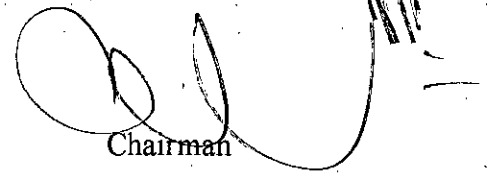


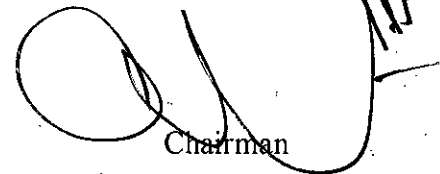
05.12.2013

Counsel for the appellant and Mr. Muhammad Yaqoob, SI (Legal) Dir Lower on behalf of respondents with AAG present. To come up for written reply/comments alongwith connected appeal on 24.1.2014.


Chairman

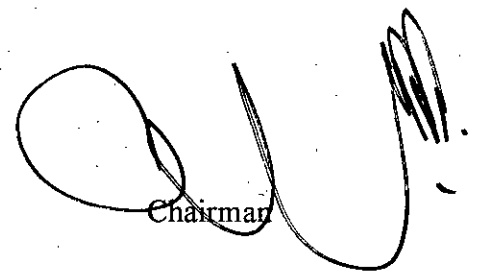
24.01.2014

Appellant with counsel and Mr. Muhammad Yaqoob, SI (Legal) for respondents with AAG present. Written reply received on behalf of the respondents, copy whereof is handed over to the learned counsel for the appellant for rejoinder on 10.4.2014.


Chairman

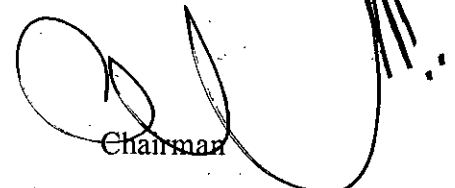
10.4.2014

Appellant with counsel and Mr. Sabar Khan, SI (Legal) for respondents with AAG present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned AAG for arguments alongwith connected appeals on 8.9.2014.


Chairman

8.9.2014

Appellant with counsel and Mr. Fazal Ghafoor, ASI (legal) on behalf of respondents with Mr. Ziaullah, G.P present. Arguments could not be heard due to incomplete Bench. To come up for arguments alongwith connected appeals on 6.3.2015.


Chairman

Appeal No. 758/2013
Mr. Akbar Khan

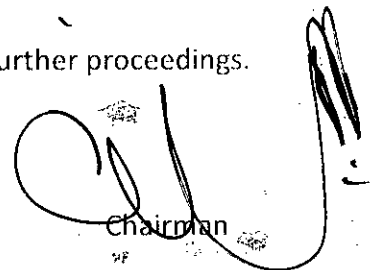
7.
05.09.2013

Appellant with counsel and Mr. Muhammad Jan, GP for the respondents present and heard on preliminary. Counsel for the appellant contended that the appellant has not been treated in accordance with the law/rules. He further contended that in cases of similar nature have been accepted, no limitation runs against the cases of similar appeals. In support of his contention, he relied on PLD 2010 Lahore page 160 and judgment dated 01.03.2011 in Service Appeal No.1907/10 and Service Appeal No.836/11 dated 22.4.2013 of the Khyber Pakhtunkhwa Service Tribunal. He further contended that similar nature appeal No. 759/13 titled Noor Hayat was also admitted for regular hearing on 18.07.2013. In the analogy of orders in the aforementioned appeals, the instant appeal is also deserved to be admitted for regular hearing. Points raised 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. Case adjourned to 05.12.2013 for submission of written reply.


Member.


8.
05.9.2013

This case be put before the Final Bench 1 for further proceedings.


Chairman

5
06.08.2013

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. The Learned counsel for the appellant stated that if cases of similar nature have been accepted, no limitation runs against the cases of similar appeals. In support of his contention, he relied on PLD 2010 Lahore Page 160 and judgment dated 01.03.2011 in service appeal No. 1907/10 of the KPK Service Tribunal. He further contended that similar nature appeal No. 759/13 titled Noor Hayat was also admitted for regular hearing on 18.07.2013. In the analogy of order in the aforementioned appeal, the instant appeal is also deserved to be admitted for regular hearing. The Learned GP contended that the departmental appeal was dismissed on 18.02.2013 is hopelessly time barred and is liable to be dismissed on limine. To come up for further preliminary hearing on 21.08.2013.


Member

6.
21.08.2013

Appellant in person present and requested for adjournment due to non-availability of his counsel. To come up for further proceedings especially arguments on the point of limitation on 05.09.2013.

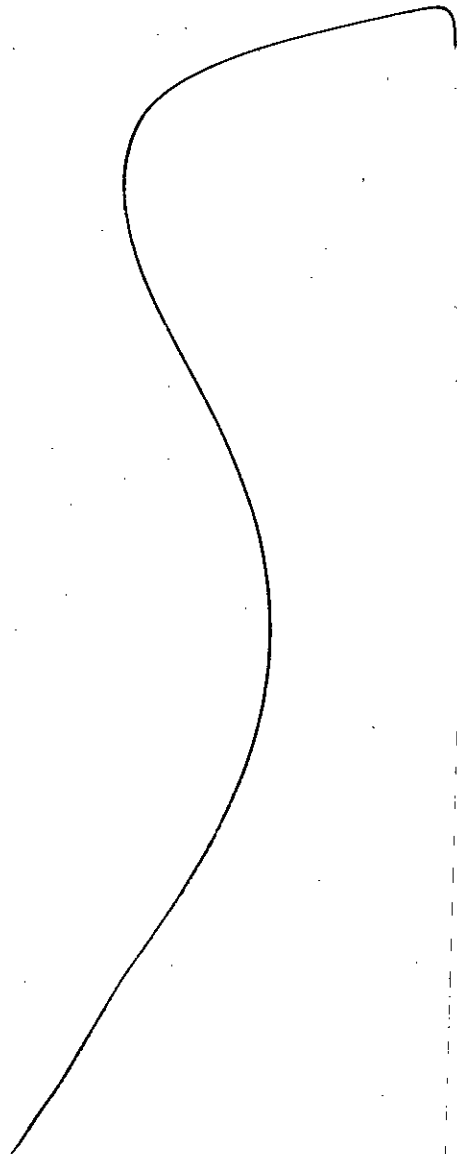

Member

4,
18.07.2013

Appellant with counsel present. Counsel for the appellant filed appeal before this Tribunal which has been delayed for a period of more than 30 days. Before proper preliminary hearing could be conducted, a pre-admission notice be issued to the Sr.GP with a copy of appeal and application for condonation of delay to assist the Tribunal on 06.08.2013 .

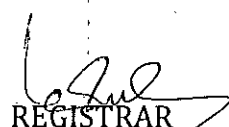




Member



Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 758/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25/04/2013	<p>The appeal of Mr. Akbar Khan presented today by Mr. Zia-ur-Rehman Tajik 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	6-5-2013.	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>20-6-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	20.6.2013	<p>Counsel for the appellant present. In pursuance 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 18.7.2013.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 758 /2013

Akbar Khan Appellant

Versus

Deputy Superintendent of Police/ Inquiry Officer District Dir Lower,
Timergara and others Respondents

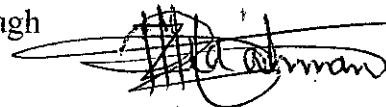
I N D E X

S.No.	Description of documents.	Annexure	Pages.
1	Memo of appeal with affidavit.		1-4
2	Application for condonation of delay with affidavit.		5-6
2	Copy of charge sheet, statement of allegation and reply	A to C	7-9
3	Copy of finding report, final show cause notice and reply	D,E,F	10-15
4	Copy of dismissal order	G	16
5	Copy of appeal, reply and order dated 18.02.2013	I-to J	17-19
6	Copy of Mercy Petition and dismissal order	K-L	20-21
7	Wakalatnama.		

اکبر خان

Appellant

Through



Zia-ur-Rahman Tajik
LL.M (Constitutional Law)
Advocate High Court.

Off: 26-A Nasir Mansion,
Shoba Bazar, Peshawar.
Cell: 0300-9357932

Dated: 25/04/2013

06.03.2015

Counsel for the appellant, and Mr. Muzaffar Khan, S.I (legal) on behalf of respondents alongwith Assistant A.G present. Arguments could not be heard due to incomplete bench. To come up for arguments alongwith connected appeals on 3.9.2015.


Member

03.09.2015

Counsel for the appellant and Muzafar Khan, SI (Legal) alongwith Ziaullah, GP for the respondents present. Since court is over, therefore, case to come up for arguments on 21-12-2015



MEMBER



MEMBER

21.12.2015

Counsel for the appellant (Mr. Zia-ur-Rehman Tajik, Advocate) and Mr. Muhammad Jan, GP for respondents present. Arguments heard and record perused. Vide our detailed Judgment of to-day in the connected service appeal No. 756/2013 titled "Shakir Hussain-vs-Deputy Superintendent of Police/Inquiry Officer District Dir Lower, Timergara and others", this appeal is also disposed off as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record.

Announced
21.12.2015


(ABDUL LATIF)
MEMBER


(PIR BAKHSI SHAH)
MEMBER

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Appeal No. 758 /2013

P.W.P. Peshawar
819
25/4/13

Akbar Khan,

Ex-Police Constable No.718 District Dir Lower..... Appellant

VERSUS

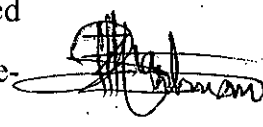
- 1) Deputy Superintendent of Police/ Inquiry Officer District Dir Lower, Timergara.
- 2) District Police Officer, Timergara District Dir Lower.
- 3) Regional Police Officer, Malakand, Saidu Sharif Swat.
- 4) Provincial Police Officer, KPK, Peshawar..... Respondents

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER OF RESPONDENT NO.3 DATED 18.02.2013 WHEREBY APPEAL OF THE APPELLANT WAS DISMISSED AND ORDER OF DISMISSAL OF APPELLANT FROM SERVICE DATED 11.01.2013 BY RESPONDENT NO.2 HAS BEEN MAINTAINED.

692
25/4/13

Prayer:

On acceptance of this appeal, ~~the~~ impugned order may be ~~set aside~~ ^{Modified} and appellant may be re-instated in service with all back benefit.



Respectfully Sheweth;

- 1) That appellant was appointed as Constable on 05.04.1984 in respondent-department and served the department for about 29 years.
- 2) That appellant having a crystal clear service record having no complaint from any quarter and performed duties to the entire satisfaction of highups.
- 3) That at the time of dismissal from service appellant was posted as Incharge Patrolling Post Osakai/ Aman Police Post District Dir Lower.
- 4) That on 17.12.2012 appellant has been charged sheeted for negligence in performance of duties during ^{Night} time of 7/6.12.2012 by respondent No.2 along with statement of allegation which has been properly replied. (Copy of charge sheet, statement of allegation and reply attached as Annexure "A to C").
- 5) That thereafter inquiry proceeding was started but no personal opportunity of hearing has been provided to the petitioner and also not associated in inquiry proceeding but on 05.01.2013 appellant received a final show cause notice along with finding report from respondent No.2, which was too has been properly replied without providing opportunity of hearing. (Copy of finding report, final show cause notice and reply are attached as Annexure "D, E and F").
- 6) That on 11.01.2013 appellant has been dismissed from service by respondent No.2. (Copy of dismissal order is attached as Annexure "G").
- 7) That appellant being aggrieved from his dismissal order filed appeal before respondent No.3 but was dismissed on 18.02.2013. (Copy of appeal, reply and order dated 18.02.2013 are attached as Annexure "I to J").

- 8) That appellant then filed Mercy Petition before respondent No.4 but was dismissed on 17.04.2013. (Copy of Mercy Petition and dismissal order attached as Annexure "K and L").

Now the appellant being aggrieved from the discriminate treatment of the respondents approach this hon'ble Tribunal for redressal of his grievance inter alia on the following grounds:

GROUND:

- A) That appellant has not been treated in accordance with law and order of dismissal is not only illegal, incorrect, irrational but is also not warranted by any provisions of law and norms of justice.
- B) That appellant has been condemned unheard neither personal opportunity of hearing has been provided to him nor associated in inquiry proceeding.
- C) That order of dismissal from service is not commensurate with the allegation leveled against appellant.
- D) That inquiry proceeding has been conducted under Police Rules, 1975 which is completely illegal, void ab-initio and unlawful as per Rule 23 of KPK Govt. Servant (Efficiency and Disciplinary Rules of 2011 because of having overriding effect).
- E) That negligence of the appellant has not been proved through authentic document and reliable evidence.
- F) That police post is situated in populated area and the explosive substance has been recovered lying near the bath room which is situated at the back side of police post at a quite considerable distance from police post.
- G) That no reasonable justification has been provided by the inquiry officer in the ex parte inquiry proceeding for dismissal of the appellant from service and also neither the liability nor negligence has been determined and fixed.

- H) That appeal of the appellant has been dismissed by respondent No.3 through a non-speaking order and is totally against section 24-A of General Clauses Act.
- I) That appellant has 29 year service having a crystal clear service record and always remained in good books.
- J) That any other ground will be adduced at the time of arguments with the kind permission of this hon'ble Tribunal.

It is, therefore, humbly prayed that on acceptance of this appeal, an order may kindly be issued directing the respondent:

- i) To reinstate the appellant with all back benefit.
- ii) Cancel and set aside order of dismissal from service as illegal, unlawful and of no legal effect.

اکبر خان

Appellant

Through

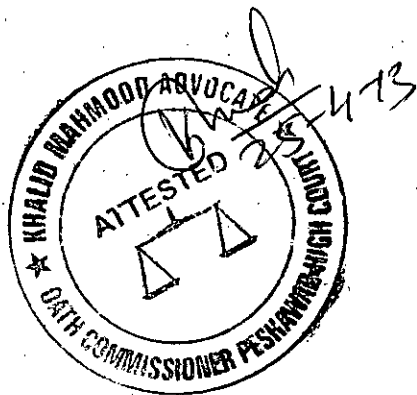
Zia-ur-Rahman Tajik
Zia-ur-Rahman Tajik
Advocate High Court Peshawar

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

اکبر خان

Deponent



NIC :- 15402-1426209-3

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

Appeal No. _____/2013

Akbar Khan Appellant

Versus

Deputy Superintendent of Police/ Inquiry Officer District Dir Lower,
Timergara and others Respondents

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth;

- 1) That applicant has filed the accompanied appeal in which no date of hearing has yet been fixed.
- 2) That applicant has a prima facie case and balance of convenience also lies in his favour.
- 3) That it is always held by the superior court that cases are to be decided on merit and not on technicalities.
- 4) That after dismissal of department appeal of applicant by Regional Police Officer on 18.02.2013 applicant due to some misconception filed mercy petition before Provincial Police Officer and was dismissed on 17.04.2013 and that's why came to this hon'ble Tribunal with a delay of round about one month.
- 5) That delay in filing appeal is not deliberate/ intentional but due to misconception.
- 6) That ground of appeal may be considered as part and parcel of instant application.

- 7) That valuable right of the applicant are involved and may not be knocked out from door of the court for seeking justice on technical ground.
- 8) That delay in filing appeal may not be considered a hurdle while deciding appeal on merit.

It is, therefore, respectfully prayed that on acceptance of this application, delay in filing appeal may kindly be condoned in the interest of justice.

اکبر خان

Petitioner

Through

~~Zia-ur-Rahman~~

Zia-ur-Rahman Tajik
Advocate High Court.

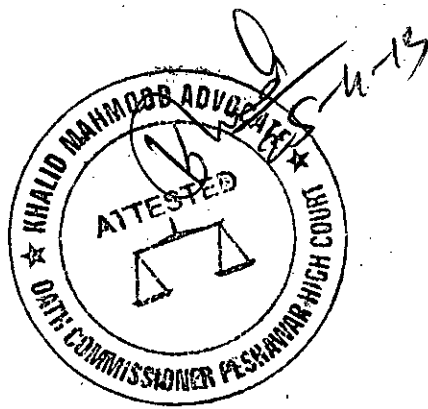
Zia-ur-Rahman Tajik
Advocate High Court

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

اکبر خان

Deponent



21 A 446
p. 2 - 7

Amr - A

P-7

No. 1396 / EC,

Dated 17/12/2012.

CHARGE SHEET.

I, Muhammad Ijaz Abid, District Police Officer, Dir Lower at Timergara as competent authority, hereby charge you the following Police Officials:-

- | | | |
|--------------------------------|-------------------------------|---------------------------|
| 1. HC Akbar Khan I/C | 2. FC Shakir Hassan No.1341 | 3. FC Noor Hayat No.354 |
| 4. FC Inayat Ur Rehman No.1438 | 5. FC Shakir Ullah No.2092 | 6. Bacha Saeed No.141/SPO |
| 7. Fazal Mohammad No.245/SPO | 8. Gul Rahman No.144/SPO | 9. Gulistan No.906/SPO |
| 10. Umer Ali No.968/SPO | 11. Hanifayun No.265/SPO | 12. Ibrahim No.193/SPO |
| 13. Hassan Wali No 847/SPO | 14. Mohammad Faraz No.251/SPO | |

While you posted at Police Post Osakai committed as follows:-

That while, you Posted at Aman Police Post Osaka, found guilty/negligent in the performance of your duties as the miscreant have planted a Pressure Cooker Bomb, near the Aman Police Post Osakai, which shows gross misconduct on your part.

2- By reason of above, you appear to be guilty of mis-conduct and have rendered your-self liable to all or any of the penalties specified in Rule-4 of the Disciplinary Rules, 1975.

3- You are, therefore, require to submit your written reply within 07 days of the receipt of this charge sheet to the enquiry officer.

4- Your written reply, 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-part action shall follow against you

5- Intimate to whether you desire to be heard in person or not?

6- A statement of allegation is enclosed.

Attested

[Signature]

Ur-Rahman Tajik
Advocate Peshawar

[Signature]
District Police Officer,
Dir Lower at Timergara.

14/12

[Signature]
17/12/12

2012-2-11

P-8

DISCIPLINARY ACTION.

Amr B

I, Muhammad Ijaz Abid, District Police Officer, Dir Lower at Timergara as competent authority, as of the opinion that you the following Constables while posted at Aman Police Post Osakai have rendered yourself liable to be proceeded against departmentally as you have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975:-

- | | | |
|--------------------------------|-------------------------------|---------------------------|
| 1. HC Akbar Khan I/C | 2. FC Shakir Hassan No.1341 | 3. FC Noor Hayat No.354 |
| 4. FC Inayat Ur Rehman No.1438 | 5. FC Shakir Ullah No.2092 | 6. Bacha Saeed No.141/SPO |
| 7. Fazal Mohammad No.445/SPO | 8. Gul Rehman No.144/SPO | 9. Gulistan No.906/SPO |
| 10. Umer Ali No.968/SPO | 11. Hamayun No.265/SPO | 12. Ibrahim No.193/SPO |
| 13. Hassan Wali No 847/SPO | 14. Mohammad Faraz No.251/SPO | |

STATEMENT OF ALLEGATION.

That while they posted at Aman Police Post Osakai found guilty/negligent in the performance of their duties as the miscreant have planted a pressure Cooker Bomb, near the Aman Police Post Osakai, which shows gross misconduct on their part:-

- 2- For the purpose of scrutinizing the conduct of said officer with reference to the above allegations **Mr. Gul Noor Khan SDPO Maidan** is appointed as enquiry officer.
- 3- The enquiry officer shall conducted proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.
- 4- The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry officer.

District Police Officer,
Dir Lower at Timergara.

No. 27128-29 /EC, dated 17/12 /2012.

- 1- **Mr. Gul Noor Khan SDPO Adenzai** (Enquiry Officer) for initiating proceeding against the above named defaulter under Police Rules 1975.
- 2- Defaulter Constables of Police Lines, Timergara.

Attested



Ur-Rahman Tajik
Advocate Peshawar


District Police Officer,
Dir Lower at Timergara.

9/12/12

صائب علی

دعا نمبر 17/12/012
31396/EC
27/28-29/EC
317/12/012

جناب DP صاحبان سے درخواست ہے کہ
کہ سائل نے اصل لوہے کی ٹوسٹ اوسٹ میں کیمٹ
ریجارج تصنیات سے قیاس کنٹریکٹ میں 847 کا
تا 1800 تا 2200 تک - عمر تکلی 968 کا 2200
تا 2000 تک - کٹر ہاؤس 265 کا 2000 تا 2600
تک سٹائی گارڈ ڈیوٹی لگائی تھی۔

سائل خود کم کنٹریکٹ کنٹریکٹ 354، قدر کارز 257 اور
گل حق 144 جو کہ کٹر ڈیوٹی پر حاوی تھے۔ جو کہ 1800
تا 2400 تک جو کہ کٹر ڈیوٹی کے ساتھ ساتھ ان ڈیوٹی
سٹائی کنٹریکٹ چمک گئے ہیں۔ جو اپنے لوہے میں
موجود اور صورت، طاہرہ کے جوہر تھے۔ بوقت
2400 ڈیوٹی سے فارغ ہو کر ان ڈیوٹی کلرز میں کو
پرہیز مناسب دینے کے بعد سویاگ۔

بوقت 2060 سٹائی کانٹریکٹ چمکوں کے ارتداد
کہ نزدیک فورم میں ایک پریشیر ٹر ٹیبلیم موجود ہے جس کو
دیکھتے ہی فوری طور پر عدالت میں خالی رکھا گیا تھا اور
کو اطلاع دی گئی۔ جو وقوع پر ہمہ BDS ٹیم آرڈر کے
مگر کو تا کارہ کے۔

سائل نے اپنے وکیل جناب حفیظ حسین غفلت - بالابواری سے
کوئی کلرز میں اور صاف سے کارڈ کو مدنظر رکھتے ہوئے
چارج میں بغیر کسی کارروائی کے فائل سے منہ پھاڑنے
پر اصرار کیا ہے۔ جو درست ہے۔

Attested

Ur-Rahman Taj
Advocate Peshawar

ال اکبروان
شہزاد محمد سائل اکبروان 718

جناب عالی

حوالہ آمدہ ڈسٹریکٹ ایگنیشن نمبری 27128.29/EC No 17112/12

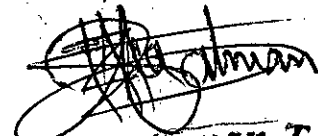
خدمت ہوں کہ پولیس آفیسر لوسٹ اوسٹی میں ذیل پولیس ملازمین
 (1) اکبر خان 718 HC اجراج، (2) شاکر حسین 1341 FC، (3) نور حیات 354 FC، (4) عنایت
 1438 FC، (5) شاکر اللہ 2092 FC، (6) باجاسید 141 SPO، (7) فضل محمد 945 SPO، (8) گل خان
 144 SPO، (9) طست 906 SPO، (10) عمر علی 968 SPO، (11) جلیون 265 SPO، (12) امراہیم 193 SPO
 (13) حسن ولی 847 SPO، (14) محمد خزانہ 251 SPO تعینات تھے۔ پولیس ملازمین کی تعیناتی
 اور موجودگی کے دوران کسی حکم/نہی یا نااہل نامہ نے درپیش نہ کر کے مورخہ 12/12/2021 کے
 تک جوئی کے متصل شوق پور قسمل خانے میں رکھا تھا۔ پولیس ملازمین میں
 جوئی اوسٹی کے غفلت کے ساء پر جواب DPO صاحب نے ان کے خلاف نامہ
 چارج شیٹس جاری کئے اور حکمانہ اندوڑی میں گل نور DSP میران کو
 مارک کی۔ میں موضع ماکر موضع ملاحظہ کیا۔ اور ملازمان لیٹل حسن و
 عمر علی 968 SPO، جلیون 265 SPO، نور حیات 354 FC، محمد خزانہ 251 SPO، گل خان 144 SPO،
 اکبر خان 718 HC اجراج، شاکر حسین 1341 FC، عنایت الرضا 1438 FC، فضل محمد 945 SPO،
 شاکر اللہ 2092 FC، امراہیم 193 SPO، گلستان 906 SPO، باجاسید 141 SPO کے بیانات
 بالترتیب مندرجہ ذیل حوالہ اندوڑی صاحب کے ہے۔

اجراج اکبر خان 718 HC نے اپنے بیان میں تحریر کیا کہ میں نے ڈیوٹی مورچہ کے مطابق
 سٹانی گارد اول حسن ولی 847 SPO، عمر علی 968 SPO، جلیون 265 SPO، جبکہ جلیون
 اول نور حیات 354 FC، محمد خزانہ 251 SPO، گل خان 144 SPO جبکہ جلیون دوم شاکر حسین
 1341 FC، عنایت الرضا 1438 FC، فضل محمد 945 SPO کی ڈیوٹیاں لگائی گئی تھی۔ اور میں
 محنت اجراج ندانی کی ڈیوٹی 24:00 تک انجام دے کر پھر جاری ہوئی خود
 میر سو گیا۔ صبح کیمبل جلیون 265 SPO کے اطلاع پر جوئی کے عقب جا کر دیکھا تو
 قریبی مورچہ میں م پڑھا۔ SHO عبدالرحمان خان کو اطلاع دے کر وہ آکر
 بعد میں BDS آری البھارن اکرم کو ناکارہ کیا۔

Attested

SDPO Peshawar
 03-01-21

Attested


 Lia-Ur-Rahman Tajik
 Advocate Peshawar

کیمبل حسن ولی 847 SPO نے تحریر کیا کہ میرا فرٹ سامیہ روڈ پر 18:00 تا 22:00
 سٹانی اول ڈیوٹی تھی۔ ڈیوٹی انجام دینے کے بعد سوکر صبح گل خان 144 SPO کے
 پاس گیا۔ اس وقت کہ کیمبل کے مورچہ میں م پڑھا تھا۔ بعد میں BDS البھارن نے ناکارہ کیا۔

کنٹریل عملی 968 SpO₂ نے تحریر کیا کہ میں سٹانی گارڈ فرنٹ دوپم 22:00 بجے ڈیوٹی انجام دینے کے بعد جارہی تھی خود پر سوٹیا تھا۔ میں نے اپنے ڈیوٹی کے دوران کنٹریل کو چوکی کی طرف آتا ہوا میں دیکھا ہے صبح فجر کے وقت کنٹریل چالوں 265 SpO₂ کے آرگن میڈار ہو کر ڈر کے مارے سرک پر آیا۔ کنٹریل چالوں 265 SpO₂ نے چوکی کے ساتھ بیٹھی ہو تم اٹھا کر قریبی کھیت میں بھی پوتی پرانا مورچہ میں تم رکھ دیا۔ بعد میں BDS والوں نے ناکارہ کیا۔

کنٹریل چالوں 265 SpO₂ نے اپنے بیٹا میں واضح کیا۔ کہ میں 02:00 بجے تا 06:00 بجے تک سٹانی گارڈ پر موجود تھا۔ فجر کے آذان کے وقت فصل شد 945 SpO₂ کو کہا۔ کہ بیٹاب کیلئے جانا ہوں۔ آپ تفری کرے۔ جب چوکی کے عقب جا کر ٹارچ کے ذریعے غسل خانہ کے دیوار کے ساتھ لوری بند چیز بڑا تھا جس کی اطلاع اجارح اکبر خان 718 HC کو دے کر اسی کے کہنے پر وہ چیز وہاں سے اٹھا کر دور پرانا مورچہ میں رکھ دیا۔ ساتھ ہی اجارح نے کہا کہ امیران کو تم کے موجودگی مورچہ میں بتلائی تاکہ تم غسل خانے کے دیوار کے ساتھ بعد میں BDS امیران نے تم ناکارہ کیا۔

کنٹریل فورجیا 354 FC نے تحریر کیا کہ میرا 18:00 بجے تا 24:00 بجے جو پھرہ ڈیوٹی تھی اپنے ڈیوٹی انجام دینے کے بعد سوٹیا تھا۔ صبح کنٹریل چالوں 265 SpO₂ کی آواز پر اٹھا کہ عقب مورچہ میں تم بڑا ہے۔ جو کنٹریل چالوں 265 SpO₂ نے وہاں سے اٹھا کر دور پرانا مورچہ لے جا کر رکھ دیا۔ بعد میں BDS والوں نے ناکارہ کیا۔

کنٹریل محمد فرزان 251 SpO₂ نے تحریر کیا کہ میرا اور گل رحمان 144 SpO₂ کا 18:00 بجے تا 24:00 بجے چوکی کے اوپر مورچہ میں ڈیوٹی تھی۔ اپنے ڈیوٹی کے دوران کسی سبز شخص کو چوکی کی طرف آتا ہوا میں دیکھا ہے۔ ڈیوٹی سے نارغ ہونے کے بعد سوکر صبح کسی کا آواز سن کر کہ تمہی نے غسل خانہ کے قریب کوئی چیز رکھا ہے۔ مندر سے میڈار ہو کر جا کر دیکھا۔ کہ لوری میں بند کوئی چیز پڑی تھی۔ جو کنٹریل چالوں 265 SpO₂ نے اجارح اکبر خان 718 HC کے کہنے پر چوکی سے دور لے جا کر پرانا مورچہ میں رکھا۔ اجارح نے طمع کیا کہ امیران کو یہ نہ کہوں۔ کہ تم غسل خانہ میں بڑا تھا۔ بلکہ یہ کہو کہ مورچہ میں بڑا تھا۔ بعد میں BDS والوں نے ناکارہ کیا۔

کنٹریل گل رحمان 144 SpO₂ نے اپنے بیٹا میں واضح کیا۔ کہ میرا اور کنٹریل محمد فرزان 251 SpO₂ کا چوکی کے اوپر مٹ مورچہ میں 18:00 بجے تا 24:00 بجے تک ڈیوٹی تھی۔ ڈیوٹی سے نارغ ہونے کے بعد سوکر صبح کنٹریل چالوں 265 SpO₂ کے آواز پر معلوم ہوا کہ چوکی کے متصل کوئی چیز بڑا ہے جو لوری میں اجارح کے کہنے پر کنٹریل چالوں 265 SpO₂ نے دور پرانا مورچہ میں رکھ دیا۔ اور اجارح اکبر خان 718 HC نے سورہ کر کے کہا کہ امیران کو تم کی موجودگی مورچہ میں بتلا یا کرے جو بعد میں

Attest
SDPO-1
03-09

Attested

Via-Lr-
Tajir
Per Huzar

کنٹریل سٹاکس 1341 نے خرید لیا کہ سب دو قسم میرا 24,000 بجے تا 06:00 بجے
 ٹیوٹی تھی۔ کنٹریل جالوں 265 Sp₀ نے آواز دی کہ آپ میں کسی نے غسل خانے میں
 بس رکھا ہے اس آواز پر تمام کنٹریل بیدار ہو کر موقع آئے۔ اجارح کے کچے برٹیل
 بے باوری ہم وہاں سے اٹھا کر دور مورچہ میں رکھ دیا۔ اجارح نے یہ بھی کہا کہ ہم کی موجودگی مورچہ
 بتلایا کرے۔ بعد میں BDS انڈیکارن نے ہم کو ناکارہ کیا۔

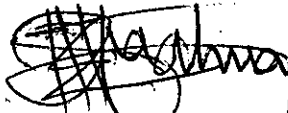
کنٹریل عنایت الرحمان 1438 نے خرید لیا کہ سب دو قسم میرا 24,000 بجے تا 06:00 بجے مورچہ میں
 ٹیوٹی تھی۔ صبح آذان کے وقت غسل خانے 945 Sp₀ نے آواز دی کہ غسل خانے میں کوئی صبر پڑا ہے
 آپ کا تو نہیں۔ میں نیچے اتر گیا۔ اجارح اکثر 718 Hc کے کچے بر جالوں 265 Sp₀ نے ہم کو
 جبراً اٹھا کر دور مورچہ میں رکھا۔ اجارح نے یہ بھی کہا کہ ہم کی موجودگی مورچہ میں بتلایا کرے
 بعد میں BDS انڈیکارن نے ہم کو ملامت کیا۔

کنٹریل فضل محمد 945 Sp₀ نے اپنے بیان میں واضح کیا کہ سب دو قسم میرا 24,000 بجے تا 06:00 بجے مورچہ میں
 ٹیوٹی تھی۔ کسی کو چونکی کی طرف آنا ہوا نہیں دیکھا ہے۔ قبر کے وقت جالوں 265 Sp₀ نے چہرے کہا
 کہ تم رکھو الی کرو۔ وہ بیٹاب کھیلے خانے کے آگے آکر کہا کہ غسل خانے
 میں کوئی شے لوری بند پڑا ہے۔ میرے کچے بر اس نے اجارح اور دیگر فری کو اطلاع دے کر
 مورچہ اجارح کے کچے بر جالوں 265 Sp₀ نے ہم غسل خانے سے اٹھا کر دور مورچہ میں رکھ دیا۔ جو
 بعد میں BDS انڈیکارن نے ہم کو ناکارہ کیا۔

کنٹریل سٹاکس 2072 نے خرید لیا کہ میں مورچہ 6/12 سے دویم شب باسی بر حسب اجازت اجارح
 اکثر جالوں 718 Hc گھر خود گیا تھا۔ مورچہ 7/12 پر اجارح نے خون کر کے بتلایا۔ کہ آپ کا تبادلہ پولیس
 ہو چکا ہے۔ فری طور پر چونکی آجائے۔ بوقت سبام وہ چونکی آکر معلوم ہوا کہ کسی نے چونکی کو ہم
 رکھا تھا۔ کنٹریل کے بستری گاڑی میں ڈال دی تھی۔ افسران کے حکم پر دیگر ساتھیوں کے ہمراہ
 پولیس لائن حاضر آیا تھا۔

کنٹریل ابراہیم 193 Sp₀ نے خرید لیا کہ مورچہ 5/12 پر دویم شب باسی حوالدار اکثر جالوں 718 Hc کے اجازت سے
 گھر خود گیا تھا۔ مورچہ 7/12 پر وائس چونکی آکر دیکھا۔ کہ تمام ساتھیوں کے بستری لیٹے تھے۔ بہتر فری
 SDPO-71 کے حکم پر معلوم ہوا کہ کسی نے چونکی کو ہم رکھی تھی۔ افسران کے حکم پر دیگر ساتھیوں کے ہمراہ پولیس
 لائن حاضر کیا ہے۔

کنٹریل ملتان 906 Sp₀ نے خرید لیا کہ مورچہ 6/12 پر حسب اجازت اجارح دویم شب باسی پر مورچہ میں
 میں گھر خود گیا تھا۔ مورچہ 7/12 پر کنٹریل حسن ولی 847 Sp₀ نے اطلاع دی کہ جملہ فری پولیس لائن
 کھڑے ہو چکے ہیں۔ سیدھا پولیس لائن آجائے۔ بعد میں معلوم ہوا کہ کسی نے چونکی
 کو IED رکھی تھی۔

Attested


Lia-Ur-Rahman Tajik
 Advocate Peshawar

نیٹل جارج سعید 141 SPo نے خبر لیا کہ میں بھاری کی وجہ سے اسٹیشن بالا کے
 بنا تھا۔ جبکہ رات کی ڈیوٹی تھی میری طرف تھی اور رات گزارنے گھر فرمایا
 پر ڈیوٹی کیلئے جوتی آکر روڈ پر چھینک لیں کھڑے اسوا۔ اسی دوران پولیس اسٹیشن آکر
 اکبر خان 718 Hc نے ان کو پرانا مورچہ لے جا کر کوئی سے اٹھا کر BDS ایٹارن نے ناکارہ
 انکوٹری ہیڈ میں ماسرے اکبر خان 718 Hc، عنایت الرحمان 1438 Fe، سلطان 906 SPo کے بتایا تمام ملازمین
 کی جارج شیٹس وصول ہو کر لف انکوٹری کی ہے

SHO عبدالرحمان، خسر بہار زریب، MAsi تھا راج کے بیانات تبدیل کر کے لف انکوٹری ہے۔ اسی طرح
 وقوعہ ہذا کا نقل FIR بھی شامل انکوٹری ہے۔

انکوٹری سے میں اس نتیجہ پر لیا کہ ملازمین بالا میں ساکرٹہ 2092 Fe، امراجم 193 SPo، سلطان 906 SPo
 باجا سعید 141 SPo سب باسی بریوں تھے۔ جن کے مطابق روزنامہ کوئی روایتی ہیں ہے۔ اچارج
 اکبر خان 718 Hc کے بقول کینیل حسن ولی 847 SPo، عدلی 968 SPo، چالون 265 SPo کی سٹانی مارو ڈیوٹی
 جبکہ جو اسیرہ اول نوریات 354 Fe، محمد ذرارہ 251 SPo، گل رحمان 144 SPo جبکہ جو اسیرہ دوم ساکر حین 1341 Fe، عنایت
 رحمان 1438 Fe، فضل محمد 945 SPo کی ڈیوٹی تھی۔ بوقت قریب 06:00 بجے کینیل چالون 265 SPo کی اطلاع
 پر تمام ملازمین سینڈ سے بیدار ہو کر اچارج اکبر خان 718 Hc کے کہنے پر کینیل چالون 265 SPo نے ہم غسل خانے سے اٹھا کر
 دور مورچہ میں رکھنے سے ان کو معلوم تھا کہ ہم بلا سٹیشن میں ہوتے ہیں۔ سٹیشن کے بیانات کے مطابق
 کہ ہم جوتی کے عقب دیوار کے ساتھ متصل سٹیشن میں رکھا ہوا اور اچارج اکبر خان 718 Hc کا کینیل کر
 کہا کہ بجائے دیوار کے م کی وجودی مورچہ میں بیان کرنا اپنے غفلت پر مذہب مردہ ڈالنا تھا۔
 ملازمین اکبر خان 718 Hc، حسن ولی 847 SPo، عدلی 968 SPo، چالون 265 SPo، نوریات 354 Fe، محمد ذرارہ 251 SPo
 گل رحمان 144 SPo، ساکر حین 1341 Fe، عنایت الرحمان 1438 Fe، فضل محمد 945 SPo، جو کہ جوتی میں ڈیوٹی پر
 موجود تھے۔ وہ اپنے اپنے ڈیوٹیوں میں غفلت لا رہے تھے۔ جو کہ ہیں۔ ان کو

(Major punishment) دیئے اور سزا۔ باقی موجود کینیلان ساکرٹہ 2092 Fe، امراجم 193 SPo
 سلطان 906 SPo، باجا سعید 141 SPo الزام سے برقی ذمہ قرار دینے کی سفارش کیجاتی

سائنڈنگ رپورٹ گزار ہے
 SDPO. Maidan Issue final Show cause Notice with Attested
 03.01.13 copy of finding of Eo to should be Promi
 Const. Akram Khan - 718 Lt) Const. Hassan wali s/o B
 mar Ali - 968 s/o, Hamid 265 s/o, Nasir Hayat Ali, 354, Moh
 402 - BSI s/o, Zahir Rehman 144 s/o, Shakir Hussain No 1341 s/o
 Lehman No. 1438 and Farid Mohd 945 s/o for final Punish
 f dismissal from service

P-14

Amr-E

FINAL SHOW CAUSE NOTICE.

WHEREAS AS YOU the following officials:-

- 1- HC Akbar Khan I/C No.718 2- FC Shakir Hassan No.1341 3- FC Noor Hayat No.354
- 4- FC Inayat Ur Rehman No.1438 5- SPO Muhammad Faraz No.251. 6- SPO Fazal Mohd: No.945
- 7- SPO Gul Rehman No.144 8- SPO Hassan Wali No.847 9- SPO Umer Ali No.968
- 10- SPO Hamayun Khan No.265

While posted at Aman Police Post Osakai found guilty/negligent in the performance of their duties as the miscreant have planted a Pressure Cooker Bomb, near the Aman Police Post Osakai, but non of you aware about the incident, which shows gross misconduct on your part.

AND WHERE AS, a proper departmental was conducted against you and the charge leveled against you was established without any shadow of doubt and you are to be awarded major punishment including dismissal from service.

NOW THEREFORE, as required by the NWFP Police Rules, 1975

I, **Mohammad Ijaz Abid**, District Police Officer, Dir Lower call upon to show cause as to why you should not be awarded major punishment as defined under rule-4(b) of the said rules.

Your explanation should reach the undersigned within 07-Days of the receipt of this notice.

You should state in writing as to whether you wish to be heard in person or otherwise?

In case, your written explanation is not received within the specified period, it would be presumed that you have no defense to offer and in that case Ex-part action will be taken against you.

[Signature]
District Police Officer,
Dir Lower at Timergara.

No. 455-65 /E,

Dated 4/11 /2013.

Enclosed herewith please find Final Show Cause Notice (in-duplicate) are sent to Line Officer, for necessary delivered upon the above name officials of Police Lines Timergara.

One copy of the Final Show Cause Notice may be delivered upon them and their signature taken as a token of its receipt be returned for further necessary action.

Attested

[Signature]

Zia-Ur-Rahman Tajik
Advocate Peshawar

جناب عالی

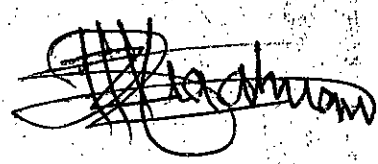
کوئٹہ فائیل شوکار نوٹس نمبری 455-65/E 455-65/E
4/13 بجاریہ جناب DPo صاحبہ کو برسرِ حرمین

خدمت چوں -
کہ سائیل آفیس کو لیس لوہنگ او سٹی میں کینٹ
اخراجات کھاتے تھے۔ ٹورم 06/12 تا 07/12 تک
سٹانی گارڈ ڈیوٹی کنٹینر سن ویلی 847 کا 18.00
تا 22.00 تک - عملی 968 کا 22.00 تا 02.00
تک - جبکہ جھانوں 265 کا 02.00 تا 06.00
تک کے سٹانی تھے۔

اور کنٹینر لوزیٹاتے 354، 3 فرارز 257 کے
08.00 سے 24.00 تک جبکہ کل 144 کا 24.00
تا 06.00 تک جو کچھ ڈیوٹی سٹانی تھی۔ اور میں
اخراجات خود کینٹ نگران آن ڈیوٹی کنٹینر کو بار بار
چیک کرتے تھے۔ جو کینٹ، طالب تک تھے۔
بوقت 24.00 بجے فریٹ ڈیوٹی مناسب حدائیت

دینے کے بعد خوابیدہ ہو گیا۔
بوقت 06.00 سٹانی کانسٹیبل جھانوں 265 کے زبانی معلوم
ہوا کہ نزدیک حرم میں کسی نے پریشکر غلام صاحب
کیا ہے۔ اندر میں بارہ فوری طور پر عبدالرحمن صاحب
S+O صاحب کے پاس آؤں جو اطلاع فراہم کر کے جو موقع فراہم
BDS کو اور ڈائریجمن کو باکارہ کی۔

سائیل نے اپنا فریض منصبی نہایت ایمانداری کیساتھ سرانجام
دی ہے۔ لہذا سائیل کے طویل خدمت اور صحافت
شہری رکھارڈ کو حد نظر رکھتے ہوئے انکو آری کا اعتبار
بغیر کسی دذید کاروائی کے فائل فرماؤں۔ یہی سہا ہے

Attested


Zia-Ur-Rahman Tajiz
Advocate Peshawar

شہداء محمد جمال اکبر خاں 718
08-01-013

P-16

Amir-G

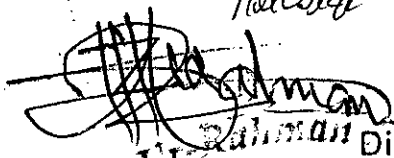
ORDER.

This is a proper departmental order against the following officials on the charge that they while posted at Aman Police Post Osakai, found guilty/negligent in the performance of their duties on the night of 13 and 14/12/2012, as the miscreants planted a Pressure Cooker bomb near the Aman Police Post Osakai, but they were unaware about the incident: -

- | | | |
|--------------------------------|--------------------------------|-----------------------------|
| 1- HC Akbar Khan I/C No.718 | 6- FC Shakir Hassan No.1341 | 11- FC Shakir Ullah No.2092 |
| 2- FC Inayat Ur Rehman No.1438 | 7- FC Noor Hayat No.354 | 12- SPO Bacha Saeed No.141 |
| 3- SPO Fazal Mohammad No.945 | 8- SPO Gul Rehman No.144 | 13- SPO Gulistan No.906 |
| 4- SPO Umer Ali No.968 | 9- SPO Hanayun Khan No.265 | 14- SPO Ibrahim No.193 |
| 5- SPO Hassan Wali No.847 | 10- SPO Muhammad Faraz No.251. | |

They were served Charge Sheet with couple of Statements of Allegation and Mr. Gul Noor Khan SDPO Maidan was appointed as enquiry officer to conduct proper departmental enquiry against them and submit his finding. The enquiry officer conducted proper departmental enquiry, checked the site, recorded the statements of all concerned including defaulter officials. The enquiry officer in his finding established the charges leveled against the official at Serial No. 1 to 10 above and recommended them for major punishment, while the officials at Serial Nos.11, 12, 13 and 14 i.e Constables Shakir Ullah No.2092, SPO Bacha Saeed No.141, SPO Gulistan No.906 and SPO Ibrahim No.193 were exonerated from the charge as they were on shah bashi. They were served Final Show Cause Notice, with a copy of findings of enquiry officer as well as an opportunity of personal hearing but they failed to produce any cogent reason in their defense therefore, the officials at S/Nos. 1 to 10 are here-by Dismissed from service with immediate effect. The officials mentioned at S/No. 11, 12, 13 and 14 above are exonerated from the charge and they are re-instated into service with immediate effect. The period of suspension is treated as duty.

OB No. 57
Dated 11-01- /2013.

Attested

District Police Officer,
Dir Lower at Timergara.
9.11/1

To :

The Deputy Inspector General of Police,
Malakand Region-III, Saidu Sharif Swat.

Amx-9

Subject:-
Respected Sir,

APPEAL.

Page - 17

The following are submitted for your kind and sympathetic consideration.

1. That I joined Police Department as Illiterate Constable on 05.04.1984 and presently was posted as Incharge Patrolling Post Osakai when on 07.12.2012 an IED was found near the Post.
3. That I performed duty till 24:00 hrs on the night of occurrence and then went to bed. SPO Hamayun at 06:00 hrs told me that a suspected thing is lying in Wash Room.
4. That I informed SHO / SI Abd-ur-Rehman of P.S Ouch while SPO Hamayun shifted the suspected thing (IED) from washroom to nearby abandoned trench.
5. That the SHO, BDS and Army personnels arrived and destroyed the IED.
6. That I alongwith other personnels were closed to police and was served with charge sheet.
7. That on completion of Inquiry I alongwith 09 Constables (03 regular and 06 SPOs constables) were dismissed from service vide order of D.P.O Dir Lower dated 11.01.2013 (Copy enclosed).

The impugned order is assailed on the following grounds:-

- A) That I have 29 years service and have always perform my duty honestly and efficiently.
- B) That on the night of occurrence I had performed my duty till 24:00 hrs and then went to bed.
- C) That I have never shown any lethargy or inefficiency in discharge of my duty.
- D) That it is yet to be established that who and how the IED was placed but I have been dismissed from service for lack of supervision without any cogent reasons.
- E) That no chance of personal hearing has been afforded to me by the competent authority.
- F) That I am illiterate person having 29 years service and except this service I have got no other source of income. Moreover I have passed my Youth in Police Department and at this old age am unable to seek any job while I have to sustain a huge family.
- G) That the order of dismissal is too harsh and is against the facts and natural justice and is thus is worth review keeping in view my long service and poverty.

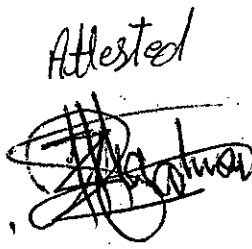
PRAYER !

In light of above it is requested that the impugned order may kindly be set aside and I may be re-instated into service.

I will remain oblige.

Yours Obediently

Ex-Constable Akbar Khan
No. 718 Dir Lower.

Attested

Via-Ur-Rahman Tajik
Advocate Peshawar

P-18
121
Amme

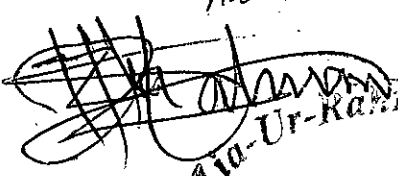
From: The District Police Officer,
Dir Lower at Timergara.
To: The Regional Police Officer,
Malakand at Saidu Sharif Swat.
No. 6228 /EB dated Timergara the 1/4 /2013.
Subject: MERCY PETITION


Memo:
Kindly refer to your office Endst: No.1346/E
dated 11.03.2013.

Comments on the application of Ex. Constable Akbar Khan No. 718, Shakir Hussain No. 1341 and Inayat Ur Rahman No. 1438 are submitted as under, please

Ex-Constables Akbar Khan No.718, Shakir Hussain No.1341 and Inayat ur Rehman No.1438, while posted in Aman Police Post Osakai found guilty/negligent in the performance of their duty on the night of 13and 14.12.2012 as the miscreant planted a pressure cooker bomb near the Aman Police Post Osakai, but they were unaware about the incident. They were served charge sheets with couple of statement of allegation and Mr. Gul Noor Khan SDPO/Maidan was appointed as enquiry officer to conduct proper departmental enquiry against them and submit their finding. The enquiry officer conducted proper departmental enquiry, checked the site recorded the statements of all concerned including defaulter. official. The enquiry officer in his finding established the charge leveled against the official and recommended them for major punishment. They were served final show cause notice, with an opportunity of personal hearing but they failed to produce any cogent reasons in their defense.

Therefore, they were dismissed from service vide this office OB No. 57 dated 11.01.2013. Their appeals for reinstatement into service has already been filed by the worthy Regional Police Officer, Malakand at Saidu Sharif Swat vide Memo: No.820/E dated 18.02.2013, 755/E, 778/E, dated 14.02.2013.

Attested

Inayat-Ur-Rahman Tajik
Asst. Dir. Lower at Timergara


District Police Officer,
Dir Lower at Timergara.
9/114

P-19 Anna-J 3

From : The Regional Police Officer,
Malakand, at Saidu Sharif, Swat.

To : The District Police Officer, Dir Lower.

No. 820 /E, dated Saidu Sharif, the 18/2 /2013.

Subject: APPEAL.

Memorandum:

Reference your office Memo: No. 1856/EC, dated 01/02/2013 on the subject.

Application of Ex-Head Constable Akbar Khan No. 718 of Dir Lower District for reinstatement in service has been examined and filed by the worthy Regional Police Chief.

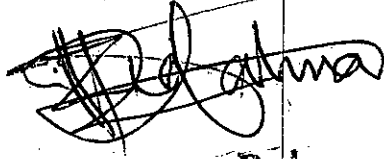
The applicant may be informed accordingly.

700
15213.
Office Suptd:

For: Regional Police Officer,
Malakand, at Saidu Sharif Swat.

Nad

Attested



Zia-Ur-Rahman Tajik
Advocate Peshawar

To :

P-20
Arma-K
The Honorable Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.

Subject:

MERCY PETITION FOR RE-INSTATEMENT IN SERVICE.

Respected Sir,

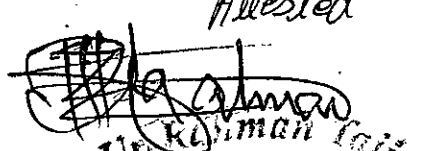
The following few lines are submitted for your kind and sympathetic consideration.

1. That I joined Police Department as illiterate constable on 05-04-1984 and presently was posted as Incharge Patrolling Post Osakai when on 07-12-2012 an IED was found near the Post.
2. That I performed duty till 24:00 hrs on the night of occurrence and then went to bed. SPO Hamayun at 06:00 hrs told me that a suspected thing is lying in Wash Room.
3. That I informed SHO/ SI Abd-ur-Rehman of P.S Ouch while SPO Hamayun shifted the suspected thing (IED) from washroom to nearby abandoned trench.
4. That the SHO, BDS and Army personnels arrived and destroyed the IED.
5. That I alongwith other personnels were closed to police and was served with charge sheet.
6. That on completion of Inquiry I alongwith 09 Constables (03 regular and 06 SPOs constables) were dismissed from service vide order of D.P.O Dir Lower dated 11.01.2013 (Copy enclosed)
- a. That I have 29 years service and have always perform my duty honestly and efficiently.
- b. That on the night of occurrence I had performed my duty till 24:00 hrs and then went to bed.
- c. That I have never shown any lethargy or inefficiency in discharge of my duty.
- d. That it is yet to be established that who and how the IED was placed but I have been dismissed from service for lack supervision without any cogent reasons.
- e. That no chance of personal hearing has been afforded to me by the competent authority.
- f. That I am illiterate person having 29 years service and except this service I have got no other source of income. Moreover I have passed my Youth in Police Department and at his old age am unable to seek any job while I have to sustain a huge family.
- g. That the order of dismissal is too harsh and is against the facts and natural justice and is thus is worth review keeping in view my long service and poverty.

7. That an appeal against the decision taken by the District Police Officer, Dir Lower was moved before the Worthy Regional Police Officer, Malakand Saidu Sharif, Swat but was accordingly rejected without giving any opportunity of hearing. (Copy attached for ready reference).

PRAYER!

In light of above it is requested that the impugned order may kindly be set aside and I may be re-instated into service.
I will remain oblige.

Attested

Lia-ur-Rehman
Advocate Peshawar

Your's Obediently

Ex-Constable Akbar Khan
No.718 District Dir Lower.

P-21

Amma-L

From: The Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

To: The Deputy Inspector General of Police,
Malakand Region, Swat.

No. 8812 /E-II, dated Peshawar the 17/04/2013

Subject: MERCY PETITION.

Memo:

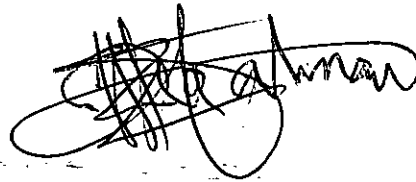
Please refer to your letter No. 1895/E, dated: 08.04.2013.

The mercy petitions of Ex-Constable Akbar Khan No. 718, Ex-Constable Shakir Hussain No. 1341 and Ex-Constable Inayat-ur-Rehman No. 1438 of district Police Dir Lower has been examined and filed by the competent authority, as one appeal lies against the original order, which the petitioners have already availed.

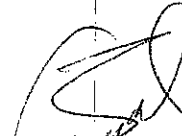
Your office have filed their appeals vide No. 820/E, dated: 18.02.2013, No. 775/E, dated: 14.02.2013 and No. 778/E, dated: 14.02.2013. Moreover, there is no provision in the rules for second appeal/mercy petition.

All of them may be informed accordingly.

Attested

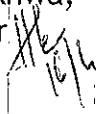


Lia-Ur-Rahman
Advocate Peshawar



(JAVED IQBAL)

Registrar,
For Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar



WAKALATNAMA

IN THE COURT OF Service Tribunal Peshawar

In Re

AKBAR KHAN

Accused / Petitioner / Plaintiff

VERSUS

Deputy Superintendent of Police etc
Respondent / Defendant / Complainant

FIR _____ Charge U/S _____ P.S. _____ Dated _____

KNOW ALL to whom these presents shall come that it be undersigned appoint **ZIAUR REHMAN TAJIK Advocate High Court Peshawar** in the above mentioned case, to do all the following acts, deeds and things or any of them, that is to say:

1. To act and plead in the above mentioned case in this court or any other court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
2. To sign, verify and present pleadings, appeals, cross – objections, petitions for execution, review, revision, withdrawal, compromise or other Petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of said case in all its stages.
3. To withdraw or compromise in the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
4. To receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said case.
5. To engage any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.

AND I hereby agree not to hold the Advocate or its substitute responsible for the result of the said case in consequence of his absence from the court when the said case is called up for hearing.

AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, He shall be entitled to withdraw from the prosecution of the said case until the same is paid.

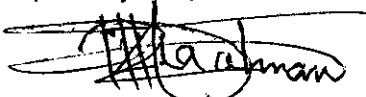
IN WITNESS WHEREOF I hereunto set my hand to these presents the contents of which have been explained to and understood by me, this 24 day of April 2013

اکبر خان

Signature / Thumb Impression
of Party / Parties

Accepted By

Attested



ZIAUR REHMAN TAJIK Advocate
LLM Constitutional Law
Peshawar High Court Peshawar
Cell No. 03009357932

APPEAL NO. 758/2013.

AKbar Khan Ex-Police Constable No. 718 Dir Lower..... Appellant.

Versus

1. Deputy Superintendent of Police / Inquiry Officer Dir Lower.
2. District Police Officer Dir Lower at Timergara
3. Regional Police Officer, Malakand at Swat.
4. Provincial Police Officer, K.P.K Peshawar..... Respondents

Subject: PARA WISE COMMENTS/ REPLY ON BEHALF OF RESPONDENTS.

PRELIMINARY OBJECTIONS:-

1. That the appellant has got no locus standi and cause of action to file the instant appeal.
2. That the appeal is badly time barred.
3. That the appellant is estopped to sue due to his own conduct.
4. That the appeal is not maintainable in its present form.
5. That the appellant suppressed the material facts from this honourable tribunal.
6. That this honourable tribunal has got no jurisdiction to entertain the present appeal.

ON FACTS:

1. Pertains to record.
2. Incorrect. His record is not stainless and has been punished for absence from duty from time to time. (Record of previous punishment is attached).
3. Correct.
4. Correct to the extent that the appellant was served with charge sheet coupled with statement of allegation relating to his negligence in duty.

5. Incorrect. The appellant remain associated with inquiry during entire proceeding. After completion of inquiry, he was served with final show cause notice wherein option was given to the appellant of being heard personally or to make reply in written.
6. Correct and needs no comments.
7. Correct and needs no comments.
8. Pertains to record.

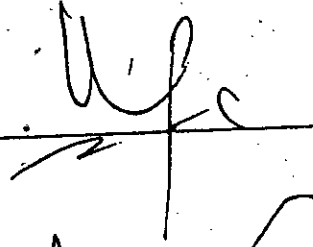
GROUND:-

- (A) Incorrect. The appellant has been treated in accordance with law/ rules and the order of dismissal is legal and based on justice.
- (B) Incorrect. The appellant remained associated with inquiry proceeding. He was given option through final show cause notice that whether to be heard personally or to reply through written statement and the appellant opted for written reply.
- (C) Incorrect. The order of dismissal commensurate with allegation of gross negligence in accordance with law and rules. He was on watch duty when unknown terrorist put an IED in the wash room under his nose. This speaks a lot about his negligence in duty.
- (D) Incorrect. The entire proceeding has been conducted according to the prevailing law.
- (E) Incorrect. The negligence of appellant has been proved through cogent evidence.
- (F) Incorrect. No population is available near Police Post Osakai and is situated lone on road side. The IED was recovered from wash room situated quite near at a distance 3/4 steps from Police Post building.
- (G) Incorrect. The inquiry officer conducted the inquiry based upon justification.
- (H) Incorrect. The impugned order is a valid and well speaking order.
- (I) As replayed in para 02 of facts.
- (J) That any other grounds will be agitated at the time of arguments with the permission of the tribunal.

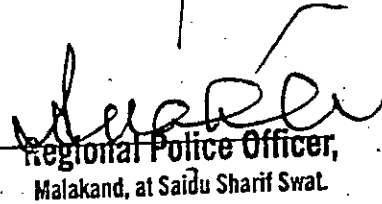
PRAYER :-

In light of above facts and circumstances it prayed that the appeal being baseless may kindly be dismissed with cost, please.

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar




Regional Police Officer,
Malakand at Saidu Sharif, Swat



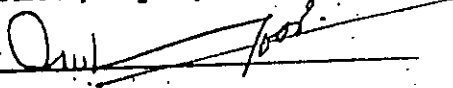
Regional Police Officer,
Malakand, at Saidu Sharif Swat.

District Police Officer,
Dir Lower at Timergara



~~District Police Officer~~
~~Dir Lower at Timergara~~

Dy: Superintendent of Police /Inquiry Officer ,
Dir Lower at Timergara



SDPO Kohistan at
Bheringal Dir Upper

صندوق

تقدیر 23 روزنامه 17/92

تقدیر

تقدیر

580 قوت 17/92

1347 ... 718 ... 131 ...

تقدیر ... 17/92 ...

تقدیر

122/4.8.92

تقدیر

M.M. B. B. 26.9.92

Sir

تقدیر

تقدیر ... 26.9.92

former deck 580 B. B. 26.9.92

SDP 50-20-92 28.9.92

تقدیر ... 26.9.92

پیشین پتہ ۵

تاریخ ۱۷/۵/۸۹ میلادی

۱۷ مئی ۱۹۸۹ء کو ایک خط لکھا گیا جس میں...

۱۴/۵/۸۹ کو ایک خط لکھا گیا جس میں...

یہ یوم اصل میں منانے کے لیے تھا...

یہ یوم اصل میں منانے کے لیے تھا...

منیاتی
تقریباً صبح

منیاتی



۱۵/۵/۸۹

ایک خط لکھا گیا

یہ خط منیاتی کے لیے لکھا گیا اور...

۱۰/۵/۸۹

۱۵/۵/۸۹ کو ایک خط لکھا گیا...

۱۵/۵/۸۹ کو ایک خط لکھا گیا...

۱۵/۵/۸۹ کو ایک خط لکھا گیا...

۱۵/۵/۸۹ کو ایک خط لکھا گیا...

۱۵/۵/۸۹ کو ایک خط لکھا گیا...

۱۵/۵/۸۹ کو ایک خط لکھا گیا...

۱۵/۵/۸۹ کو ایک خط لکھا گیا...

۱۵/۵/۸۹ کو ایک خط لکھا گیا...

۱۵/۵/۸۹

3870 Approved

OB

۱۵/۵/۸۹

۱۵/۵/۸۹

۱۵/۵/۸۹

12 انور 31 10/86

بازار بیدوبت مسجد اسلام غنچه علیہ السلام
کویت بھاری چیمبر میں جمعیت غنچه علیہ السلام
اور قائد ان غنچوں - سہ ماہی غنچہ کی بنیاد پر
مجلس غنچہ کی بنیاد پر اور روزنامہ غنچہ کی بنیاد پر
مجلس غنچہ کی بنیاد پر اور روزنامہ غنچہ کی بنیاد پر

غز علیہ السلام

15/10/86

غز علیہ السلام

مجلس غنچہ کی بنیاد پر اور روزنامہ غنچہ کی بنیاد پر

مجلس غنچہ کی بنیاد پر اور روزنامہ غنچہ کی بنیاد پر

11/10/86

13/10/86

Approved
Khalid

کدی ماضیہ نقلہ عالی خان کو وقت ۱۷۳۱ بجے صبح ۵/۸۶ ایسی وقت
کٹیڈی المبرقان ۱۷۱۸ عینہ نام شہان احمد والد مد علی روزنامہ
۵/۸۶ ایسی عالی کٹر بیانیہ کہ وہ میں لفرنی چائے کو لفرنی بازار
چکر رہ میں موجود تھا کہ دہندہ نام ایک شخص مدنی
میکر کہ ایسا والد سخت بیمار ہے - امہ میں ایک بلانہ
۵/۸۶ ایسی - میں نہ والد کی بیماری کا کر لفرنی
حصہ اور اجازت گھر خود گیا۔ امہ حاضر آیا ہے۔ میری
عازری کا ایک الفضا کا منتہا میں کٹیڈی عازری
دہلی روزنامہ میکر نقلہ ات ماضیہ عینہ خانہ لفرنی
مناسب لفرنی نام ان با آئے محبت میں ارسال کی
مانیگی بنائی ہے

نقلہ عالی اصل

MFC / D.M. / Chhatra
5/86

5/86
5/86

ORDER
کٹیڈی المبرقان ۱۷۱۸ عینہ ۵/۸۶ ایسی
عینہ خانہ لفرنی نام ان با آئے محبت میں ارسال کی

70
15-1-86
D.P. No

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 750/2013

AKBAR KHAN Ex-Police Constable No. 718 Dir Lower..... Appellant

VERSUS

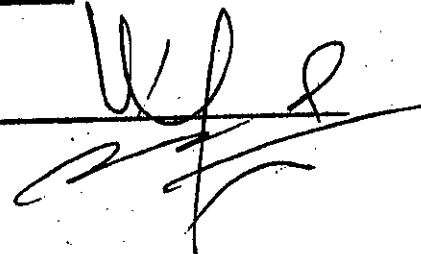
- 1) Dy: Superintendent of Police / Enquiry Officer District Dir Lower Timergara.
- 2) District Police Officer Dir Lower.
- 3) Regional Police Officer Malakand at Swat.
- 4) Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.RESPONDENTS

AFFIDAVIT

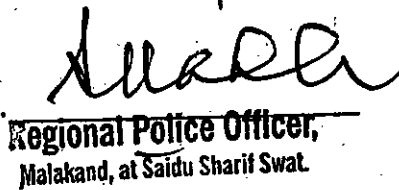
We the undersigned do hereby solemnly affirm and declare on oath that the contents of Para-wise comments are true and correct to the best of our knowledge and belief and nothing has been suppressed or concealed from this honorable tribunal .

DEPONENTS

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

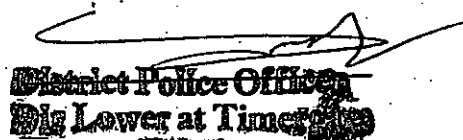


Regional Police Officer,
Malakand at Saidu Sharif, Swat.



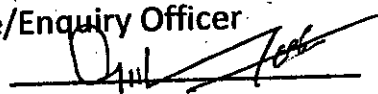
Regional Police Officer,
Malakand, at Saidu Sharif Swat.

District Police Officer,
Dir Lower at Timergara.



District Police Officer,
Dir Lower at Timergara

Dy: Superintendent of Police/Enquiry Officer
Dir Lower at Timergara.



SDPO Kohistan at
Sheringal Dir Upper

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 758/2013

AKbar Khan Ex-Police Constable No. 718 Dir Lower.....Appellant

VERSUS

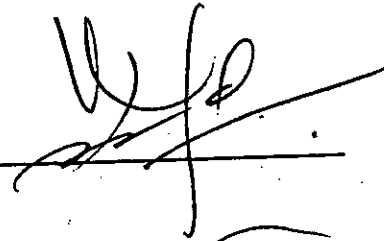
- 1) Dy: Superintendent of Police / Enquiry Officer District Dir Lower Timergara.
- 2) District Police Officer Dir Lower.
- 3) Regional Police Officer Malakand at Swat.
- 4) Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.RESPONDENTS

POWER OF ATTORNEY

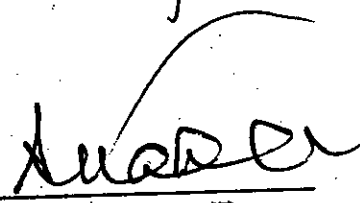
We the following respondents do hereby authorize Mr. Muzafar Khan SI Legal Timergara Dir Lower to appear on our behalf before the Honourable Service Tribunal Khyber Pakhtunkhwa, Peshawar in connection with above Service appeal.

He is also authorized to submit all documents required by the Tribunal in the above appeal.

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.



Regional Police Officer,
Malakand at Saidu Sharif, Swat.



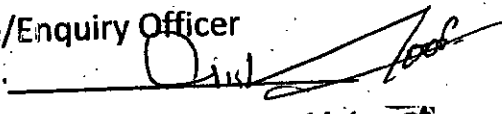
Regional Police Officer,
Malakand, at Saidu Sharif Swat.

District Police Officer,
Dir Lower at Timergara.



District Police Officer
Dir Lower at Timergara

Dy: Superintendent of Police/Enquiry Officer
Dir Lower at Timergara.



SDPO Kohistan at
Sheringal Dir Upper

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Akbar Khans

versus

DPO etc

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth,

Rejoinder as to preliminary objections:

1. That all the preliminary objection are illegal, incorrect, baseless, appellant has a cause of action, locus standi to file the instant appeal which is maintainable and the court has jurisdiction and the appellant has not been stopped by his conduct or law form filling instant appeal.

Rejoinder as to objection of Facts:

- 1) Para No.1 of written reply needs no comments.
- 2) Para No.2 of written reply is incorrect and misleading.
- 3) Para No.3 of written reply needs no comments.
- 4) Para No.4 of written reply is incorrect to the extent of negligence in performance of duties and appellant efficiently perform his duties.
- 5) Para No.5 of written reply is incorrect and no personal opportunity of hearing had been given to the appellant nor associated in inquiry proceeding.
- 6) Para No. 6 to 8 of written reply needs no comments.

Rejoinder as to objection on Grounds:

A and B:- Written Reply to Ground No. A and B is incorrect and misleading and not a single document in respect of associating appellant in inquiry proceeding had been

attached with written reply to show association and participation of appellant in inquiry proceeding.

C and D:- Written Reply to Grounds No. C and D are misleading, incorrect and dismissal from service order is harsh and is not commensurate with the allegation leveled against appellant and in instant case rule 23 of KPK Government servant (End D) Rules of 2011 are applicable.

E,F and G:- Written Reply to Grounds No. E, F and G are incorrect baseless, misleading and completely denied.

H and I:- Written Reply to Grounds No. H and I are misleading based on concealment of facts and law and that of appeal is correct.

J:- Written Reply to ground No. J needs no comments.

It is, therefore, respectfully prayed that on acceptance of instant rejoinder Appeal of Appellant may be accepted with special Exemplary cost and with all back benefits.

Appellant

Through

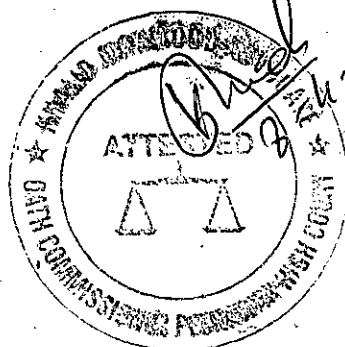


ZIA-UR-REHMAN TAJIK

Advocate High Court Peshawar.

Affidavit:

It is verified on oath that contents of instant rejoinder are correct and true and nothing has been concealed or misstated from this Hon'ble Tribunal .



اکبر خان

Deponent

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Akbar Khans

versus

DPO etc

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C and D:- Written Reply to Grounds No. C and D are misleading, incorrect and dismissal from service order is harsh and is not commensurate with the allegation leveled against appellant and in instant case rule 23 of KPK Government servant (End D) Rules of 2011 are applicable.

E, F and G:- Written Reply to Grounds No. E, F and G are incorrect baseless, misleading and completely denied.

H and I:- Written Reply to Grounds No. H and I are misleading based on concealment of facts and law and that of appeal is correct.

J:- Written Reply to ground No. J needs no comments.

It is, therefore, respectfully prayed that on acceptance of instant rejoinder Appeal of Appellant may be accepted with special Exemplary cost and with all back benefits.

Appellant

Through


ZIA-UR-REHMAN TAJIK

Advocate High Court Peshawar.

Affidavit:

It is verified on oath that contents of instant rejoinder are correct and true and nothing has been concealed or misstated from this Hon'ble Tribunal.



Deponent

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Akbar Khans

versus

DPO etc

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth,

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H and I:- Written Reply to Grounds No. H and I are misleading based on concealment of facts and law and that of appeal is correct.

J:- Written Reply to ground No. J needs no comments.

It is, therefore, respectfully prayed that on acceptance of instant rejoinder Appeal of Appellant may be accepted with special Exemplary cost and with all back benefits.

Appellant

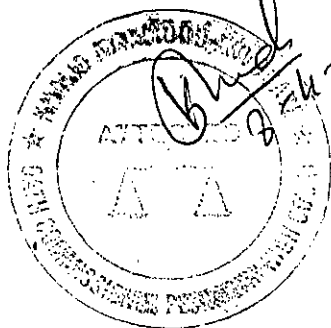
Through


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Advocate High Court Peshawar.

Affidavit:

It is verified on oath that contents of instant rejoinder are correct and true and nothing has been concealed or misstated from this Hon'ble Tribunal .



Deponent