


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 BAKHSH SHAH)
MEMBER

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. 759/2013.
Mr. Noor Hanyal.

18.07.2013


Appellant with counsel present and heard on preliminary.

Appellant deposited
security & process
fee Rs 200/- Bank
receipt is attached
with file
Mh

Contends that the appellant has not been treated in accordance with the law/rules. The appellant has been proceeded under Police Rule 1975 whereas he was to be proceeded under the Govt of Khyber Pakhtunkhwa Civil Servants Act 1974 and Efficiency and Disciplinary rules, 2011. Moreover the appellant has not been associated with the inquiry proceedings and further that he was not provided copy of inquiry report after dismissal order dated 11.01.2013. The appellant filed departmental appeal which has been replied on 29.03.2013. whereas the instant appeal filed on 25.04.2013 ^{which is within time.} 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 19.11.2013 for submission of written reply.

Member.

18.7.2013

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

Chairman




19-11-13.

Appellant with counsel & Noor Hanyal
& legal firm respondents present.
The worthy chairman is an honor to Alhamdulillah.
To come up written reply / comment on
24-1-2016.
Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 759/2013

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. Noor Hayat 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. 759 /2013

Noor Hayat.....Appellant

Versus

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

INDEX

S.No.	Description of documents.	Annexure	Pages.
1	Memo of appeal with affidavit.		1-4
2	Copy of charge sheet, statement of allegation and reply	A to C	5-7
3	Copy of finding report, final show cause notice and reply	D,E,F	8-13
4	Copy of dismissal order	G	14
5	Copy of appeal, and order dated 18.02.2013	I & J	15-17
6			
7	Wakalatnama.		


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

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Appeal No. 759 /2013

P.W.P. Peshawar
821
25/4/13

Noor Hayat,

Ex-Police Constable No.354 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 29.03.2013 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.

Filed to-day
25/4/13

Prayer:

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

[Signature]

Respectfully Sheweth;

- 1) That appellant was appointed as Constable on 08.08.2009 in respondent-department having graduate qualification and served the department for about 04 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 Constable at 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 29.03.2013. (Copy of appeal and order dated 29.03.2013 are attached as Annexure "I and J").

- 8) That appellant then filed Mercy Petition before respondent No.4 but till date has not been decided.

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 from service 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 exparte 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 04 year service having a crystal clear service record and always remained in good books and even no complaint has been filed against him and also no warning, show cause notice or explanation has been sought from him.
- 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.

(Signature)

Appellant

Through

(Signature: Zia-ur-Rahman Tajik)

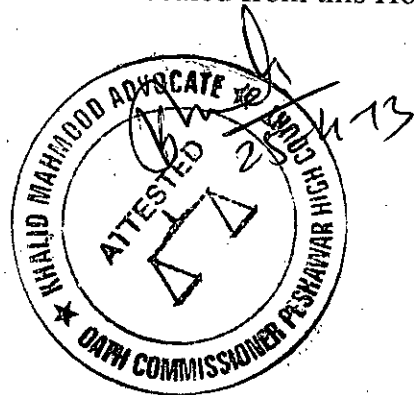
Zia-ur-Rahman Tajik
Advocate High Court

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.

(Signature)

Deponent



NIC NO: -15302-30763
45-3

CHARGE SHEET.

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

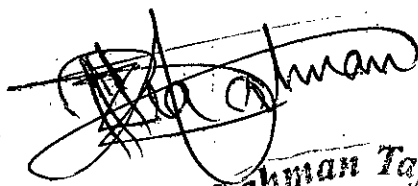
1. HC Akbar Khan I/C
2. FC Shakir Hassan No.1341
3. FC Noor Hayat No 354
4. FC Inayat Ur Rehman No.1438
5. FC Ghani Ullah No.2092
6. Bacha Saeed No.141/SPO
7. Fazal Mohammad No.745/SPO
8. Gulistan No.144/SPO
9. Gulistan No.906/SPO
10. Umer Ali No.968/SPO
11. Harbayan No. 266/SPO
12. Ibrahim No.193/SPO
13. Hassan Wali No 847/SPO
14. Mohamud Ijaz 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


Attested
Attested
Advocate Peshawar


District Police Officer,
Dir Lower at Timergara.


14/12


10-1-12
12/12

DISCIPLINARY ACTION.

Page-6

Anna-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.245/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.197/SPO |
| 13. Hassan Wali No 847/SPO | 14. Muhammad 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:-

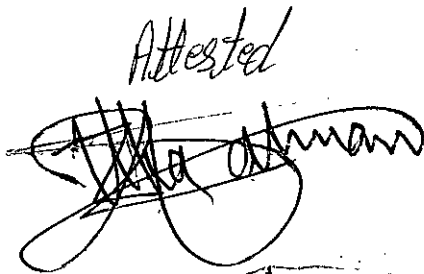
- 2- For the purpose of scrutinizing the conduct of said officer with reference to the above allegations **Mr. Gul Noor Khan SDPO Maidan** is appointed as enquiry officer.
- 3- The enquiry officer shall conducted proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable 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


Zia-Ur-Rahman Toikka
Advocate Peshawar


District Police Officer,
Dir Lower at Timergara.

9/12/12

جناب عالی! حوالہ نمبر 1396/EC مورخہ 12/01/17 جناب PPO صاحب

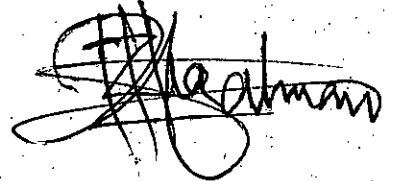
دیر لوئر مہر و صاحبو بحیثیت ریگولر کنسٹبل چوکی اوٹکی علاقہ نقانہ اورچ میں تعینات تھا مورخہ 12/01/07 کو چوکی ہڈا میں موجود تھا۔ بمطابق ڈیوٹی لہرچہ شینہ اول ڈیوٹی لگائی گئی تھی الحجاز ہڈی کنسٹبل انخرخان SPO حسن دی نمبر 847 کے ساتھ چوکی کے پرنٹ سائڈ پر روڈ وغیرہ پر شینہ اول کی ڈیوٹی بطریقہ احسن انجام دی ہے جس کے چوکی کے محلے سائڈ سیکورٹی کے لیے کنسٹبل ان محمد فرز 251 گل رحمان SPO 144 کے مورچہ میں تعینات کیلئے تھے ہم نے ڈیوٹی کے دوران باقاعدہ اپنے اور چوکی ہڈا کے رکھوکی بجا نظر انتہائی اچھے طریقے سے سرانجام دینے ہوئے باقاعدہ چوکی کے اردگرد اپنے ڈیوٹی کے دوران سارچ استعمال کرتے ہوئے ڈیوٹی سرانجام دی ہے علی الصبح ہمالیوں SPO کے ذریعے معلوم ہوا کہ رات کو کسی نے محلے سائڈ غسل خانے میں بوری میں مشکوں شے رکھی ہے لہذا ہم تصدیق ہونے پر BDS سکواڈ کے ذریعے ناگوارہ بنا دیا گیا۔

میں نے دوران ڈیوٹی چوکی کے پرنٹ سائڈ پر کسی شخص کو یا دیگر کوئی غفلت نہیں کی ہے محلے سائڈ غسل خانہ میں مشکوں بوری کی برآمدگی ہم تصدیق ہونے پر بروقت ڈسفوڈ ہونا پس صرف اللہ تعالیٰ کی مہربانی تھی۔ ورنہ پولیس ایک عظیم راج سے نثار ہوتے حجاز شیٹ بلا منرید کاروائی کے فائل کرنے کے احکامات صادر فرمائیں دعا گو رہوں گا

السلامتہ

کنسٹبل نور صیات - نمبر 354 چوکی اوٹکی مال پولیس لائن

Attested



جناب عالی!

حوالہ آمدہ ڈسپنزی ایلین تہری No 27128.29/EC
17/12/12

خدمت ہوں کہ پولیس آف پولیسٹ اوسٹی میں ذیل پولیس ملازمین
 (1) اکبر خان 718 HC اجارح 2، ساکرس 1341 FC (3) نور حیات 354 FC (4) عنایت
 (5) ساکرس 2092 FC (6) باجاسید 141 SPO (7) فضل محمد 945 SPO (8) گل رحمان
 (9) 1438 FC (10) عمر علی 968 SPO (11) جہا لون 265 SPO (12) ابراہیم 193 SPO
 (13) 144 SPO (9) طستا 906 SPO (14) محمد فرزانہ 251 SPO تعینات تھے۔ پولیس ملازمین کی تعیناتی
 اور موجودگی کے دوران کسی ملازم/ملازما نامعلوم نے ریٹائرمنٹ کر لی ہوگی اور وہ ملازمین
 کی فہرست میں موجود ہے۔ پولیس ملازمین کی تعیناتی کے وقت ان کے خلاف کارروائی
 ہوئی اور ان کی تعینات کے وقت ان کے خلاف کارروائی ہوئی اور ان کی تعینات کے وقت ان کے خلاف کارروائی
 جاری نہیں کی گئی۔ اور یہ کہ ان کے خلاف کارروائی میں ان کے خلاف کارروائی
 مارک کی۔ میں موضع جاکر موضع ملاحظہ کیا۔ اور ملازمان کی تعیناتی کے وقت ان کے خلاف کارروائی
 عمر علی 968 SPO، جہا لون 265 SPO، نور حیات 354 FC، محمد فرزانہ 251 SPO، گل رحمان 144 SPO،
 اکبر خان 718 HC، ساکرس 2092 FC، ابراہیم 193 SPO، طستا 906 SPO، باجاسید 141 SPO کے بیانات
 بالترتیب ملدیتے۔ حوالہ اندر ملاحظہ فرمائیے۔

اجارح اکبر خان 718 HC نے اپنے بیان میں تحریر کیا کہ میں نے ڈیوٹی پر جب سے ملازمت
 سٹانی گارڈ اول حسن ولی 847 SPO، عمر علی 968 SPO، جہا لون 265 SPO، جبکہ جو پولیس
 اول نور حیات 354 FC، محمد فرزانہ 251 SPO، گل رحمان 144 SPO، جبکہ جو پولیس
 عنایت الرحمان 1341 FC، فضل محمد 945 SPO کی ڈیوٹیاں لگائی گئی تھی۔ اور میں
 محنت اجارح ندانی کی ڈیوٹی 24:00 بجے تک انجام دے کر پھر جا رہی تھی۔
 میرا سوا۔ صبح کنٹریل جہا لون 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 عبدالرحمان آکر ہم کو ناکارہ کیا۔

Attested
 SDPO 1/12/12
 03-01-01

کنٹریل حسن ولی 847 SPO نے تحریر کیا کہ میرا فرنٹ سائیڈ روڈ پر 18:00 بجے
 سٹانی اول ڈیوٹی تھی۔ ڈیوٹی انجام دینے کے بعد سوکر صبح گل رحمان 144 SPO کے
 مورچہ میں م پڑھا تھا۔ بعد میں BDS عبدالرحمان نے اطلاع دے کر وہ آکر

Attested
 Zia-Ur-Rahman Tajik
 Advocate Peshawar

(Handwritten signature)

ہذا کے تحت ...
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کنیٹل سٹارکس 1341 نے خبر لیا کہ سب وقسم میرا 24,000 تا 06,000 بجہ
 ٹیوٹی تھی۔ کنیٹل چالوں 265 SPo نے آواز دی کہ آپ میں کسی نے غسل خانے میں
 بس رکھا ہے۔ اس آواز پر تمام کنیٹلان بیدار ہو کر موقع آئے۔ اجارح کے کہنے پر ٹیٹل
 نے باروری ہم وہاں سے اٹھا کر در مورجہ میں رکھ دیا۔ اجارح نے یہ بھی کہا کہ ہم کی موجودگی مورجہ
 بتلایا کرے۔ بعد میں BDS انیٹارن نے ہم کو ناکارہ کیا۔

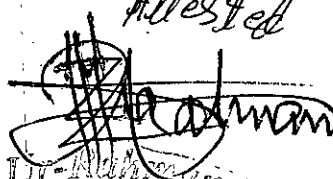
کنیٹل عنایت الرحمان 1438 نے خبر لیا کہ سب وقسم میرا 24,000 تا 06,000 بجہ خٹ مورجہ میں
 ٹیوٹی تھی۔ صبح آذان کے وقت غسل خانہ 945 SPo نے آواز دی کہ غسل خانے میں کوئی دھڑکتا ہے
 آپ کا تو بسبب میں نیچے اتر گیا۔ اجارح اٹھ کر 718 HC کے کہنے پر چالوں 265 SPo نے ہم کو
 حیرا اٹھا کر در مورجہ میں رکھا۔ اجارح نے یہ بھی کہا کہ ہم کی موجودگی مورجہ میں بتلایا کرے
 بعد میں BDS انیٹارن نے ہم کو بلاسٹ کیا۔

کنیٹل فضل محمد 945 SPo نے اپنے بیان میں واضح کیا کہ سب وقسم میرا 24,000 تا 06,000 بجہ مورجہ
 ٹیوٹی تھی۔ کسی کو چوکی کی طرف آنا نہیں دیکھتے۔ خبر کے وقت چالوں 265 SPo نے جھپٹا لیا
 کہ تم رکھو الی کرو۔ وہ بیٹاب کیلئے خانہ آگیا ہے۔ کنیٹل چالوں 265 SPo والی آکر کہا کہ غسل خانہ
 میں کوئی مچے بوری بند کر لے۔ میرے کہنے پر اس نے اجارح اور دیگر فری کو اطلاع دیا۔
 مورجہ اجارح کے کہنے پر چالوں 265 SPo نے ہم غسل خانے سے اٹھا کر در مورجہ میں رکھ دیا۔ جو
 بعد میں BDS انیٹارن نے ہم کو ناکارہ کیا۔

کنیٹل سٹارکس 2092 نے خبر لیا کہ میں مورجہ 6/12 سے 2 یوم سبب سے بر حسب اجازت اجارح
 اٹھ کر 718 HC گھر خود گیا تھا۔ مورجہ 7/12 پر اجارح نے خون کر کے بتلایا کہ آپ کا تبار اولوں میں
 ہو چکا ہے۔ فوری طور پر چوکی آجائے۔ بوقت سبب وپہ چوکی آکر معلوم ہوا کہ کسی نے چوکی کو کم
 رکھا تھا۔ کنیٹلان کے بستری گاڑی میں ڈال دی تھی۔ امیران کے حکم پر دیگر ساتھیوں کے ہمراہ
 پولیس لائن حاصر آیا تھا۔

کنیٹل ابراہیم 193 SPo نے خبر لیا کہ مورجہ 5/12 پر دو یوم سبب سے ایسی حالت آکر 718 HC کے اجازت سے
 گھر خود گیا تھا۔ مورجہ 7/12 پر والین چوکی آکر دیکھا کہ تمام ساتھیوں بستری لیٹے تھے۔ پھر براری
 SDPO-57 نے چوکی کو کم رکھی تھی۔ امیران کے حکم پر دیگر ساتھیوں کے ہمراہ پولیس لائن
 میں حاصر کیا گیا۔

کنیٹل گلستان 906 SPo نے خبر لیا کہ مورجہ 6/12 پر حسب اجازت اجارح دو یوم سبب سے براری میں
 میں گھر خود گیا تھا۔ مورجہ 7/12 پر کنیٹل حسرتی 847 SPo نے اطلاع دی کہ جگہ نفی پولیس لائن
 کھول ہو چکے ہیں۔ سیدھا پولیس لائن آجائے۔ بعد میں معلوم ہوا کہ کسی نے چوکی
 کو IED رکھی تھی۔

Attested

 Advocate Peshawar

نیشنل جارج سعید 141 SPo نے خبر لیا کہ میں بیماری کی وجہ سے اسٹریٹن بالاکم دینا تھا۔ جبکہ رات کی ڈیوٹی تھی پر حلف تھی اور رات گزارنے گھر فرمایا۔ پر ڈیوٹی کیلئے چوکی آکر روڈ پر میلنگ کیے کھڑا ہوا۔ اسی دوران پولیس اسٹریٹن آکر اکبر خان 718 HC نے ان کو مہارانا وجہ لے جا کر کوئی سے اٹھارے BDS ایٹھارن نے ناکارہ بن

انکوٹری ہذا میں ماسٹر نے اکبر خان 718 HC، عنایت الرحمان 1438 FC، طستان 906 SPo کے بقایا تمام ملازمین کی جارج شیٹس موصول ہو کر لف انکوٹری کی ہے

SHO عبدالرحمن، خسر بہار زریب MAsi تھا اوج کے بیانات تہذکر کے لف انکوٹری ہے۔ اسی طرح وقوعہ ہذا کا نقل FIR بھی شامل انکوٹری ہے۔

انکوٹری سے میں اس نتیجہ پر پہنچا کہ ملازمین بالا میں سارکاشہ 2092 FC، امراجم 193 SPo، طستان 906 SPo باہما سعید 141 SPo سب باہمی بریاریاں تھے جن کے مطابق روزانہ کوئی روایتی نہیں ہے۔ اجارج

اکبر خان 718 HC کے بقول کنیٹل جس رلی 847 SPo، عدلی 969 SPo، چالون 265 SPo کی سٹانی گارڈ ڈیوٹی جبکہ جوہرہ اول نورھیات 354 FC، محمد ذرار 251 SPo، گل رحمان 144 SPo جبکہ جوہرہ دوم سارکاشہ 1341 FC، عنایت الرحمان

1438 FC، فضل محمد 945 SPo کی ڈیوٹی نکائی تھی۔ لوہت قریب 06:00 بجے کنیٹل چالون 265 SPo کی اطلاع پر تمام ملازمین نیند سے بیدار ہو کر اجارج اکبر خان 718 HC کے کیمپے پر کنیٹل چالون 265 SPo نے ہم غسل خانے سے اٹھ کر

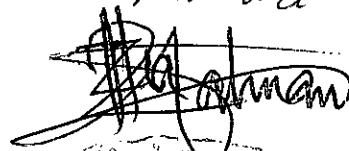
دو دوہرہ جہ میں رکھنے سے ان کو معلوم تھا کہ ہم بلاسٹ میں ہوتے ہیں۔ کنیٹل کے بیانات کے مطابق کہ ہم چوکی کے عقب دیوار کے ساتھ متصل غسل خانے میں رکھا ہوا اور اجارج اکبر خان 718 HC کا کنیٹل ان کہنا کہ بجائے دیوار کے ہم کی وجودی وجہ میں بیان کرنا اپنے غفلت پر مذہب بردہ ڈالنا تھا۔

ملازمین اکبر خان 718 HC، حسادلی 847 SPo، عدلی 969 SPo، چالون 265 SPo، نورھیات 354 FC، محمد ذرار 251 SPo، گل رحمان 144 SPo، سارکاشہ 1341 FC، عنایت الرحمان 1438 FC، فضل محمد 945 SPo، جوہرہ چوکی میں ڈیوٹی پر

وجود تھے۔ وہ اپنے اپنے ڈیوٹیوں میں غفلت لا رہے تھے جو چکے ہیں۔ ان کو (Major punishment) دینے اور سزا باہما پر موجود کنیٹل سارکاشہ 2092 FC، امراجم 193 SPo

طستان 906 SPo، باہما سعید 141 SPo الزام سے برقی ذمہ قرار دینے کی سفارش کیجاتی ہے۔

Issue final show cause notice with SDPO. Maidan 03.01.13 copy of findings of EO to SHO. Promote Const. Akbar Khan - 718 HC Const. Hassan Weli SPo 81 man Ali - 968 SPo, Hamayun 265 SPo, Mousa Hayat Ali 354, Mohi 102 - 251 SPo, Zaid Rehman 144 SPo, Shakir Hussain No 1341, Sangi Lehman No. 1438 and Fazal Mark 945 SPo for disciplinary punish of dismissal from service

Attested

 District Officer
 District Jail
 District Jail

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.

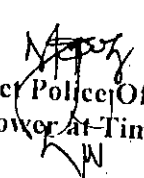
NOW THEREFORE, as required by the NWFP Police Rules, 1975

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?

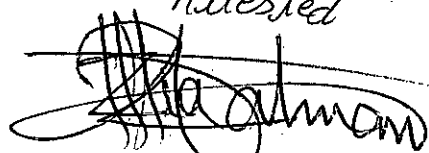
In case, your written explanation is not received within the specified period, it would be presumed that you have no defense to offer and in that case Ex-part action will be taken against you.


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

Zia-Ur-Rahman Tajik
Advocate Peshawar

بحوالہ مشمولہ فائیل شوکار نوٹس نمبر 65-455 مورخہ 03-01-04

معرضہ خدمت ہوں کہ بحیثیت ریگولر کنسٹیبل چوکی اورنگ علقہ

تھانہ اورج میں تصنیات تھا۔ مورخہ 12-12-07 کو چوکی ہذا میں موجود تھا
بمطابق ڈیوٹی پر صبح 7 بجے اول ڈیوٹی لگائی گئی تھی ایچارج ہیڈ کنسٹیبل

اکبر خان نمبر 718، SPO حسن ری 847 کے ساتھ چوکی کے فرنٹ سائڈ
روڈ وغیرہ پر شہرہ اولے کی ڈیوٹی بطریقہ احسن انجام دی ہے جبکہ

چوکی کے پچھلے سائڈ سیکورٹی کے لیے کنسٹیبل محمد فراز 251 گل رحمان ¹⁴⁴ SPO

مورچہ میں تصنیات کئے گئے تھے ہم نے ڈیوٹی کے دوران باقاعدہ اپنے
اور چوکی بڑا کے رکھوائی کینچا لمر انتہائی اچھے طریقے سے انجام دیتے

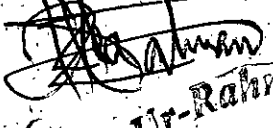
ہوئے باقاعدہ چوکی کے ارد گرد اپنے ڈیوٹی کے دوران ٹارچ استعمال
کرتے ہوئے ڈیوٹی سر انجام دی ہے۔ علی الصبح 5 بجے ^{SPO} 265

کے ذریعے معلوم ہوا کہ رات کو کسی نے پچھلے سائڈ غسل خانہ میں لوری
میں مشکوک شے رکھی ہے۔ بعد ازاں ہم نے تصدیق ہونے پر BDS

سکو اڈ کے ذریعے ناگاہ بنا دیا گیا۔ میں نے دوران ڈیوٹی چوکی کے فرنٹ
سائڈ پر کسی شخص کو یا اور گرد کوئی غفلت نہیں کی پچھلے سائڈ غسل خانہ میں

مشکوک لوری کی پرچہ بندی ہم تصدیق ہونے پر بروقت ڈسپوز
ہونا بس صرف اللہ تعالیٰ کی مہربانی تھی۔ ورنہ پولیس ایک عظیم سارک

سے شکار ہوتے۔ فائیل شوکار نوٹس بلا منبرید کا روائی کے فائل کرنے
کے احکامات صادر فرما کر دعا گو رہوں گا۔

Attested

Liaqat-ur-Rahman Tajik
Advocate Peshawar

کنسٹیبل نور حیات نمبر 354 چوکی اورنگ علقہ حال پولیس سٹیشن نمبر 1

ORDER.

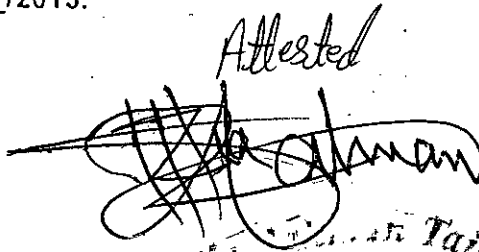
This is a proper departmental order against the following officials on the charge that they while posted at Aman Police Post Osakai, found guilty/negligent in the performance of their duties on the night of 13 and 14/12/2012, as the miscreants planted a Pressure Cooker bomb near the Aman Police Post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

- | | | |
|--------------------------------|--------------------------------|-----------------------------|
| 1- IC 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 Hamayun 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. 57Dated 11-01- /2013.

Attested



Advocate Peshawar
Tajik


District Police Officer,
Dir Lower at Timergara.

7.11/11

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

Subject:- APPEAL.

Respected Sir,

The following are submitted for your kind and sympathetic consideration.

1. That I joined Police Department as Constable on 08-08-2009 and presently was posted in patrolling Post Osakai when on 07-12-2012 an IED was found in vicinity of post.
2. That on the night of occurrence I performed my duty in " Churpara: from 06:00 P.M to 12:00 PM and after duty I went to bed when at 06:00 am, SPO Hamayun awoke me and asked that if I had put something in washroom. I told that I have put nothing. He also asked the other personnels but all them should ignorance.
3. That the incharge HC Akbar Khan informed the SHO who alongwith BDS followed by Army Contingent arrived and destroyed the IED.
4. That I alongwith other colleques were closed to Police Line and after inquiry I have been dismissed form service vide OB 57 dated 11-01-2013.

GROUND

The Impugned order is assailed on the following ground.


A. That on the night of occurrence I had performed duty with incharge Akbar Khan and Constable SPO Hassan Wali while Constable /SPO Gul Rehman and Muhammad Faraz were performing duty in upper trench.

B. That at 12:00 hrs before going to bed, HC Akbar Khan had gone to washroom for urination but noticed nothing.

C. That it has not been established from inquiry that the IED was put by someone in washroom during my duty hours.

D. That it is yet to be established that who placed the IED and how was placed.

Attested

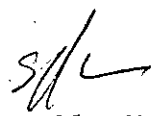


Zia-Ur-Rahman Taj
Advocate Peshawar

- D. That it is yet to be established that who placed the IED and how was placed.
- E. That the order of dismissal is too harsh and is against the facts and natural justic.
- F. That no chance of personal hearing has been afforded to me and in haphazard manner I have been dismissed form service without cogent reasons. .
- G. That I have always perform my duty honestly and efficiently and my service record is stainless.
- H. That I belong to a poor family and have got no other source of income except this employment .

PRAYER !

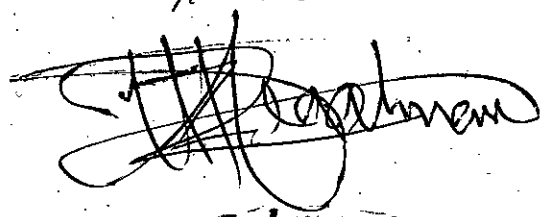
In light of above it is humbly prayed that the impugned order may kindly be re-instated in to service. I will remain oblige .



Yours Obediently

**Ex-Constable Noor Hayat
No. 354 Dir Lower.**

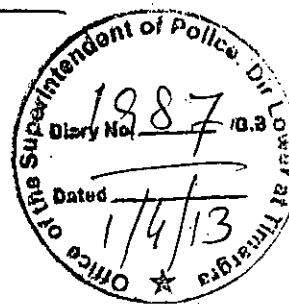
Attested



**Lia-Ur-Rahman Taj
Advocate Peshawar**

P-17

Amma-J



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

To : The District Police Officer, Dir Lower.

No. 1732 /E, dated Saidu Sharif, the 29/3 /2013.

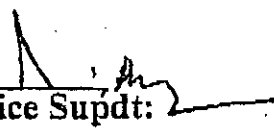
Subject: APPEAL

Memorandum:

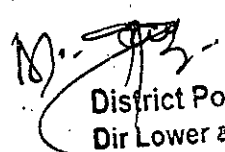
Reference your office Memo: No. 1858/EC, dated 01/02/2013.

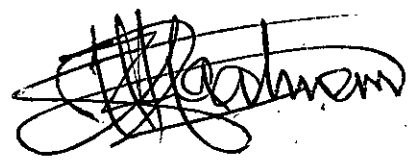
Application of Ex-Constable Noor Hayat No. 354 (^{Full const}~~Special Police~~
~~Force~~) of your District for reinstatement in service has been examined and filed by the
worthy Regional Police Chief.

The applicant may be informed accordingly.


Office Supdt:
For: Regional Police Officer,
Malakand, at Saidu Sharif Swat
Naqi

SB/EC


District Police Officer,
Dir Lower at Timergara.
114

Attested

Zia-Ur-Rahman Tajik
Advocate Peshawar

OB No. 481
01/04/2013

P-18
From: The District Police Officer,
Dir Lower at Timergara.

Annex-1K

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

No. 6228 /EB dated Timergara the 1/4 /2013.

Subject: MERCY PETITION

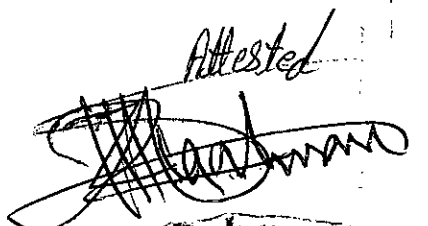
Memo:


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

Zia-Ur-Rahman Tajik
Advocate Peshawar


District Police Officer,
Dir Lower at Timergara.

9-11/4

WAKALATNAMA

IN THE COURT OF Service Tribunal Peshawar

In Re

Noor Hayat

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 _____ day of _____ 2011.

Attested

Accepted By


ZIAUR REHMAN TAJIK Advocate
LLM Constitutional Law Peshawar

Peshawar High Court Peshawar
Cell No. 03009357932

لورحيات

Signature / Thumb Impression
of Party / Parties

درت نوری

(1)

BEFORE THE SERVICE TRIBUNAL KHYBER-PAKHTUNKHWA, PESHAWR.

APPEAL NO. 759/2013.

Noor Hayat Ex-Police Constable No. 354 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.

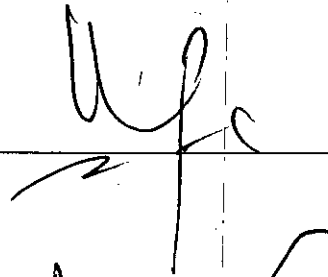
GROUND:-

- (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 $\frac{3}{4}$ 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.

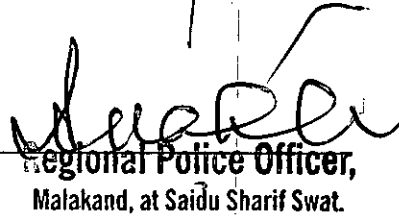
PRAYER :-

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**

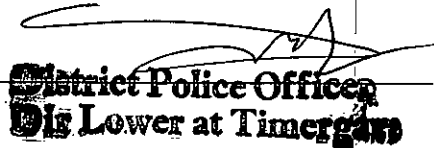


**Regional Police Officer,
Malakand at Saidu Sharif, Swat**



**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
Sheringal Dir Upper**

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 759/2013

Noor Hayat Ex-Police Constable No. 354 Dir Lower.....Appellant

VERSUS

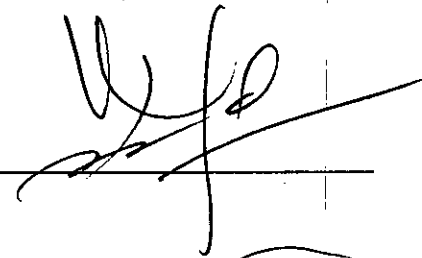
- 1) Dy: Superintendent of Police / Enquiry Officer District Dir Lower Timergara.
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- 3) Regional Police Officer Malakand at Swat.
- 4) Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.RESPONDENTS

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.

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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. 759/2013

Noor Hayat Ex-Police Constable No. 354 Dir Lower.....Appellant

VERSUS

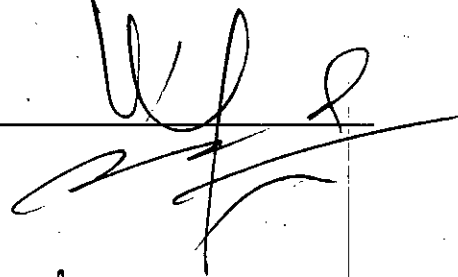
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- 2) District Police Officer Dir Lower.
- 3) Regional Police Officer Malakand at Swat.
- 4) Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.....RESPONDENTS

AFFIDAVIT

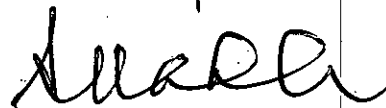
We the undersigned do hereby solemnly affirm and declare on oath that the contents of Para-wise comments are true and correct to the best of our knowledge and belief and nothing has been suppressed or concealed from this honorable tribunal .

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**

13 نو 1390

354

نقارہ 4 روز تا 5/11

ALD عوام 5/11 وقت 8.5 اس وقت سٹیبل لور عیات 354

غیر حاضر شدہ 5 الی 8 روز تا 5/11 سے حاضر اگر بیانی
حصہ کو ہم بیماری غیر حاضر ہو گیا ہوں ات حاضر آ رہوں
میں! ہاضمی میں ہیں الحمد للہ سب سے مذکورہ کی ہاضمی درج
روز تا 5/11

صاف عالی!

نقل بمقام قیام

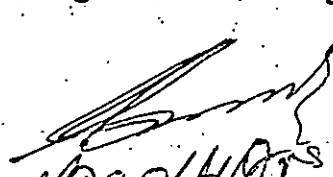
AS

M.M.L-Tgara

5/10/11

صاف عالی!

1) لوہم غیر ہاضمی میں تیزی سے
آتے ہیں اور تیزی سے ہاضم ہوتے ہیں



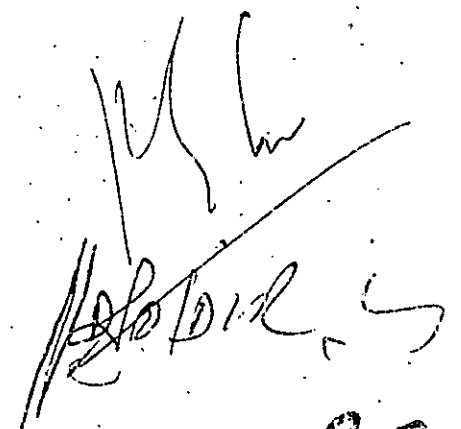
MDSP/HQ's
6-10-11

Site
formal

LO-Tgara

6/10/11

All gone



OB 1390
11/10/11

مقررہ وقت

تعداد 53 روزانہ 18/11/09

مقررہ وقت

53 صافری صبا حورہ 18/11/09 وقت 19:25 تا اس وقت
میکرو ٹورسٹ 354 غیر صافریہ کو الہوم 485 روزانہ
16/11/09 صافریہ بیلا قیوم لوجہ صافریہ کام غیر صافریہ طاقول
اس صافریہ صول - غیر صافریہ کیماوس ارشاد
کی صافریہ روزانہ روزانہ ہر تفکرات بفرض مناسب کفر افسران
تا مقررہ صول - صبا 18/11/09

تقریر عطا کی گئی
18/11/09 T-garc

مقررہ وقت 18/11/09
غیر صافریہ کا کام - غیر صافریہ قیوم کا کام
18/11/09
19/11/09

Approved

PPC DIR

ضابطہ -
2
دو (2) غیر صافریہ بلا توجہ سے
نہایتی سزاؤں کے تحت

18/11/09

183
10/2/10

سینٹرل قمر گروہ

تقریر 44 روزنامہ 15/11/09

288

44 مہ ماہری M.L.H.C صورت 15/11/09 وقت 19:40 اس وقت ریگروٹ
تقریرات 354 غیر ماہری روزنامہ 47 روزنامہ 11/11/09 حاضر انگریزی
مہینہ نومبر ماہری کام غیر ماہری جو کا جون 1- حاضر ایچ جی و غیر ماہری کیا وہ
رٹن انٹنٹ بین مذکورہ کی ماہری روز 7 روزنامہ جو سوز تقریرات برفن سائیکل افغان
بازر زینل قمر گروہ حاضر

تقریر علیہ وقت
M.L.H.C
15/11/09

صالح

ریگروٹ گروہ 354 نومبر 11/11/09 تا 15/11/09 کا کل جمع
تقریرات 354 - 4 جمع مہ ماہری کا شمار کیا گیا

AP

16-11-09

Approved.

صالح
4
تقریر ماہری کا کل جمع
برائے ماہری کی تقریرات

DPD/R/L

DB No 119
26-1-10

17-11-09

APPEAL NO. 756/2013.

Shakir Hussain Ex-Police Constable No. 1341 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:-

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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.

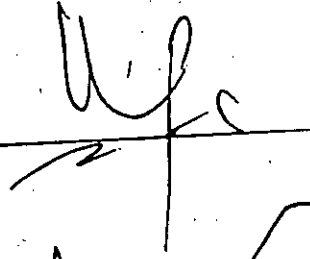
GROUND:-

- (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.
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- (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 ¾ 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.

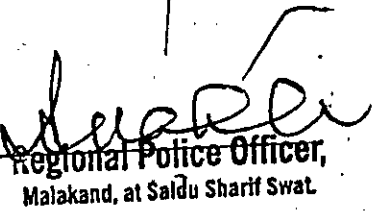
PRAYER :-

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.

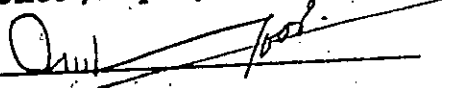
District Police Officer,
Dir Lower at Timergara



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

Dy: Superintendent of Police / Inquiry Officer ,

Dir Lower at Timergara



SDPO Kohistan at
Sherinql Dir Unner

سرکار اعلیٰ حیدرآباد

نقل عدد 25 روزنامہ 24/9/24

مختصر نوٹ

عدد 25 حاضری علیٰ حساب 24/9/24 وقت 16.40 اور صوفت

تشریح کتابت فی 1341 عہدہ حاضری شدہ کو لاہور در روزنامہ
22/9/24 حاضری کی بنیادی قاعدہ کو لاہور میں جاری
عہدہ حاضری ہو گیا۔ اب حاضری آگے سے حاضری کی بنیاد
الوٹا کی بنیاد پر عذوریہ نہیں ماحضریہ درام روزنامہ
کے قلمداران حاضری بنائے گا اور اس وقت اس کا
تعداد بھی ارسال کیا جائے گا۔

حساب عالی

1485
OB 50
21/9/24
حساب عالی

مختصر نوٹ

24-9-24

مختصر نوٹ
مختصر نوٹ
مختصر نوٹ

Co. T. para 25 (9) = 24/9/24

حساب عالی

دولت علی علی لکھنؤ

Approved and pay released

Signature

Signature

دولت

نمبر 35 روزنامی 22/6/11

نمبر 35 ماهی Asha صرف 22/6/11 وقت 15:00، اس

سپیل ٹارگن 1341/FC غیر ماہر شاہ خواجہ

3P روزنامی 20/6/11 سے طالع آیت الودعہ

پس بزکوہ کی ماہی 20/6/11 روزنامی

صائب عالی

نقل و طاق الودعہ

Gavel

m-m ps T gara

22-6-2011

صائب عالی

نمبر 35 روزنامی

غیر ماہر شاہ خواجہ

Kaceer Khan
SHO-PS-T
23-6-11

صائب عالی
سپیل ٹارگن 1341/FC حرم 20/6/11
تا 22/6/11 تک عمل 20/6/11 غیر ماہر شاہ خواجہ
دفعہ آیت الودعہ کی ماہی 20/6/11 سے
رنگ کی سورت کی ماہی 20/6/11 سے

Approved

OB No = 985
5-7-11

SHO-PS-T
gara

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 756/2013

Shakir Hussain Ex-Police Constable No.1341 Dir Lower.....Appellant

VERSUS

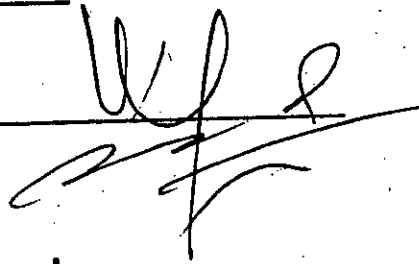
- 1) Dy: Superintendent of Police / Enquiry Officer District Dir Lower Timergara.
- 2) District Police Officer Dir Lower.
- 3) Regional Police Officer Malakand at Swat.
- 4) Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.RESPONDENTS

AFFIDAVIT

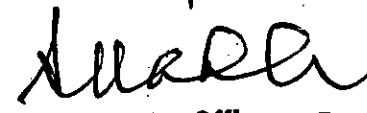
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Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.




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. 756/2013

Shakir Hussain Ex-Police Constable No.1341 Dir Lower.....Appellant

VERSUS

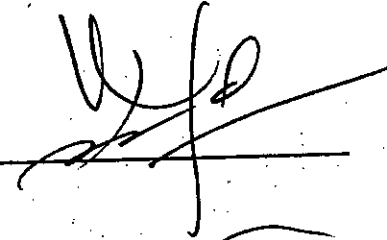
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- 2) District Police Officer Dir Lower.
- 3) Regional Police Officer Malakand at Swat.
- 4) Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.RESPONDENTS

POWER OF ATTORNEY

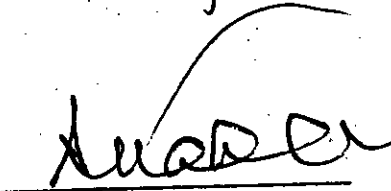
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He is also authorized to submit all documents required by the Tribunal in the above appeal.

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

Noor Hayat

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

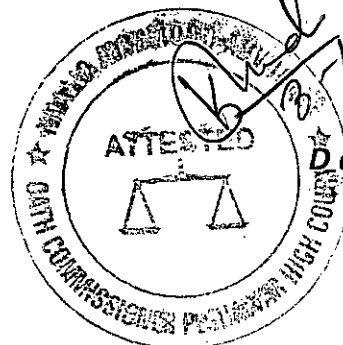
Through



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 .



14
Deponent

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Noor Hayat

versus

DPO etc

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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

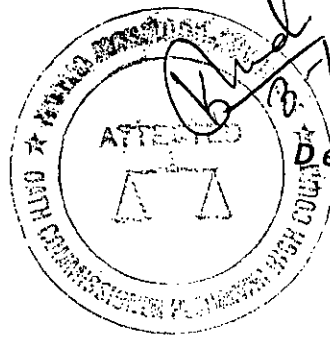


ZIA-UR-REHMAN TAJIK

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 .



Deponent

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Noor Hayat

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.

