

03.09.2015

Counsel for the appellant and Mr. Aziz Khan, Rider alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 24. 11.2015 before S.B.

  
Chairman

24.11.2015

None present for appellant. Mr.Muhammad Raziq, Reader alongwith Addl: A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 3.3.2016 before S.B.

  
Chairman

03.03.2016

Counsel for the appellant has sent application for withdrawal of appeal. M/S Hayat Muhammad, Reader and Nizar Ahmed, ASI alongwith Assistant AG for respondents present.

Dismissed as withdrawn. File be consigned to the record room.

  
Chairman

ANNOUNCED  
03.03.2016

03.03.16

Appeal No. 1291/2014  
Mr. Sajid Mumtaz

6. 24.04.2015

Counsel for the appellant and Asstt: AG for the respondents present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 22.05.2014, vide which the minor punishment of stoppage of three annual increments with cumulative effect has been imposed upon the appellant. Against the above referred impugned order appellant filed departmental appeal on 12.06.2014 which was rejected on 26.09.2014, hence the instant appeal on 24.10.2014.

The learned AAG argued that the instant appeal is not maintainable under Section-3 (2) of the Khyber Pakhtunkhwa Civil Servant Appeal Rules 1986. He requested that the instant appeal may be dismissed.

Since the matter pertains to terms and conditions of service of the appellant, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply. To come up for written reply/comments on 11.06.2015 before S.B.

  
Member

7 11.06.2015

Agent of counsel for the appellant present. Security and process fee not deposited. Submitted application for permission of deposit of security and process fee. The same be deposited within 3 days, whereafter notices be issued to the respondents for written reply for 3.9.2015 before S.B.

  
Chairman

Appellant Deposited  
Security and Process Fee



Before the Service Tribunal Khyber Pakhtunkhwa

Sayid Muntaz Khan vs CCPO and others  
Service appeal

Application for withdraw of  
the appeal mentioned above

Respectfully sheweth:

1) That the above titled appeal is pending before this honorable court for today hearing.

2) That the matter in question has been resolved through departmental proceeding and now the appellant has been satisfied from the Respondent's departmental officers,


3) That the impugned order not being enforced against the appellant so the appellant may not proceed the appeal further.

It is therefore most humbly prayed that on the acceptance of this application my lordship withdraw the instant appeal.

~~Sayid Muntaz Khan~~  
23/3/16


22.01.2015

Counsel for the appellant present. Preliminary arguments partly heard. The matter required further clarification therefore, pre-admission notice be issued to the AAG to assist the Tribunal. To come up for preliminary hearing on 02.03.2015.

  
Member

02.03.2015

None present for appellant. Add: AG for the respondents present. Notice be issued to counsel for the appellant for preliminary hearing for 08.04.2015 before S.B.

  
Member

08.04.2015


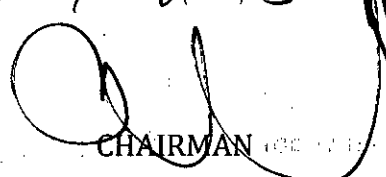
Counsel for the appellant and Asstt: AG for the respondents present. Learned counsel for the appellant requested for adjournment to produce Khyber Pakhtunkhwa Police Rules 1975 schedule of punishment. To come up for preliminary hearing 24.04.2015.

  
Member.

Form- A  
FORM OF ORDER SHEET

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

Case No. 1291/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	30/10/2014	<p>The appeal of Mr. Sajid Mumtaz resubmitted today by Mr. Faqir Hussain 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 30/10/14</p>
2	6-11-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>22-1-2015</u>.</p> <p style="text-align: center;">8</p> <p style="text-align: right;"> CHAIRMAN</p>


The joint appeal of M/S Sajid Mumtaz Khan and Ahmad Gul received today i.e. on 24.10.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓1- Appeal may be got signed by the appellants.
- ✓2- Affidavit may be got attested by the Oath Commissioner.
- ✓3- Annexures of the appeal may be attested.
- 4- Reply to the charge sheet mentioned in para-4 of the appeal (Annexure-E) is not attached with the appeal which may be placed on it.
- ✓5- Address of respondent is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ✓6- Sub rule-2 of rule-3 of appeal rules 1986 requires that every affected civil servant shall prefer the appeal separately, therefore the appeal of the above named appellant may be filed separately/individually.
- ✓7- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent in each case may also be submitted.

No. 1537 /S.T.

Dt. 24/10 /2014.

Mr. Faqir Hussain Adv. Peshawar.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Respected sir Re-submitted  
After necessary completion  
Respected sir Annexure 'E'  
was already attached as page 23  
of the appeal while the  
30/10/2014  
remaining part is completed

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

Service Appeal No. 1291 of 2014

Sajid Mumtaz Khan  ..... Appellant

**VERSUS**

The Chief Capital City Police Officer, Peshawar & others  
..... Respondents

**INDEX**

<b>S.No.</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>Pages</b>
1.	Memo of appeal		1-7
2.	Affidavit		8
3.	Addresses of the parties		9
4.	Copy of the bailiff, police report with order	"A"	10-13
5.	Copy of the finding of SSP Inspection and inquiry with order of respondent No.3	"B&C"	14-16
6.	Copy of the statement of allegation and show cause notice	"D"	17-22
7.	Copy of reply of show cause notice	"E"	23-24
8.	Copy of impugned order of respondent No.1	"F"	25
9.	Copy of the comments of the DSP Legal	"G"	26
10.	Copy of FIR	"H"	27
11.	Copy of compromise Deed of accused Mumtaz	"I"	28-29
12.	Copy of departmental appeal with order of respondent No.2	"J"	30-32
13.	Wakalat Nama		In original

Dated 28/10/2014

Appellant  
Through

  
**Faqir Hussain**  
Advocate Peshawar.  
Cell # 0300-9014729

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

Service Appeal No. 1291 of 2014

Sajid Mumtaz Khan Inspector LRH Security Peshawar Son  
of Mumtaz Khan R/o Dow Sehra Tehsil & District  
Charsadda currently post at Incharge Security LRH  
Peshawar. .... Appellants

**VERSUS**

1313  
24-10-2014

- 1) The Chief Capital City Police Officer, Peshawar.
- 2) IGP/PPO, Khyber Pakhtunkhwa Peshawar.  
(Contesting Respondents)
- 3) SP Inspection & Enquiry Khyber Pakhtunkhwa.

..... Profarma /Respondents

**APPEAL UNDER SECTION 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT,**  
**1974, R/W SECTION 10 OF THE GOVT**  
**SERVANT EFFICIENCY AND DISCIPLINE**  
**RULES 1973 AGAINST THE IMPUGNED**  
**ORIGINAL ORDER NO.1076-83PA VIDE**  
**DATED 22/05/2014 OF RESPONDENT NO.1, AND**  
**APPELLATE ORDER NO.3221/14 DATED**  
**26/09/2014 OF RESPONDENT NO.2 WHEREBY**  
**THE 3 ANNUAL INCREMENTS WITH**  
**CUMULATIVE EFFECT HAS BEEN STOPPED**  
**BY THE RESPONDENTS THROUGH**  
**IMPUGNED ORDER OF EACH APPELLANT.**

24/10/14.

re-submitted to-4ap  
and filed.

30/10/14.

***Prayer in Appeal:***

*On the acceptance of the instant appeal the impugned original and appellate order mentioned above may kindly be set aside and the appellant may kindly be issued or release 3 annual increments and other back benefit from the date of original impugned order.*



Respectfully Sheweth:

*Facts given rise to present appeal are as under:*

- 1- *That the appellant [Name] is joined police department as Assistant Sub-Inspector on 10/10/2006 through competitive examination held by the Khyber Pakhtunkhwa Public Service Commission and since date of recruitment bear performing his duty quiet efficiency to the entire satisfaction of his superiors, at that time the appellants has been rendered about 8 years and 12 days in the police department.*
  
- 2- *That the brief story of the case is that, that complainant namely Muhammad Ayaz has submitted an application for the release of his brother under the illegal confinement of appellants, where the bailiff of the Court visited the premises of police station and recovered the detenu who was under the legal, lawful arrest of the appellants, the same petition was dismissed by the learned Addl: Sessions Judge-X, Kashif Nadeem Peshawar with the observation that the petition have no forceful to be maintained. (Copy of HCP Bailiff and Police Report and order of the Court is attached as Annexure "A").*
  
- 3- *That the appellant [Name] while posted at PS Mathra as Officer Incharge of Police Station was summon by the respondent No.3 and enquiry was conducted by him and the allegation was not proved and it was filed by the respondent No.3 with the recommendation of SSP Inquiry and Inspection through Letter No. 34/E&A dated 28/03/2013, the Officers deem innocent the*

appellants with the allegation of brother of the accused Mumtaz Namely Muhammad Ayaz for the illegal confinement of his brother which was not proved. (Copy of the finding of SSP Inspection and Inquiry and order of Respondent No.3 as attached as Annexure "B&C").

4- That later on time again ASP Gulbahar was appointed by the SSP Operation with the order of Respondent No.1 for enquiry into the matter and served charge sheet along with statement of allegation as Annexure "D" and the reply to the charge sheet by the appellants as Annexure "E" where all allegation of the complaint is briefly denied by the appellants with documentary proof and the ASP Gulbahar submitted his inquiry report before the respondent No.1 with recommendation of minor penalty and respondent No.1 of stoppage of 3 annual increments of the each appellant with cumulative effect through order No.1076-83 PA dated 22/05/2014 . (Copy of the same is attached as Annexure "F").

5- That complainant Muhammad Ayaz statement was not recorded in the presence of appellants and also chance of cross examination was not given to the appellants, which is mandatory requirement of the enquiry into the guilt of public servant. Even this fact has been admitted by the DSP in their comments before the respondent No.2 through Dairy No.4394 dated 26/08/2014. (Copy of the same is attached as Annexure "G").

- 6- That the inquiry regarding the illegal confinement of Mumtaz was produced but neither he was present, nor he was examined to spread out the truth one sided enquiry was conduct and even at any stage of the inquiry the co-appellant Ahmad Gul SI has given no opportunity of being for hearing.
- 7- That the said Mumtaz was the habitual offender and professional criminal and at the time of inquiry who was on the arrest of Swat Scouts with the alleged minder of one Subidar Diyaz Khan, later on he made compromised with the relative of Subidar Diyaz Khan and had paid Rs.50,00,000/- in this respect copy of FIR as Annexure "H" and compromise deed as Annexure "I".
- 8- That at the time of raid upon the PS building by the bailiff the said Mumtaz was properly arrested by the one Ahmad Gul (SI) ASI Incharge PPS Bara Pull with connection of Case FIR 847 Dated 24/12/2012 U/S 380 PPC / 14 Isl: through DD No. 10 dated 05/12/2012.
- 9- That feeling aggrieved from the order of Respondent No.1 that the appellant make representation/ departmental appeal before the Respondent No.2 which was also not consider by the respondent No.2, and maintain the impugned order of respondent No.1, hence need is arisen for the instant appeal. (Copy of departmental appeal and order is attached as Annexure "J").

10- That the appellants being aggrieved of the order *ibid* preferred the instant service appeal *inter-alia* on the following grounds:

**GROUND:**

- A) That Respondent No.1 and 2 have not treated the appellants in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders which are unjust, unfair, contrary to law void *ab-initio*, harsh, perverse and fanciful, hence not maintainable in the eye of law.
- B) That the respondent No.3 being the competent authority higher forum of the police for inquiry purpose have already conducted the detail inquiry of the matter and declare the appellants innocent and order for filing of the inquiry was passed which is more authoritative higher forum with dispensation of inquiry than respondent No.1.
- C) That as per law of the land constitution statute precedents and dictum of the superior Court for an offence guilty person shall once be prosecuted and the present case on the bases of subsequent inquiry and show cause notice come in the meaning of double jeopardy, which not permissible unwarranted in law and *ultra virus*.

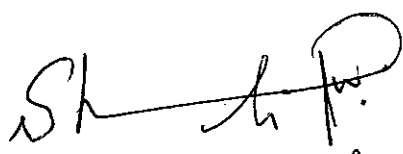
- D) *That the conduction of subsequent /second inquiry and awarded minor punishment U/S 4-A (ii) of the Government servant efficiency and discipline rules 1973 is ultra virus, contrary to law and rules, which is to be deem illegal, unlawful and without lawful authority, hence not to be maintained.*
- E) *That it has been established from the record that the complainant brother who were called to be in the illegal confinement was not examined and no opportunity was given to the appellants.*
- F) *That the inquiry was conducted contrary to the Section 13 and 16 of the Government Servant inquiry Act 1850 and the Government Servant efficiency and discipline Rules 1973 is void, ab-initio and ultra virus.*
- G) *That no regular inquiry was conducted into the matter appellants was not associated with any stage of the inquiry proceedings everything was conducted in the absentia / back of the appellants. Neither any statement was recorded in the presence of the appellants nor any documentary evidence was collected in his presence nor was they provided any opportunity of defence, it is well settled law and principle of legal phenomenal, wisdom of the superior Courts and intention of the legislature that no penalty can be imposed upon the appellants without holding of regular inquiry as provided in the statute.*
- H) *That appellant has not been any opportunity of personal hearing neither by the competent authority,*

nor by the Inquiry Officer / respondent No.1 nor by the appellate authority / respondent No.2 which is against the principle of natural justice. Keeping in view this legal position the impugned order are void, ab-initio, illegal, unlawful and without lawful authority and not maintainable in the eye of law.

- I) That the respondent No.3 has properly given the opportunity of defence to the appellants and conducted proper inquiry in respect of oral as well as documentary evidence and who declare the appellants innocent being the competent authority for inquiry and inspection for the whole Khyber Pakhtunkhwa his order could not be modify or reverse or set aside by the respondent No.1 being subordinate to him.
- J) That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

**It is, therefore, most humbly prayed that on the acceptance of the instant appeal the impugned original and appellate order mentioned above may kindly be set aside and the appellant may kindly be issued or release 3 annual increments and other back benefit from the date of original impugned order..**

Dated 23/10/2014

  
Insp CCPA-Peshawar

Appellant:  
Through   
Faqir Hussain  
Advocate Peshawar.

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

Service Appeal No. \_\_\_\_\_ of 2014

Sajid Mumtaz Khan ~~and another~~ ..... Appellant

**VERSUS**

The Chief Capital City Police Officer, Peshawar & others  
..... Respondents

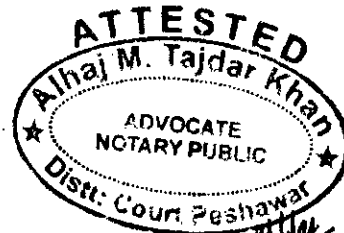
**AFFIDAVIT**

I, Sajid Mumtaz Khan Inspector Security LRH  
Peshawar do hereby solemnly affirm and declare on oath  
that the contents of the accompanied appeal are true and  
correct to the best of my knowledge and belief and nothing  
has been concealed from this Hon'ble Tribunal.

**DEPONENT**

*Sh. Mumtaz Khan*  
Insp. CCPO. Peshawar.

verified and identified  
by Advocate  
*[Signature]*  
23/10/2014



*[Signature]*  
30/10/2014

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

Service Appeal No. \_\_\_\_\_ of 2014

Sajid Mumtaz Khan & others ..... Appellants

**VERSUS**

The Chief Capital City Police Officer, Peshawar & others  
..... Respondents

**ADDRESSES OF THE PARTIES**

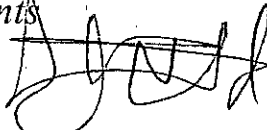
**Appellants**

1- Sajid Mumtaz Khan Inspector LRH Security  
Peshawar Son of Mumtaz Khan R/o Dow Sehra  
Tehsil & District Charsadda currently post at  
Incharge Security LRH Peshawar.

**Respondents**

- 1- The Chief Capital City Police Officer, Police Line  
Peshawar.
- 2- IGP/PPO, Khyber Pakhtunkhwa Central Police  
Office KPK Peshawar near Chief Minister  
Secretariat.
- 3- DIG/SSP Inspection & Enquiry Khyber Pakhtunkhwa  
Central Police Office KPK Peshawar near Chief  
Minister Secretariat.

Dated 23 /10/2014

Appellants  
Through   
**Faqir Hussain**  
**Advocate Peshawar.**



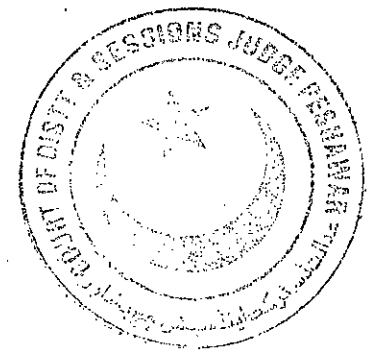
لقد كنت حيا - كاشف نوم - 5-AS5 - كاشف نوم  
مستور 04/HCP رجود 05-01/13  
03/13

بدرالك صاف ڈسٹریٹ اینڈ سیشن کورٹ  
صومولہ 01-15

زیر دستہ ۶۹۱ ۶۹۰ درخواست غلام محمد صومولہ دربارہ یازدہالی حرم

میں ممتاز ولد آدم فضل سائن کافرڈسٹریٹ

حال مقیم شیر برہ گجر بانڈہ کے ہے  
از تھانہ نڈہ بلوچستان ذیل



جناب عالی۔ سائل صاحب ذیل عرض رسا ہے!

نبا۔ یہ کہ سائل / درخواست گزار کے برادر اچھڑے میں ممتاز ولد آدم فضل کو

بنا۔ 01-01/2013 نامی پولیس ٹھانہ کٹوہ کے پولیس موہا میں نے بزم 1300 گرتار کیا تھا۔  
لیکن آج تک ٹھانہ کی کومل سے۔ جسکو بہدری ایسا کوزد و کرب کیا جارہا ہے  
لیکن ایک باوجود میں آج تک عدالت باز نہیں ہوا ہے

جوہ پولیس گروہ کا واضح ثبوت ہے

نبا۔ یہ کہ ازراہ نام سائل کے عدالت کی طرف سے کرم العاف دلا جاوے۔

سائل زبیر محمد عاگوارا صاحب سندھیا۔ کٹوہ 05/13

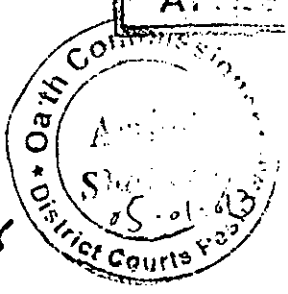
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بدرکن صاف

حلفاً بیان کرتا ہوں کہ عدالت سے کرم العاف دلا جاوے۔  
درخواست گزار نام محمد و کاشف نوم سائل  
میں اور درست میں سندھیا کٹوہ

17301-841182

ATTESTED



ATTESTED  
12/6/15  
(Examiner)  
Sessions Court Peshawar

حالف  
کاشف نوم

11

IN THE COURT OF KASHIF NADEEM,

AS & DJ-X, PESHAWAR

Petition under section 491 Cr.PC

4

Mumtaz son of Adam Khail resident of Kafore Dhari at present Muqem Sher Bruj  
Gujar Bhandra Peshawar ..... Petitioner

Vs

SHO Police Station Mathra, Peshawar. .... (Respondent).

Whereas, the subject petition has been filed by the petitioner alleging therein illegal confinement of his brother namely Muhammad Ayyaz by the local police of Police Station Mathra, and being kept in illegal custody by the local police/respondent therefore, bailiffs of this court are deputed to visit the concerned lockup/premises of the Police station concerned and recover the detenu namely Muhammad Ayyaz mentioned above, if found there, and to produce him before the court during court hours. The bailiffs are also directed to submit their detailed report in this regard.

Given under my hand and seal of this court this 5<sup>th</sup> Day of January, 2013.

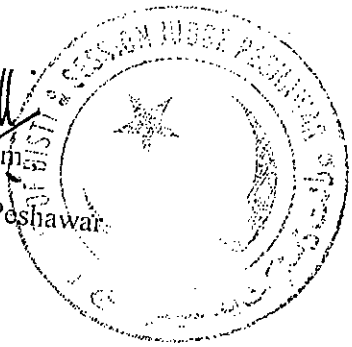
No. 11 ASJ-X, Peshawar, Dated the 5th Day of January, 2013

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*[Handwritten signature]*  
10/2/13

*[Handwritten notes in Urdu]*  
05-01-13

*[Handwritten signature]*  
Kashif Nadeem  
AD & SJ-X, Peshawar



ATTESTED  
*[Handwritten signature]*  
(Examiner)  
Sessions Court, Peshawar

بھائی  
 اس وقت بھائی نے اپنی ہفت ماہانہ رقم  
 اسی ماہ بھائی کو پیش کر کے مہینہ وار رقم  
 380 / 1418 (24/12/84) کے لئے  
 تاش سافڈ ڈیپوٹیشن کے لئے  
 حوالہ دیا ہے اور روزانہ 12 روپے کی  
 ضابطہ گورنمنٹ کے ذریعہ



5-13

EX PA  
 ASST  
 07/01/13

مدد / اجرت لگانا  
 محمد آریز  
 محمد آریز ولد آدم خیل  
 سائنس کالج کراچی

بھائی!  
 دیکھو کہ ملتا تحریر کیا ہے کہ بھائی  
 کھانے پینے کے اولڈ بلانک سے تین ماہانہ وار رقم خیل  
 کو جسٹس صاحبہ نے لیا ہے کہ اس کو خود بیان ہوا کہ پولیس  
 سٹیشن پر پانچ دن قبل حراست میں لیا ہے۔ دو دن پہلے  
 پر گرفتاری وجود نہ تھا کہ یہ پوری ماہوں کے بالافصد  
 قیمت گنتا رکھا ہے۔ قریباً 100 روپے مالٹور کے قابل  
 ملاحظہ دیتے گراں ہے

ATTESTED  
 12/6/13  
 (Examined)  
 Sessions Court

محمد خان + عورت اللہ بھائی  
 05/01/13 at 1600

ATTESTED  
 7-1-13

380 / 1418 (24/12/84) کے لئے  
 تاش سافڈ ڈیپوٹیشن کے لئے  
 حوالہ دیا ہے اور روزانہ 12 روپے کی  
 ضابطہ گورنمنٹ کے ذریعہ


13

V3F4T

Order: 1  
05/1/2013

Petition under section 491 Cr.PC submitted. It be registered.

Bailiffs of this court are deputed with directions to visit the premises of Police Station concerned and recover the detenu and produce him before the court during court hours.

  
Kashif Nadeem  
AD & SJ-X, Peshawar

IN THE COURT OF KASHIF NADEEM,  
AS & DJ, PESHAWAR

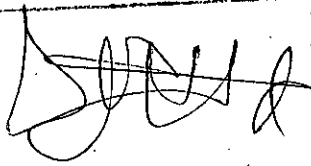
Order... 2  
07/01/2013

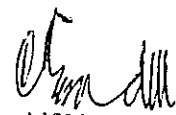
None for the petitioner present. Report of the bailiff received and placed on file as Ex:PA. As per report of the bailiff the detenu namely Muhammad Ayyaz was found involved in case FIR No. 847 dated 24/12/12 u/s 380 PPC/14 Islamic Law and as per report of the ASI he was taken into custody vide Mad No. 10 DD 5/1/2012 at 11.45 AM. Thus the detenu was not found in illegal detention as per report annexed. The petition in hand having met its logical fate is thus disposed off accordingly.

File of this court be consigned to the record room after its completion.

Announced:  
Dated: 07/01/2013.

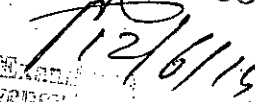
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Kashif Nadeem,  
AD&SJ-X, Peshawar.

No.	6200 =
Dated of Application	12-6-14
Name of Applicant	S.I. Khattak
Word	2400 =
Fec	2 Urgent/Fec
Signature of Applicant & Date	Munawar 12-6-14
Dated of Preparation	12-6-14
Date of Delivery	12-6-14

CERTIFIED TO BE TRUE COPY

  
12/6/14  
Copying Agency  
Peshawar

12  
14

Annexure <sup>(B)</sup>

(14)

Phone: 091-9211947

Fax: 091-9211947

From: The Deputy Inspector General of Police,  
Enquiries & Inspections,  
Khyber Pakhtunkhwa, Peshawar.

To : The Section Officer (Com/Enq),  
Govt: of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department,  
Peshawar.

No. 356 /E&I, dated Peshawar the 03/09/2013.

Subject: COMPLAINT AGAINST SAJJID MUMTAZ SHO OF POLICE  
STATION MATHRA, PESHAWAR.

Memo:

Kindly refer to your office letter No. SO(Com/Enq)/HD/1-1-A/2012/V  
III, dated 16/01/2013, on the subject noted above.

A copy of enquiry report alongwith its enclosures conducted  
SP/Enquiry & Inspection, CPO, Khyber Pakhtunkhwa, Peshawar on the applicati  
submitted Muhammad Ayaz s/o Adam Khel, r/o Sher Buraj, Gujar Dandah, near Shahg  
Bazar, Warsak Road, Peshawar is sent herewith for your kind perusal as desired please.

Encls: As Above:

Attested

Office Super, 11/6/14  
DIG of Police,  
Enquiry & Inspections,  
Peshawar,  
K.P.K

Deputy Inspector General of Police,  
Enquiries & Inspections,  
Khyber Pakhtunkhwa,  
Peshawar

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Reply to charge  
sheet

Ammar (15)

Phone: 091-9211769  
Fax: 091-9211947

From: The Superintendent of Police,  
Enquiries & Inspections,  
Khyber Pakhtunkhwa, Peshawar.

To : The Deputy Inspector General of Police,  
Enquiries & Inspections,  
Khyber Pakhtunkhwa, Peshawar.

No. 34 /E&I, dated Peshawar the 28 /03/2013.

Subject: **COMPLAINT AGAINST SHO SAJID MUMTAZ OF POLICE STATION  
MATHRA, DISTRICT PESHAWAR.**

Memo:

Reference attached in original at "F/A"

2. Applicant Muhammad Ayaz of Gujar Dandah near Shahgai Bazar Warsak Road Peshawar in his application stated that SHO Mathra arrested his brother without any offence and put him in lock-up. SHO told him that his brother was arrested in arm case without license. When he visited Police Station next morning SHO told him that he did not arrest his brother. SHO Mathra Sajid Mumtaz put his brother in lock-up for five days without any reason and tortured him. He filed an application in the court and to hide their guilt, SHO involved his brother in electric transformer theft case.

3. To know the real facts, the following concerned were summoned and their statements were recorded.

1. Muhammad Ayaz (applicant)
2. Inspector Sajid Mumtaz, SHO Police Station Mathra.
3. ASI Ahmed Gul of Police Station Mathra.

Muhammad Ayaz (applicant) in his statement stated that he had submitted an application to worthy Provincial Police Officer Khyber Pakhtunkhwa, against SHO Sajid Mumtaz of Police Station Mathra, which is based on facts, therefore, the contents of his application may be considered as his statement. He further added that on 05/01/2013, bailiff of the court enquired about the arrest of his brother, Mathra/police showed the arrest in case FIR No. 847, dated 24/12/2012 u/s 380-PPC/14-Islamic Law, registered in Police Station Mathra. There was no entry in Daily Diary about the arrest of his brother and his brother was involved in a bogus case.

5. Inspector Sajid Mumtaz in his statement stated that Mumtaz s/o Adam Khar (brother of applicant) was arrested by ASI Ahmed Gul Incharge Police Post Bara Pul in case FIR No. 847, dated 24/12/2012 u/s 380-PPC/14-Islamic Law, registered in Police Station Mathra. In this regard, entry in Daily Diary was made vide "F/B". He has no put-up the brother of applicant in lock-up and not tortured.

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*[Handwritten signature]*

(16)

6. ASI Ahmed Gul of Police Station Mathra in his statement confirmed the arrest of Mumtaz in case FIR No. 847 dated 24/12/2012 u/s 380-PPC/14-Islamic Law and entry was made in Daily Diary vide "F/B". SHO has not arrested him.

7. Besides above, Muhammad Ayaz (applicant) filed an application in the court of District & Session Judge Peshawar in subject matter, which was disposed off by the Addl: District & Session Judge Peshawar Mr. Kashif Nadeem vide order dated 07/01/2013 as under:-

"None for the petitioner present. Report of the bailiff received and placed on file as Ex:PA. As per report of the bailiff the detinue name Muhammad Ayaz was found involved in case FIR No. 847 dated 24/12/2012 u/s 380-PPC/14-Islamic Law and as per report of the ASI I was taken into custody vide Mad No. 10 D.D 5/1/2012 at 11:15 AM. Thus the detinue was not found in illegal detention as per report annexed. The petition in hand having met its logical fate is thus disposed off accordingly".

### Conclusion

The applicant made allegation in his application against SHO Sajid Mumtaz Police Station Mathra for illegal arrest of his brother. As per statements and records produced by Mathra Police, the applicant's brother was arrested in theft case of electricity transformer registered on the complaint of WAPDA authorities vide "F/C".

The applicant filed a similar complaint in the court, which was disposed off according to court order at "F/D" the detinue was not found in illegal detention.

Further-more, during the course of enquiry, the applicant could not produce any solid evidence/proof in support of his allegations. No mala-fide was found on the part of local police.

Hence keeping in view the above explained position, no further action is required into the matter. Therefore, it is recommended that the subject enquiry may kindly be ordered to be filed.

Submitted please.

Encls: As Above.

ATTESTED TO BE TRUE COPY

Attested

Office Supdt. 11/6/14  
DIG of Police,  
Enquiry & Inspections,  
Peshawar,  
K.P.K

(ZAIBULLAH KHAN)  
Superintendent of Police,  
Enquiries & Inspections,  
Khyber Pakhtunkhwa,  
Peshawar.

3

(17) D- Annexure

**DISCIPLINARY ACTION**

I Imran Shahid, Senior Superintendent of Police Officer, Peshawar as competent authority, am of the opinion that SI Sajid Mumtaz SHO PS Mathra and ASI Ahmed Gul of PS Mathra Peshawar have rendered themselves liable to be proceeded against, as they committed the following acts/omission within the meaning of section 03 of the Police Disciplinary Rules 1975.

**STATEMENT OF ALLEGATION**

It is alleged that as per report of SSP investigation vide his memo No. 137/PA, dated 18.01.2013, that the accused/petitioner namely Mumtaz, seeks his post arrest bail in case FIR No. 814, dated 29.11.2012, u/s 379 PPC, 14 ISL PS Mathra, Peshawar. Brief facts of the case are that SDO PESCO Daduzai, vide his written letter dated 19.11.2011 reported to the police that as per report of line man some unknown persons have stolen 1.100 KVA electric transformer at Khushal Bagh. Accordingly the instant case was registered against unknown accused. On 05.01.2013 ASI Ahmad Gul of PS Mathra arrested the accused on the ground that he was required in the subject case & handed him over to the investigation staff. Through the instant application the accused/petitioner seeks his release on bail, on the ground that he was innocent, not charged in the instant case & that he was kept in illegal confinement by the local police of PS Mathra & that his brother Muhammad Ayaz submitted application in the court of honorable District & Session judge, Peshawar u/s 491 CrPc in which when bailiff of the court visited the PS he was falsely shown arrested in case FIR No. 847, dated 24.12.2012 u/s 380 PPC 14 ISL PS Mathra. In that respect he submitted attested copies of application search warrant report of Ahmed Gul ASI & bailiff & order of learned ASJ-IX Peshawar which were placed on file, after hearing arguments & record it was observed that the accused/petitioner has been shown arrested on 05.01.2013 on the ground that he was required in the present case but perusal of the case file showed that he was neither charged by the complainant in the FIR nor in statement of complainant has been subsequently charged the accused/petitioner.

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*[Handwritten Signature]*



Even the investigation officer of the instant case has not charged the accused/petitioner in the instant case. Thus the above accused/petitioner was allegedly arrested by the local police of PS Mathra on 01.01.2013 for whose release, his brother Muhammad Ayaz submitted application u/s 491 CrPc before the honorable District & Session Judge Peshawar. In pursuance of said application bailiff of the court visited the PS and the accused/petitioner was recovered. He was stated to be arrested in case FIR No.847, dated 24.12.2012 u/s 381 PPC 14 ISL by Ahmad Gul ASI I/C PP Bara Pull PS Mathra. However, on next day when he was produced before this court he was charged in the instant case by the said ASI vide arrest card dated 05.01.2013, on the ground that he was required in the instant case but as discussed above accused/petitioner was neither charged by the complainant in the FIR nor in his subsequent statement not even the investigation officer of the instant case has charged him in the instant case. These facts clearly shows that the accused/petitioner has kept in illegal confinement. Therefore they have been recommended for proper departmental proceedings against them under the Rule 1975.

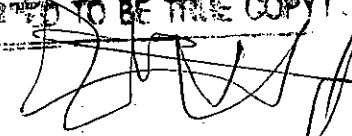
For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an Enquiry Officer ASP Gulbahar is appointed.

The Enquiry Committee/Enquiry Officer shall in-accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused officer/Officials and make recommendations as to punish or other appropriate action against the accused.

9 - - -  
 SR: SUPERINTENDENT OF POLICE,  
 OPERATIONS, PESHAWAR.

No. 166 E/PA, dated Peshawar the 20/02 /2013.

Copy to the above is forwarded to the Enquiry Officer for initiating proceeding against the accused under the provision of Police Disciplinary Rules 1975.

~~ATTACHED TO BE TRUE COPY~~  


2

(19)

**CHARGE SHEET**

1. Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules.1975 is necessary & expedient.
2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

Now therefore, as required by Rule 6 (1) of the said Rules, I Imran Shahid Senior Superintendent of Police Operations, Peshawar hereby charge You SI Sajid Mumtaz SHO PS Mathra and ASI Ahmed Gul of PS Mathra Peshawar on the basis of following allegations:-

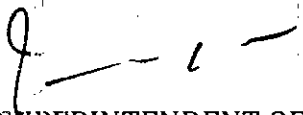
i It is alleged that as per report of SSP investigation vide his memo No. i37/PA, dated 18.01.2013, that the accused/petitioner namely Mumtaz, seeks his post arrest bail in case FIR No. 814, dated 29.11.2012, u/s 379 PPC, 14 ISL PS Mathra, Peshawar. Brief facts of the case are that SDO PESCO Daduzai, vide his written letter dated 19.11.2011 reported to the police that as per report of line man some unknown persons have stolen 1.100 KVA electric transformer at Khushal Bagh. Accordingly the instant case was registered against unknown accused. On 05.01.2013 you ASI Ahmad Gul of PS Mathra arrested the accused on the ground that he was required in the subject case & handed him over to the investigation staff. Through the instant application the accused/petitioner seeks his release on bail, on the ground that he was innocent, not charged in the instant case & that he was kept in illegal confinement by the local police of PS Mathra & that his brother Muhammad Ayaz submitted application in the court of honorable District & Session judge, Peshawar u/s 491 CrPc in which when bailiff of the court visited the PS he was falsely shown arrested in case FIR No. 847, dated 24.12.2012 u/s 380 PPC 14 ISL PS Mathra. In that respect he submitted attested copies of application search warrant report of Ahmed Gul ASI & bailiff & order of learned ASJ-IX Peshawar which were placed on file, after hearing arguments & record it was observed that the accused/petitioner has been shown arrested on 05.01.2013 on the ground that he was required in the present case but perusal of the case file showed that he was neither charged by the complainant in the FIR nor in statement of complainant has been subsequently charged the accused/petitioner.

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Even the investigation officer of the instant case has not charged the accused/petitioner in the instant case. Thus the above accused/petitioner was allegedly arrested by the local police of PS Mathra on 01.01.2013 for whose release, his brother Muhammad Ayaz submitted application u/s 491 CrPc before the honorable District & Session Judge Peshawar. In pursuance of said application bailiff of the court visited the PS and the accused/petitioner was recovered. He was stated to be arrested in case FIR No.847, dated 24.12.2012 u/s 381 PPC 14 ISL by Ahmad Gul ASI I/C PP Bara Pull PS Mathra. However, on next day when he was produced before this court he was charged in the instant case by the said ASI vide arrest card dated 05.01.2013, on the ground that he was required in the instant case but as discussed above accused/petitioner was neither charged by the complainant in the FIR nor in his subsequent statement not even the investigation officer of the instant case has charged him in the instant case. These facts clearly shows that the accused/petitioner has kept in illegal confinement. Therefore you have been recommended for proper departmental proceedings against you under the Rule 1975.

- 3. By doing this you have committed gross misconduct.
- 4. And I hereby direct you further under Rules 6 (I) of the said Rules to put in a written defence with in 7 days of the receipt of this Charge Sheet as to why the proposed action should not be taken against you and also stating at the same time whether you desire to be heard in person.
- 5. And in case your reply is not received within the specific period it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.

  
 SR SUPERINTENDENT OF POLICE,  
 OPERATIONS, PESHAWAR

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(21)

SHOW CAUSE NOTICE

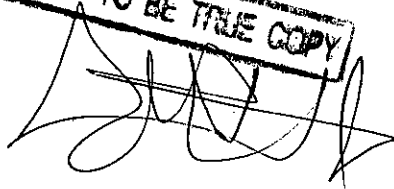
I Sr: Superintendent of Police Operation, Peshawar, as competent authority, under the Police disciplinary Rules 1975, against You SI Sajid Mumtaz SHO PS Mathra and ASI Ahmed Gul of PS Mathra, Peshawar as follows:-

That consequent upon the completion of departmental enquiry conducted against you by ASP Gulbahar Peshawar and recommended for suitable Punishment on the basis of the following allegation that:-

It is alleged that as per report of SSP investigation vide his memo No. 137/PA, dated 18.01.2013, that the accused/petitioner namely Mumtaz, seeks his post arrest bail in case FIR No. 814, dated 29.11.2012, u/s 379 PPC, 14 ISL PS Mathra, Peshawar. Brief facts of the case are that SDO PESCO Daduzai, vide his written letter dated 19.11.2011 reported to the police that as per report of line man some unknown persons have stolen 1.100 KVA electric transformer at Khushal Bagh. Accordingly the instant case was registered against unknown accused. On 05.01.2013 you ASI Ahmad Gul of PS Mathra arrested the accused on the ground that he was required in the subject case & handed him over to the investigation staff. Through the instant application the accused/petitioner seeks his release on bail, on the ground that he was innocent, not charged in the instant case & that he was kept in illegal confinement by the local police of PS Mathra & that his brother Muhammad Ayaz submitted application in the court of honorable District & Session judge, Peshawar u/s 491 CrPc in which when bailiff of the court visited the PS he was falsely shown arrested in case FIR No. 847, dated 24.12.2012 u/s 380 PPC 14 ISL PS Mathra. In that respect he submitted attested copies of application search warrant report of Ahmed Gul ASI & bailiff & order of learned ASJ-IX Peshawar which were placed on file, after hearing arguments & record it was observed that the accused/petitioner has been shown arrested on 05.01.2013 on the ground that he was required in the present case but perusal of the case file showed that he was neither charged by the complainant in the FIR nor in statement of complainant has been subsequently charged the accused/petitioner.

Even the investigation officer of the instant case has not charged the accused/petitioner in the instant case. Thus the above accused/petitioner was allegedly arrested by the local police of PS Mathra on 01.01.2013 for whose release, his brother Muhammad Ayaz submitted application u/s 491 CrPc before the honorable District & Session Judge Peshawar. In pursuance of said application bailiff of the court visited the PS and the accused/petitioner was recovered. He was stated to be arrested in case FIR No.847, dated

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24.12.2012 u/s 381 PPC 14 ISL by Ahmad Gul ASI I/C PP Bara Pull PS Mathra. However, on next day when he was produced before this court he was charged in the instant case by the said ASI vide arrest card dated 05.01.2013, on the ground that he was required in the instant case but as discussed above accused/petitioner was neither charged by the complainant in the FIR nor in his subsequent statement not even the investigation officer of the instant case has charged him in the instant case. These facts clearly shows that the accused/petitioner has kept in illegal confinement.

You are, therefore, required to show cause as to why a penalty should not be imposed upon you and also intimate as to whether you desire to be heard in person.

If no reply to this notice is received within stipulated period of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

*Najeeb*

SR: SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR

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*[Handwritten signature]*

*[Vertical handwritten notes on the left margin]*

بیانا۔ سابقہ مختصر ایس کے (SI) کی طرف سے

جوالہ شیوگانز ایس ایچ ایم ڈی عمارتوں پر از دفتر ایس ایچ ایم ڈی کی طرف سے  
کہ دوران تعیناتی SHO مقوا ملزم ممتاز ولد عدم سلینہ کافور ڈھیری مقوا کو  
جوئی باڑہ دل اعتراف خان ASI (SI) نے مقدمہ نمات 847 فورج 12-12-24

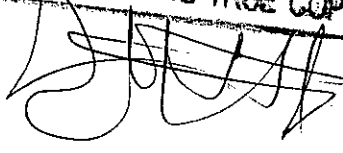
صاحب اللہ علی محمد 13-1-05 کو صاحبانہ رفرنس نمبر کے 13-1-05 کو باقاعدہ کار  
جاری کیا ہے۔ امد باقاعدہ افزماچی میں (باڑہ دل میں) گرفناری ڈالی ہے  
کو انگلین متعلقہ نمات میں صاحبانہ ملزم ملزم کیا ہے۔

SI ایڈنگل نے ملزم کے بارے میں مکمل معلومات اپنے ہا میں فراہم کی ہیں  
کے عادی کا جرم ہونے کے کافی شواہد اپنے ہا میں کے ہمراہ لگائے ہیں جو کہ قابل  
ہیں۔ عدلہ از میں ملزم کے بھائی نے خود اپنے بھائی کی سواٹ سکادش  
یا کھول موٹر سائیکل حقیقت ہوئے سواٹ سکادش کے اظہار گرفتار کے الزام

گرفناری کا اعتراف کیا ہے۔ سواٹ سکادش کے اظہار گل دیار کے قتل کی  
نمبر گل دیار کے گرو وال کے ساتھ مسلح کرنے پر جو شامف سپر لکھا گیا ہے  
بھی ہمراہ لے ہے۔ جس سے ثابت ہوتا ہے کہ ملزم مذکورہ ممتاز ولد عدم نے

گل دیار کو موٹر سائیکل حقیقت ہوئے قتل کیا ہے اس کے 5 لاکھ بڈے جا چھوڑا  
ممتاز ولد عدم ایسی عادی مجرم ہے اس کو لیں ہر دباؤ ڈالنے کے عام  
سے فوری واقف ہے۔ جس کیلئے اس نے سلف کو لاکر صاحبانہ جامیا رکھنے  
سکاڈر مار جانا اور در فویشن کا سلسلہ شروع کیا ہے

Turn to next Page 2

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ملزم ممتاز ایک نامی گراہی البین (قد عادی محرم) جو کہ اسے لھی حوالہ دینا

مصریخ کے علاقوں میں اس طرح کے سنگین جرائم کرنا جو بعد پولیس کی مدد سے

اعد علاقے کے عوام کے لیے مشکلات کا باعث بن رہا ہے

ملزم ممتاز کو مقول پولیس نے حوالہ دیا ہے کہ گرفتار کر کے یا تادمہ بیلنے

کو ریکارڈ فراہم کر کے اگلے روز عدالت میں پیش کیا ہے تاہم الزامی

مشاف کی غلطی کی وجہ سے فوٹو پکارت نہیں ہے۔ یہ ملزم کو صدمہ دیا ہے اور

عدالت میں الزامی کی سیکرٹ کو OR سے نکلنے کا موقع فراہم کیا ہے

قوائم معاملہ کو تیز سے معلومات اور شواہد فراہم کر سکتا ہے۔ عین نواز سہیل

یہ (مقول پولیس) جو کچھ بھی آیا۔ پولیس کی نیک نامی، اپنے واقف

کی ادائیگی اور عوام کی فلاح کے لیے کیا ہے۔ من سیکرٹ کو کچھ بھی

کیا ہے نیک نامی کے لیے

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*[Signature]*

*[Signature]*

Insp. - police lines

09-04-2013

ORDER

(25)

F.

Annexure

Inspector Sajid Mumtaz the then SHO PS Mathra presently Police lines and SI Ahmad Gul of PS Mathra now PS Gulberg were proceeded against departmentally on the basis of the following allegations:-

That SDO PESCO Daudzai, vide his written letter dated 19.11.2011 reported to the Police that some unknown persons have stolen 1100 KVA Electric Transformer at Khushal Bagh. Accordingly a case vide FIR No. 814 dated 29.11.2012 u/s 379 PPC 14 ISL PS Mathra was registered against unknown accused.

On 5.1.2013 ASI Ahmad Gul of PS Mathra arrested the accused Mumtaz s/o Adam Khel r/o Kafoor Dehri on the ground that he was required in the subject case. His brother Muhammad Ayaz submitted application in the court of honorable District & Session Judge Peshawar u/s 491-Cr.PC in which when bailiff of the Court visited the PS he was falsely shown arrested in case FIR No. 847 dated 24.12.2012 u/s 380-PPC/14-ISL PS Mathra.

Through the instant applications the accused/petitioner seeks his release on bail, on the ground that he was innocent, not charged in the instant case and that he was kept in illegal confinement by the local Police of PS Mathra.

Mr. Mustafa Tanveer, ASP-Gulbahar was appointed as the E.O who has submitted enquiry report mentioned therein that Mumtaz is a habitual criminal and reportedly in the custody of Swat Scouts at present as he failed to appear before him. He was arrested by SI Ahmad Gul in an untraced case after the bailiff recovered him. However, the act on part of SHO & ASI is highly deplorable. Both were recommended for suitable punishment for their misconduct by the enquiry officer.

On receipt findings of the E.O Final Show Cause Notices were issued to them by SSP-Ops: to which they replied. Having gone through the relevant record and hearing them in person in OR on 21.5.2014 it came to light that the accused Mumtaz who is a criminal was brought to PS and was kept under custody without carrying out any paper work. Due to their negligence accused Mumtaz was recovered from the PS lock-up by the bailiff who visited the Police Station on the court orders. Therefore they are found guilty and hence each official is awarded the minor punishment of **stoppage of three annual increments with cumulative effect.**

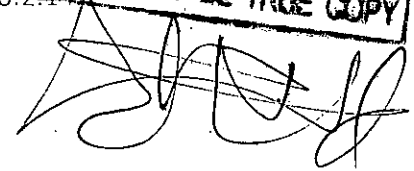
  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

No. 1076-83 /PA dated Peshawar the 22.5.2014.

Copies for information and n/a to the :-

1. SSP-Ops: Peshawar w/r to his office No. 377/PA dated 18.2.14
2. SSP-Inv: Peshawar w/r to his office No. 137/PA dated 18.2.14
3. SP-HQRs: Peshawar.
4. IEC-I/EC-II/PO/AS/I-C Computer Cell.

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ATTACHED TO BE THREE COPY

Annexure 'G' (25)

**COMMENTS ON THE JOINT DEPARTMENTAL APPEAL FILED BY INSPECTOR SAJID MUMTAZ AND AHMAD GUL S.I.**

Sir,

This is a departmental appeal filed by Inspector Sajid Mumtaz and Ahmad Gul S.I against the punishment order of stoppage of 03 annual increments with cumulative effect passed by worthy CCPO Peshawar vide order endst: No.1076-83/PA dated 22.5.2014.

Brief facts leading to the instant appeal are that an enquiry on the charge of keeping accused Mumtaz in illegal confinement of police station Mathara's lock up was initiated against them. Moreover when brother of the accused Mumtaz filed petition before the District & Sessions Judge Peshawar for his release, in pursuance of which Bailiff of the Court visited PS Mathra for his recovery, they falsely showed the said accused in an untraced criminal case registered vide FIR No.847 dated 24.12.2012 u/s 380 PPC/14 ISL: PS Mathra and accordingly made entry in the Daily Diary at serial No.10 dated 5.1.2013.

Enquiry was entrusted to ASP/Gulbahar, who during the course of enquiry proceedings recorded statements of accused officers, wherein they totally denied the allegations and added that accused Mumtaz is a criminal. Similarly the enquiry officer also summoned the complaint but he did not appear to justify his grievances regarding illegal confinement.

"The E.O held that "I am of the opinion that Mumtaz is a habitual criminal still in the custody of Swat Scouts as he failed to appear before the E.O. He was arrested by ASI Ahmad Gul in an untraced case after the bailiff recovered him. However, the act on part of SHO & ASI is highly deplorable. The reason deter for keeping Mumtaz reasons lest know to SHO and ASI amounts to gross misconduct. Hence, both the SHO and ASI are recommended for suitable punishment as deemed necessary by the competent authority as per the Police Rules".

On receipt of enquiry papers, the competent authority called them in OR and were fully heard but they failed to satisfy the competent authority, therefore punishment order of stoppage of 03 annual increments with cumulative effect was passed vide order endst: No.1076-83/PA dated 22.5.2014 which is in accordance with law.

OFFICE OF THE
Chief Capital City
Police Pesh: S.D.P. 2.
Dy. No. 4394
Dated. 26-8-14

(52)

Bobur  
DSP/Legal,  
Peshawar.

Sir,  
May forward the comments submitted by DSP/Legal to  
CPO please.

w/depd call in OR  
The

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*[Signature]*

*[Signature]*  
26/8

نومبر نمبر 23-05 (1)

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 152ء مجموعہ ضابطہ نو جداری

صفحہ	تاریخ	تعداد
44	27/13	362
	وقتاً 21:15 بجے	

تاریخ وقت رپورٹ	27/13 وقتاً 21:45 بجے تا 23:00 بجے
نام و سکونت اطلاع دہندہ مستفیض	روحانہ اللہ ولد سردار قریب انسان محل سکونت 302/324/364 PPCC
مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو	سوات سکاؤٹس
جائے وقوعہ فاصلہ تھانہ سے اور سمت	راستہ درندہ سنگن نزد سوات سکاؤٹس محلہ
نام و سکونت ملزم	
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	بہ سبب مسموم ہونے پر لاپرواہی جان لیوا ہونا
تھانہ سے روانگی کی تاریخ و وقت	بطور اسٹیشن رپورٹ

ابتدائی اطلاع نیچے درج کرو۔ اس وقت ایک مسموم ہونے پر لاپرواہی جان لیوا ہونا۔ روحانہ اللہ ولد سردار قریب انسان محل سکونت 302/324/364 PPCC سوات سکاؤٹس۔ سوات سکاؤٹس کے سہ ماہیوں میں سے ایک ہے۔ وہ راجپوت قبیلے کے ہیں۔ ان کے والد سردار قریب انسان محل سکونت 302/324/364 PPCC سوات سکاؤٹس۔ سوات سکاؤٹس کے سہ ماہیوں میں سے ایک ہے۔ وہ راجپوت قبیلے کے ہیں۔ ان کے والد سردار قریب انسان محل سکونت 302/324/364 PPCC سوات سکاؤٹس۔ سوات سکاؤٹس کے سہ ماہیوں میں سے ایک ہے۔ وہ راجپوت قبیلے کے ہیں۔ ان کے والد سردار قریب انسان محل سکونت 302/324/364 PPCC سوات سکاؤٹس۔ سوات سکاؤٹس کے سہ ماہیوں میں سے ایک ہے۔ وہ راجپوت قبیلے کے ہیں۔ ان کے والد سردار قریب انسان محل سکونت 302/324/364 PPCC سوات سکاؤٹس۔

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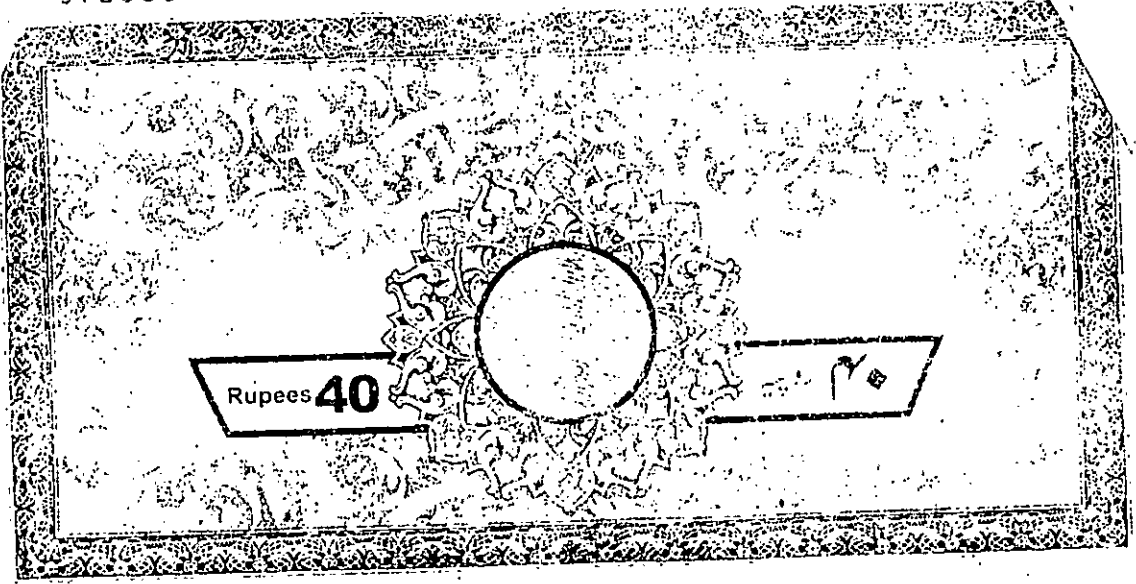
*[Handwritten signature]*

SPS Mathia 03/13

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Signature

572368



راضی نامہ

شمارہ  
3--376757-1-1101

(۱) - سناہ خان - ضلع و تحصیل موزی ڈاکھانہ اولہف گاؤں نمبر قلم -

فریق اول

شمارہ  
1101-7219039

(۲) - راجہ خالگیر - ضلع و تحصیل موزی ڈاکھانہ اولہف گاؤں نمبر قلم -

(۳) - نواز نواز - گاؤں روڈ اکھی نہ نمبر قلم -

(۴) - محمد غلام -

فریق دوم

(۱) - عثمان خان ولد شیخ ادرم شیخ صاحب صاحبہ ہندی پلازہ چیمبر اسلام آباد

برائے راضی نامہ: ہم نے فریق اول سے لیکو کر دیتے ہیں۔ ہم ہم دونوں نے فریق دوم کو بعضی بولیت 5,00,000 لاکھ روپے کی رقم ارسال کر کے صاف کیا۔ اور ہم نے فریق دوم جو کہ گنہگار کے قس میں ملوث تھے (کو دل سے صاف کیا اور اٹیندہ کیلئے جانشین کی طرح دیکھنے اور کسی قسم کا دشمنی نہیں رکھیں گے اور نہ اٹیندہ کیلئے ہم فریق دوم کے ساتھ کوئی بددلی بعضی رکھیں گے اور ہم فریق اول کو ہم سے راضی نامے میں کسی قسم کے دباؤ کے ساتھ سے گوارا نہیں ہیں اور نہ ہم کسی کا فریاد ہے۔

فریق اول  
عثمان خان  
کاملاً

فریق دوم  
محمد غلام  
کاملاً

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Handwritten signatures and stamps at the bottom of the page, including a circular stamp with the word 'Muzi'.

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**UBL Memorandum**

where you come first  
Payable to order  
208625981

T.T./M.T. on \_\_\_\_\_ Rs. 50000

Draft/T.C. \_\_\_\_\_

Exchange @ \_\_\_\_\_ Rs. \_\_\_\_\_

Commission \_\_\_\_\_

Cost of Telegram \_\_\_\_\_

Total Rs. 50000

(Rupees \_\_\_\_\_)

From,  
**UNITED BANK LTD.**  
\_\_\_\_\_ }  
\_\_\_\_\_ }

*[Signature]*

Officer

Dated \_\_\_\_\_ 20

Remitt - 236  
AL-MP 06-10

بے شمار دستاویزوں کے ساتھ ساتھ  
دستکاری کے ساتھ ساتھ

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*[Signature]*

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Annexure J

Before the Hon'ble Provincial Police Officer Khyber Pakhtunkhwa,  
Peshawar

Through: Proper channel

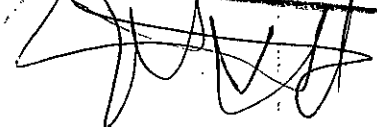
Appeal against the penalty. Vid order No.  
1076-83/PA of worthy CCPO Peshawar  
dated: 22-05-2014

Sir

I respectfully submit the following justifications for kind and sympathetic considerations.

1. The worthy CCPO vide order 1076-83 dated 22-05-2014 awarded minor penalty of stoppage 03 annual increments with cumulative effects in an inquiry.
2. The orders of worthy CCPO are unwarranted ,hence liable to be set aside on the following grounds:
  - No incrementing or substantiating materials are available to support the alleged charged and the inquiry proceedings have not being conducted in accordance with the procedure, late down U/S 6 ED Rules 1975, hence the process been not properly followed / observed by the inquiry officer
  - DIG Inquiry and complaints KPK also inquired the same charges of Mumtaz who declared the under signed as innocent /exonerated and filed inquiry/charges.
  - No proper evidence has been recorded by the inquiry officer as contemplated under the law. So for arrest of one Mumtaz in case FIR No: 814 dated 29-11-2012 U/S 379 PPC , 14 Islamic Law of PS Matra is concerned . The same person is criminally habituate by nature and suspect as per record of the PS Matra and PS Regi. Therefore he was arrested in an untraced case for interrogation and as per law any suspect can be arrested in any untraced case the petition filed by brother of Mumtaz U/S 491 CrPC could not established, hence the worthy District Session Judge dismissed the said petition of brother of Mumtaz. (order copy enclosed ) . As the said suspected Mumtaz has been shown arrested for interrogation / investigation in another theft case of PS Matra Vid FIR No: 847/2012 on the same day.
  - More ever accused Mumtaz had been arrested in a case U/S \_302-324/34 Vid FIR No: \_362 Dated: \_02.08.2013 of PS Matra, where in the accused compromised the offence and paid rupees 5 Lacs as compensations . The copy of compromised deed, cheque and FIR are enclosed as ready references
  - No opportunity of being heard was given to me, condemning as unheard and the findings were submitted on his own whim and fancy, even I was not

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called to associate the inquiry proceedings which is the violation, as my association with the inquiry proceedings is mandatory as per law.

- Since I have joined the Police Force, I served honestly, dedicatedly and to the entire satisfactions of my superiors.
- I always acted beyond the call of duty, on the risk of my life and never hesitated and shown reluctance in any sort of duty, assigned to me by the superior officer.
- I served with unblemished service record, therefore given promotion to the rank of Inspector with in short span of time. The alleged charges are bas less and based on malafide , there is no infringement or violation of prevailed law. No proper law/procedure was followed by the inquiry officer reliance is placed on the following reported judgments, where the departmental orders have been set aside on the grounds of improper/irregular inquiry proceedings.
  - ❖ SCMR 2004 pg 1662
  - ❖ PLC (CS) 2005 pg 1505
  - ❖ PLC 2005 (CS) pg 1282
  - ❖ PLC (CS) 1995 pg 547
  - ❖ SCMR 1989 pg 1224
- The punishment shall cause irreparable loss to me and my family in future, if not set aside.
- I have been awarded punishment i.e stoppage of 3 increments with cumulative effects for the charges which infact I have not committed.

Prayer:

Forgoing in view, it is humble prayed that the order of W / CCPO Vid Order 1076-83 date 22-05-2014 may please be reviewed and the punishment i.e stoppage of increments in a departmental proceedings may please be set asid to met the ends of justice.

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Sincerely Yours  
 Insp: Sajid Mumtaz and  
 Sub Insp. Ahmad Gul  
 Posted to PBI Peshawar  
 12-6-2014

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DY: No. 4930 /PA

DT: 10-10-14

Enclosure

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

To : The Capital City Police Officer,  
Peshawar.

No. S/ 3221 /14, dated Peshawar the 26.10.2014.

Subject : APPEAL

Memo

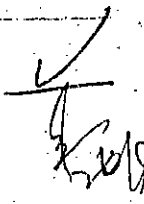
12560  
26/10/14

Please refer to your office memo: No. 9316/EC-I, dated 24.06.2014.

The joint appeal submitted by Inspector Sajid Muntaz and SI Ahmad Gul of Investigation Wing Capital City Police, Peshawar has been examined and filed by the Competent Authority. The appellants may please be informed accordingly.

  
**REGISTRAR**  
For Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.

- CC/O \_\_\_\_\_
- SSP/O \_\_\_\_\_
- SSP/I \_\_\_\_\_
- SP/Cantt \_\_\_\_\_
- SP/City \_\_\_\_\_
- SP/Rural \_\_\_\_\_
- SP/Sec \_\_\_\_\_
- SP/HQ \_\_\_\_\_
- SP/T.O \_\_\_\_\_
- SP/T. HQ \_\_\_\_\_
- DSP/LOS \_\_\_\_\_
- P.O./C.C. \_\_\_\_\_
- P.A./C.C. \_\_\_\_\_

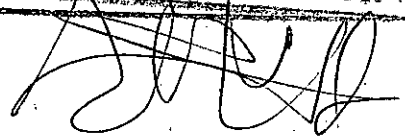
EC-1 ✓  


**OFFICE OF THE CAPITAL CITY POLICE OFFICER, PESHAWAR.**  
No: 3330 /EC-I, dated Peshawar the 9/10/2014.  
Copy of above is forwarded to SSP, Investigation,  
Peshawar for information and necessary action w/r to his memo: No.  
2638/PA, dated 16-06-2014.

FOR CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

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Before the Service Tribunal KPK Peshawar

Sajid Mumtaz Khan vs CCPO Peshawar  
Service appeal

Application for permission of deposit  
of fees process and issuance of  
direction to Moharar of this Court  
for the issuance of process to Respondents.

Respectfully sheweth:

- 1) That the above titled appeal is pending before this honourable tribunal for adjudication on H. 06 / 2015.
- 2) That on previous date the appeal was order to be admitted and direction of process fees payment was also issued to the appellant.
- 3) That due to some compelling circumstances the appellant has not deposited the process fees so now the appellant approach this honourable court seeking permission for deposit of process fees.
- 4) That there is no legal bar over the acceptance of this application.

It is therefore most humbly  
prayed that on the substance of  
this application may kindly  
be permitted the appellant for deposit  
of process fees.

Appellant through  
Fazir Hussain Advocate

*[Signature]*  
2015