 19.07.2011
Date of Decision .. 14.12.2011



Miraj Muhammad Khan, Ex-Head Constable
No. 539, District Karak.

(Appellant)

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Kohat Region, Kohat
3. District Police Officer, Karak. (Respondents)

VERSUS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER OF RESPONDENT NO.3 VIDE WHICH APPELLANT WAS DISMISSED FROM SERVICE AND ORDER OF RESPONDENT NO.2 VIDE WHICH THE REPRESENTATION OF APPELLANT WAS FILED.

MR. ASHRAF ALI, Advocate. For appellant
MR. ARSHAD ALAM, AGP, For respondents.

MR. SULTAN MAHMOOD KHATTAK, MEMBER
MR. NOOR ALI KHAN, MEMBER

JUDGMENT

SULTAN MAHMOOD KHATTAK, MEMBER - This appeal has been filed by Miraj Muhammad Khan, the appellant, under Section-4, of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order of respondent No.3 vide which appellant was dismissed from service and order of respondent No.2 vide which representation of appellant was filed. It has been prayed that on acceptance of the appeal, the impugned orders may be set aside and the appellant may be reinstated into service with all back benefits including payment of monthly salaries from the date of dismissal.

2. That the appellant was posted as Additional Clerk of Police Station, Karak and respondent No.3 with the connivance of local police of Police Station, Karak mala-fidely involved appellant in criminal case FIR No. 406, dated 16.12.2009 U/S 17(3) Haraba and FIR No. 391 dated 24.11.2009 under Section 17(3) Haraba, Police Station, Karak. The appellant was dismissed from service on 15.12.2009. The appellant submitted departmental representation, which was rejected on 23.2.2010 and endorsed to the appellant on 3.3.2010. Feeling aggrieved, the appellant service appeal No. 603/2010, which was accepted on 11.3.2011, the impugned orders dated 15.12.2009 of the authority.

ATTENDED
Khyber Pakhtunkhwa
Service Tribunal

and that of the appellate authority dated 23.2.2010 bearing endorsement dated 3.3.2010 were set aside, with the result, the appellant was reinstated in service with direction to the respondents-department to conduct denovo departmental proceedings in accordance with law by providing opportunity of defence/hearing to the appellant. In compliance with the orders of this Tribunal the appellant was reinstated in service on 19.3.2011. Fresh charge sheet and statement of allegations was issued to the appellant and enquiry officer was appointed for scrutinizing the conduct of the appellant. The appellant submitted detailed reply in response to the charge sheet and statement of allegations. The enquiry officer without examining any witness and considering the defence of appellant submitted finding report and charge was reported as proved. Final show cause notice was issued to him to which he submitted detailed reply and denied the allegations leveled against him. Vide impugned order dated 25.5.2011, the appellant was again dismissed from service. Feeling aggrieved, the appellant submitted representation before respondent No. 2, which has been filed on 12.7.2011, hence the present appeal.

3. The appeal has been admitted to regular hearing on 5.8.2011, and notices were issued to the respondents for submission of written reply. They filed their joint written reply and contested the appeal. In rebuttal, the appellant also filed Rejoinder to the written reply of the respondents. Arguments heard and record perused.

4. The learned counsel for the appellant argued that no proper enquiry was conducted in the matter. The person on whose complaint FIR was lodged against the appellant, has not been crossed by him, nor his statement was recorded in his presence. He further argued that in findings of the enquiry, the appellant was not recommended for the award of major penalty, yet he has been dismissed from service. Moreover, the appellant was dismissed from service with retrospective effect w.e.f. 15.12.2009 i.e. the date of first dismissal, which is against the law/rules. He requested that the appeal may be accepted as prayed for.

5. The learned AGP, on the other hand, argued that proper enquiry has been conducted and the appellant was given full opportunity of defence. Even he has been heard personally but could not satisfy his superiors and he has rightly been dismissed from service. He further argued that criminal proceedings and departmental proceedings are distinct in nature. There is no embargo on disposal of departmental proceedings before decision of criminal cases against the delinquent officer. The opinion of criminal court is not binding on departmental authority. He requested that the appeal may be dismissed.

6. The perusal of record shows that the appellant has not been treated in accordance with the law. The appellant has not been afforded an opportunity of cross-examination and not fully associated with the enquiry proceedings. The statements of complainant and other officials were not recorded in presence of the appellant. Moreover,

ATTACHED

By order of the
Service Tribunal,
Peshawar

27

the order is with retrospective effect, which is not permissible under the law as stated above.

7. In view of the above, the appeal is accepted, the impugned order is set aside and the appellant is reinstated into service with all back benefits. The respondents may conduct de novo enquiry strictly in accordance with the law. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
14.12.2011

(NOOR ALI KHAN)
MEMBER

(SULTAN MAHMOOD KHATTAK)
MEMBER

Certified to be true copy

Khwaib
Service Tribunal,
Peshawar

Date of Presentation of Application 10-1-2012
Number of Pages 1200
Copy of 8
Urgent 2
Total 10
Name of Officer [Signature]
Date of Preparation of Copy 10-1-2012
Date of Delivery of Copy 10-1-2012

To: The Deputy Inspector General of Police,
Kohat Region Kohat

Through Proper Channel

Subject: REPRESENTATION AGAINST ORDER OF DISTRICT POLICE
OFFICER, KARAK BEARING O.B NO.221 DATED 01.03.2013,
VIDE WHICH PANALTY OF TIME SCALE FOR THREE YEARS
WAS EMPOSED ON APPELLANT

Respected Sir,

With due respect and humble submission appellatant submits representation against the impugned order before your office.

FACTS

1. That in the year 2009 appellatant was posted as Additional Station Clerk of Police station Karak and the local Police malafidely involved appellatant in criminal case FIR No.406, dated 16.12.2009 under section 17(3) Harraba and case FIR No. 391 dated 24.11.2009 under section 17(3) Harraba Police station Karak.
2. That appellatant was dismissed from service vide order of District Police Officer, Karak bearing O.B No.1341, dated 15.12.2009, without conduct of general enquiry proceedings.
3. That appellatant submitted representation against the above order and your office rejected the representation vide order dated 23.02.2010, issued on 03.03.2010 vides Endst: No.1908-09/EC.
4. That appellatant filed service appeal No.603/2010 against the above orders. The appeal was accepted

*Asst. Secy
to Secy*

ASHRAF ALI KHATTAK
AK
ADVOCATE

vide order-dated 11.03.2011, however, the department was allowed to conduct de-novo enquiry proceedings.

5. That appellant was reinstated in service on 19.03.2011 and arrival report was recorded in the daily diary vides serial No.13 of Police lines Karak.

6. That fresh charge sheet and statement of allegation was issued to appellant and enquiry was conducted. The departmental proceedings again culminated in dismissal from service order of appellant vides order bearing O.B No. 402 dated 25.05.2011.

7. That appellant filed representation against the above order which was rejected, however, the service appeal of appellant was accepted vide order dated 14.12.2011. The department was again directed to conduct de-novo proceedings.

8. That appellant re-instated in service and departmental proceedings initiated against appellant culminated in passing the impugned order cited as subject. Hence the present representation is submitted on the following grounds.

GROUND

a. That learned District Police Officer, Karak passed impugned order without taking into account the facts and evidence on record. The observations of Service Tribunal passed on the service appeal of appellant were not adhered to before passing the impugned order.

Handwritten signature/initials

ASHRAF ALI KHAN
Signature
ADVOCATE

b. That the whole edifice of departmental and criminal charges level against appellant was based on the statement of Munawar Sultan examined by Police before the Judicial Magistrate during course of investigation in case FIR No. 406/2009,391/2009 referred above. The said Munawar Sultan did not appear before the enquiry committee and he was not examined in presence of appellant. Therefore the impugned order is illegal, unlawful, void, ineffective and against the principles of natural justice as the material witness against appellant was not produced. Investigation officer stated in unequivocal terms before the enquiry committee that appellant was arrested in the criminal cases on the basis of statement of Munawar Sultan while he was not examined during course of enquiry.

c. That appellant was implicated in the criminal cases on the basis of statement of one Munnawar Sultan. Actually the said Munnawar Sultan was involved in the case and he in order to save his own skin implicated appellant and others in the case. Therefore the enquiry committee based opinion on no evidence.

d. That major penalty of time scale was imposed on appellant on mere charges of arrest in criminal cases. First appellant was malafidely arrested in the criminal cases; secondly appellant acquitted in case FIR-No. 406/2009 vide order of Session Judge Karak dated 28.07.2012, while the complainant party in case FIR No. 391/2009 do not charge appellant in their statement recorded by the trial

Ashraf Ali Khattak

ASHRAF ALI KHATTAK
ADVOCATE

court. Therefore the impugned order has been passed against ground realities.

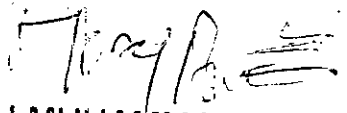
e. That the enquiry was conducted against the settled principles of service laws as the evidence favouring the appellant was not considered and the enquiry committee based opinion only charge of appellant in criminal case.

f. That under the law and rules, the authority will specify the period of penalty, while in case of appellant period of penalty has not been specified. Therefore the impugned order was passed against the norms of FR -29.

It is therefore requested that the impugned order may be set aside with back benefits.

Enclosure (impugned order)

Yours truly,



(MIRAJ MUHAMMAD KHAN)

Head Constable No. 326

Police Lines, Karak

Albertine
to [unclear]

ASHRAF ALI KHATTAK
[Signature]
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL KP, PESHAWAR

Appeal No. 901/2013 Titled

Mairaj Muhammad HC No. 326 of District Police
Karak..... (Appellant)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer Kohat Region Kohat..
3. The District Police Officer, Karak

(Respondents)

**REPLY / PARA-WISE COMMENTS/REPLY TO APPEAL ON BEHALF OF
RESPONDENTS NO. 1 TO 3**

Respectfully sheweth,

The reply / Para-wise comments to appeal on behalf of Respondents No. 1 to 3 are submitted as below,

Preliminary objections

1. The appellant has got no cause of action to file the present appeal.
2. The appellant has not come to this Tribunal with clean hands.
3. The appeal is not maintainable in its present form.
4. The appeal is time barred.
5. The appeal is bad for mis-joinder and non-joinder of necessary parties.

Facts

1. Admitted Correct, to the extent that during the year 2009, the appellant was posted as Addl: MHC Police Station Karak, remaining para is incorrect because the appellant, during performance of duty in the capacity of Addl: MHC PS Karak developed links with a narcotics gang of criminals headed by Rehmat Ullah involved in case FIR No. 406 dated 26.12.2009 u/s 17(3) Haraba OAP 1979 PS Karak on the basis of statement of PW Munawar Sultan s/o Gul Bat Khan r/o KDA Karak recorded u/s 164 CrPC. Copies of FIR and statement on oath of PW Muawar Sultan enclosed as Annexure-A and A/1.
2. Incorrect, the inquiry was dispensed with by the Respondent No. 3 in exercise of power conferred upon him u/s 5(4) of NWFP now Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance 2000 and the fact is very much highlighted in concluding Para of order dated 15.12.2009 already enclosed as Annexure "C" by the appellant with his appeal.

3. Correct, need no comments.
4. Correct, need no comments.
5. Correct, need no comments.
6. Correct to the extent that the appellant submitted detailed reply to show cause notices but the same was found un-satisfactory by the Competent Authority i.e Respondent No.3 .
7. In Correct, proper departmental inquiry was got conducted through DSP Headquarters Karak, who after examination of criminal record of case recommended appellant for punishment.
8. Correct, need no comments.
9. Correct being order passed by August Tribunal, need no comments.
10. Incorrect, the punishment of time scale for three years was imposed upon the appellant by the Competent Authority i.e Respondent No. 3 keeping into consideration involvement of appellant in heinous criminal cases and supporting criminals involved in the cases.
11. Correct, need no comments.

GROUND

- a. Incorrect, the appellant being a member of law enforcement and implementation Agency was supposed to conduct his professional duties in accordance with law instead he maintained linkage with gang of criminals headed by Rehmat Ulah involved in heinous offences of kidnapping and dacoities / extortions.
- b. The witness namely Munawar Sultan disappeared from the scene and could not be traced by police inspite of issuance of repeated summons / warrant, from the trial court the inquiry officer was appointed for conducting departmental inquiry against the appellant.
- c. Incorrect, proper opportunity of defence and Bearing was provided to the appellant by the respondents at all stage of inquiry and decision.
- d. Incorrect, already explained vide ground "B" above.
- e. Incorrect, the appellant was proceeded against strictly in accordance with law / Rules in force.
- f. Incorrect, need no comments.
- g. Incorrect, need no comments.
- h. Incorrect, proper punishment was imposed upon the appellant in accordance with the rules.

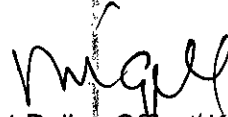
In the light of above it is requested that Service Appeal filed by the applicant may very kindly be dismissed being not maintainable and based on flimsy grounds



Provincial Police Officer,
(Khyber Pakhtunkhwa, Peshawar.
(Respondent No.1)



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



District Police Officer, Karak
(Respondent No. 3)

BEFORE THE KHYBER PAKHUTNKHWA SERVICE TRIBUNAL KP, PESHAWAR

Appeal No. 901/2013 Titled

Mairaj Muhammad HC No. 326 of District Police
Karak..... (Appellant)

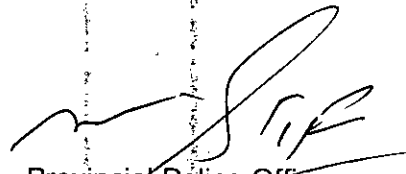
Versus


- 1 The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2 The Regional Police Officer Kohat Region Kohat..
- 3 The District Police Officer, Karak

(Respondents)

Subject: **AUTHORITY LETTER**

We, the respondents' No. 1 to 3 to hereby nominate Mr. Ghulam Hussain Inspector Legal District Karak to represent us before the Service Tribunal Khyber Pakhtunkhwa, Peshawar in the above cited service appeal. He is also authorized to submit comments / reply on our behalf before the Service Tribunal Khyber Pakhtunkhwa, Peshawar and to assist Govt. pleader/ Additional Govt. Pleader attached to August Tribunal till the decision of appeal.


Provincial Police Officer,
(Khyber Pakhtunkhwa, Peshawar.
(Respondent No.1)


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


District Police Office, Karak
(Respondent No. 3)

BEFORE THE KHYBER PAKHUTNKHWA SERVICE TRIBUNAL KP, PESHAWAR

Appeal No. 901/2013 Titled

Mairaj Muhammad HC No. 326 of District Police
Karak..... (Appellant)


Versus

- 1 The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
 - 2 The Regional Police Officer Kohat Region Kohat..
 - 3 The District Police Officer, Karak
- (Respondents))

Subject: **AFFIDAVIT**

We, the respondents' No. 1 to 3 to hereby affirm and declare on oath that the contents of reply/comments to the above titled service appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the August Tribunal.


Provincial Police Officer,
(Khyber Pakhtunkhwa, Peshawar.
(Respondent No.1)


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


District Police Office, Karak
(Respondent No. 3)

09/12/09

09/12/09

بیان ازاں منور سلطان ولد گل بن خان بائزر تقریباً 5/5 سال سکنتہ کرک ٹاؤن شہر
 KDA کرک ٹاؤن حلقہ بیان کیا کہ ایک بنگلہ جو ڈاکٹر محمد علی ظفر سکنتہ لکھنوی ہائڈرو کے
 ملکیت ہے جو کہ KDA کرک ٹاؤن میں واقع ہے، چونکہ میرا گھر میں KDA کرک ٹاؤن میں واقع ہے
 میں نے وہ زمینوں کو جاننے بھان پھوٹی۔ ڈاکٹر صاحب ایسا اور تبدیل ہو گیا ہے اس بنگلہ
 میرا حوالہ کیا میں نے بنگلہ کی رنگ روغن کی رقم داری ہے قبول کی بعد میں پر کام
 میں شروع کیا کہ ایک دن تقریباً 12/09/09 امرتسر سکنتہ لکھنوی آیا اور بنگلہ رقم سے کرک
 پر مانگا میں نے مبلغ 70000 روپے مانگا کر آیا پر دیا اور مبلغ 25000 روپے ہزار
 بطور سکورٹ آن سے کیا۔ اس سے ساٹھ ایک کالے رنگ کا D-2 کار موجود ہے جس
 کا نمبر جے یاد نہیں۔ میں موضع 11/09 کو صوبہ پنجاب (نیا) چل گیا اور امرتسر کے حوالہ
 مبلغ 67000 روپے بجلی بل واپڈا کی جانب سے آسن نے وصول کیا۔ بزرگ فون
 میں نے آسن سے کیا کہ جب میں آجاؤں تو اس پر بات کریں گے۔ بروز وقوعہ جے اپنے
 بیٹے حبیب الرحمن نے فون پر بتایا کہ بنگلہ میں وقوعہ رونما ہو چکا ہے اور بنگلہ پر پولیس
 موجود ہے۔ جب میں لیاں سے واپس آ رہا تھا تو مجھے شاہ زمان ولد عالم خان سکنتہ لکھنوی ہائڈرو
 نے فون کیا کہ امرتسر میں شاہ زمان کا جانے والا ہے لہذا تم بھی امداد آ جاؤ اس نے
 شاہ زمان کی بہن کے فون پر گفتگو کی۔ میں شاہ زمان سے لعل وردی کی موجودگی میں
 ملا جو امرتسر کا دادا ہے۔ شاہ زمان نے بتایا کہ بنگلہ کے ایگر مینٹ کے بارے میں آپ
 سے بات کرنی ہے لہذا دوران شاہ زمان نے فون پر کسی سے بات نہ کی اس کے
 بعد ایک ماہ بعد سنہ 11/09 میں جے بنھایا۔ سوموار میں میں، شاہ زمان، لعل وردی
 تقریباً 3/09 صبح کے فون پر کرن کے بعد ماہیہ عبد الرشید کے بیٹے امداد ہائڈرو
 بیٹے میں 7/09 صبح بندے موجود تھے۔ میں شاہ زمان سے کیا کہ جے امرتسر ملا دو دفتر
 جب میں کرک ٹاؤن آیا تو امرتسر موجود نہ تھا بلکہ 3/09 صبح بندے موجود تھے وہاں
 پر موجود تھا امرتسر جہیز سے ایک ماہیہ نکالا دیکھنے پر جے تہ چلا کہ یہ وہی ایگر مینٹ
 ہے جو میں نے امرتسر سے ساٹھ کیا تھا۔ رشتہ آسن نے جے کا کہ اگر جان بچانی ہو تو اس
 ایگر مینٹ سے امرتسر کا نام نکالو۔ وہاں پر موجود شاہ زمان نے ایک دو سہر ایگر مینٹ
 لکھا جس پر جے سے بازار دھو لیا گیا۔ میں نے آسن پر دھو لیا گیا۔ اسی دوران
 رشتہ آسن کو دفتر امرتسر کی طرف سے بار بار ٹیلیفون کالز اور عہدات مابین
 ایگر مینٹ میں موصول ہوتے رہے۔ رشتہ آسن نے بزرگ فون عدالت سے پوچھا کہ
 آسن کتنی رقم (50000) کو پہنچائی ہے۔ پھر میں نے مو بائیبل پر عدالت سے
 بات کی جس پر آسن نے کہا کہ میں سول جج صاحب امداد حسن تونڈی کے سامنے

موجود ہوں وہاں پر آ جاؤ۔ حج پہا کے عرفات کے سفر میں معراج سے ملے اور
 اس کو ایک ہیمنٹ دکھائی۔ بعد میں اس نے مجھے جو پتہ سائیکل پر دیا کہ تمہارے گھر
 ہے آ۔ ایک علی پورہ کمرے میں مجھے بتایا کہ تقریباً پانچ منٹ بعد جب اس نے آیا تو
 میں نے ایک ہیمنٹ اس کے حوالہ کیا۔ اس نے ایک ہیمنٹ پڑھا کہ مجھے کما کہ آپ جاسکتے ہیں
 گوا کہ میں نے تمام حالات و واقعات اپنے بیٹے کو بتا دیا۔ بیٹا مجھے تمہارے آیا اور بعد میں
 میں نے اپنا بیان تمہارے (نوسٹریٹیشن ونگ) میں دے دیا۔ میں یہ میرا بیان ہے

منور سلطان ولد گل بٹن

CHICHO: 14202-5516106-5

سین کروریت تسلیم کیا
 09/12/09
 قیصر
 منور گل

منور سلطان

زیر دفعہ 164 ف ا ل عدالتی شد

سین کروریت تسلیم کیا
 09/12/09
 قیصر
 منور گل



سہولت
ایڈوکیٹ/دستخط: _____



72901

بار کونسل ابار ایسوسی ایشن نمبر: 09-09-1576
رابطہ نمبر: 03149450946

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سر جسٹس سید سید محمد کورٹ پشاور KPK

| | |
|---------------------------------|---------------------|
| منجانب: ایڈووکیٹ/دستخط Appar | دعویٰ: سر جسٹس اپیل |
| معراج محمد خان | علت نمبر: _____ |
| بنام | مورخہ: _____ |
| ڈی. آئی. جیل خانہ جات | جرم: _____ |
| | تھانہ: _____ |

باعث تحریر آنکہ

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

آن مقام پشاور کیلئے جسٹس جلیل اردو کٹ کٹس اور کوویل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحمت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں مدد تخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل بگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ ہر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا مختار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 28/11/2016

العبد _____ واہ شد _____ العبد _____

مقام سر جسٹس سید سید محمد کورٹ پشاور KPK کے لئے منظور ہے۔

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

Attested & accepted by
Jibran Khan

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1637 /ST

Dated 3 / 7 / 2017

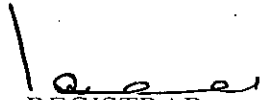
To

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

Subject: - JUDGMENT IN APPEAL NO. 901/2013, MR. MIRAJ MUHAMMAD KHAN.

I am directed to forward herewith a certified copy of Judgement dated 29.6.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.