

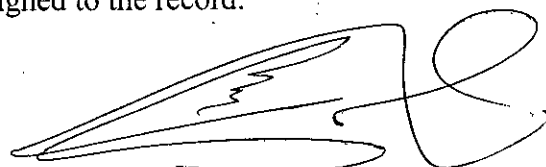
Appeal No. 590/2013
Sakhi Badshah vs Govt

17.08.2016

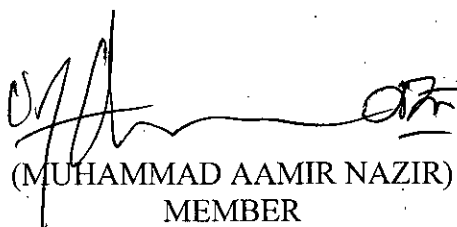
Counsels for the appellant and Mr. Muhammad Jan, GP for respondents present.

Vide our detailed judgment of today consists of six pages placed on file, to conclude the discussion, the Tribunal is of the considered view that penalty awarded to appellants Zulfiqar Hussain and Sakhi Babshah in these circumstances is too harsh. Consequently, their penalty of dismissal from service is converted into withholding of one increment for three years. They be immediate reinstated into service. Their intervening period be treated as their leave of the kind due. So for appeal of Shaid Saleem is concerned, the same is dismissed. All the appeals are disposed of in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record.

Announced
17.08.2016



(PIR BAKHSH SHAH)
MEMBER



(MUHAMMAD AAMIR NAZIR)
MEMBER


Appeal No. 590/2013
Sakhi Badshah vs Govt

17.08.2016

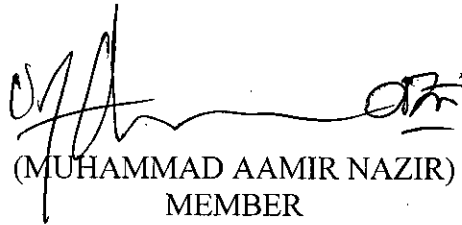
Counsels for the appellant and Mr. Muhammad Jan, GP for respondents present.

Vide our detailed judgment of today consists of six pages placed on file, to conclude the discussion, the Tribunal is of the considered view that penalty awarded to appellants Zulfiqar Hussain and Sakhi Babshah in these circumstances is too harsh. Consequently, their penalty of dismissal from service is converted into withholding of one increment for three years. They be immediate reinstated into service. Their intervening period be treated as their leave of the kind due. So for appeal of Shaid Saleem is concerned, the same is dismissed. All the appeals are disposed of in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record.

Announced
17.08.2016




(PIR BAKHSH SHAH)
MEMBER




(MUHAMMAD AAMIR NAZIR)
MEMBER

27.04.2016

Appellant in person and Mr. Arif Saleem, ASI alongwith Mr. Muhammad Adeel Butt, Addl: AG for respondents present. Due to general strike of the Bar learned counsel for the appellant is not in attendance. Adjourned for arguments to 17.08.2016 before D.B alongwith connected appeals.


Member


Chairman



27.10.2015

Appellant with counsel and Mr. Peshawar Khan, H.C
alongwith Addl: AG for respondents present. Arguments could
not be heard due to learned Member (Judicial) is on official tour
to D.I. Khan. Therefore, the case is adjourned to
18/3/16 for arguments.



Member

18.03.2016

Junior to counsel for the appellant and Mr. Arif Saleem,
ASI alongwith Mr. Usman Ghani, Sr.GP for respondents present.
Junior to counsel for the appellant stated that similar nature of
appeals have been fixed before this Bench on 27.04.2016,
therefore the same may also be clubbed with the said appeals.
Request accepted. To come up for arguments on 27.04.2016
alongwith connected appeals.



Member



Member

18.11.2014

Clerk to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Arif Saleem, ASI for the respondents present. The Tribunal is incomplete. To come up for the same on 02.03.2015.


READER

2.3.2015

Counsel for the appellant, and Addl. AG with Imtiaz Khan, DSP (Legal) for the respondents present. The learned Member-II of the D.B is busy in Bench-III, therefore, case is adjourned to 25.8.2015 for arguments.


MEMBER

25.08.2015

Counsel for the appellant and Arif Saleem, ASI alongwith Mr. Muhammad Jan, GP for respondents present. Learned counsel for the appellant pointed out that identical appeal titled Shahid Saleem-vs-DPO Kohat, etc is pending before this Tribunal and fixed for hearing on 27.10.2015 therefore, the same may also be clubbed with the above mentioned appeal. Hence to come up for arguments alongwith the said appeal on 27-10-2015.


Member


Member

590/13

24.2.2014

Appellant in person and Mr. Muhammad Adeel Butt, AAG with Muhammad Ibrahim, Inspector (Legal) for the respondents present and requested for time. To come up for written reply on 7.4.2014.

MEMBER 

7.4.2014.

Appellant in person and AAG with Imtiaz Gul, DSP (L) for the respondents present. Reply received. Copy handed over to the learned counsel for appellant for rejoinder on 7.4.2014.

MEMBER 

MEMBER 

27.05.2014

Junior to counsel for the appellant and Mr. Muhammad Jan, GP with Mian Imtiaz Gul, DSP (Legal) for the respondents present. Counsel for the appellant needs time for filing of rejoinder. To come up for rejoinder on 18/8/2014.

MEMBER 

18.08.2014

Appellant with counsel and Mr. Muhammad Jan, GP with Mian Imtiaz Gul, DSP (Legal) for the respondents present. Rejoinder received on behalf of the appellant. Copy handed over to the learned GP. To come up for arguments on 18.11.2014.

MEMBER 


Appeal No. 590/2012
Mr. Sakhi Baidali

05.12.2013

Appellant with counsel (Mr. Ibrahim Shah, Advocate)

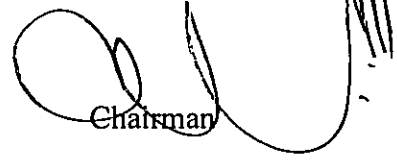
present and heard. Contended that the appellant has not been treated in accordance with law/rules. The impugned final order dated 20.02.2013 has been issued in violation of Rule-5 of the Civil Servants (appeal) rules 1986. Moreover, the appellant has been treated under the wrong law so the very original order dated 08.01.2013 is illegal void ab-initio. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 24.02.2014.

Appellant deposited
Process fee Security
4 Rs. 200/- Points Receipt
attached with file


Member

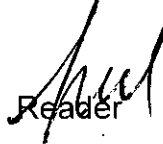
05.12.2013

This case be put before the Final Bench  for further proceedings.


Chairman

3,
27.5.2013

Munshi to Counsel for the appellant present. In prsuance of the Khyber Pakhtunkhwa Service Tribunals Amendment) Ordinance 2013 (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note reader for proceedings as before on 17.7.2013.


Reader

4,
17.07.2013

Clerk of counsel for the appellant present and requested for adjournment. Case is adjourned. To come up for preliminary hearing on 02.09.2013.



Member

5-
02.09.2013

Appellant in person alongwith clerk of counsel for the appellant present and requested for adjournment. Case is adjourned. To come up for preliminary hearing on 1.10.2013.



Member

6.
11.10.2013


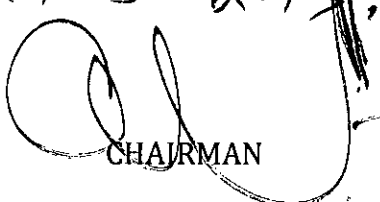
Appellant in person present and requested for adjournment. To come up for preliminary hearing on 5-12-2013


MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 590/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03/04/2013	<p style="text-align: center;">The appeal of Mr. Sakhi Badshah resubmitted today by Muhammad Amin Khattak Lachi 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	8-4-2013,	<p style="text-align: center;">This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>27-5-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Sakhi Badshah Ex-Constable Distt. Police Kohat received today i.e, on 19/03/2013 is incomplete on the following scores which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Appeal may be got signed by the appellatant.
- 2- Annexures of the appeal may be attested.
- 3- Address of respondent No. 4 is incomplete which may be according to Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 4- Copies of Charge Sheet, Statement of allegations, Show Cause Notice, Enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 5- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 437 /S.T.

Dt. 21/03 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

MR. MUHAMMAD AMIN KHATTAK LACHI ADV. PESH.

3/4/2013

Resubmitted after compliance and
The Documents of the above in
The objection slip are not available.
Please put up to the court.
Rohy.

BEFORE THE SERVICE TRIBUNAL K.P.K., PESHAWAR

Service Appeal No. 590 /2013

Sakhi Badshal (Ex-Constable) No. 583
District Police, Kohat.....Appellant

Versus

District Police Officer, Kohat & others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-4
2.	Copy of order dated 08.01.2013	'A'	5
3.	Copy of Representation	'B'	6-7
4.	Copy of order dated 20.02.2013	'C'	8
5.	Copy of FIR No. 453 dated 30.06.2012	'D'	9
6.	Copy of Statement of Appellant	'E'	10
7.	Copy of order sheets	'F'	11-14
8.	Copy of application dated 13.03.2013	'G'	15
9.	Copy of Card	'H'	16
10.	Wakalatnama		

Through

Appellant



Muhammad Amin Khattak Lachi
Advocate Supreme Court

①

BEFORE THE SERVICE TRIBUNAL K.P.K., PESHAWAR

Service Appeal No. 590 /2013

~~Service Tribunal~~
~~561~~
~~19-3-13~~

Sakhi Badshal (Ex-Constable) No. 583
District Police, Kohat.....Appellant

Versus

1. District Police Officer, Kohat.
2. Deputy Inspector General of Police Kohat Region Kohat.
3. Inspector General of Police K.P.K., Peshawar.
4. State. *Thru AGP, Peshawar.*

.....Respondents

Appeal u/s 4 of Service Tribunal Act the read with relevant rules against the order dated 20.02.2013 whereby the departmental appeal of appellant was turned down and upheld the order/judgment of the respondent No.1 dated 08.01.2013

~~19/3/13~~
19/3/13

Respectfully Sheweth:

Brief Facts

re-submitted to
and filed.

1. That appellant was inducted in Kohat Police as a Constable and performed his duty to the entire satisfaction of their superior.

3/4/13

2. That on 30.06.2012 appellant alongwith another constable namely Zulfiqar were performing riddle duty in the premises of police station Cantt Kohat.
3. That on 30.06.2012 FIR No. 453 was registered against the appellant alongwith co-accused on the allegation that appellant released the proclaim offender with the connivance of the co-accused Zulfiqar Hussain and Shahid Saleem.
4. That the inquiry was conducted and the appellant was dismissed from service on 08.01.2013 by the DPO Kohat.
5. That against the order dated 08.01.2013 of DPO Kohat appellant approached the DIG, Kohat who after hearing the case dismissed the appeal on 20.02.2013 hence this appeal is filed on the following grounds amongst others.

Grounds

- a) That the impugned orders by the appellate authority as well as by the DPO Kohat is against the law and facts and is liable to be set-aside.
- b) That for the same allegation FIR No. 453 dated 30.06.2012 was also registered against the appellant whose trial is still pending but appellant is dismissed from the service before the conclusion of criminal trial.

3

- c) That appellant is punished departmentally and FIR is also registered which amounts to a double jeopardy and there is a special bar constitutional for imposing double punishment for the same offence.
- d) That inquiry officer conducted ex-parte proceeding no one was examine in support of the charges leveled against the appellant.
- e) That no chance of cross examination of the witness was provided to the appellant and the inquiry officer based his opinion on presumption.
- f) That no proper inquiry was conducted under relevant rules and law and no chance of hearing is given to the appellant.
- g) That for petty allegation severe punishment is given to the appellant which is restricted under the service law and the service laws
- h) That appellant had sufficient length of service and without taking into consideration the appellant is dismissed from the service and further more the appellant never released the proclaimed offender intentionally deliberated and the story is totally planted.

- i) That some other grounds may be adduced at the time of the arguments:

It is, therefore, prayed that on acceptance of this appeal the judgment/order dated 20.02.2013 and 08.01.2013 may be set-aside and appellant may be reinstated with all back benefits.

Through

Appellant



Muhammad Amin Khattak Lachi
Advocate Supreme Court

5

ORDER

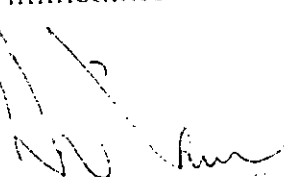
This order is passed on the departmental enquiry against Constable Sakhi Badshah No. 583 of this district Police under Police Rule 1975.

Brief facts of the departmental enquiry are that the above named defaulter official was arrested in case FIR No. 453 dated 30.06.2012 u/s 419/420/468/471/221/223 PPC/155 Police Order PS Cant.

He was served with charge sheet/summary of allegations and Mr. Mushtaq Hussain DSP HQrs: Kohat was appointed as Enquiry Officer to proceed against him departmentally. The enquiry officer has submitted his findings and found him guilty of the charges. He was served with Final Show Cause Notice. His reply was perused and found not satisfactory.

So far enquiry conducted into the matter, recommendation of the Enquiry Officer, perusal of the case file and also arrested in the above mentioned criminal case. The undersigned reached to the conclusion that his further retention in the discipline force is not justified and the allegations leveled against him are proved beyond any shadow of doubt. Therefore, he is dismissed from service under Police Rule 1975 with immediate effect.

OB No. 30
Date 08-01-2013


DISTRICT POLICE OFFICER,
KOHAT


ATTESTED

To

6

The Deputy Inspector General of Police,

Kohat Region Kohat

Subject: REPRESENTATION

Respected Sir,

With due respect appellant submits the present representation against the order of learned District Police Officer Kohat bearing OB No. 30 dated 08.01.2013 vide which penalty of dismissal from service was imposed on appellant. Facts leading to the present representation are as follows: -

FACTS

1. That appellant was indicted in Kohat Police as constable and on 30.06.2012, appellant along with constable Zulfiqar were performing rider duty in the premises of Police station cantt Kohat.
2. That during duty hours appellant came to know about a fight between Police constable and private person at National Bank Kohat. Therefore appellant along with constable Zulfiqar visited National Bank Kohat.
3. That Muhammad Rauf ASI, Constable Shahid Salim and one private person were present at National Bank area. The private person had allegedly had scuffle with Shahid Salim and he was reportedly employee of Post office.
4. That Rauf ASI directed appellant & Zulfiqar constable to transmit the said private person to Police station.
5. That Shahid Salim constable followed them and told that the said private person was his cousin name Muhammad Asif and was employee of post office and he wants talk with him in isolation. They accepted the request of colleague constable but the said private person disappeared and was followed but in vain.
6. That later on case FIR No. 453 dated 30.06.2012 under section 419,420,468,471,221,223 PPC, 155 Police Order Police station Cantt Kohat was registered against appellant and other.
7. That appellant was proceeded against departmentally on same set of charges which culminated in passing the impugned order. Hence the present representation on the following grounds.

GROUNDS

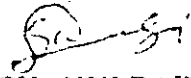
- a) That the impugned order was passed without taking into account the defence contended by the appellant. The order was passed against the facts and evidence on record.

ATTESTED

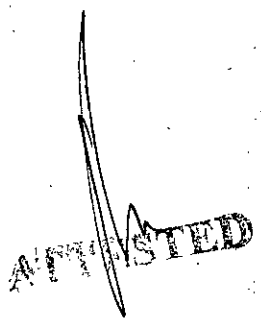
- b) That appellant was already implicated in criminal case on same set of allegation and case has been challaned to court. Imposing of departmental penalty on appellant prior to completion of trial of case was not justified. Again it amount double jeopardy.
- c) That the enquiry officer conducted ex-parte proceedings. No one was examined in support of the charges leveled against appellant. No chance of cross examination of the witnesses was provided to appellant. The enquiry officer / enquiry committee has based his opinion on presumption.
- d) That harsh penalty of dismissal from service was imposed on appellant without adhering to the legal and procedural formalities including procurement of evidence in support of the charges.
- e) That there was nothing on record that the person who escaped was proclaimed offender.

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

Yours truly,



(SHAKHI BADSHAH)
Ex-Constable No. 583.



POLICE DEPARTMENT

(8)
KOHAT REGION

ORDER

The undersigned is going to dispose of a representation filed by Ex: Constable Sakhi Badshah No.583 of Kohat district police.

Facts of the case are that the appellant alongwith Ex: Constable Zulfiqar Hussain No.665 while performing duty of Cantt: Riders were dealt with departmentally by the competent authority (DPO Kohat) on the core of charges that on 30.6.2012 an unknown person scuffled with Constable Shahid Saleem deployed at National Bank Guard, Kohat cantt. The suspect was apprehended by ASI Rauf, handed over to the Rider (above named constables) and directed them to confine the assailant in Police Station. On the way the suspect was released by the appellant and his colleague with the connivance of suspect and Constable Shahid Saleem (now dismissed from service). The suspect was identified as Tofail s/o Assad Ullah r/o Kaghazai, Kohat, who was PO in case FIR No.308/2008 U/Ss 302,324 PPC, PS Cantt. The departmental proceedings resulted in his dismissal from service vide DPO Kohat order vide O.B No. 30 dated 08.01.2013

Besides the departmental proceedings a criminal case vide FIR No.453/2012 U/Ss 419,420,468,471,221,223 PPC, 155 Police Order was also registered against the appellant and above named persons.

Feeling aggrieved from the impugned order he preferred the instant representation, requesting therein to set-a-side the impugned order and reinstatement in service.

The appellant was called in Orderly Room held on 20.02.2013 and heard in person, but failed to advance any plausible explanation to his professional misconduct. Record perused.

Perusal of record revealed that the appellant was handed over a suspect by his senior to lock up him in Police station, but on the way he released him with the connivance of Ex: Constables Zulfiqar Hussain, Shahid Saleem (both also dismissed on the same charges) and suspect, who was PO in a murder case. The appellant did not comply with lawful order of his senior, hence committed a gross professional misconduct.

Keeping in view of the above and available record it is established beyond any shadow of doubt that the appellant did not comply with order of his senior and had committed a gross professional misconduct. Moreover sufficient material exists on record which transpired that the escaped person was a Proclaimed Offender. Therefore, the representation is in-convincing, without any substance is hereby rejected and the punishment order passed by DPO Kohat vide vide OB No.30 08.01.2013 is upheld.

This order is exclusively passed in departmental proceedings.

Announced
20.02.2013

ceq
(MOHAMMAD IMTIAZ SHAH)
PSP, QPM

Dy: Inspector General of Police,
Kohat Region, Kohat.

No. 154-42 /EC dated 04-03-13

Copy to District Police Officer, Kohat for information and necessary action. Service record of the appellant is returned herewith.
Appellant.

2

ATTESTED

ceq
(MOHAMMAD IMTIAZ SHAH)
PSP, QPM

Dy: Inspector General of Police
Kohat Region, Kohat

ابتدائی اطلاعی رپورٹ

کنٹر

(فائل) ابتدائی اطلاع نسبت مجرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ نوپوری

منبع کوہاٹ

حصانہ کیس نمٹ

تاریخ و وقت وقوع ۳۰/۱۲/۲۰۰۶ وقت = ۱۰:۰۰ء

نمبر 453

1	تاریخ و وقت رپورٹ ۳۰/۱۲/۲۰۰۶ وقت = ۱۰:۳۰ء	حاکم دنگی راجہ ۳۰/۱۲/۲۰۰۶ وقت = ۱۱:۲۰ء
2	نم و سکونت اطلاع دہندہ و منیفٹ	قصد راولپ ASI پولیس لائن
3	مقتدر کیفیت مجرم (موردہ) حال اگر کچھ بیایا گیا ہو	419-420. 468-471. 221-223 155 Police adre etc
4	جائے وقوع فاصلہ تقاضا سے اور سمیت	نیشنل بینک کوہاٹ
5	نم و سکونت ملزم	
6	کارروائی اور تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو۔	براسیدگی دراصل پرچہ دیا جاتا ہے۔
7	تقاضا سے درانگی کی تاریخ و وقت	بہ سبیل ڈاک

ابتدائی اطلاع نیچے درج کرو اس وقت ایک تحریری مراسلہ حجابت قصد راولپ ASI پولیس لائن وصول ہو کر درج ذیل ہے۔

مخبر زمان 319/FRP حسن 457/FRP شاہد سلیم 1066/FRP جنکا زمان 314/FRP رائے ڈیوٹی نیشنل بینک کوہاٹ پولیس پر موجود ہے۔ نوٹی کو بینک کے احاطہ میں ترتیب دیکھ کر اس کے وقت قریب 10:00ء ایک شخص نیشنل بینک کے اندر آکر نیشنل شاہد سلیم 1066/FRP کے ساتھ ڈکھلا ہو کر آس میں بائیں سرخ کی جینز پہنے ایک شخص مذکورہ نے نیشنل شاہد سلیم 1066/FRP کے سرخوں کے مختارات شروع کی۔ دیکھ کر میں نے فوراً شخص مذکورہ قابو کر کے ہر دونوں سے وجہ پوچھ پائی کے بارے میں پوچھا۔ تو نیشنل مذکورہ نے بتایا کہ شخص مذکورہ مرا ہے زاد بھائی بھارے مابین بھروسہ ہے۔ اور ڈاکخانہ میں جو نیشنل ہے۔ اور ساتھ ہی شخص مذکورہ پھرنے موجودگی تو فی انتہائی سفارش کی۔ اس دوران حیدر علی رائے ڈیوٹی نیشنل سخی بار شاہ 83/FRP زوالفقار 665/FRP ایک شخص مذکورہ انکو حوالہ کر کے بند حوالہ کرنے بعد ہی گیا۔ کچھ در بعد معلوم ہوا کہ رائے ڈیوٹی سے شخص مذکورہ ہٹا گیا ہے۔ یا چھوڑا گیا ہے۔ رائے ڈیوٹی کو ایک عدد کارڈ بنا کر نام محمد آصف ولد اجمل خان کے ساتھ نئی طرح کا حوالہ کیا۔ جو جعلی معلوم ہوا۔ شخص مذکورہ نے دوپٹے پہنے کے لیے ایک محمد آصف ولد اجمل ظاہر حالانکہ یہ Po طفل ولد اللہ کے کاغذی جسم استجاری حودہ ملت 308/FRP خورج 5/06/12 جم 302/324/FRP طاعہ کینٹ وغیرہ نیشنل سلیم شاہد 1066/FRP جسم استجاری مذکورہ کو جانتے ہوئے پولیس کو دھوکہ دیکر قصداً عمدہ حقیقت چھانے اور چھوڑنے کی سفارش کر رہا تھا۔ چونکہ رائے ڈیوٹی نیشنل مذکورہ بالا جسم استجاری کو چھوڑ دیا ہے۔ ناما ستر سفارش اور پولیس کو دھوکہ Po کا اصل نام طفل شاہ ظاہر نہیں ہے۔ دہلوی غفلت کا بھی شریک ہوتے ہیں۔ اور اسی طرح سلیم شاہ نے ناچار ستر سفارش کیا ہے۔ بر سہرہ نیشنل ان جم بالائے جاتے ہیں۔ مراسلہ بعض قانونی مقصد ارسال طاعہ ہے بعد اندراج مقدمہ حوالہ KBI سٹاف کیا جائے دستخط انگریزی قصد راولپ ASI پولیس لائن 30/12/2006 کارروائی طاعہ آصف دراصل صرف زنج بالا ہو کر پرچہ مجرام بالا چاک ہو کر نقل پرچہ سے مراسلہ بعض تفتیش حوالہ KBI سٹاف کیا جاتا ہے۔ پرچہ گزارش ہے۔

ACCEPTED

Asi. PS. Cantt
30/6/12

② حلیم سخی بادشاہ ولد اسلام بادشاہ کو 25/26 سال سن تک اپنا بار ادا کر کے
 حال حلیم محکمہ پولیس کو کہاں نے لایا ہوا ہے اس میں بیان کیا کہ میں نے کنیشن ڈرافٹ
 سے معمول راستہ سوار گشت ڈیوٹی پر صدر کھان چھاوٹی پر خود کھان چھاوٹی میں
 تک میں سزاخ سے غریب سے گزرتے وقت معلوم ہوا کہ بند کے اندر پولیس کے ساتھ
 کسی نے جسمی چھاوٹی کنیشن بند کے اندر داخل ہو کر دیکھا کہ محمد اویسی Asi
 دو دیگر لڑکیوں کے ایک شخص کو کھڑا کیا ہوا تھا ہمیں بند پر لے کرے معلوم
 ہوا کہ مذکورہ شخص اور کنیشن شاہد سلیم ابھی جنازہ ادا کھاتی تھیں جس کے
 حاسن گھوٹو سہیلہ ہے اور کنیشن شاہد سلیم کو مذکورہ شخص نے قہر چھڑا رہا ہے
 اور عزیز تباہ نام مذکورہ شخص کو کہہ چکے ڈانگ میں حلیم ہے۔ مذکورہ شخص
 سے قہر چھڑا کر جان چھوڑ دی و حکم ڈانگ کا ہے بیام محمد اصف و لدا چھیل حال تک
 کا عدالتی پرائمر کے محمد اویسی کے حوالے کیا محمد اویسی کے ہمیں کیا کہ اس
 شخص کو کوئی لڑکی کے ساتھ لے جاؤ اور ہمیں یہ نہیں بتایا کہ مذکورہ شخص جسمی چھاوٹی
 ہے یا دیگر کسی مقدمہ پر مشغول ہے اور نہ ہی یہ شخص عدالت کے
 دھوکہ دار سہیلہ ہے اس دوران کنیشن شاہد سلیم کے بار بار ہمیں کیا کہ یہ سہیلہ چھاوٹی
 کھاتی ہے سہیلہ کو بلو چھوڑ ہے اور یہ بھی کیا کہ مذکورہ شخص حکم ڈانگ میں
 حلیم ہے جسے ساکھوہ 2-3 میں پاس کرنا چھوڑا ہے مذکورہ شخص کو
 پاس سے نکل کر ایک سہیلہ کے پاس چھوڑا ہے جس کا نام سہیلہ ہے کنیشن شاہد سلیم
 کے ساتھ اویسی کے ساتھ کیا کہ مذکورہ شخص عدالت میں لے گیا اور سہیلہ کے ساتھ لے گیا
 کہ حکم 2009 میں جسمی چھاوٹی ہے جس کے ساتھ سہیلہ چھاوٹی بیان ہے۔

ATTE
M...

③ حلیم شاہد سلیم ولد عبدالقدیر کو 25/26 سال سن تک اپنا بار ادا کر کے
 کنیشن بیان کیا کہ میں FRP کو کہاں میں لے گیا کنیشن تصانیف میں 30/6
 کو ایسے میں کہاں سے لایا ہوا ہے اور اویسی کے ساتھ لے گیا اور لڑکی پولیس کے ساتھ لے گیا
 (2009/2009)

11

IN THE COURT OF MUHAMMAD IQBAL, JUDICIAL

MAGISTRATE-II, KOHAT

187
2

ORDER-1

11/10/12



Prosecution has submitted complete
challan. Be registered.

Accused be summoned
for 15/12/12

Muhammad Iqbal

MUHAMMAD IQBAL

Judicial Magistrate-II, Kohat

ORDER-2

15.12.2012

APP for the state present. Accused
absent. Process issued against the accused
not returned. DFC to explain. Repeat
process beside summoning sureties. Search
witness to the extent of accused Muhammad
Tufail also be summoned for 18/1/13.

Muhammad Iqbal

MUHAMMAD IQBAL

Judicial Magistrate-II, Kohat

Handwritten notes in Urdu:
کوکھٹ
11/10/12
187/2
29/3/13
13
2

NIR
18.1.2013

The P.O is on casual leave.

To come up on 24.1.2013.

Reader

The P.O is on training. To
Come up on 30.1.2013.

Reader

NIR
21.1.2013
ATTESTED TO BE TRUE COPY
EXAMINED
COPING BRANCH KOHAT
18/3/13

ORDER-3

30.1.2013

Accused Zulfiqar and Sakhi Badshah on bail alongwith counsel and APP for the state present. Co-accused Shahid Saleem be summoned beside summoning search witness to the extent of accused Muhammad Tufail for 13/2/13

19
20/1/2013
MUHAMMAD IQBAL

Judicial Magistrate-II, Kohat

ORDER-4

13.2.2013

Shahid Saleem
Zulfi
Sakhi

Accused Shahid Saleem, Zulfiqar and Sakhi Badshah on bail and APP for the state present. Accused Muhammad Tufail is absconding. SW, Khaliq Hussain present and recorded statement, in light of which it is clear that accused Muhammad Tufail is avoiding his lawful arrest and there is no probability of his arrest in the near future, hence proceedings U/S 512 Cr.PC are hereby initiated against the accused Muhammad Tufail and prosecution is allowed to adduce its evidence against the said accused in absentia. Provisions of section 241 A Cr.P.C are complied with. To come up for framing of formal charge on 20/2/13.

20/2/2013
MUHAMMAD IQBAL

Judicial Magistrate-II, Kohat

ATTESTED TO BE TRUE COPY

15/2/13
EXAMINED
COPING BRANCH KOHAT

(13)

Order-5

20.2.2013

2

Accused Shahid Saleem, Zulfiqar and Sakhi Badshah on bail and APP for the state present. Accused Muhammed Tufail is absconding. Formal charge framed against the accused, to which they pleaded not their guilt and claimed trial, hence PWs be summoned for 6/3/13.

Tufail
JM-II, Kohat 20/2/13

ORDER-6

6.3.2013

2

Accused Shahid Saleem, Zulfiqar and Sakhi Badshah on bail and APP for the state present. PWs despite being served are absent. Be summoned through special diary for

5/3/13

M. Iqbal
MUHAMMAD IQBAL 6/3/13

Judicial Magistrate-II, Kohat

ATTESTED TO BE TRUE COPY
EXAMINED
COPING BRANCH KOHAT
16/3/13

Order-7

15.3.2013

Accused Shahid Saleem, Zulfiqar and Sakhi Badshah on bail alongwith counsel and AFP for the state present. Accused Muhammad Tufail is absconding. Pws Aqeeq Hussain, SHO and Shakeel Khan, ASI present and examined as PW-1 and PW-2 respectively. Remaining Pws be summoned through special diary for 29/3/13

Tute
JM-II, Kohat

ATTESTED TO BE TRUE COPY
EXAMINED
COPING BRANCH
KOHAT
8/3/13

درخواست نمبر 1424
تاریخ روز 15/3/13
لفظ 4
ماده اجرت
ارجح
شخص
دستخط رئیس پولیس
تاریخ جاری 15/3/13
تاریخ حتمی 19/3/17

حساب عالی (۵)

گزارش عدد سائل خورد $8 \frac{1}{3}$ کو محکمہ ہذا سے
ڈسپنس ہو چکا ہے۔ سائل نا Di 6 صاحب کو حیات
کو سرانجام الیہ ڈسٹرکٹ جو حساب Di 6 صاحب
نے (Reject) کر دی۔ اب سائل سرورس ٹریبیونل
میں اپیل کرنا چاہیے۔

بزرگ و خواست استدعا علیہ سائل کو انکو سٹری
نقودات دینے کا حکم ہمارے واسطے

۱
ابتداء از ایسٹری

۲
خورد $2 \frac{3}{13}$

۳
Ex قائل سخی بادشاہ ۵۸۳ ڈسٹرکٹ کو حیات
ڈسپنس

۴
ایسٹری
 $2 \frac{3}{13}$

۵
Attested

(10)

MINISTRY OF COMMUNICATIONS
PAKISTAN POST
COPT OF TRANSIT

REGISTRATION: POSTAL CLERK
Date of Issue: 24-03-2009

Holder Sign: *[Signature]*

Issuing Authority: *[Signature]*

جامعہ اسلامیہ اسلامیہ دورانیہ

Attested

Name: Muhammad Asif

Father Name: Amal Khan

N.I.C: 14301-0318339-1

DESIGNATION: Postal Clerk Kohat GPO

Present Add: Village Kaghzai Kohat

BLOOD GROUP: Nil

Contact No: 03018327106

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 590/2013

Sakhi Badshah Ex-Constable No. 583 Appellant.

VERSUS

1. District Police Officer, Kohat
2. Deputy Inspector General of Police, Kohat Region, Kohat.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
4. State through AGP Peshawar Respondents.

Respectively sheweth:-

Parawise comments by Respondents No. 1 to 3 are submitted as under:-

FACTS:-

1. The appellant has no cause of action.
2. That the appeal is not maintainable in the present form.
3. That the appellant has not come to this Hon Tribunal with clean hands.
4. That the appeal is bed for misjoinder and non joinder of necessary parties.
5. That appellant is stopped by his own acts to file the instant appeal.
6. That the appeal is time barred.


Facts:-

1. That appellant was appointed as constable in this district Police on 31.01.2008. The remaining para is not correct as he had remained absent on different occasion and he was awarded punishment for the same by the competent authority.
2. Correct to the extent that on 30.06.2012 he alongwith one other ex-constable Zulfiqar Hussain was deputed on rider in the limits of PS Cantt.
3. That case vide FIR No. 453 dated 30.06.2012 u/s 419/420/471/221/223 PPC/155 Police Order was registered against the present appellant and his two other co-accused namely ex-constable Zulfiqar Hussain and Shahid Saleem on the ground that on 30.06.2012 an unknown person scuffled with constable Shahid Saleem who was on duty at National Bank guard Kohat Cantt. The suspected person was apprehended by Rauf ASI and he was handed over to the rider squad (the present appellant) and his companions Zulfiqar Hussain and Shahid Saleem. On their way to PS Cantt, the said suspected person was released by the present appellant and his colleague Zulfiqar Hussain with connivance of ex-constable Shahid Saleem. Later on the said suspected person was identified as Tufail s/o Asad Ullah r/o Kaghazai who was PO in case FIR No. 308/2008 u/s 302/324 PPC PS Cantt. Copy of FIR is annexed as annexure "A".
4. That proper departmental inquiry was conducted against the appellant and after fulfillment of all codal formalities the appellant was dismissed from service vide OB No. 30 dated 08.01.2013 by respondent No. 1. Copy of charge sheet, statement of allegation, reply to charge sheet, inquiry report, final show cause notice and reply to final show cause notice are attached here with as annexure "B", "C", "D", "E", "F" and "G" Respectively.


5. That his departmental appeal was correctly rejected by respondent No. 2 on 04.03.2013.

Grounds:-

- a. Incorrect. The orders of respondents No. 1 & 2 were passed in accordance with law and provisions of relevant rules.
- b. That there is difference between criminal and departmental proceeding as also held in various judgments by Hon: Supreme Court of Pakistan. Each is to be decided on its own merits. Copies of judgments are annexed as annexure "H".
- c. Incorrect. As explained above in para-B there is difference between criminal and departmental proceedings. Each is to be decided on its merits. It does not amount to double jeopardy and there is no legal bar on it which is clear from the above quoted judgments of Hon: Supreme Court of Pakistan.
- d. Incorrect. Proper departmental inquiry was conducted against the appellant. He had associated in the departmental enquiry proceedings. After fulfillment of all legal formalities, the appellant was awarded the punishment of dismissal from service in view of his act as per Rules.
- e. Incorrect. Full opportunity was afforded to the appellant as all statements of concerned officials were recorded in his presence.
- f. Incorrect. Proper departmental inquiry was conducted against the appellant and he was also afforded chance of hearing.
- g. Incorrect. In such like cases punishment of dismissal from service is required to be awarded to the official who has shown negligence in the discharge of his duty.
- h. Incorrect. The appellant had deliberately let free the PO at the instance of ex-constable Shahid Saleem as that PO Tufail was his cousin. No one has planted a story against the appellant. The appellant was handed over the said PO for taking him to PS Cant as is evident from copy of that FIR.
- i. That the other points would be submitted with permission of this Hon Court at the time of arguments.
- j. In view of the above mentioned grounds, it is therefore prayed that the appeal may kindly be dismissed.


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


District Police Officer,
Kohat
(Respondent No. 1)


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 3)

24/4/2013
1373

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 590/2013


Sakhi Badshah Ex-Constable No. 583 Appellant.

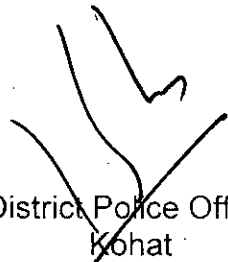
VERSUS


1. District Police Officer, Kohat
2. Deputy Inspector General of Police, Kohat Region, Kohat.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
4. State through AGP Peshawar Respondents.



COUNTER AFFIDAVIT

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


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


District Police Officer,
Kohat
(Respondent No. 1)


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 3)



Haq Nawaz Khattak
Oath Commissioner
Distt: Court Kohat

ابتدائی اطلاع رپورٹ

کرنٹر

(فائل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ نوچیزی
مختصہ کیسٹ

منبع کوہاٹ

نمبر 453

تاریخ و وقت وقوع 30/6/12 وقت = 10:00

تاریخ و وقت رپورٹ 30/6/12 وقت = 10:30	تاریخ و وقت وقوع 30/6/12 وقت = 10:20
اس کے تحت اطلاع دہندہ و منبیت	صدر روف Asi پولیس اسٹیشن
نمبر کیسٹ جرم (موجودہ) حال اگر کچھ یا گیا ہو	468-471 420-429 155 Police adre
تاریخ وقوع فاصلہ مقام سے اور سمت	نیشنل بینک کوہاٹ
اس کے تحت ملزم	
ادواری موقوفین کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو۔	برائیدگی دراصل پرچہ دیا جاتا ہے۔
مقام سے روانگی کی تاریخ و وقت	بہ سبیل ڈاک

ابتدائی اطلاع نچرے درج کردہ اس وقت ایک تحریری مراسلہ منجانب صدر روف 735
 1066/314 جنکل زمان 314 کے لئے ڈیوٹی نیشنل بینک کوہاٹ پر
 457/309 فرس FRP کے ساتھ کوالا پور آرمس بائیں شروع کی۔ چند منٹ بعد شخص
 1066/314 کے ساتھ کوالا پور آرمس بائیں شروع کی۔ درگھر میں نے فوراً شخص مذکورہ
 1066/314 کے ساتھ کوالا پور آرمس بائیں شروع کی۔ درگھر میں نے فوراً شخص مذکورہ
 کو روک کر بر دووں سے وچہ پھانسی کے مارے میں پوچھا۔ تو نیشنل مذکورہ نے بتایا کہ شخص مذکورہ
 آزاد سمائی بھاری مابین چھوڑ گیا ہے۔ اور ڈاکخانہ میں نوٹس پڑھا ہے۔ اور ساتھ ہی شخص
 کو روک کر نئی انتہائی سفارش کی۔ اس دوران حسب طلبی انسپکٹر نوری کینلان سخی بارشاہ
 کو اطلاع دی گئی۔ اور شخص مذکورہ کو حوالہ کر کے بند حوالہ کرنے ہدایت کی۔ کچھ در بعد معلوم ہوا کہ
 شخص مذکورہ باگ گیا ہے۔ یا چھوڑا گیا ہے۔ انسپکٹر نوری کو ایک عدد کارڈ بنام محمد امجد
 کے حوالہ کر کے کاغذی کارڈ حوالہ کیا۔ جو جعلی معلوم ہوا۔ شخص مذکورہ نے دھوکہ دہی کے لئے
 308/302 جو 5/12 جم 302/324 کے ساتھ کنٹ وڈیر نیشنل سلم شاہد 1066/314 جم اشتہاری سندرگہ کو
 کینلان سندرگہ والا جم اشتہاری کو چھوڑ دیا ہے۔ ناقصہ سمن اور ٹھٹے کی سفارش کر رہا تھا۔ چونکہ انسپکٹر
 شاہ طاہر نہیں ہے۔ دیوٹی غفلت کا بھی مر تب ہوتے ہیں۔ اور اسی طرح سلم شاہ نے نا حاضر سفارش
 مقدمہ خوالہ KBI سٹاف کیا جائے دستخط انگریزی صدر روف Asi پولیس اسٹیشن 30/6/12 کاروائی نمبر ۱۵۲
 دراصل صرف درج بالا نیوٹر پرچہ جرائم بالاجا ک ہومر نقل پرچہ مع مراسلہ بفرس نیشنل حوالہ KBI سٹاف
 دیا جاتا ہے۔ پرچہ گزارش ہے۔

(Signatures)
 Asi. PS. Canth
 30/6/12

CHARGE SHEET.

1. I **MUBARAK ZEB, DISTRICT POLICE OFFICER,**
KOHAT as competent authority, hereby charge you **Constable Sakhi Badshah**
No. 583 committed the following irregularities:-

As reported by SSP Investigation Wing Kohat vide Memo: 3111/GC dated 04.07.2012 that you was arrested in case FIR No. 453 dated 30.06.2012 u/s 419/420/468/471/221/223 PPC/155 Police Order PS Cantt:

2. By reasons of the above, you appear to guilty of misconduct under Police Rule-1975 and have rendered yourself liable to all or any of the penalties.

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

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

4. A statement of allegation is enclosed.



DISTRICT POLICE OFFICER,
KOHAT

DISCIPLINARY ACTION

I, **MUBARAK ZEB DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that **Constable Sakhi Badshah No. 583** has rendered himself liable to be proceeded against as he committed the following acts/omissions under Police Rule 1975:-

STATEMENT OF ALLEGATIONS

As reported by SSP Investigation Wing Kohat vide Memo: 3111/GC dated 04.07.2012 that you was arrested in case FIR No. 453 dated 30.06.2012 u/s 419/420/468/471/221/223 PPC/155 Police Order PS Cantt:

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

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

**DISTRICT POLICE OFFICER,
KOHAT**

No. 5087-88/PA, dated 11-7-2012.

Copy of above is forwarded to:-

1. **Mr. Mansoor Aman, ASP HQrs, Kohat**. The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. **Constable Sakhi Badshah No. 583**. The concerned official/ officer's with the directions to appear before the Enquiry officer, on the date, time and place fixed by the enquiry officer, for the purpose of enquiry proceedings.

13.7.12

ORDER

The following Police Officials have been arrested in connection with their involvement in case FIR No. 453 dated 30.06.2012 u/s 419/420/468/471/221/223 PPC /155 Police order PS Cantt: are hereby suspended and closed to Police Lines Kohat with immediate effect.

1. Const: Zulfiqar No. 665
2. Const: Sakhi Badshah No. 583

Mr. Mansoor Aman, ASP HQrs Kohat is appointed as enquiry officer to conduct proper departmental enquiry against the above named defaulter officials and submit findings within the stipulated period.


DISTRICT POLICE OFFICER,
KOHAT

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

No 5082-84/PA dated Kohat the 11-7-2012

1. ASP HQrs: Kohat for information and necessary action
2. Reader/OASI


DISTRICT POLICE OFFICER,
KOHAT

OB No. 546
Dated 11-7-12

جواب چارج شیٹ کا کنسٹیبل سخی بادشاہ نمبر 583 متعینہ پولیس لائن کوہاٹ

جناب عالی!

بجوالہ چارج شیٹ نمبری 5089-90/PA مورخہ 11-07-2012 مجاریہ جناب DPO صاحب کوہاٹ معروض

خدمت ہوں۔

کہ مورخہ 30-06-2012 کو میں معہ کنسٹیبل ذوالفقار 665 رائیڈر سکواڈ گشت ڈیوٹی حدود چوکی پولیٹیکل سرانے پر تھے۔ دوران گشت نیشنل بینک مین برانچ سے گزرتے ہوئے بینک بالمقابل سرک شاہی پر کھڑے ہو کر معلوم ہوا۔ کہ ایک پرائیویٹ شخص نے بینک کے اندر ڈیوٹی پر معومر کنسٹیبل شائد سلیم کے ساتھ ہاتھ پائی کر کے باوردی کنسٹیبل کو تھپڑ مارے ہیں۔ یہ بات سن کر میں معہ کنسٹیبل ذوالفقار نمبر 665 بینک میں جا کر ASI محمد راؤف بمعہ نفری پولیس کے بشمول ایک پرائیویٹ شخص موجود گفتگو میں مصروف تھے۔ اور یہ بھی معلوم ہوا۔ کہ مذکورہ شخص ڈاک خانہ کوہاٹ میں ملازم ہے۔ میں نے فوری طور پر مذکورہ شخص کی جامعہ تلاشی لے کر جس کے جیب سے ایک کارڈ بنام محمد آصف ولد اجمل خان سکند کاغذی برآمد کر کے حوالہ ASI محمد راؤف کی۔

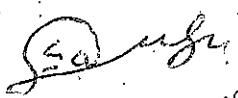
محمد راؤف ASI نے ہم رائیڈر سکواڈ کو ہدایت کی۔ کہ اس شخص کو چوکی پولیٹیکل سرانے لے جاوے۔ مذکورہ شخص کو چوکی روانہ کر کے کنسٹیبل شائد سلیم ہمارے عقب آ کر ہمیں کہا۔ کہ یہ شخص محمد آصف میزاچا زاد محکمہ ڈاک میں بطور کلرک ملازم ہے۔ اسکے ساتھ علیحدگی میں دو تین باتیں کرتا ہوں۔ کیونکہ ایسا نہ ہو کہ اس ان کے لئے گھریلو مسئلہ نہ بن جائے۔

تو کنسٹیبل شائد سلیم نے مذکورہ کو ہاتھ سے پکڑ کر سائیڈ پر لے جا کر چھوڑ دیا۔ اور ہمیں کہا۔ کہ وہ بھاگ گیا۔ میں نے اور ہمراہ ہی کنسٹیبل ذوالفقار نمبر 665 مذکورہ شخص کی بازار میں کافی تلاش کی۔ مگر نہ ملا۔

عالیجاہ! مذکورہ شخص چوکی لیجاتے وقت نہ راؤف ASI نے اور کنسٹیبل شائد سلیم نے ہمیں یہ بتایا تھا۔ کہ مذکورہ شخص بمقدمہ قتل مجرم اشتہاری تھا۔ دوران پتہ معلوم ہوا۔ کہ مذکورہ کا اصل نام محمد طفیل ولد سعد اللہ خان سکند کاغذی ہے۔ اور تھانہ چھاؤنی سے مجرم PPC 302 مجرم اشتہاری ہے۔

کنسٹیبل شائد سلیم بھی کاغذی کا باشندہ ہے۔ کنسٹیبل مذکورہ نے ہمیں دھوکہ دیا ہے۔ ایک قتل کے مجرم اشتہاری کو فرار کروانے میں اہم کردار ادا کیا ہے۔ مذکورہ نے پولیس فورس کی بدنامی کر کے اپنی فرائض میں غفلت کی ہے۔ اور ہم دونوں کنسٹیبلان کو بھٹی اور ASI محمد راؤف کو بھی دھوکہ دیا ہے۔

میری 5 سالہ سروس بے داغ ہے۔ دیانت داری سے ڈیوٹی سرانجام دی ہے۔ جو کچھ بھی ہوا ہے۔ کنسٹیبل شائد سلیم کی وجہ سے ہوا ہے۔ میں بے گناہ ہوں۔ بیان گزارش ہے۔


کنسٹیبل سخی بادشاہ نمبر 583

پولیس لائن کوہاٹ

No. 4-2

FINDING

IN DEPARTMENTAL ENQUIRY AGAINST CONSTABLE SAKHI BADSHAH NO.583

This is finding in departmental enquiry against constable Sakhi Badshah No.583 for the allegations that he directly been charged in Case FIR No.453, dated 30.6.12 U/S 419/420/468/471/221/223 PPC /155 Police Order PS Cantt.

On receipt of file, necessary enquiry proceedings were adopted. Summoned the defaulter constable Sakhi Badshah No.583, I.O alongwith Case file, Const: Zulfiqar, Const: Shahid Salim etc, hear in person and recorded their statements.

Opportunity of cross examination was given to the defaulter constable whom he did not avail.

Constable Zulfiqar No. 66 stated that on 30.6.2012 he was on rider duty with Constable Sakhi Badshah No.583 in the limits of PP Political Seria. Passing near National Bank he came to know that one civil person quarreled with Constable Shahid Salim who is on duty inside the Bank. So they rushed to the Bank where they saw ASI Rauf alongwith strength is busy in talking with a civilian. It is also learnt that the said civilian is serving in post office. He (const Zulfiqar) carried out his body search and also took out a NIC from his pocket according to the name of civilian was found as Mohammad Asif S/O Ajmal Khan R/O Kaghzai, which he handed over to ASI Rauf.

ASI Rauf directed them to carry the said civilian to Police Post so they carried him towards Police Post, meanwhile, Constable Shahid Salim came behind them and told to them that he (civilian) is his real Uncle and is a clerk in Post Office. He (const Shahid Salim) wants to talk with him (civilian) in alone so they permitted him. He(const) carried him (civilian) at some distance and let him free, came to them back and disclosed that the civilian escaped. After they (const Zulfiqar and Sakhi) searched the escapee but in vain.

In last of his statement he threw all responsibility on the shoulders of Constable Shahid Salim.

ASI Rauf stated that on the eventful day he alongwith constables Mir Zaman, Mohsin, Shahid Salim and Khail Zaman were present in National Bank for duty. At 10.00 Hrs one civilian came and started blows of boxing on Constable Shahid Salim. He (ASI) overpowered him. The victim constable disclosed that the accused person is his real cousin, having some family dispute with him. The said constable instead of recommendation of taking legal action against the defaulter person was in struggle to release the said person from police. He (ASI Rauf) directed the rider squad to carry him to Police Post. After some time it was reported to him that the said civil person escaped or released intentionally by the constables. Later-on it was came to light the said civilian was a PO in criminal case U/S 302 PPC PS Cantt and is the villager of constable Shahid Salim, therefore, the said constable cheated with police party and arranged his escape.

I.O of the case stated that from the investigation so far the said constable is found guilty of misconduct.

Constable Sakhi corroborated the version of constable Zulfiqar.

Constable Shahid Salim denied all the allegations of releasing the PO from the clutches of any police official.

Opportunity of cross examination was given to the defaulter constable whom he did not avail.

From the enquiry so far it revealed that though at the time of arrest and carrying of stranger he was not aware about his status but once they were directed by senior to carry the suspect to PP, they unlawfully handed over the arrested suspect to the irrelevant constable. He miss-used his authority and it is established that he did gross misconduct, hence, found guilty of the charges narrated in the FIR mentioned above against him.

Submitted please.


Sub-Divisional Police Officer,
HQrs: Kohat.

FINAL SHOW CAUSE NOTICE

1. I, DILAWAR KHAN BANGASH, District Police Officer, Kohat as competent authority under the Police Rule 1975 serve you Constable Sakhi Badshah No. 583, as follow:-

The consequent upon the completion of enquiries conducted against you by the Enquiry Officer, Mr. Mushtaq Hussain DSP HQrs., Kohat.

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

"You was arrested in case FIR No. 453 dated 30.06.2012 u/s 419/420/468/471/221/223 PPC/155 Police Order PS Cantt, Kohat".

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

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

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

6. Copy of finding of the enquiry officer is enclosed.

No. 321 /PA
Dated 08-1-2012


**DISTRICT POLICE OFFICER,
KOHAT**

صباح عالی

بجولہ سٹورز کا زائنٹل نمبر 324 صرف

01/01/2013

عصر صبح کو لکھنا ہوا کہ جو جواب صبح چار بجے
میں انٹرنیٹ پر لکھا گیا وہ میرا ہے اور
اور حقیقت یہ ہے۔

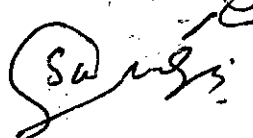
صباح والے نے بتایا ہے کہ وہ التجا ہے۔ کہ سائل
غریب لوگوں سے تعلق رکھتا ہے۔ اور میرا ہے۔ میں اپنے
لوگوں سے شوق سے کرتا ہوں۔ انشاء اللہ وعدہ کرتا ہوں
کہ دوران ڈیوٹی ایسا موقع پھر پیش آئے گا کہ میں
دونوں صاف دہا جاؤں۔

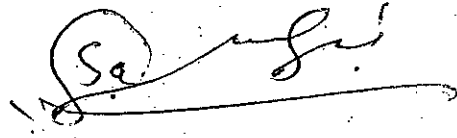
ایسا تاکہ اس سبب سچی بات دیکھ سکیں 503 حال دل
علیٰ علیہ السلام

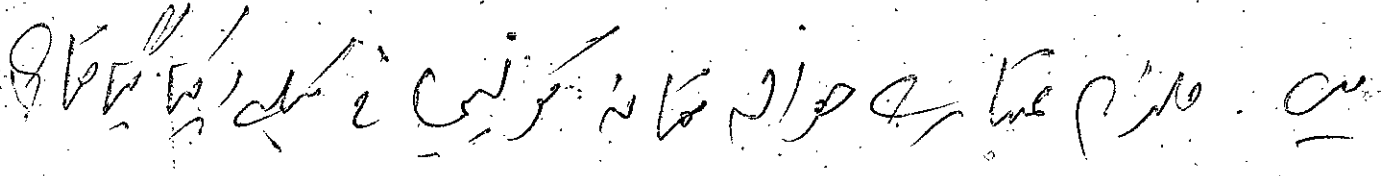
Sadique

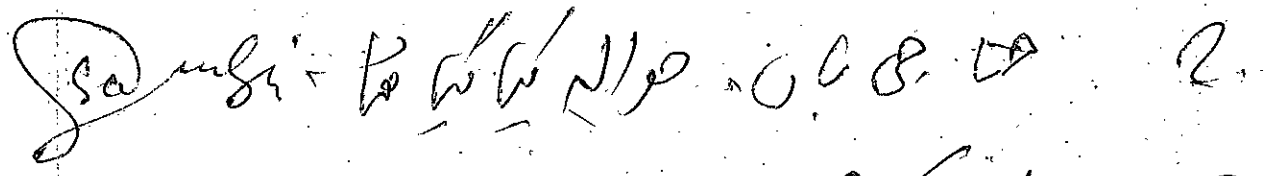
9.1.2013

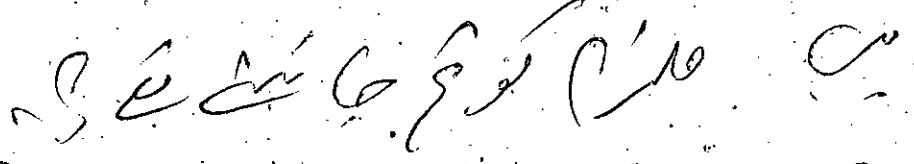
تبدیر یافت بیان کیا کہ میں نے چارج ٹیسٹ میں جو

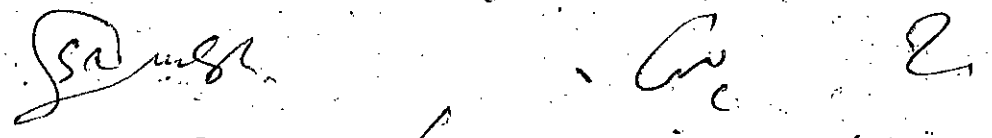
بیان دیا ہے وہی میرا بیان ہے 

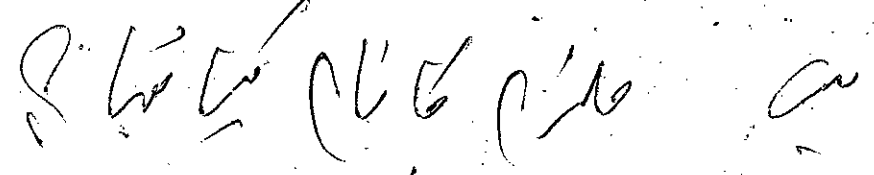


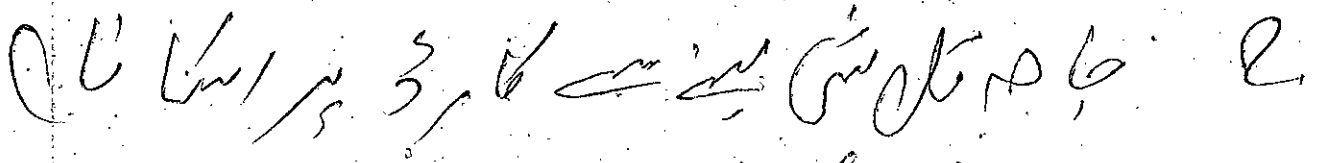
1.  حوالہ نمبر 10 کی جگہ پر لکھا گیا ہے

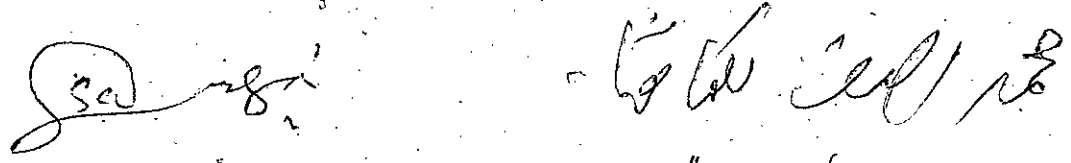
2.  حوالہ نمبر 10 کی جگہ پر لکھا گیا ہے

3.  حوالہ نمبر 10 کی جگہ پر لکھا گیا ہے

4.  حوالہ نمبر 10 کی جگہ پر لکھا گیا ہے

5.  حوالہ نمبر 10 کی جگہ پر لکھا گیا ہے

6.  حوالہ نمبر 10 کی جگہ پر لکھا گیا ہے

7.  حوالہ نمبر 10 کی جگہ پر لکھا گیا ہے

Attest



SUPREME COURT

of public importance is involved in the matter on the basis of leave could be granted. The petition being meritless is dismissed leave refused.

K./S-9/SC

Leave refused.

RANA BHAG
the (Lahore High Co
Muhammad Asim in a

2006 S C M R 558

[Supreme Court of Pakistan]

Present: Rana Bhagwandas and Hamid Ali Mirza, JJ

AAMER SHAHZAD---Petitioner

versus

MUHAMMAD ASIM and another---Respondents

Criminal Petition No.166-L of 2005, decided on 5th July, 2005.

(On appeal from the judgment, dated 14-3-2005 passed in Criminal Miscellaneous No.1552-B of 2005 by Lahore High Court, Lahore).

Criminal Procedure Code (V of 1898)---

---S. 497(5)---Penal Code (XLV of 1860), S.337-A(ii)---Constitution of Pakistan (1973), Art:185(3)---Cancellation of bail, refusal of---High Court in granting bail to accused was stated to have been misled in observing that the injury attributed to accused by means of hatchet on the person of the complainant was not reflected in the F.I.R. and the Medico-legal report---Perusal of record including the Medico-legal certificates showed that it was a bona fide slip of pen or a clerical error, which did not invalidate the essence of the impugned order of High Court---Investigation in the case had been completed and the accused was behind the bars awaiting his trial along with his co-accused---Discretion exercised by High Court in granting bail to accused did not suffer from any error of law or jurisdiction---Leave to appeal was refused to complainant in circumstances and the petition was dismissed accordingly.

[p. 559] A, B & C

N.A. Butt, Advocate Supreme Court for Petitioner.

Dil Muhammad Tarar, Advocate Supreme Court for the State.

Hasnaat Ahmad Khan, Advocate Supreme Court for Respondent

No.1.

Date of hearing: 5th July, 2005.

SCMR

2. Precise allegation that a hatchet blow frontal region of head m. After X-ray of "Mudaha", falling under this offence provided
3. Learned counsel Chambers of the High Court attributed to the respondent Shahzad was not reflected that as it may, on per we find that it was a b not invalidate the esser
4. Since the inve was behind the bars, discretion exercised by or suffer from any err
5. In the peculia find any legal infirmity does not warrant any leave refused.

N.H.Q./A-9/SC

Present:

MUHA

MEDICAL SUP
LAH

Civil Petition No.384-I

legal and factual aspects of the

[156; Hidayat Ullah No.86 and Mianwali did not perform your duty in a disciplined manner in that as per Mitha Tiwana received from the Mitha Tiwana vide his Memo. No.30/PA/1992 you were detailed to collect two convicts, Muhammad Ramzan son of Allah Ditta casteed in case F.I.R. No.92 dated 21-8-1992, P.P.C. 7-A.T.A., Police Station Mianwali to produce them in the presence of A.T.A. Sargodha. Official Vehicle No.4579/MIA to escort the prisoners. H.C. Mianwali was in charge of the said vehicle. The learned Judge sentenced them to undergo 14/1

the named convicts proceeded to Mitha Tiwana, the vehicle was intentionally stopped in the area of Police Station Mitha Tiwana in order to facilitate the conviction of Muhammad Ramzan from police custody. As a result, he managed to escape. In this regard, case F.I.R. No.2, dated 13/224, P.P.C. was registered at Police Station Mitha Tiwana against you and you are under investigation and you have

as and circumstances that you all have facilitated the above named convicts to escape from your lawful custody and you have made all efforts to arrest him which is against the order Punjab Police. (E&D) Rules 1973, section 10 against you."

learned Advocate Supreme Court has mainly argued that no evidence is available on the basis whereof petitioner could be held liable for the conviction of Muhammad Ramzan which was done by the Police Department as well as it has resulted in serious miscarriage of justice. The petitioner could not have been held liable for a clean acquittal from the criminal

case got registered against him on the same charges in violative of the principle of estoppel as laid down by this Court in Muhammad Aslam v. Government of N.-W.F.P. 1998 SCMR 1993.

4. We have carefully examined the contention as mentioned in the preceding paragraph, thrashed out the entire record and perused the judgment impugned carefully. After having gone through the entire record we are of the view that the factum of gross negligence has been proved. A comprehensive inquiry was got conducted and the petitioner was found responsible not only for gross negligence but active connivance and facilitation which resulted in the escape of convict Muhammad Ramzan who was convicted and sentenced to death with 14 years R.I. by the learned Special Judge, A.T.A., Sargodha in case got registered vide F.I.R. No.92, dated 21-8-1992 under section 302/34, P.P.C. read with section 7 of the Anti-Terrorism Act, 1997. There is no denying the fact that custody of convict Muhammad Ramzan was handed over to the armed police party with official Vehicle No.4579/MIA to escort the prisoners and petitioner was admittedly the member of that police party. The vehicle was stopped without any justification to facilitate the escape of Muhammad Ramzan on a lame pretext that he wanted to ease himself. The vehicle could have been taken to Mitha Tiwana Police Station to avoid any untoward incident which smacks of mala fides. The police party duly armed with sophisticated weapons remained highly negligent and acted in a very irresponsible manner and failed to perform their duties diligently and with vigilance which speaks in volume about their conduct. How an unarmed and handcuffed convict could have been escaped without the collective connivance and facilitation of police party. It cannot be a case of negligence simpliciter expressed time and again by the learned Advocate Supreme Court on behalf of petitioner. It hardly matters that the handcuffs of escaped convict was buckled with whose belt as they all were responsible for the safe custody of convicts and being vicarious liability no individual member of the police party can be absolved from its responsibility. We are not persuaded to agree with the prime contention of learned Advocate Supreme Court that after having clean acquittal from the criminal case there was absolutely no lawful justification for the initiation of disciplinary proceedings which culminated into dismissal from service on the reason that result of criminal proceedings would have absolutely no bearing on merits of the case. In this regard we are fortified by the principle laid down in Deputy I.-G. Police v. Anis-ur-Rehman Khan PLD 1985 SC 134; Muhammad Ayub v. Chairman E.B. WAPDA PLD 1987 SC 195 and Muhammad Nazir v. Superintendent of Police 1990 SCMR 1556.

In our view the procedural lapses are not very serious and no prejudice whatsoever has been caused against the petitioner. No question

reproduced hereinbelow to appreciate the legal and factual aspects of the controversy:--

"You constables Sami Ullah No.1156; Hidayat Ullah No.86 and Khan Bahadur No.301, District Mianwali did not perform your official duty in a proper and disciplined manner in that as per report of D.S.P.S.D.P.O., Mitha Tiwana received from the Superintendent of Police, Khushab vide his Memo. No.30/24, dated 5-1-2001, on 2-1-2002, you were detailed to collect two criminals namely Muhammad Ramzan son of Allah Ditta caste Mitra resident of Harnoli involved in case F.I.R. No.92 dated 21-8-1999 under section 302/34, P.P.C. 7-A.T.A., Police Station Piplan from Central Jail, Mianwali to produce them in the Court of Special Judge, A.T.A. Sargodha. Official Vehicle No.4579/MIA was provided to escort the prisoners. H.C. Shahbaz Khan No.93 was driver of the said vehicle. The learned Special Judge convicted and sentenced them to undergo 14/17 years' R.I. each.

Thereafter, you along with above named convicts proceeded to Mianwali. At about 8-45 p.m., the vehicle was intentionally stopped near Tanveer Petroleum in the area of Police Station Mitha Tiwana, District Khushab in order to facilitate the convict Muhammad Ramzan to escape from police custody. As a result of your mala fide intention, he managed to escape from our lawful custody. In this regard, case F.I.R. No.2, dated 3-1-2002, under sections 222/223/224, P.P.C. was registered at Police Station Mitha Tiwana, District Khushab against you and other police officials which is under investigation and you have been placed under suspension.

It is thus, evident from the facts and circumstances that you all in connivance with each other facilitated the above named Muhammad Ramzan to escape from your lawful custody and also did not make any fruitful efforts to arrest him which amounts to grave misconduct under Punjab Police.(E&D) Rules, 1975, warranting disciplinary action against you."

3. Heard Mr. Talat Farooq Sheikh, learned Advocate Supreme Court on behalf of petitioner who mainly argued that no evidence whatsoever has come on record on the basis whereof petitioner could be held responsible for the escape of convict Muhammad Ramzan which aspect of the matter has been ignored by the Police Department as well as learned Service Tribunal which resulted in serious miscarriage of justice. It is next contended that the petitioner could not have been dismissed from service after having clean acquittal from the criminal

case got registered ;
dictum as laid down
of N.-W.F.P. 1998

4. We have ca
preceding paragraph
judgment impugned
record we are of the
proved. A comprehe
was found respons
connivance and fac
Muhammad Ramzan
years' R.I. by the le
registered vide F.I.I
P.P.C. read with sec
denying the fact that
over to the armed p
escort the prisoners
police party. The
facilitate the escape
wanted to ease him
Tiwana Police Statio
mala fides. The pol
remained highly negl
failed to perform the
a valume about their
could have been e
facilitation of police
as pressed time and
behalf of petitioner.
convict was buckled
safe custody of con
member of the police
are not persuaded to a
Supreme Court that a
there was absolute
disciplinary proceedi
for the reason that re
no bearing on merits
dictum laid down in I
1985 SC 134; Muhar
SC 195 and Muhar
SCMR 1556.

In our view
prejudice whatsoever

favour the suit for pre-emption 1187 was also sanctioned on 274 seems to have been sought ing the pre-emption decrees. We contravention of provisions of indulgence can be shown to the is not appreciable. In our view court does not suffer from any e same is just and fair doing

their duties diligently and with vigilance---Unarmed and handcuffed convict could not have been escaped without collective connivance and facilitation of police party---No individual member of police party could be absolved from its responsibility---Acquittal of petitioner from criminal case would have absolutely no bearing on the merits of the case--- Petitioner, after comprehensive inquiry, had been found responsible not only for gross negligence, but active connivance and facilitation resulting in escape of convict---Supreme Court dismissed petition and refused leave to appeal. [p. 557] A, B & C

do not find any merit in these to appeal is refused accordingly

Leave refused

R 554

[of Pakistan]

Ch. Ijaz Ahmad, JJ

-Petitioner

CE and others---Respondents

dated on 3rd February, 2006.

t, dated 5-4-2005 of the Punjab Appeals Nos.2873, 2874 and 2875

Discipline) Rules, 1975---

Act (IX of 1974), S.4 12(3)---Dismissal from service of convict, charge of---Acquittal case registered against him by Service Tribunal---Validity of order to armed police officials with petitioner was a member of sub-section to facilitate escape of convict on himself---Vehicle could have been avoided any untoward incident if loaded weapons had remained high in visible manner and failed to perform

Muhammad Aslam v. Government of N.-W.F.P. 1998 SCMR 1993; Deputy I.-G. Police v. Anis-ur-Rehman Khan PLD 1985 SC 134; Muhammad Ayub v. Chairman E.B. WAPDA PLD 1987 SC 195 and Muhammad Nazir v. Superintendent of Police 1990 SCMR 1556

(b) Civil service---

---Disciplinary proceedings, initiation of---Acquittal of civil servant from criminal case---Effect---Such acquittal would have absolutely no bearing on merits of the case. [p. 557] B

Muhammad Aslam v. Government of N.-W.F.P. 1998 SCMR 1993; Deputy I.-G. Police v. Anis-ur-Rehman Khan PLD 1985 SC 134; Muhammad Ayub v. Chairman E.B. WAPDA PLD 1987 SC 195 and Muhammad Nazir v. Superintendent of Police 1990 SCMR 1556

Talal Farooq Sheikh, Advocate Supreme Court for Petitioner.

Nemo for Respondents.

Date of hearing: 3rd February, 2006.

JUDGMENT

JAVED IQBAL, J.--- Pursuant to the proceedings initiated against the petitioner under the Punjab Police (Efficiency and Discipline) Rules, 1975 on account of gross negligence penalty of dismissal from service was imposed by D.P.O. Mianwali vide order dated 28-6-2002. Being aggrieved an appeal was preferred which was also rejected and called by way of appeal before the Punjab Service Tribunal but with no result. It is to be noted that a criminal case under sections 222, 223 and 224 P.P.C. was also got lodged against the petitioner as well as the petitioner accused at Police Station Mitha Tiwana on 3-1-2002 but were acquitted by learned Magistrate. Section 30, Khushab vide order, dated 10-1-2004.

Show-cause notice which was given to the petitioner is

of hearing to the pre-emptors in whose favour the suit for pre-emption had been decreed and Mutation No.1187 was also sanctioned on 11-5-1985. The review of Mutation No.274 seems to have been sought by the informer for the purpose of defeating the pre-emption decrees. We are also satisfied that there was no contravention of provisions of paragraph 24 of the Regulation. No indulgence can be shown to the vendors or the informer, whose conduct is not appreciable. In our view, the impugned judgment of the High Court does not suffer from any defect or other legal infirmity and the same is just and fair doing complete justice between the parties.

8. For the foregoing reasons, we do not find any merit in these petitions which are dismissed and leave to appeal is refused accordingly.

S.A.K./F-4/SC

Leave refused

2006 S C M R 554

[Supreme Court of Pakistan]

Present: Javed Iqbal and Ch. Ijaz Ahmad, JJ

SAMI ULLAH---Petitioner

versus

INSPECTOR-GENERAL OF POLICE and others---Respondents

Civil Petition No.909-L of 2005, decided on 3rd February, 2006.

(On appeal from the judgment, dated 5-4-2005 of the Punjab Service Tribunal, Lahore, passed in Appeals Nos.2873, 2874 and 2875 of 2004).

(a) Punjab Police (Efficiency and Discipline) Rules, 1975---

---Rr. 3 & 4---Punjab Service Tribunals Act (IX of 1974), S.4 Constitution of Pakistan (1973), Art.212(3)---Dismissal from service---Police constable---Facilitating escape of convict, charge of---Acquittal of petitioner/constable from criminal case registered against him---Dismissal of appeal of constable by Service Tribunal---Validity---Custody of convict had been handed over to armed police officials with official vehicle to escort prisoners---Petitioner was a member of such police party and had stopped vehicle to facilitate escape of convict on lame pretext that he wanted to ease himself---Vehicle could have been taken to the nearest police station to avoid any untoward incident---Police party duly armed with sophisticated weapons had remained highly negligent and acted in a very irresponsible manner and failed to perform

their duties diligently. Convict could not be absolved from its case would have been absolved from its only for gross negligence in escape of convict leave to appeal. [p

Muhammad

993; Deputy I.-C

34; Muhammad A

and Muhammad N

ref.

(b) Civil service---

---Disciplinary pro

from criminal case

appearing on merits of

Muhammad

993; Deputy I.-C

34; Muhammad A

and Muhammad N

ref.

Talal Farooq

Nemo for R

Date of hea

JAVED IQ

against the petitione

Rules, 1975 on acc

service was impose

being aggrieved an

assailed by way of a

avail. It is to be not

24. P.P.C. was al

other accused at P

acquitted by learned

10-3-2004.

Show-cause

① 18/02/2014
بج

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Case No. _____/

Sakhi Badshah Appellant

Versus

D.P.O, & others Respondents

= = = = =

REJOINDER ON BEHALF OF THE APPELLANT

= = = = =

Respectfully Sheweth:

Preliminary Objection:

1. All the preliminary objections are illegal and without lawful footing.
2. That appeal is within time and this court has got the jurisdiction.

REPLY ON FACTS:

1. That appellant was appointed as a constable on 31.01.2008 and never remain absent from his duty.
2. Para No.2 of comments correct to the extent that appellant along with one Zulfiqar Hussain were on duty as a rider.
3. Para No.3 of comments is incorrect, pro claim offender was never released by the appellant but was release by the co-accused namely Shahid Saleem to whom the custody of PO was given by ASI Rauf and the Shahid Saleem by deceiving the appellant that the arrested person namely Tufail is his real cousin and serving in

Post Office, on this pre text he insured the appellant that he want to discussed some domestic problem and then he release the pro claim offender and the custody of pro claim offender was not given to the appellant.

4. Para No.4 of comments is incorrect, no proper show cause notice was given and no proper inquiry was conducted and the alleged inquiry no finding against the appellant is given regarding the punishment.
5. Para No.5 of comments is admitted correct.

GROUND:

- A. Grounds "A" of comments is incorrect, dismissal of appellant is illegal and no reason is given for the dismissal of appellant.
- B. Para. "B" of comments is incorrect, although criminal and departmental proceedings are different in nature but when the criminal proceedings are quashed by the criminal court then the departmental proceedings has got no evidentry value.
- C. Para "C" of comments is incorrect, appellant is acquitted in a criminal case so the allegation of negligence or disobedience of order is illegal and without lawful footing (Copy of judgment is attached).
- D. Para "D" of comments is incorrect and departmental inquiry officer never suggested for dismissal of service.
- E. Para "E" of the comments is incorrect, no proper chance was given to the appellant for personal hearing and no proper custody of pro claim offender was given to the appellant and no card of arrest are


attached in the inquiry, which shows that pro claim offender was handover to the appellant.

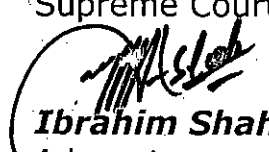
- F. Para "F" of the comments is totally incorrect.
- G. Para "G" of the comments is incorrect, inquiry never shows negligence in the performance of the duty of the appellant and pro claim offender was never surrender to the appellant.
- H. Para "H" of comments is totally incorrect, pro claim offender was never handed over to the appellant and released by the co-accused Shahid Salim and appellant never identified the person that he is a pro claimed offender.
- I. Para "I" needs no reply.
- J. Para "J" is totally incorrect, in view of the above mentioned grounds, it is therefore, prayed that the appeal of appellant may kindly be allowed and appellant may be re-instated with all back benefits.

Appellant

Through

Date:18/08/2014


Muhammad Amin Khattak Lachi
Advocate,
Supreme Court of Pakistan


Ibrahim Shah
Advocate,
High Court, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Case No. _____/

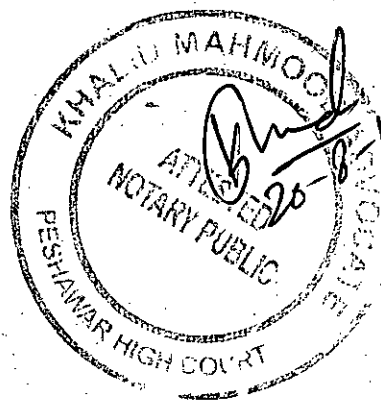
Sakhi Badshah Appellant

Versus

D.P.O, & others Respondents

A F F I D A V I T

I, Sakhi Badshah Ex-Constable No.583 R/o ambar Banda Tehsil and District Kohat, do hereby solemnly affirm and declare that the contents of the accompanying **rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this learned court.



Sakhi Badshah
Deponent

5

IN THE COURT OF SHAHID MEHMOOD, JUDICIAL MAGISTRATE-II,
KOHAT.

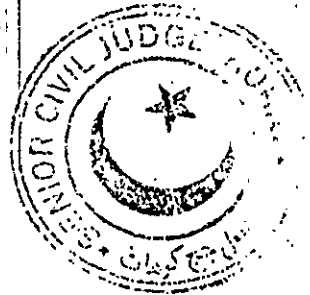
Case No.....187/2

Date of institution.....11.10.2012

Date of decision.....2.6.2014

THE STATE

VERSUS



1. Shahid Saleem S/O Abdul Qadeer R/O Kaghzai, District Kohat.
2. Zulfiqar S/O Altaf Hussain R/O Alizai, District Kohat.
3. Sakhi Badshah S/O Islam Shah R/O Ambar Banda District Kohat (Accused facing trial)
4. Muhammad Tufail S/O Sadullah R/O Kaghzai (Absconding accused)

CASE FIR NO.453 dated 30.6.2012 U/S 419/420/468//471/ PPC/ 221/223/155 Police Order PS Cantt. Kohat.

Handwritten signature and date: 11/10/2012

JUDGEMENT

2.6.2014

1. Accused Shahid Saleem, Zulfiqar and Sakhi Badshah were challaned to this court in order to face trial in connection with commission of crime reported vide FIR No. 453 dated 30.6.2012 registered U/S 419-420/468//471/ PPC/ 221/223/155 Police Order with PS Cantt.

2. As per gist of the prosecution story, on 30.6.2012 Muhammad Rauf ASI alongwith Ismail No. 735, Ameer Zaman No. 319, Mohsin No. 457, Shahid Saleem No. 1066 and Khiyal Zaman No.314 were deployed on National Bank. At about 10:00 hours one person entered into the bank and started talking with constable Shahid Saleem, and after few minutes he scuffled with constable Shahid Saleem and extended fist blow. When Rauf Khan ASI inquired, constable Shahid Saleem told him that the said person is his cousin and serving in

ATTESTED TO BE TRUE COPY
Handwritten signature
EXAMINED

4

(6)

Post Office and they scuffled due to some domestic problem and recommended to set free him. Meanwhile Riders Sakhi Badshah and Zulficar came to the spot. The said person was handed over to them with the direction to confine him in lockup. After some time Muhammad Rauf ASI came to know that the said person has been escaped from the custody of rider police. One card in the name of Muhammad Asif S/O Ajmal R/O Kaghzai clerk was recovered from the said person by Riders, which seems to be fake. The said person fraudulently shown himself as Muhammad Asif S/O Ajmal, rather he was Tufail S/O Asadullah R/O Kaghzai proclaimed offender in case FIR No. 308 dated 12.5.2006 U/S 302/324 PPC PS Cantt. Shahid Saleem despite knowing the fact that the said person is PO, committed fraud and concealed this fact from police and recommended to set free the said person. The said person escaped from the lawful custody from rider police Sakhi Badshah and Zulficar due to their negligence in performance of their official duty, hence the instant case.

3. On being summoned, accused Shahid Saleem, Sakhi Badshah and Zulficar appeared. Provisions of section 241 A Cr.Pc were complied with, followed by framing of charge, to which accused pleaded not their guilt and claimed trial, whereas proceedings U/S 512 Cr.P.C started against the absconding accused Muhammad Tufail.

4. Prosecution has produced as many as seven witnesses.

5. The gist of the prosecution evidence is as under:

Aqeeq Hussain SHO, was examined as PW-1, who on 30.6.2012 arrested accused Shahid Saleem constable No. 1066, Zulficar constable No. 665 and Sakhi Badshah constable No. 563 and issued their card of arrest EX PW 1/1 and after completion of investigation submitted complete cahllan EX PW 1/2 against the accused.

Shakeel Khan ASI was examined as PW-2, who chalked out FIR EX PW 2/1 on receipt of Murasila.

ATTESTED TO BE TRUE COPY

EXAMINED
COPING BY
6/1/12

(3)

(7)

Muhammad Rauf ASI was examined as PW-3, who in his chief examination narrated the same and similar stance as mentioned in the report.

Ismail constable was examined as PW-4, who in his chief examination stated that he was on duty in National Bank alongwith other police officials. At about 10:00 O clock a person entered into the bank and meet with Shahid Saleem constable and start conversation with him. After few minutes the said person give fist to Shahid Saleem, who was overpowered by Abdul Rauf ASI and handed over to rider constables. During his body search constable Saki Badshah recovered one I.D card in the name of Muhammad Asif S/O Ajmal Khan R/O Kaghzai, which was handed over to ASI Muhammad Rauf, which was later on found as bogus. The said card was taken into possession on the recovery memo in his presence. The rider constables took away the said person on Motorcycle and after some time they came to know that the said person has been fled away from the rider constables. The said person was PO namely Tufail S/O Asadullah R/O Kaghzai.

Khiyal Zaman constable was examined as PW-5, on the day of occurrence he was on duty at National Bank. One person came to National Bank and makes scuffle with Shahid Saleem constable. After the scuffle, Rauf Khan cursory made inquiry from Asif and after that he left the National Bank gate. His statement was recorded by IO.

Statement of Asif Khan S/O Ajmal Khan was recorded as PW-6, who in chief examination stated that he is resident of village Kaghzai and driving Suzuki to earn livelihood. Tufail is his cousin. He made a fake service card of Postal Service Department in his name. Except that he knows nothing about the instant case.

Statement of Ameer Zaman SI is recorded as PW-7, who is IO in the instant case. In his chief examination he stated that he proceeded to spot and prepared site plan on the pointation of Muhammad Rauf ASI alongwith other police officials, which is EX PW 7.1. He also took into possession one fake card

Handwritten signature and notes on the left margin.

ATTESTED TO BE TRUE COPY

COPING BE...
14/6/13

~~(4)~~

8

memo EX PW 3/2 produced by constable Saleem Shah in the presence of marginal witnesses. He produced the accused before the court and obtained one day police custody; vide application EX PW 7/2. He interrogated the accused and produced the accused Zulfikar and Sakhi Badshah for judicial lockup, whereas accused Shahid Saleem for recording his confessional statement, however he refused to confess his guilt before the court and all the three accused were sent to judicial lockup. He summoned PW Asif and got recorded his statement in the court vide application EX PW 7/5. He also initiated proceedings against the accused Tufail vide application EX PW 7/6 and EX PW 7/7 respectively. He also recorded statements of PWs and after completion of investigation handed over the case file to SHO concern for submission of complete challan against the accused.

6. At the conclusion of prosecution evidence statements of accused were recorded U/S 342 Cr.P.C. wherein they reiterated their innocence, however they neither wished to be examined on oath nor opt to produce any evidence in defense.

Arguments of learned counsel for the accused and APP for the state heard and perused the record.

Perusal of the case file reveals that the occurrence took place inside the bank in duty time and at that time bank staff, watchman as well as other general public were present. however, local police neither made witness nor recorded statement of any independent witnesses to this effect. Moreover there is contradiction in the statements of prosecution witnesses. PW-3 Muhammad Rauf in his cross examination stated that, the rider police arrived at spot after 10 minutes of his call through wireless and the said person was handed over to the riders within 4/5 minutes. however, PW-4 Ismail in his cross admitted that Asif remained with police in a bank for about 45 minutes. PW-3 Muhammad Rauf ASI in his cross examination admitted that there is no documentary proof available on file that the said person was arrested by him and he was handed over to the rider police. He also admitted that if some one scuffle with the police official in a

Signature
02/08/14

ATTESTED TO BE TRUE COPY

Signature
CORING BY [Signature] [Signature]

(5)

9

uniform, the police usually booked such person U/S 186 PPC and it is correct that he had not formally arrested the said person. He further stated that he drafted the Murasila after 20 minutes when he informed that the said person went away, however PW-4 in his cross examination admitted that at the time of arrest of the accused Asif, Murasila was written, his card of arrest was prepared and after that he was handed over to the rider police. This statement of the PW-4 contradicted the statement of PW-3 Muhammad Rauf, who stated that he drafted the Murasila after 20 minutes when he informed that the said person went away. Furthermore PW-7 Ameer Zaman SI/O in his cross admitted that the Murasila was scribed when Tufail escaped from the clutches of police because the offence was committed after his escape and no offence is committed before the escape of Tufail. He also stated that point No. 4A, 5A and 6A were allotted at the pointation of Rauf. These points were drawn at the road outside the bank and it is also correct that according to the complainant he did not came out of the bank. He further admitted as correct that he had not recorded the statement of watchman of the bank. Moreover the alleged service card, so recovered from the possession of accused Muhammad Tufail is not produced before the court for exhibition which create doubts in the prosecution case. Apart from this from the evidence recorded and referred above it is established that at the time of arrest of accused Tufail the police officials were not in the knowledge that the accused Tufail is an accused or proclaimed offender in case FIR No. 308 dated 12.5.2006 U/S 302/324 PPC PS Cantt. In the absence of knowledge of this fact section 221 and 223 and 155 of the Police Order does not attract in the circumstances.

With these lacunas, prosecution badly failed to establish his case against the accused and case of prosecution is full of doubt, the benefit of which is extended to accused, hence all the accused facing trial namely Shahid Saleem, Sakhi Badshah and Zulfiqar are acquitted of the charge leveled against them. Since, they are on bail, their bail bonds stands cancelled and sureties are discharged of their liabilities, whereas Prima facie case exist against the accused

ATTESTED TO BE TRUE COPY

MUHAMMAD
MAGISTRATE

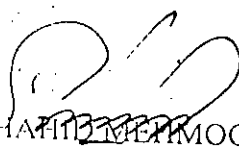
27/06/14
1990/14

(5)

(10)

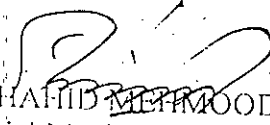
Muhammad Tufail S/O Sadullah R/O Kaphzai District Kohat, hence, in the existing circumstances I hereby declared him as: **Proclaimed Offender**. Perpetual Non-bailable warrant of arrest be issued against him. The District Police Officer, Kohat be intimated to enter his name in the relevant register. Case property, if any, be kept intact till the arrest of the accused and final adjudication of the instant case while judicial file be consigned to record room after necessary completion and compilation.

Announced
2.6.2014


SHAHID MEHMOOD
Judicial Magistrate- II, Kohat
SHAHID MEHMOOD
Judicial Magistrate-II
Kohat

CERTIFICATE

Certified that my judgment consist of 06 pages. I have checked and signed each of the pages and made necessary correction, where required.


SHAHID MEHMOOD
Judicial Magistrate- II, Kohat
SHAHID MEHMOOD
Judicial Magistrate-II
Kohat

ATTESTED TO BE TRUE COPY

COPING BY  14/6/14

4856 در خواست بچ
14-6-14
5

101

14-6-14
14-6-14

درخواست بچ
14-6-14
14-6-14

① 18/08/2011
ع

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Case No. _____/

Sakhi Badshah Appellant

Versus

D.P.O, & others Respondents

= = = = =

REJOINDER ON BEHALF OF THE APPELLANT

= = = = =

Respectfully Sheweth:

Preliminary Objection:

1. All the preliminary objections are illegal and without lawful footing.
2. That appeal is within time and this court has got the jurisdiction.

REPLY ON FACTS:

1. That appellant was appointed as a constable on 31.01.2008 and never remain absent from his duty.
2. Para No.2 of comments correct to the extent that appellant along with one Zulfiqar Hussain were on duty as a rider.
3. Para No.3 of comments is incorrect, pro claim offender was never released by the appellant but was release by the co-accused namely Shahid Saleem to whom the custody of PO was given by ASI Rauf and the Shahid Saleem by deceiving the appellant that the arrested person namely Tufail is his real cousin and serving in

Post Office, on this pre text he insured the appellant that he want to discussed some domestic problem and then he release the pro claim offender and the custody of pro claim offender was not given to the appellant.

4. Para No.4 of comments is incorrect, no proper show cause notice was given and no proper inquiry was conducted and the alleged inquiry no finding against the appellant is given regarding the punishment.
5. Para No.5 of comments is admitted correct.

GROUND:

- A. Grounds "A" of comments is incorrect, dismissal of appellant is illegal and no reason is given for the dismissal of appellant.
- B. Para "B" of comments is incorrect, although criminal and departmental proceedings are different in nature but when the criminal proceedings are quashed by the criminal court then the departmental proceedings has got no evidentry value.
- C. Para "C" of comments is incorrect, appellant is acquitted in a criminal case so the allegation of negligence or disobedience of order is illegal and without lawful footing (Copy of judgment is attached).
- D. Para "D" of comments is incorrect and departmental inquiry officer never suggested for dismissal of service.
- E. Para "E" of the comments is incorrect, no proper chance was given to the appellant for personal hearing and no proper custody of pro claim offender was given to the appellant and no card of arrest are


attached in the inquiry, which shows that pro claim offender was handover to the appellant.

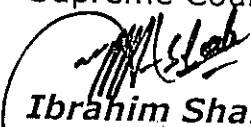
- F. Para "F" of the comments is totally incorrect.
- G. Para "G" of the comments is incorrect, inquiry never shows negligence in the performance of the duty of the appellant and pro claim offender was never surrender to the appellant.
- H. Para "H" of comments is totally incorrect, pro claim offender was never handed over to the appellant and released by the co-accused Shahid Salim and appellant never identified the person that he is a pro claimed offender.
- I. Para "I" needs no reply.
- J. Para "J" is totally incorrect, in view of the above mentioned grounds, it is therefore, prayed that the appeal of appellant may kindly be allowed and appellant may be re-instated with all back benefits.

Appellant

Through

Date:18/08/2014


Muhammad Amin Khattak Lachi
Advocate,
Supreme Court of Pakistan


Ibrahim Shah
Advocate,
High Court, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Case No. _____/

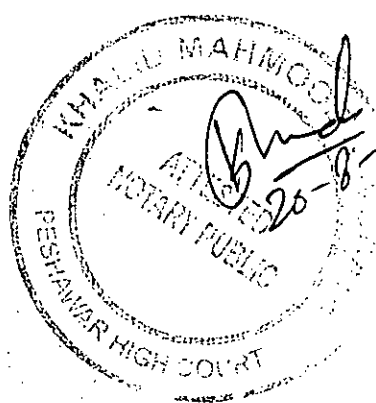
Sakhi Badshah Appellant

Versus

D.P.O, & others Respondents

A F F I D A V I T

I, Sakhi Badshah Ex-Constable No.583 R/o ambar Banda Tehsil and District Kohat, do hereby solemnly affirm and declare that the contents of the accompanying **rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this learned court.



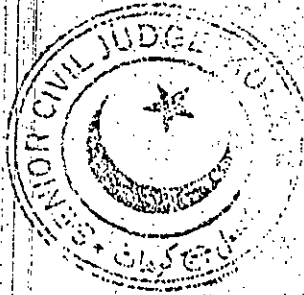
Sakhi Badshah
Deponent

(5)

IN THE COURT OF SHAHID MEHMOOD, JUDICIAL MAGISTRATE-II,
KOHAT.

Case No.....187/2
Date of institution.....11.10.2012
Date of decision.....2.6.2014

THE STATE
VERSUS



1. Shahid Saleem S/O Abdul Qadeer R/O Kaghzai, District Kohat.
2. Zulfiqar S/O Altaf Hussain R/O Alizai, District Kohat.
3. Sakhi Badshah S/O Islam Shah R/O Ambar Banda District Kohat
(Accused facing trial)
4. Muhammad Tufail S/O Sadullah R/O Kaghzai (Absconding accused)

CASE FIR NO.453 dated 30.6.2012 U/S 419/420/468//471/ PPC/
221/223/155 Police Order PS Cantt. Kohat.

JUDGEMENT
2.6.2014

1. Accused Shahid Saleem, Zulfiqar and Sakhi Badshah were challaned to this court in order to face trial in connection with commission of crime reported vide FIR No. 453 dated 30.6.2012 registered U/S 419/420/468//471/ PPC/ 221/223/155 Police Order with PS Cantt.

2. As per gist of the prosecution story, on 30.6.2012 Muhammad Rauf ASI alongwith Ismail No. 735, Ameer Zaman No. 319, Mohsin No. 457, Shahid Saleem No. 1066 and Khial Zaman No.314 were deployed on National Bank. At about 10:00 hours one person entered into the bank and started talking with constable Shahid Saleem, and after few minutes he scuffled with constable Shahid Saleem and extended fist blow. When Rauf Khan ASI inquired, constable Shahid Saleem told him that the said person is his cousin and serving in

ATTESTED TO BE TRUE COPY

(Signature)
JUNIOR CIVIL JUDGE
KOHAT

3

(6)

Post Office and they scuffled due to some domestic problem and recommended to set free him. Meanwhile Riders Sakhi Badshah and Zulfikar came to the spot. The said person was handed over to them with the direction to confine him in lockup. After some time Muhammad Rauf ASI came to know that the said person has been escaped from the custody of rider police. One card in the name of Muhammad Asif S/O Ajmal R/O Kaghzai clerk was recovered from the said person by Riders, which seems to be fake. The said person fraudulently shown himself as Muhammad Asif S/O Ajmal, rather he was Tufail S/O Asadullah R/O Kaghzai proclaimed offender in case FIR No. 308 dated 12.5.2006 U/S 302/324 PPC PS Cantt. Shahid Saleem despite knowing the fact that the said person is PO, committed fraud and concealed this fact from police and recommended to set free the said person. The said person escaped from the lawful custody from rider police Sakhi Badshah and Zulfikar due to their negligence in performance of their official duty, hence the instant case.

3. On being summoned, accused Shahid Saleem, Sakhi Badshah and Zulfikar appeared. Provisions of section 241 A Cr.Pc were complied with, followed by framing of charge, to which accused pleaded not their guilt and claimed trial, whereas proceedings U/S 512 Cr.P.C started against the absconding accused Muhammad Tufail.

4. Prosecution has produced as many as seven witnesses.

5. The gist of the prosecution evidence is as under:

Aqeeq Hussain SHO, was examined as PW-1, who on 30.6.2012 arrested accused Shahid Saleem constable No. 1066, Zulfikar constable No. 665 and Sakhi Badshah constable No. 563 and issued their card of arrest EX PW 1/1 and after completion of investigation submitted complete cahllan EX PW 1/2 against the accused.

Shakeel Khan ASI, was examined as PW-2, who chalked out FIR EX PW 2/1 on receipt of Murasila.

ATTESTED TO BE TRUE COPY

EXAMINED
COPING BY [Signature]
[Signature]

(3) (7)

Muhammad Rauf ASI was examined as PW-3, who in his chief examination narrated the same and similar stance as mentioned in the report.

Ismail constable was examined as PW-4, who in his chief examination stated that he was on duty in National Bank along with other police officials. At about 10:00 O clock a person entered into the bank and meet with Shahid Saleem constable and start conversation with him. After few minutes the said person give list to Shahid Saleem, who was overpowered by Abdel Rauf ASI and handed over to rider constables. During his body search constable Saki Badshah recovered one I.D card in the name of Muhammad Asif S/O Ajmal Khan R/O Kaghzai, which was handed over to ASI Muhammad Rauf, which was later on found as bogus. The said card was taken into possession on the recovery memo in his presence. The rider constables took away the said person on Motorcycle and after some time they came to know that the said person has been fled away from the rider constables. The said person was PO namely Tufail S/O Asadullah R/O Kaghzai.

Khial Zaman constable was examined as PW-5, on the day of occurrence he was on duty at National Bank. One person came to National Bank and makes scuffle with Shahid Saleem constable. After the scuffle, Rauf Khan cursory made inquiry from Asif and after that he left the National Bank gate. His statement was recorded by IO.

Statement of Asif Khan S/O Ajmal Khan was recorded as PW-6, who in chief examination stated that he is resident of village Kaghzai and driving Suzuki to earn livelihood. Tufail is his cousin. He made a fake service card of Postal Service Department in his name. Except that he knows nothing about the instant case.

Statement of Ameer Zaman SI is recorded as PW-7, who is IO in the instant case. In his chief examination he stated that he proceeded to spot and prepared site plan on the pointation of Muhammad Rauf ASI along with other police officials, which is EX PW 7. He also took into possession one fake card

Handwritten signature
4/1/2016

ATTESTED TO BE TRUE COPY

COPING BY *[Signature]* 14/6/16

memo EX PW 3/2 produced by constable Saleem Shah in the presence of marginal witnesses. He produced the accused before the court and obtained one day police custody; vide application EX PW 7/2. He interrogated the accused and produced the accused Zulfikar and Sakhi Badshah for judicial lockup, whereas accused Shahid Saleem for recording his confessional statement, however he refused to confess his guilt before the court and all the three accused were sent to judicial lockup. He summoned PW Asif and got recorded his statement in the court vide application EX PW 7/5. He also initiated proceedings against the accused Tufail vide application EX PW 7/6 and EX PW 7/7 respectively. He also recorded statements of PWs and after completion of investigation handed over the case file to SHO concern for submission of complete challan against the accused.

6. At the conclusion of prosecution evidence statements of accused were recorded U/S 342 Cr.P.C. wherein they reiterated their innocence, however they neither wished to be examined on oath nor opt to produce any evidence in defense.

Arguments of learned counsel for the accused and APP for the state heard and perused the record.

Perusal of the case file reveals that the occurrence took place inside the bank in duty time and at that time bank staff, watchman as well as other general public were present, however, local police neither made witness nor recorded statement of any independent witnesses to this effect. Moreover there is contradiction in the statements of prosecution witnesses. PW-3 Muhammad Rauf in his cross examination stated that, the rider police arrived at spot after 10 minutes of his call through wireless and the said person was handed over to the riders within 4/5 minutes, however, PW-4 Ismail in his cross admitted that Asif remained with police in a bank for about 45 minutes. PW-3 Muhammad Rauf ASI in his cross examination admitted that there is no documentary proof available on file that the said person was arrested by him and he was handed over to the rider police. He also admitted that if some one scuffle with the police official in a

Handwritten signature and date:
 07/08/14

ATTESTED TO BE TRUE COPY

Handwritten signature and stamp:
 EXAMINED
 JUDGE

(5)

9

uniform, the police usually booked such person U/S 186 PPC and it is correct that he had not formally arrested the said person. He further stated that he drafted the Murasila after 20 minutes when he informed that the said person went away, however PW-4 in his cross examination admitted that at the time of arrest of the accused Asif, Murasila was written, his card of arrest was prepared and after that he was handed over to the rider police. This statement of the PW-1 contradicted the statement of PW-3 Muhammad Rauf, who stated that he drafted the Murasila after 20 minutes when he informed that the said person went away. Furthermore PW-7 Ameer Zamán SI/O in his cross admitted that the Murasila was scribed when Tufail escaped from the clutches of police because the offence was committed after his escape and no offence is committed before the escape of Tufail. He also stated that point No. 4A, 5A and 6A were allotted at the pointation of Rauf. These points were drawn at the road outside the bank and it is also correct that according to the complainant he did not came out of the bank. He further admitted as correct that he had not recorded the statement of watchman of the bank. Moreover the alleged service card, so recovered from the possession of accused Muhammad Tufail is not produced before the court for exhibition which create doubts in the prosecution case. Apart from this from the evidence recorded and referred above it is established that at the time of arrest of accused Tufail the police officials were not in the knowledge that the accused Tufail is an accused or proclaimed offender in case FIR No. 308 dated 12.5.2006 U/S 302/324 PPC PS Cantt. In the absence of knowledge of this fact section 221 and 223 and 155 of the Police Order does not attract in the circumstances.

With these lacunas, prosecution badly failed to establish his case against the accused and case of prosecution is full of doubt, the benefit of which is extended to accused, hence all the accused facing trial namely Shahid Saicem, Sakhi Badshah and Zulfiqar are acquitted of the charge leveled against them. Since, they are on bail, their bail bonds stands cancelled and sureties are discharged of their liabilities, whereas *Prima facie* case exist against the accused

Handwritten signature
14/11/2006


ATTESTED TO BE TRUE COPY

Handwritten signature
M. J. H. H. H.

(10)

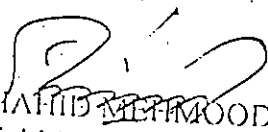
Muhammad Tufail S/O Sadullah R/O Kajibzai District Kohat, hence, in the existing circumstances I hereby declared him as Proclaimed Offender. Perpetual Non-bailable warrant of arrest be issued against him. The District Police Officer, Kohat be intimated to enter his name in the relevant register. Case property, if any, be kept intact till the arrest of the accused and final adjudication of the instant case while judicial file be consigned to record room after necessary completion and compilation.

Announced
2.6.2014

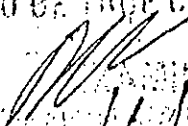

SHAHID MEHMOOD
Judicial Magistrate- II, Kohat
SHAHID MEHMOOD
Judicial Magistrate-II
Kohat

CERTIFICATE

Certified that my judgment consist of 06 pages. I have checked and signed each of the pages and made necessary correction, where required.


SHAHID MEHMOOD
Judicial Magistrate- II, Kohat
SHAHID MEHMOOD
Judicial Magistrate-II
Kohat

ATTESTED TO BE TRUE COPY

COPING BY  DATED 19/6/14

بعدالت صنادق سرسٹریٹس لیسٹا

(17)

کورٹ فیس

قیمت ایک روپیہ

C.A. No. 13

۲۰۱۳ء منجانب

مقدمہ

مقدمہ

دعویٰ

جرم

سٹیج مارٹا ہ بنام سرسٹریٹس لیسٹا

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی کل کاروائی متعلقہ آں مقام کے لئے

لیسٹا کہے۔ محمد رفیق ضامن راجی راجی سرسٹریٹس لیسٹا

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا اختیار ہوگا۔ نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک در روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زر اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی انجمن منسوخی و نیز دائر کرنے اپیل نگرانی نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے۔ اور اس کا ساختہ پر داختم منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔ اس کے مستحق کیا صاحب موصوف ہوں گے نیز بقایا خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اور کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر وکیل صاحب پابند نہ ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا گیا ہے۔

Accepted by
M. Amin Khan

ماہ

المرقوم

مقام لیسٹا کے لئے منظور ہے۔

بوسہ

WAKALATNAMA

IN THE Service Tribunal K.P.K. Peshawar

VERSUS

(Petitioner)

(Plaintiff)

(Applicant)

(Complainant)

(Appellant)

(Decree Holder)

DPO, Kohat & others

(Respondent)

(Defendant)

(Accused)

(Judgment Debtor)

I/we, Shakki Badshah (Ex-Constable)

In the above noted SA do hereby appoint and constitute **Muhammad Amin Khattak (Lachi) & Ibrahim Shah** Advocates, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted

FIR No. _____

Dated. ____/____/____

U/s. _____

P.S. _____

CLIENT/S

Shakki

Muhammad Amin Khattak (Lachi)

Advocate,

Supreme Court of Pakistan

Cell:0300-9151041

Ibrahim Shah

Advocate, High Court,
Peshawar