

S.No.	Date of Order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	18.01.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>CAMP COURT ABBOTTABAD</u></p> <p style="text-align: center;"><u>APPEAL NO. 1051/2013</u></p> <p style="text-align: center;"><u>Junaid Daud Versus Inspector General of Police, Khyber Pakhtunkhwa</u> <u>Peshawar and 2 others..</u></p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellant and Mr. Muhammad Siddique, Senior Government Pleader alongwith Mr. Shamraiz Khan Reader for respondents present.</p> <p>2. Junaid Daud son of Ghulam Daud hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 12.4.2013 vide which he was discharged from service and where-against his departmental appeal was also rejected vide order dated 17.06.2013 constraining him to prefer the instant service appeal on 08.07.2015.</p> <p>3. Brief facts giving rise to the present appeal are that the appellant had met a road accident with motorcycle while travelling towards PMA. He was found in intoxicated position and sent to District Headquarter Hospital for medical opinion who was found drunken and a criminal case was registered against him vide FIR No. 848 dated 10.11.2011</p>

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18.01.17

under Article 11 Prohibition (Enforcement of Hadd) Order 1979 in P.S Cantt, Abbottabad and, additionally, appellant was departmentally proceeded against and discharged from service vide initial order dated 15.11.2011 which was finally set aside by the Provincial Police Officer vide order dated 31.05.2012 and directed denovo enquiry against the appellant which was also conducted and appellant was again discharged from service vide impugned order dated 12.04.2013 where-against his departmental appeal was not found competent vide order dated 17.06.2013 and hence the instant service appeal on 08.07.2013.

4. Learned counsel for the appellant has argued that the appellant was discharged from service on mere allegations. That the appellant was acquitted of the criminal case by the court of competent jurisdiction vide judgment dated 31.03.2012. That no independent evidence was ever recorded during the enquiry nor appellant was associated with the same. That the evidence of those witnesses recorded in enquiry was discarded by the learned Judicial Magistrate Abbottabad. That the impugned order is therefore liable to be set aside.


5. Learned Government Pleader has argued that the appellant was a recruit and found indisciplined as he involved himself in criminal and unsocial activities leaving no option to the respondents but to discharge him from service under Rule 12.21 of Police Rules. That the F.S.L report proved guilt of the appellant as the same was received in positive.

6. We have heard arguments of learned counsel for the parties and perused the record.

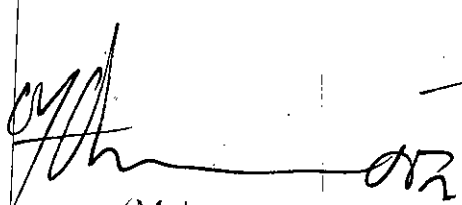
18.01.17

7. The charges attributed to the appellant in enquiry were the same as in the criminal case before Trial Court where the prosecution failed to establish guilt of the accused and as a consequence thereof accused was acquitted. The evidence not approved by the court or disbelieved by the court cannot be made basis for punishing a civil servant in departmental proceedings and more particularly when such a civil servant is not afforded any opportunity of cross examining such witnesses during the enquiry. The respondents have failed to adhere to the codal formalities essential and vital for departmental proceedings including opportunity of cross-examination. We, in the circumstance of the case, do not deem appropriate to further direct the respondents to conduct another denovo enquiry and would, therefore, hold that the respondents have imposed penalty, without any plausible evidence, during departmental enquiry.

8. In the light of the above we accept the appeal and reinstate the appellant in service however the intervening period of the appellant out of service shall be treated as extra-ordinary leave without pay. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Azim Khan Afridi)

Chairman
Camp Court, A/Abad.


(Muhammad Aamir Nazir)

Member

ANNOUNCED

18.01.2017

19.09.2016

Appellant with counsel and Mr. Shamraiz Khan Reader alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Counsel for the appellant submitted application for placing on record certain documents, copy whereof supplied to learned Sr.GP. To come up for reply/arguments on application as well as arguments on main appeal on 18.01.2017 before the D.B at camp court, Abbottabad.

Member

Chairman
Camp court, A/Abad


21.07.2015

Since the 21st July 2015 has been declared as a public holiday on account of Eid-ul-Fiter. Therefore case is adjourned to 18.11.2015 at Camp Court Abbottabad.


Supdt. -


18.11.2015

Counsel for the appellant and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique, Sr.G.P for respondents present. Wakalat Nama submitted. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before D.B on 19.4.2016 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

19.04.2016

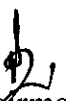
Appellant with counsel and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before D.B on 21.06.2016 at camp court, Abbottabad.


Chairman
Camp court, A/Abad

21.6.2016

Counsel for the appellant and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Arguments partly heard. To come up for further arguments on 19.09.2016 before this D.B at Camp Court, Abbottabad.


Member


Chairman
Camp Court, Abbottabad.

10

16.3.2015

Mr. Jawad, Advocate on behalf of counsel for the appellant and Mr. Shamraiz Khan, Reader for respondents alongwith Mr. Muhammad Tahir-Aurangzeb, G.P present. Rejoinder submitted. The appeal is assigned to D.B for final hearing for 23.4.2015 at camp court A/Abad.

Chairman
Camp Court A/Abad

11

23.04.2015

Appellant with counsel and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Tahir Aurangzeb, GP for respondents present. Arguments could not be heard due to non-availability of D.B. To come up for final hearing before D.B on 16.6.2015 at Camp Court Abbottabad.

Chairman
Camp Court Abbottabad

12

16.6.2015

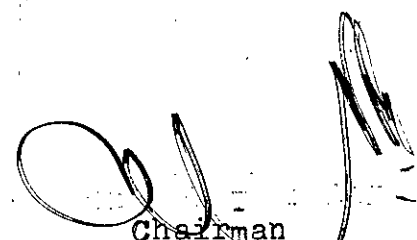
Appellant in person and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Tahir Aurangzeb, G.P for respondents present. Due to non-availability of D.B, arguments could not be heard. To come up for final hearing before D.B on 21.7.2015 at camp court A/Abad.

Chairman
Camp Court A/Abad

8 -

20.10.2014

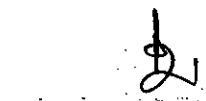
Mr. Jawad Naqvi, Advocate on behalf of counsel for the appellant and Mr. Shamraiz Khan, Reader on behalf of respondents with Mr. Muhammad Tahir Arangzeb, G.P. present. Written reply/p-ara-wise comments received on behalf of respondents, copy whereof is handed over to the learned Advocate appearing on behalf of learned counsel for the appellant for rejoinder at camp court A/Abad on 19.01.2015.


Chairman
Camp Court A/Abad

9 -

19.01.2015

None present for appellant. Mr. Shamraiz Khan, Reader for respondents alongwith Mr. Muhammad Tahir Arangzeb, G.P. present. Rejoinder not submitted. To come up for rejoinder at camp court A/Abad on 16.3.2015.


Chairman
Camp Court A/Abad

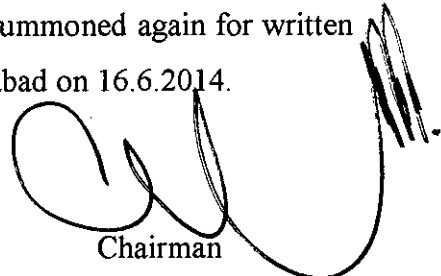
15.01.2014

Since 14th January has been declared as public holiday on account of "Eid Milad-un-Nabi". Therefore, case is adjourned to 14.4.14


Reader

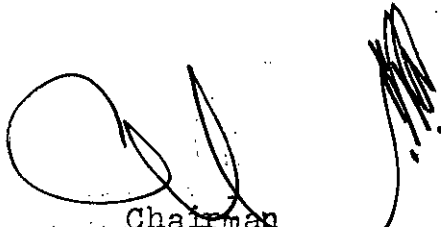
b— 11.4.2014

Counsel for the appellant present. Respondents are not present due to note Reader on account of public holiday falling on the previous date. The respondents be summoned again for written reply/comments at Camp Court Abbottabad on 16.6.2014.


Chairman

7c 16.6.2014

Mr. Ahsan Daud, brother of the appellant, on behalf of the appellant and Mr. Shamraiz Khan, Reader for respondents with Mr. Muhammad Tahir-Aurangzeb, G.P present. Written reply has not been received, and request for further time made on behalf of the respondents. To come up for written reply/comments, positively, at camp court A/Abad on 20.10.2014.


Chairman
Camp Court A/Abad

Appeal No. 1051/2013.
Mr. Jinnah Daud.

3.

02.10.2013

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 04.11.2013.

Member

4.

4.11.2013.

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant has impugned order dated 12.4.2013 vide which he was discharge from service under Rule 12.21 of Police Rules, 1934, against which departmental appeal of the appellant has been rejected vide order dated 17.6.2013..

The learned counsel for the appellant argued that despite the fact that the appellant has already been acquitted by the competent court of law in criminal case registered against the appellant vide FIR No. 848 dated 10.11.2011 in P.S Cantt. Abbottabad, even then he was ^{dis} charged from service and departmental appeal was also dismissed, and requested that the present appeal be admitted. Points raised need consideration. The appeal in hand is admitted for regular hearing. Process fee and security within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply on 14.1.2014.

Member

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

5.

7.11.2013


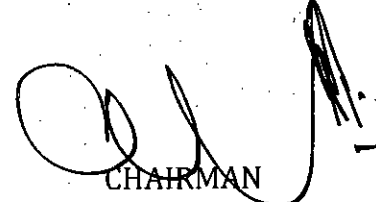
This case is entrusted to the Final Bench 1 for further proceedings.

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1051 /2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08/07/2013	The appeal of Mr. Junaid Daud presented today by Mr. Arbab Safiullah Khan Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.  REGISTRAR
2	16-7-2013	This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>2-10-2013</u> .  CHAIRMAN

BEFORE THE SERVICE TRIBUNAL, KPK,
PESHAWAR

Service Appeal No. 1051 of 2013

Junaid DaudAppellant

VERSUS

Inspector General of Police &
others.....**RESPONDENTS**

I N D E X

S.NO	Description of Documents	Annexure	Pages
1.	Appeal		1-7
2.	Affidavit		8
3.	Copy of Discharge Order dated: 15/11/2011	A	9
4.	Copy of Judgment dated: 31/3/2012 passed by Judicial Magistrate-II, Abbottabad	B	10-14
5.	Copy of Departmental Appeal dated: 3/12/2011	C	15
6.	Copy of Order dated: 31/5/2012	D	16
7.	Copy of Order dated: 12/4/2013	E	17
8.	Copy of Departmental Appeal	F	18-20
9.	Copy of Representation No. 5576 dated: 17/6/2013	G	21
10.	Copy of replied of concerned officer	H	22-39
11.	Wakalat Nama		40

Junaid Daud
Appellant

Through

Arbab Safiullah Khan
Arbab Safiullah Khan

Dated: 08/07/2013

Advocate High Court

Address: C-5, Haroon Mansion,

Khyber Bazar, Peshawar
City.

Phone No. 091-2550100

BEFORE THE SERVICE TRIBUNAL, KPK,
PESHAWAR

1109
8-7-13

Service Appeal No. 1051 of 2013

Junaid Daud S/O Ghulam Daud,
R/o House No. RL 270, Kohal Khail,
District Abbottbadd.

(APPELLANT)

VERSUS

1. Inspector General of Police, KPK,
Peshawar.
2. Deputy Inspector General, Hazara Division,
Hazara.
3. District Police Officer, Abbottabad.

(RESPONDENTS)

APPEAL UNDER SECTION-4 OF KPK

SERVICE TRIBUNAL ACT, 1974.

PRAYER IN APPEAL:

On acceptance of this appeal, the
respondents may graciously be
directed to reinstate the appellant
and discharged Order dated:
12/4/2013 passed against the

appellant may kindly be setaside
and the appellant may be reinstated
from the date 10/11/2011 as a
recruit Constable with all back
benefits.

Respectfully Sheweth;

1. That the appellant is the resident of District Abbottabad and belongs to a respectable family.
2. That the appellant got appointed as recruit Constable and got Constabulary No. 479 and started like other police official his career.
3. That the appellant during training at PTC Hangu came to his house. He met with an accident and a false case against the appellant was registered at Police Station Cantt: Abbottabad vide FIR No. 848 dated: 10/11/2011 under Article 11 of Prohibition (Enforcement of Hudd) Order, 1979.
4. That after registration of so called case, the appellant was discharged from the service by the respondent No. 03/DPO on

15/11/2011 (Copy of discharged Order is enclosed as Annexure-A).

5. That as consequences of above mentioned false case, the appellant was acquitted by the learned Judicial Magistrate-II, Abbottabad vide its Judgment dated: 31/3/2012 (Copy of the judgment is enclosed as Annexure-B).

6. As a result of acquittal by the learned Judicial Magistrate, the appellant preferred departmental appeal against the Order of respondent No. 3/DPO dated: 15/11/2011 on 3/12/2011 to respondent No. 2/DIG, Hazara Region, Abbottabad (Copy of Departmental Appeal is enclosed as Annexure-C).

7. That as result of appeal, the appellant was reinstated with the direction to initiate a de-novo inquiry/proceeding against him (Copy of Order dated: 31/5/2012 is enclosed as Annexure-D).

8. That inquiry was conducted by the Inquiry Officer against the appellant and the DPO,

Abbottabad by the Order No. 1967/legal vide its Order No. 3987-88 dated: 12/4/2013 discharged from service once again the appellant despite of acquittal Orders of learned Judicial Magistrate-II, Abbottabad (Copy of Order dated: 12/4/2013 is enclosed as Annexure-E).

9. That thereafter the appellant preferred Departmental appeal to the respondent No. 1/IGP, KPK (copy of Departmental Appeal is enclosed as Annexure-F).
10. That result of the appeal was not fruitful and the same was dismissed with observation "there is no appeal under Police rule 12:21" (Copy of Representation No. 5576 dated: 17/6/2013 is enclosed as Annexure-G).
11. That the appellant applied to the high ups of the Department at different times and their replied from the concerned Officers are attached for kind perusal as Annexure-H.

12. That the appellant being aggrieved having got no other efficacious/adequate remedy, now approach this Honourable Tribunal on the following grounds amongst the others:-

GROUND S:

A. That the findings of the Inquiry Officer and discharged Order of DPO is against the law, facts of the case, based upon one sided inquiry, conducted against the appellant, hence, not tenable.

B. That it is very much crystal clear from the Judgment of learned court that (i) the medical report was a result of influence (ii) report of chemical examiner was also result of inexperience hand and the learned court did not place reliance on the same.

C. That mere opinion of the Doctor coupled with the so called FSL report is not sophise to hold the appellant was drunk and so called opinion are against the law, facts and norms of justice.

D. That it is pertinent to mention here that if the appellant was acquitted wrongly, the prosecution was at liberty to challenge the said acquittal order, but unfortunately prosecution failed to do so. The inference can be drawn that the prosecution was satisfied by the verdict given by the Trial Court. This valuable aspect favours the appellant for reinstatement in the service.

E. That it is settled law of law and dictum of the apex Court that an accused person, when acquitted from the charges attains double innocence but no benefit of same was extended in favour of the appellant.

In the aforesaid circumstance, it is, therefore, respectfully prayed that on acceptance of this appeal, the appellant may please be reinstated back to his charge with all back benefits.

It is further prayed that the respondents may also be directed to release the salaries of the appellant.

Any other remedy to which the Appellant is found entitled in the peculiar circumstances of the case may also be granted.

Andried
~~Appellant~~

Through

S. Khan
Arbab Safiullah Khan
Advocate High Court

Dated: 08/7/2013

BEFORE THE SERVICE TRIBUNAL, KPK,
PESHAWAR

Service Appeal No. _____ of 2013

Junaid DaudAppellant

VERSUS

Inspector General of Police &
others.....**RESPONDENTS**

A F F I D A V I T

I, Junaid Daud S/O Ghulam Daud, R/o House No. RL 270, Kohal Khail, District Abbottbadd, do hereby solemnly affirm and declare that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Junaid Daud

DEPONENT

Identified by:

Arbab Safiullah Khan
Advocate High Court



Amex - A

9

ORDER

Recruit Constable Junaid Daud No.479 was found in intoxicated position was traveling towards PMA crossing met on motorcycle accident with motor car. He was sent to DHQ Hospital for medical opinion. Result was received as positive. As a result a case FIR No.848 dated 10-11-2011 u/s 8/14 Article PS Cantt has been registered against him. He is under going Recruit course at PTC Hangu and unfit to be retain in Police Department as he had given bad name to Police Department, therefore, he is discharge from Service under PR 12-21 with effect from 10-11-2011.

District Police Officer,
Abbottabad

10 B380 15-11-2011

Copy of above is forwarded to Commandant PTC Hangu for information and necessary action.

District Police Officer,
Abbottabad

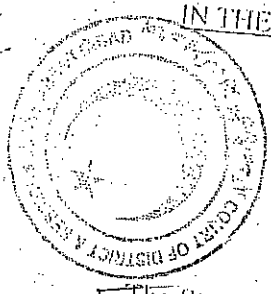
OB 10-388
15-11-11

Attentio to me True copy
[Signature]

b.i.d. m. j.

Amex - B

10



IN THE COURT OF DOST MUHAMMAD KHAN, JUDICIAL MAGISTRATE-II, ABBOTTABAD.

Case No. _____
Date of institution _____ 355/PO JM-II/2012
Date of decision _____ 15.01.2012
_____ 31.03.2012

The State through Muhammad Parvez ASI, police post Sikandar Abad
... Complainant

Versus

Junaid Daud s/o Ghulam Daud caste Awan r/o Khola Kehal Abbottab
... Accused

CASE FIR NO 848 DATED 10.11.2011 UNDER ARTICLE 11 PROHIBITION
(ENFORCEMENT OF HADD) ORDER 1979, PS CANTT

Attested to be True Copy
Examiner
District & Sessions Judge
Abbottabad
4-11-12

JUDGMENT

1. Junaid Daud s/o Ghulam Daud caste Awan r/o Khola Kehal, Abbottabad (hereinafter referred to as "accused") is facing trial in a criminal case registered against him through FIR # 848 dated 10.11.2011 under Articles 8 and 11 of Prohibition (Enforcement of Hadd) Order 1979, in Police Station Cantt, Abbottabad.

2. Allegations against the accused are that on 10.11.2011 at about 2145 hours he was found drunk and in such a condition while he was driving a motorcycle, he hit a motorcar (No SND-875) from backside.

31/03/12
(Dost Muhammad Khan)
Judicial Magistrate-II,
Abbottabad

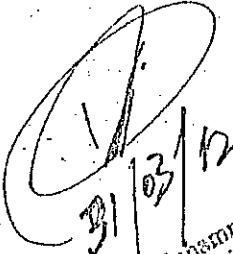
On receiving information of the occurrence, Muhammad Parvez ASI reached the place of occurrence. He drafted murasila (EX PW 3/3), arrested accused, drafted application for medical checkup of accused (EX PW 3/1), took into possession samples of blood and urine through recovery memo (EX PW 3/2) and produced the accused before Illaqa Magistrate along with application for Judicial remand (EX PW 3/4). Upon receipt of murasila in the police station, Muhammad Rafique MASI chalked out FIR (EX PA).

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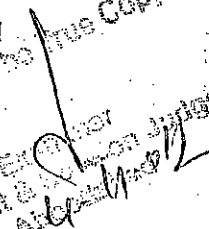
constable Nazakat No 736 has accompanied accused to the hospital for obtaining his blood and urine samples. Constable Amraiz No 50 has taken the blood and urine samples to FSL Peshawar. Dr Sayab CMO DHQ had medically examined the accused and had furnished medical report (EX PW 6/1). Inspector Zakir Hussain has forwarded Challan as EX PW 2/1.

4. From prosecution side Muhammad Rafique MASI has been examined as PW-1, Inspector Zakir Hussain as PW-2, Muhammad Parvez ASI as PW-3, Nazakat FC No 736 as PW-4, Amraiz FC No 50 as PW-5 and Dr Sayab as PW-6. After closing of prosecution evidence, statement of the accused has been recorded u/s 342 Cr.P.C.

5. During course of arguments, learned APP Zia Ullah Wazir opened arguments and contended that accused has been arrested in drunken condition. He argued that accused was initially examined by medical officer PW-6 and his blood and urine samples were collected and thereafter sent to FSL for chemical analysis. He added that FSL report is available on case record as EX PZ and alcohol has been detected in the samples. He further argued that all the prosecution witnesses have supported the prosecution version and prosecution has proved charge against the accused beyond shadow of doubt.


31/03/12
Dost Muhammad Khan
Judicial Magistrate-II,
Abbottabad

Wanted to be Copied


Dost Muhammad Khan
Judicial Magistrate-II,
Abbottabad

Learned defence counsel Mr. Masood-ur-Rehman Tanoli Advocate vehemently rebutted the arguments of learned APP. He contended that prosecution has concealed the real facts from this court. He argued that as a matter of fact the motorcycle of the accused had collided with the motorcar of one Taimur Khan s/o Iqbal Khan and due to this accident said Taimur Khan exchanged hot words with accused. He added that since said Taimur Khan was son of an influential person, therefore, his father influenced the local police to involve the accused in some criminal case and it was under that influence that the local police registered the case in hand against the accused. In support of his assertion, the learned counsel referred to the application of said Taimur Khan, which is available on case record. Learned counsel further argued that the motorcycle and motorcar have not

Contd: 2/5

12

been taken into custody by the local police. He contended that Dr. Sayab as PW-6 has admitted that the blood an urine samples have not been taken in accordance with the required procedures and the same were not sealed properly. He added that the blood and urine samples have been sent to FSL after unexplained delay of 23 days. Learned counsel argued that accused is a student and that he has no criminal history. He concluded that prosecution has not proved charge beyond shadow of doubt. He prayed for acquittal of accused.

7. Now I will analyse the case record and the arguments advanced by both sides. Since defence counsel ^{SP has} tried to shatter the base of prosecution case by advancing a different version of the actual occurrence, therefore, I deem it more appropriate to take up this assertion first and then analyse rest of the matters. The assertion of learned defence counsel has been mentioned in the preceding para. Case record reveals that an application filed by one Taimur Khan s/o Iqbal Khan dated 10.11.2011 is available on case record. In the said application Taimur Khan has reported the occurrence as follows :-

31/03/12
Dost Muhammad Khan
Judicial Magistrate-II
Abbottabad

"گزارش ہے کہ میں ایب میں ایک گاڑی میں ٹوڑنت ہوں آج میں اپنے دو دوستوں کے CMH سے پینکس کی طرف بارہ بجے کہ مقام PMA چوک پہنچے تو جگہ سے ایک موٹر سائیکل پر دو سوار آئے اور گاڑی گاڑی پر 375/SND کے ساتھ گزرا اور گاڑی پر سے اتر کر گاڑی کے آگے بڑھ گئے اور گاڑی کو روک کر کہا کہ گاڑی کو روکنا شروع ہو گیا اور تھکے دھکا دیا ہم اس شوٹر پر پھینکے گاڑی کو روکنا شروع کیا اور گاڑی روک کر کہا کہ میں پینکس والا ہوں۔"

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9/4/12

8. It is very strange to observe that Taimur Khan has made a written complaint regarding an accident but instead of registration of case u/s 279 PPC, the local police have registered case under Article 8/11 Prohibition (Enforcement of Hadd) Order 1979. Taimur Khan has neither been made complainant nor a witness in this case. It seems that the local police have tried to save him from appearing as witness and facing cross-examination in the court. Moreover, although the real dispute had surfaced due to an accident but neither motorcar of Taimur Khan nor the motorcycle of accused have been taken into possession by IO as a corroborative piece of evidence. It is obviously clear from the case record that the local police have tried to tampered with the real facts and the background and foreground of the occurrence. PW-3 had admitted that at the time of

Contd. 3/5

occurrence both the accused and Taimur Khan had beaten up each other and both had sustained injuries. This further supports the defence version. 13

9. Muhammad Parvez ASI is the complainant as well as investigation officer of the case. A noticeable contradiction in his statement is reproduced verbatim:

".....The application of Taimur Khan was given to me at the spot. It is correctly mentioned in the above stated application that before my arrival at the spot police rider took the accused and Taimur Khan to PP Sikandar Abad. It is correct that according to murāsila written by me the accused and Taimur Khan were present at the spot....."

As per FIR, the place of occurrence is at a distance of 3/4 kilometers from police station. Muhammad Parvez ASI has stated hot and cold in the same breath.

10. Perusal of recovery memo (EX PW 3/2) shows that the samples of blood and urine were not properly sealed by medical officer. The said samples have been taken on 10.11.2011 but have been sent to FSL on 03.12.2011. There is no explanation on record as to why these samples were lying for 23 days and in whose custody. Medical officer as PW-6 has admitted that he had neither taken the blood and urine samples in accordance with the prescribed procedure nor has he added the necessary preservatives to the samples. It cannot be taken lightly that the blood and urine samples were lying for long 23 days without any preservatives and proper sealing. It is a known phenomenon that in blood and urine samples if not properly preserved, after some time chemical reaction takes place and the chemical composition is changed with the passage of time. Although, the FSL report is available on case record as EX Pz but the above explained circumstances have put a serious question mark on the pureness of the said samples.

11. An accused person cannot be convicted for a crime unless the charge is proved through un-shattered credible evidence. A cloudy and shaky evidence cannot be made a basis for conviction. In the case in hand, there

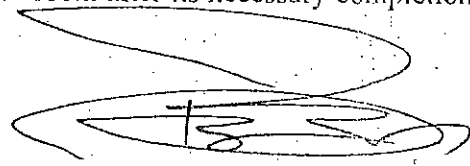
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19

are not only serious doubts regarding genuineness of the alleged occurrence itself but the drawing and handling of blood and urine samples also casts serious doubts regarding purity of the samples. Coupled with these facts, the role of the local police in tampering with the crime scene and tampering with the real facts make the impartiality of the local police doubtful.

12. For what has been discussed above, I am of the firm conclusion that prosecution has failed to bring home charge against accused Junaid Daud in Case FIR # 848 dated 10.11.2011 under Articles 11 of the Prohibition (Enforcement of Hadd) Order 1979, therefore, while extending benefit of doubt I acquit accused Junaid Daud from the charge in the above referred case. Sureties of Junaid Daud are discharged from the liability of bail bonds. This file be consigned to record room after its necessary completion and compilation.

Affected to be True Copy
Dated 3/03/12
Abbotabad

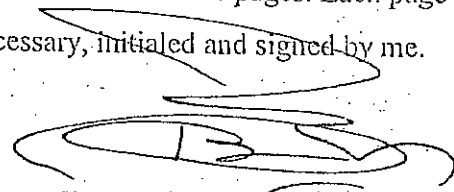


(DOST MUHAMMAD KHAN)
Judicial Magistrate-II
Abbotabad

CERTIFICATE

(Dost Muhammad Khan)
Judicial Magistrate-II
Abbotabad

Certified that this judgment consist of five pages. Each page has been duly read over, corrected where necessary, initialed and signed by me.



(DOST MUHAMMAD KHAN)
Judicial Magistrate-II
Abbotabad

5/5

To

Annex C

15

Deputy Inspector General Of Police
Hazara Region Abbottabad.

DEPARTMENTAL APPEAL AGAINST THE ORDER OF
DISTRICT POLICE OFFICER ABBOTTABAD DATED 15/11/2011

Respectfully Sheweth,


The appellant / petitioner submit following few lines for your kind and sympathetic consideration with reference to the order of discharge passed against the petitioner / appellant by District Police Officer Abbottabad on the presumed charges of intoxication against the appellant.

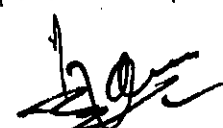
- 1) That the appellant was appointed as constable in police department Abbottabad and was allotted constabulary # 479.
- 2) That the appellant was undergoing recruit course at PTC Hangu during the relevant days when met an accident near crossing PMA road while driving his motor bike with the motor car of an influential person who at the spot had threatened the appellant for dire consequences saying that would not let the petitioner in service any more and claimed heavy amount against a small damage although at the site that influential person was at fault.
- 3) That the matter was also brought to the notice of concerned police staff that attracted immediately after the accident.
- 4) That the same person by using his influence involved the appellant in a fake case under section 8/ 11 prohibition which ultimately was made basis for discharge of appellant from his service without going deep into the real facts by tacking an ex party decision of discharging the appellant from service under rule 12-21 and thus depriving the appellant family from their nourishment without even giving an explanation and without waiting the fate of planted case from the competent court of law.

That the action of District Police Officer Abbottabad discharging the appellant from service is not warranted by law and against the settled norms of justice as no explanation or show cause notice has been given nor the decision of court was waited which order of discharge by OB # 388 dated 15/11/2011 needs to be reversed having been passed on discrimination and in violation of fundamental rules provided under the constitution of Pakistan.

In the light of above it is most humbly prayed that the impugned order of District Police Officer dated 15/11/2011 may kindly be set aside and the appellant may be restored in service from the date of discharge.

Dated 03/12/2011


Submitted Please
Junaid Daud ex constable # 479

Attest


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

To: - The Deputy Inspector General of Police,
Hazara Region, Abbottabad.

Annet D

(16)

No. 1967 /Legal, Dated Peshawar the: 31/5 /2012.

Subject:- APPEAL
Memo:-

Please refer to your letter No. 3047/PA dated 18.5.2012.

Ex-Constable Junaid Daud No. 479 of Abbottabad district has submitted mercy petition for re-instatement in service to W/PPO against the order of DPO Abbottabad dated 10.11.2011, vide which he was discharged from service under P.R 12.21.

On perusal of his service record/enquiry file, it revealed that the constable was discharged from service without initiating departmental proceedings i.e. no charge sheet, no enquiry, no findings of Enquiry officer etc were completed/finalized. Hence his application is accepted by the competent authority with the direction to re-instate him in service and a de-novo proceeding be initiated against him in accordance with law under intimation to this office for further necessary action.



MOHAMMAD FAYAZ KHAN)
AIG/LEGAL
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Attest

[Handwritten signature]

ORDER


Annex-E

(17)

Recruit Constable Junaid Daud No.479 was discharge from service under Police Rule 12-21 vide OB No.388 dated 15-11-2011 with effect from 10-11-2011. He preferred an appeal before the Provincial Police Officer Khyber Pakhtunkhawa Peshawar and Regional Police Officer vide his memo: No 1967/Legal dated 31- 05- 2012, upon which this office was directed to re-instate him in service and de-novo proceeding initiated against him. He was re-instated in service and after fulfillment of all procedural formalities Qamar Hayat DSP Investigation was appointed to conduct de-novo enquiry against him.

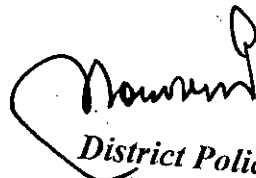
During de-novo enquiry the Enquiry Officer reached to the conclusion that at time of occurrence he was in a drunkard condition which was initially complied by the Medical report of DHQ Hospital Abbottabad & the FSL report has also received in positive.

In the light of findings of Enquiry Officer, allegation of misconduct, registration of FIR, his state of being drunkard subsequently have been proved against Recruit Constable Junaid Daud No.479 by FSL report. Original order of Discharge from service by District Police Officer Abbottabad under Police Rules 12-21 has become justified and therefore, it is clear that the Official should not be allowed to keep serving in Police as he shall being bad name to department. Hence, he is discharge from service under Police Rule 12-21.



District Police Officer,
Abbottabad.

No. 3987.88 Dated 12. 4. 10/13
Copy to the:-

1. Provincial Police Officer Khyber Pakhtunkhawa Peshawar w/r to memo: No.3256/legal dated 01-11-2012.
2. Regional Police Officer Hazara Region Abbottabad for favor of information w/r to his memo: No.2204/PA dated 19-03-2013.


District Police Officer,
Abbottabad.

CB-NO - 110
4-4-13

Attended


To

The Worthy I.G,
Khyber Pakhtunkhwa,
Peshawar.

Annex-E

18

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER NO. 3987-88 DATED 12/04/2013.

Sir,

1. I was involved in a false case bearing FIR No. 848 dated 10/11/2011 under Article 11 of prohibition (Enforcement of Hadd) Order 1979, Police Station Cantt, Abbottabad.
2. As a consequence of that case I was acquitted by the Learned Judicial Magistrate-II, Abbottabad vide judgment dated 31/03/2012. Attested copy of the judgment is attached.
3. After the registration of so called fake case by the influential personalities against me, I was served with a show cause notice and subsequently without hearing me, I was discharged from the service being recruit constable.
4. I, time and again preferred appeals before different forum of police department and I was re-instated.
5. That finally learned D.P.O Abbottabad discharged me from service under police Rule 12-21. Original copy of above stated discharge order is annexed herewith.

Attended
Signature

6. During the intervening period i.e. after the registration of false case and the decision of the court, the police high ups asked legal opinions. The so called legal opinions were against the law, facts and norms of justice.
7. It is crystal clear from the contents of the judgments of the Learned Court referred above that (i). The medical report was the result of influence. (ii). Report of the chemical examiner was also the result of inexperience hand and the learned Court did not place reliance on the same.
8. Mere opinion of the doctor coupled with the so called FSL report is not saphise to hold that the individual was found drunk.
9. The discharge order of the D.P.O Abbottabad is based on flimsy grounds and hence not tenable.
10. If your good self would go through the entire record, it would be crystal clear that I was involved in a false case which is supported by the dictum of the Learned Judicial Magistrate-II, Abbottabad.
11. It is pertinent to note here that if, I was wrongly acquitted the prosecution was at liberty to challenge the said acquittal

20

order, but unfortunately prosecution failed to do so, the influence can early be drawn that the prosecution was satisfied by the verdict given by the trial court. This valuable aspect favours the applicant / appellant for reinstatement in service by your good self.

12. It is the settled law of the land and dictum of the apex courts that an accused person, when acquitted of the charge attains double innocence but no benefit of the same was extended in my favour by the Learned D.P.O Abbottabad in his order of discharge.

It is, humbly prayed, in the light of above legal factual submissions, I may kindly be re-instated as recruit constable under your kind control.

Dated: _____/2013

Yours Most Obedient Servant /
Applicant / Appellant

sd/

JUNAID DAUD

Recruit Constable No. 479
Police Line Abbottabad

Noted

(21)

Amnet - 9

From: The Regional Police Officer,
Hazara Region (Abbottabad).

To: The District Police Officer,
Abbottabad.

No: **5576** /PA Dated Abbottabad, the **17/6** /2013.

Subject: REPRESENTATION.

Memo:

Please refer to your office Memo: No.2269 dated
07-06-2013.

The appeal of Ex-Recruit Constable Junaid Daud No.479 of
your District was considered and filed as "there is no appeal under Police Rule
12:21".

The Service Roll & Fauji Missal containing enquiry file of the
appellant are returned herewith.

Encl: (as above)

[Signature]

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

Police Officer Abbottabad
2137
18.06.2013

OHC

ATTESTED For *n.a.*

Munir
DPST ATD

HEAD CLERK

(SR + FM) ^{Ex.} Constable Junaid Daudood
no 479/906. *17.6.13.*

2013/06/17 SRC 19/13

ATTESTED

FINAL SHOW CAUSE NOTICE.

Annex - 4
29

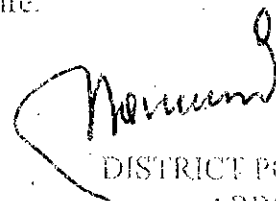
I, MUHAMMAD ALI KHAN, District Police Officer

Abbottabad, as competent authority charge you Recruit/ Constable Junaid No.479 as follows:-

That during initial period, you were under-going recruit course at PTC, had collided your Motor-bike with a Motor Car near PMA- By pass on 10.11.2011, when, allegedly you were in intoxicated condition. In order to confirm or otherwise the fact of your being in drunkard condition, you were taken to DHQ Hospital Abbottabad. The expert's report received was in positive which was followed by registration of case FIR No.848/2011 u/s 3/11 PS Cantt. You were discharged under P.R 12.21 vide O.B No.388 dated 15.11.2011. Subsequently in adherence with the directives of Additional Inspector General of Police, H.Qrs. Khyber Pukhtoon Khwa Peshawar vide his office Memo No. 07/2013 you were re-instated and de novo enquiry is being ordered.

During de novo enquiry the allegations have been proved against you.

Keeping in view the above said allegation on your part, you are hereby called upon to show cause finally with in seven days of the receipt of this final show cause notice as to why you should not be awarded punishment under the Police disciplinary Rules 1975. If your written reply is not received with in stipulated period it shall be presumed that you have no defense to offer. You are also permitted to appear before the undersigned if you so desire.


DISTRICT POLICE OFFICER,
ABBOTTABAD.





OFFICE OF THE DISTRICT POLICE OFFICER ABBOTTABAD.

23

NO. 3219 /PA, Dated Abbottabad the 03-12 /2012

To: - The Deputy Inspector General of Police,
Hazara Region Abbottabad

18984
4-12-12

SUBJECT: - APPEAL.

MEMORANDUM.

Kindly refer to your office Memo No.8561/PA, dated 19.11.2012.

It is submitted that AIG Legal in his letter bearing No. 3256/Legal dated 1.11.2012 has exaggerated the real things and attempted to twist the facts by mentioning there-in that " E.O in his findings stated that he (Junaid Daud) has been acquitted by the Court of law due to some lacunas. therefore his may kindly be considered" whereas. in his finding report the E.O (DSP Cantt:) has also mentioned that " the undersigned reached to the conclusion that at the time occurrence Constable Junaid Daud was drunkard. FSL report has also confirmed that he was drunkard by analysis of his blood and Urine samples.

To sum up the whole it is submitted that;

1. The sacked recruit was discharged under P.R 12.21 based upon his proved misconduct and criminal act. As envisaged in P.R no appeal lies against the order of discharge under P.R 12.21.
2. His appeal was dismissed/ rejected from your august office.
3. Worthy Provincial Police officer Khyber Pukhtoon Khwa did not accept the application as no written order bearing the signature of second appellate authority has so far been received in this office.
4. The undersigned being competent authority to award punishment has not discretion to set-a side previous discharge order.
5. During subsequent department enquiries the incrimination basing his discharge from service has been proved. therefore, his re-instatement in service will not be justified.

PA
3/12

DISTRICT POLICE OFFICER
ABBOTTABAD

PA
for necessary action

*Submitted with PPs
for favour of your kind
perusal & order pl.*

alleged
slay

PA
[Signature]

12/12/12

PA
4/12/12

2/11/2012

(24)

From: The Deputy Inspector General of Police,
Hazara Region (Abbottabad)

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

No. 9125 /PA Dated Abbottabad, the 06/12 /2012.

Subject: APPEAL

Memo:

Kindly refer to your office Memo: No.3256/Legal dated 01-11-2012 &
Memo: No.3447/Legal dated 13-11-2012 on the subject cited above.

The report furnished by the District Police Officer, Abbottabad vide his
Memo: No.3219/PA dated 03-12-2012 alongwith its enclosures i.e. Denovo of Ex-Constable
Junaid Daud No.479 of Abbottabad District is submitted herewith for your kind perusal and
further necessary action please.

Encl: (as above) (91) pages

Deputy Inspector General of Police
Hazara Region Abbottabad

No. 9126 /PA

Copy to the District Police Officer, Abbottabad for information with
reference to his letter quoted above.

Deputy Inspector General of Police
Hazara Region Abbottabad
(C.O Khurram Hussain)

Muted
[Signature]

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

To: - The Deputy Inspector General of Police,
Hazara Region, Abbottabad.

No. 2277 /Legal dated 16 /07/2012.
Subject:- APPEAL.

25

Please refer to your office letter No. 4340/PA dated 14.6.2012.

Ex-constable Junaid Daud was discharged under Police Rule 12.21 on the grounds that on 10.11.2011, he was found drunk and in such condition he was driving a motorcycle, which hit a motorcar. Besides registration of criminal case vide FIR 848/2011 u/s 8/11 P.O, he was straight away discharge from service under Police Rule 12.21 the same day i.e 10.11.2011 without providing any opportunity to explain his position.

The criminal case registered vide FIR No. 848/2011 was challaned to the court, which ended in acquittal. In its judgment the learned trial court observed that Taimur Khan owner of the motorcar had made a written report regarding an accident but instead of registration of case u/s 279 PPC, the local police registered case under Article 8/11 ^{PO} ~~PO~~ just to favour Taimur Khan who is the son of an Army officer.

After his acquittal from the court, ex-constable Junaid Daud submitted application/appeal for his re-instatement on the grounds that he was victimized under the pressure of an influential person as observed by the court in its judgment.

On receipt of appeal, the case was processed and examined in detail, which revealed that occurrence of road accident had taken place, but instead of registration of an accident case, a case under Article 8/11 PO was registered against the petitioner. In addition, he was also discharged under Police Rule 12.21 without hearing or affording him any opportunity to defence.

Consequently the competent authority i.e. Addl: IGP/H.Qrs approved re-instatement of the constable with the direction to conduct denovo proceedings against him.

The case was referred to the DPO Abbottabad through DIG/Hazara vide this office letter No. 1967/Legal dated 31.5.2012, but the DPO instead of compliance, raised objections vide letter No. 1584/PA dated 12.6.2012 and stated that in the absence of original order whatsoever of the

Junaid

19/07/12

28

competent authority in this case, mere follow up will obviously entail unsettled audit objections at succeeding stage however the DIG Hazara forwarded the letter of DPO with the request to provide original order of the worthy PPO in this case.

The case was again submitted before the competent authority i.e. Addl: IG/HQrs , who remarked that DPO Abbottabad may be asked to comply with the directions contained in this office letter quoted above under intimation to this office.



(MOHAMMAD FAYAZ KHAN)
AIG/LEGAL
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

o/e
—

Alleged
~~_____~~

27

From: The Deputy Inspector General of Police,
Hazara Region (Abbottabad)

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

No. 7738 /PA Dated Abbottabad, the 19/10 /2012.

Subject: APPEAL

Memo:

Kindly refer to your office Memo: No.1967/Legal dated 31-05-2012
& Memo: No.2277/Legal dated 16-07-2012.

The Denovo Enquiry in respect of Ex-Constable Junaid Daud
(containing 91 pages) received from District Police Officer Abbottabad vide his Memo:
No.2651/PA dated 11-10-2012 is submitted herewith for further orders and disposal
please.


Deputy Inspector General of Police
Hazara Region Abbottabad

No. 7739 /PA

Copy to the District Police Officer, Abbottabad for information with
reference to his letter quoted above please.

Attested
[Signature]


Deputy Inspector General of Police
Hazara Region Abbottabad

OFFICE OF THE DISTRICT POLICE OFFICER ABBOTTABAD.

NO. 2651 /PA, Dated Abbottabad the 11/X /2012

To:-

The Deputy Inspector General of Police,
Hazara Region Abbottabad

(28)

SUBJECT:-

APPEAL.

MEMORANDUM

Kindly refer to your office Endst: No.4172/PA, dated 6.6.2012, Enc No.5216/PA, dated 24.7.2012 and this office Memo No. 1584/PA, dated 12.6.2012.

It is submitted that since the explicit orders upon the application of Constable Junaid who was discharged under P.R 12.21 vide this office order dated 10.11.2011 not been issued by the appellate authority, therefore, denovo enquiry was ordered. DSP Cantt: entrusted denovo enquiry.

The Enquiry Officer during the processes of denovo enquiry proved the allegations based for the discharge of the applicant.

However, complete enquiry file is sent herewith for further orders disposal please.

DISTRICT POLICE OFFICE
ABBOTTABAD

PA
12/10

15804
12-10-12

Mustaf
12/10

Subject :- ENQUIRY AGAINST FC JUNAID DAUD DISTRICT ABBOTTABAD.

3

29

BRIEF OF ALLEGATIONS

Recruit Constable Junaid Daud No. 479 was found in intoxicated position while traveling towards PMA crossing met on Motor Cycle accident with Motor Car. He was sent DHQ Hospital for medical opinion. Result was received in positive. As a result case vide FIR No. 848 dated 10.11.2011 U/S 8/11 Article PS Cantt has been registered against him. He is under going Recruit Course at PTC Hangu and unfir to be retrain in Police Department as he had given a bad name to Police Department, therefore, he is discharge from Service under PR 12 - 21 with effect from 10.11.2011

Denove enquiry was entrusted to undersigned with the direction to finalize the enquiry within shortest possible time.

ENQUIRY PROCEEDINGS.

I proceeded accordingly and called the followings:-

1. ASI Pervaiz I/C PP Sakandarabad.
2. FC Nazakat No. 736 PP Sakandarabad.
3. Ex-constable Junaid Daud No. 479.

Their statements are recorded and placed with enquiry file.

From the recorded statement of ASI Pervaiz and Nazakat No. 736 and perusal of case file it has been proved that Recruit Constable Junaid Daud No. 479 was intoxicated. During the course of investigation his guilt was proved by the medical report and as well as FSL report. Any how during hearing of the case in the court of law prosecution has failed to prove his case due to which he has been acquitted by the court. Court orders are attached for ready reference.

FINDINGS.

From the above circumstances, during the course of inquiry the undersigned reached to this conclusion that at the time of occurrence Constable Junaid Daud was drunk. FSL report has also confirmed that he was drunk by analysis of his blood and urine samples. Anyhow he has been acquitted by the court of law due to some legal lacunas therefore, his appeal may kindly be consider.

Submitted please.

(RAJA ABDUS SABOOR KHAN)
Dy Superintendent of Police,
Cantt Abbottabad.

US

Alleged
by

NO: 302
9/10/2012

30²⁵

Subject :- ENQUIRY AGAINST FC JUNAID DAUD
DISTRICT ABBOTTABAD.

BRIEF OF ALLEGATIONS

Recruit Constable Junaid Daud No. 479 was found in intoxicated position while traveling towards PMA crossing met on Motor Cycle accident with Motor Car. He was sent DHQ Hospital for medical opinion. Result was received in positive. As a result case vide FIR No. 848 dated 10.11.2011 U/S 8/11 Article PS Cantt has been registered against him. He is under going Recruit Course at PTC Hangu and unfir to be retrain in Police Department as he had given a bad name to Police Department, therefore, he is discharge from Service under PR 12 - 21 with effect from 10.11.2011

DSP/Cantt

Denove enquiry was entrusted to undersigned with the direction to finalize the enquiry within shortest possible time.

ENQUIRY PROCEEDINGS.

I proceeded accordingly and called ex-constable Junaid Daud to join the enquiry.

He appeared before the undersigned I recorded his statement and placed with case file. He also produced his acquittal order in the case with is also attached with enquiry.

From the perusal of acquittal order of Judicial Magistrate-II Abbottabad that accused Constable Junaid Daud has been acquitted due to failure of prosecution therefore I am of the opinion that as he is acquitted from the charges leveled against him by the court so his appeal may kindly be consider sympathetically which he moved to high ups in the light of court decision.

FINDINGS

From the above circumstances and in the light of court decision it is recommended that his appeal may kindly be consider sympathetically.

[Signature]
Submitted please.
ABBOTTABAD

(RAJA ABDUS SABOOR KHAN)
Dy Superintendent of Police,
Cantt Abbottabad.

District Police Officer Abbottabad
Confidential
Dy: No. 72 / 198
Dated 10.9 / 2011

The procedural proceedings of Court Trial & departmental enquiry are not synonymous. You should adopt the procedure of dept. in the light of available evidence.

[Signature]

NO 259
4/9/11
[Signature]

[Signature]
discuss pl
[Signature] Cantt
11/09/2011

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

To: - The Deputy Inspector General of Police,
Hazara Region, Abbottabad.

No. 3256 /Legal, Dated Peshawar the: 1-11- /2012.

Subject:- APPEAL

Memo:-

Please refer to your office letter No. 7738/PA dated 19.10.2012.

The appeal of Constable Junaid Daud No. 479, has already been considered and accepted by the competent authority i.e. Addl: IG/HQr, with direction to re-instatement him in service and initiation of denovo proceedings. While complying CPO directions, DPO Abbottabad, nominated DSP Cantt: Abbottabad to conduct denovo enquiry against the official, who in his findings report stated that he (Junaid Daud) has been acquitted by the court of law due to some lacunas therefore, his appeal may kindly be considered. The DPO instead to finalize the enquiry (being competent authority) send it to your good office for further order and disposal.

It is therefore, requested that DPO Abbottabad being competent authority, may be directed to dispose of the enquiry of Constable Junaid Daud and submit final decision if any to this office. Complete enquiry file (in original) is returned herewith.

*enquiry file not attached
3/11/12 Rec. Dept.*



(MOHAMMAD FAYAZ KHAN)

AIG/LEGAL

For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

*Alleged
alleged*

DPO, ABBOTTABAD

*for compliance and report as
directed by W.P.O*

ORDER


32

This order is being issued in adherence and follow up of order of Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa Peshawar vide Memo: No: 07, dated 01-01-2013 who being Competent Authority has accepted the mercy petition of applicant/ Ex-Recruit Constable Junaid Daud No: 429, who was discharged under Police Rules 12-21 by District Police Officer, Abbottabad vide order Book No: 388, dated 15-11-2011 for certain omissions and commissions.

Therefore, he is re-instated into Service with immediate effect. However, the fate of gap period the applicant remained out of service, will be decided after the completion of denovo enquiry.

As required by Competent Authority vide above referred letter, denovo enquiry will be conducted against above mentioned sacked Police recruit/Constable, for which he will be issued Charge Sheet and disciplinary action.


Mr. Abdul Aziz Afridi, DSP, Havelian is nominated as Enquiry Officer.

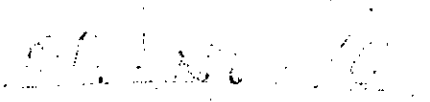

District Police Officer,
Abbottabad.

No: 80 /PA, 11-01-2013
Copies to the:-

1. Regional Police Officer, Hazara Region, Abbottabad for favour information with reference to his office order No: 74/PA, dated 04-01-2013.
2. DSP, Havelian for necessary action.


District Police Officer,
Abbottabad.

Attested



11-01-2013

33

356
01/11/13

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

To: - The Deputy Inspector General of Police,
Hazara Region Abbottabad.

No. 07 /Legal Dated Peshawar the, 01-01 /2013 37/PA

Subject: - APPEAL AGAINST THE ORDER OF DPO ABBOTTABAD,
DATED 10.11.2011. 6.1.13

Memo:-

Please refer to your office letter No. 9125/PA dated 06.12.2012 on the case noted above in the subject.

1. The undersigned being competent authority had approved re-instatement of appellant/ex-recruit constable Junaid Daud No. 429 into service with the direction that denovo departmental inquiry be conducted against him.
2. The said directions were conveyed to your office vide letter No. 1967/Legal dated 31.05.2012 with signature of AIG Legal who has been authorized to convey direction/order of competent authority after its approval in such like cases.
3. District Police Officer Abbottabad was required to have complied with directions contained in the above referred letter but his office raised objections on it which are not justified.
4. Without re-instatement of appellant in-service, de-novo inquiry cannot be conducted against him.
5. In view of the above it is directed that direction contained in the above letter No. 1967/Legal dated 31.05.2012 be complied with and after completion of de-novo inquiry, proper order against the appellant, what so ever, be issued under intimation to this office.

By No. 93
Date 01-11-13

Handwritten initials/signature

*no. 74/PA dated 4-1-13.
DPO, ABBOTTABAD.
For compliance and report
as directed by IGP HQ
at an early date.*

Handwritten signature
Add: IGP/HQs:
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

PA

Deputy Inspector General of Police
Hazara (Abbottabad)

Attested
Handwritten signature

Handwritten signature
FOR HQ

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

To: - The Deputy Inspector General of Police,
Hazara Region, Abbottabad.

No. 1665 /Legal, Dated Peshawar the: 4/5 /2012.

Subject:- APPEAL AGAINST THE ORDER OF DPO ABBOTTABAD,
DATED 10.11.2011.

Enclosed please find herewith an application/appeal submitted
by Junaid Daud, ex-constable No. 479 of Abbottabad District for comments
/detailed report.

His service record and enquiry file may also be communicated
to proceed further in the matter please.



(MOHAMMAD FAYAZ KHAN)

AIG/LEGAL

For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 2885/PA dated 10.5.10.

DPO, ABBOTTABAD

*For necessary action and
report at an early date pl.*

*Deputy Inspector General of Police
Hazara (Abbottabad)*

*Attested
[Signature]*

1665

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To

The Inspector General of Police,
Khyber Pakhtun Khwa, Peshawar

Subject:

APPEAL AGAINST THE ORDER OF D.P.O
ABBOTTABAD, DATED 10/11/2011.

Sir,

1. I have the honour to submit that I was recruit constable No. 479 in P.T.C Hangu.
2. During training I sought leave for 10 days and came to my house at Abbottabad.
3. On 10/11/2011 while I was driving my motorcycle, a motor car SND 875, hit my motor cycle from back side, as a result of which I fell down and sustained injuries.
4. A young chap who was driving the car namely Taimur who was the son of Serving Brigadier of Army came down as a result of which a quarrel took place between me and heir.
5. The local police under the influence of said Brigadier took me to Police Station and referred me for medical examination in D.I.I.Q hospital Abbottabad.
6. The Doctor on duty examined me and gave opinion that I was under the influence of some intoxication one hence a case u/s 8/11 E.H.O was registered vide FIR #: 848 dated 10/11/2011 in P.S Cantt; Abbottabad against me.
7. I was prosecuted by Judicial Magistrate-II, Abbottabad in this case and he acquitted me of the charge vide it's judgment dated 31/03/2012. Photo state copy of the judgment is attached.
8. The learned Court gave it's opinion very exhaustively in my favour and declared me innocent.

1687
2-5-2012

Ma legal
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B.S.V
2/5

attested
[Signature]

36

9. I am young man of aged about 26 years having good physique and also belong to a very respectable family and from the very beginning I was liking police department and serve in this department with my full devotion.

10. I am also graduate and wish to serve in police department.

It is, therefore, humbly prayed that I may please be reinstated as F.C in police department.

Junaid Daud

Junaid Daud
S/o Ghulam Daud
Caste Awan, R/o Khola Kehal, Abbottabad.
(Appellant)

Encl:-

Photo state copy of discharge order is annexed as herewith

Attested
[Signature]

37

From: The Deputy Inspector General of Police,
Hazara Region (Abbottabad)

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

No. 9125 /PA Dated Abbottabad, the 06/12 /2012.

Subject: APPEAL

Memo:

Kindly refer to your office Memo: No.3256/Legal dated 01-11-2012 &
Memo: No.3447/Legal dated 13-11-2012 on the subject cited above.

The report furnished by the District Police Officer, Abbottabad vide his
Memo: No.3219/PA dated 03-12-2012 alongwith its enclosures i.e. Denovo of Ex-Constable
Junaid Daud No.479 of Abbottabad District is submitted herewith for your kind perusal and
further necessary action please.

Encl: (as above) (9) pages -

Deputy Inspector General of Police
Hazara Region Abbottabad

No. 9126 /PA

Copy to the District Police Officer, Abbottabad for information with
reference to his letter quoted above.

Attested
[Signature]

Deputy Inspector General of Police
Hazara Region Abbottabad
(C.O Khurram Hussain)

OFFICE OF THE DISTRICT POLICE OFFICER ABBOTTABAD.

37/11

NO. 3219 PA, Dated Abbottabad the 05-12, 2012

To: - The Deputy Inspector General of Police,
Hazara Region Abbottabad

18984

SUBJECT: - APPEAL.

6-12-12

MEMORANDUM

Kindly refer to your office Memo No.8561/PA, dated 19.11.2012.

It is submitted that AIG Legal in his letter bearing No. 3256/Legal dated 1.11.2012 has exaggerated the real things and attempted to twist the facts by mentioning there-in that " E.O in his findings stated that he (Junaid Daud) has been acquitted by the Court of law due to some lacunas, therefore his may kindly be considered" whereas, in his finding report the E.O (DSP Cantt:) has also mentioned that " the undersigned reached to the conclusion that at the time occurrence Constable Junaid Daud was drunkard. FSL report has also confirmed that he was drunkard by analysis of his blood and Urine samples.

To sum up the whole it is submitted that;

1. The sacked recruit was discharged under P.R 12.21 based upon his proved misconduct and criminal act. As envisaged in P.R no appeal lies against the order of discharge under P.R 12.21.
2. His appeal was dismissed/ rejected from your august office.
3. Worthy Provincial Police officer Khyber Pukhtoon Khwa did not accept the application as no written order bearing the signature of second appellate authority has so far been received in this office.
4. The undersigned being competent authority to award punishment has not discretion to set-aside previous discharge order.
5. During subsequent department enquiries the incrimination basing his discharge from service has been proved, therefore, his re-instatement in service will not be justified.

*Muhammad
Ali*

*PA
3/12*

*PA
for necessary action*

[Signature]

DISTRICT POLICE OFFICER
ABBOTTABAD

*in the light of all
the facts of your report
perused & under pt.*

12/16

*PA
4/12/12*

7/12/12

از دفتر @ASI

BB

خدمت ریپورٹ میں

SRIC

P/O

درجہ اول

479

OB No: 16

13-2013

دعا، سرس پریشانی کا علاج

کیس نمبر 906

ASPI HUN

[Handwritten signature]

ASI
Abbottabad

14/01/12

Attested
[Signature]

30/1

From: The Deputy Inspector General of Police,
Hazara Region (Abbottabad)

To: The District Police Officer,
Abbottabad.

No. 2204 /PA Dated Abbottabad, the 19-3-2013.

Subject: APPEAL

Memo:

Please refer to your office Memo: No. 544/PA dated
05-03-2013.

The Worthy Regional Police Officer Abbottabad has
recorded the following remarks on it:-

"DPO is the competent authority. In this case he proceeds
as per rules".

The de-novo enquiry received with your letter under
reference is returned herewith for further necessary action.

Alleshad
[Signature]

[Signature]
Regional Police Officer,
Hazara Region Abbottabad
(C.O. Gul Bibi)

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

Service Appeal No. 1051/2013.

Junaid Daud s/o Ghulam Daud Ex- Constable No. 479 r/o House No. RL 270,
Khola Kehal, District Abbottabad.

(Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Dy: Inspector General of Police Hazara Region Abbottabad
3. District Police Officer, Abbottabad.

(Respondents)

Para wise comments on behalf of Respondents

Respectfully Sheweth

Preliminary objections.

1. That the appellant has no cause of action.
2. That the appellant has not come to this Tribunal with clean hands.
3. That the appeal is bad for misjoinder and non joinder of necessary parties.
4. That the appellant is estopped by his own conduct.
5. That the appeal is barred by law.

FACTS

Para No.1 Para not related needs no comments.

Para No. 2 Para pertains to record hence no comments.

Para No.3 Para to the extent of returning to his house is not related needs no comments while rest of the para incorrect. The appellant had collided his motor cycle with a motor car near PMA bypass on 10.11.2011 while he was drunken. In order to confirm this fact he was taken to DHQ hospital Abbottabad. The report was received in positive which resulted in registration of case vide FIR No. 848/2011 u/s 8/11 PS Cantt. So the plea of appellant of false involvement is totally baseless & frivolous.


- Para No. 4. The appellant was discharged from service after fulfillment of all codal formalities as the charge against the appellant had been proved.
- Para No.5. Pertains to record needs no comments.
- Para No.6. Para also pertains to record hence, no comments.
- Para No.7. Para correct hence no comments.
- Para No. 8. The appellant was discharged from service after fulfillment of all codal formalities. The appellant was issued Charge Sheet, Statement of Allegation and Final Show Cause Notice. Moreover, he was provided opportunity to defend himself so the punishment order passed by the competent authority is in accordance with law. The plea taken by the appellant regarding acquittal from criminal case and its effect on departmental proceedings is of no value as the departmental proceedings and criminal proceedings are two different entities and can run side by side.
- Para No.9. Para pertains to record hence no comments.
- Para No.10. Para pertains to record needs no comments.
- Para No. 11. That during enquiry allegation of his intoxication has been proved so, the competent authority issued him Final Show Cause Notice and after fulfillment of all codal formalities the punishment order was passed which do commensurate with the gravity of his offence.
- Para No. 12. Para is for the appellant to prove.

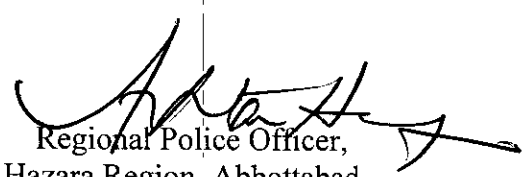
GROUND.

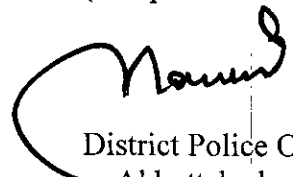
- A. Para is totally false and baseless. As the punishment order has been passed after conducting a full fledged enquiry, the appellant was provided opportunity of defending himself therefore, the order is in accordance with law, facts and material available on record..
- B. Para incorrect. The appellant at the time of accident was got examined from Doctor in DHQ Abbottabad and the report of Medical Officer transpired that the appellant was drunken at that time.

- C. Para incorrect. At the time of occurrence he was in drunken condition which was initially complied by the Medical report of DHQ hospital Abbottabad and later on the FSL report was also received in positive. So the entire proceedings are in accordance with law, facts and norms of justice.
- D. Para to the extent of satisfaction by the prosecution is not related needs no comments while rest of the para is incorrect hence denied. As explained earlier that criminal proceedings and departmental proceedings are two different entities and can run parallel. The fate of criminal case has no binding effect on departmental proceedings.
- E. Para explained earlier hence no comments.

It is therefore, requested that the appeal of the appellant being devoid its legal footing may graciously be dismissed with cost.


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


Regional Police Officer,
Hazara Region, Abbottabad.
(Respondent No. 2)


District Police Officer,
Abbottabad
(Respondent No. 3)

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

Service Appeal No. 1051/2013.

Junaid Daud s/o Ghulam Daud Ex- Constbale No. 479 r/o House No. RL 270,
Kohal Khail, District Abbottabad.

(Appellant)

VERSUS


1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Dy: Inspector General of Police Hazara Region Abbottabad
3. District Police Officer, Abbottabad.

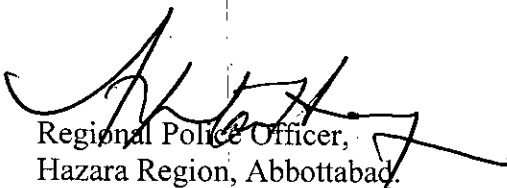
(Respondents)

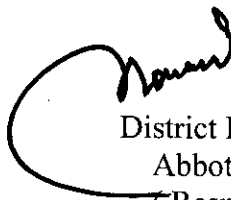
AFFIDAVIT.

We, do hereby affirm on oath that the contents of written comments are true to the best of our knowledge & belief and nothing has been concealed from the honorable tribunal.

Submitted please.


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


Regional Police Officer,
Hazara Region, Abbottabad.
(Respondent No. 2)


District Police Officer,
Abbottabad
(Respondent No. 3)

قلمرو میں ASJ حال احوال کے حوالے سے POF کے حوالے سے
بے در یافتگی بیان کیا کہ دوران گفتگو کے حوالے سے
تہا نے گفتگو میں آیا اور صدر نے 10/11/2010 کو یہ گفتگو کے حوالے سے
بھی لکھتے ہیں کہ۔ کہ امداد ملی کہ PMA جو کہ میں
کو لے چکا ہے جس امداد میں سے لقمہ سے لوجا جہاں سے ایک
نوٹر کا نمبر 875 اور ایک نوٹر سائیکل کو لے لیا اور اس کا
کوئی بھی موقع نہیں ہے نوٹر کا اس ڈرامے میں جو جہاں
وہ انھیں خانہ کا طالب ہو کر گیا کہ نوٹر سائیکل سے اس کا
نہ لولہ کا بیڑا اور وہی سوئے ہے اس کے نوٹر کا کوئی بھی
کار ہے۔ لوجھے ایسے ہی سے اس کو مذکورہ نے اس کا
تھکدا شروع کر دیا اور اس میں فریڈ کیا کہ گاڑی کے نقصان
کے حوالے سے ہے۔ اس شخص نے لولہ کے بیڑا اور وہی
پہلے ہے۔ کوئی کیا ہے کہ لولہ کا امداد ہے یا کہ
امداد میں بھی نظر آتا ہے۔ جبکہ نوٹس اور فراست حاصل
رکھ کر وہ کیا گیا مذکورہ نوٹر کا حوالے سے جس کے بیڑا
سے اس نوٹر کا بیڑا ہے کہ یہ نوٹر لولہ کے حوالے سے
تہا نے دریافت کر لیا نام ہے نوٹر داؤد ولد داؤد خان
میں کیا لکھا ہے کہ نوٹر داؤد ولد نوٹر داؤد ولد
میں بیڑا کو لے کر گیا ہے۔ جس سے نوٹر کو لے لیا
جبکہ نوٹر کے حوالے سے نوٹر کے حوالے سے نوٹر 736
DHA جہاں سے نوٹر کے حوالے سے نوٹر کے حوالے سے
اسی نوٹر کے حوالے سے نوٹر کے حوالے سے نوٹر کے حوالے سے
نوٹر کے حوالے سے نوٹر کے حوالے سے نوٹر کے حوالے سے
نوٹر کے حوالے سے نوٹر کے حوالے سے نوٹر کے حوالے سے

(1)

نوٹس
cont

ibjcc (14)
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مذکورہ کنٹینر نے بدنام کو سیزورالٹ تھا کہ کنٹینر
سیڑھیں رکھنے اور بائیں طرف ہر طرف سے
سیڑھیں رکھنے سے مذکورہ کے صدمہ شدہ 848

(15)

بدنام کو جوڑنے کے لیے بائیں طرف سے
سیڑھیں رکھنے اور بائیں طرف سے
سیڑھیں رکھنے اور بائیں طرف سے
سیڑھیں رکھنے اور بائیں طرف سے

سیڑھیں رکھنے اور بائیں طرف سے
سیڑھیں رکھنے اور بائیں طرف سے
سیڑھیں رکھنے اور بائیں طرف سے
سیڑھیں رکھنے اور بائیں طرف سے

12

بدنام کو جوڑنے کے لیے بائیں طرف سے

Attested
Count

بیان نرائٹ 736 سٹیفن جوئی سیدی سندر آباد سے بدھ

کیا کہ جوئے 10 11/2011 لفت لفر سٹاپوے نو بجے کے بعد مجھے ASI

جس کے ساتھ میں گنت یہ نکل سوا تھا۔ مہی جنید ولد علام داؤد

کالنگہ مخوری بنا کر دیانت ہی کے DHQ ملزم کو لے جاؤ۔ میں

کا

ملزم کو ڈاکٹر صاحب کے پاس DHQ لے گیا۔ ڈاکٹر صاحب سے ملزم کا

خون، اور پیٹاب کا ٹیسٹ لیا گیا۔ دو پراسل مجھے دیے اور زبانی

کیا کہ یہ ٹیسٹ میں ہے اور لفتہ مخوری پر بھی تحریر کر دیا گیا۔

والی آکر ملزم کو تھا کہ گنت کی حوالہ میں بند کیا گیا۔ پراسل

مع لفتہ مخوری میں یہ ڈاکٹر صاحب سے انہی رائے دی تھی

جوئی جا کر حوالہ ASI پر دیا گیا تھا۔ حوالہ عدہ کے لفت

848/2011 (؟) 8/11 آرٹیکل 202 ولسر سوا تھا۔ یہاں صرا بیان ہے

میں لیا ہے کہ دست ہے

الد

کشی نرائٹ 736 سٹیفن جوئی

سیدی سندر آباد

28-9-2012.

Attested

JP Cantt

ریکروٹ کا حلیفہ بیان

میں جنید جاوید ضلع یونٹ ایسٹ آباد میں بحیثیت پولیس کنسٹیبل بھرتی شدہ اس تحریر کے ذریعے اقرار کر کے لکھ دیتا ہوں:

- ۱۔ میں کسی بھی سیاسی پارٹی کے ساتھ کسی قسم کا تعلق یا واسطہ نہیں رکھتا۔
- ۲۔ میں اپنی تمام تر زندگی میں کسی بھی جرم قابل دست اندازی پولیس اخلاقی جرائم۔ دہشت گردی کے مقدمات یا حکومت کے منافی سرگرمیوں جیسے جرائم میں تاحال ملوث نہیں رہا ہوں۔
- ۳۔ بھرتی کے بعد افسران بالا مجھے ریکروٹ کورس کے لیے کسی بھی ٹریننگ سنٹر جس وقت بھی بھیجے گا حکم دیں، میں بلا چون و چرا کورس میں شمولیت کرونگا۔
- ۴۔ میں اپنی ذہنی کی نوعیت کو تبدیل کرنے کے لیے کسی قسم کی کوشش نہیں کرونگا۔ ہاں اگر حکم کے افسران بالا اپنی مرضی سے تبدیل کرنے کے احکامات جاری کر لیں تو اسی صورت میں احکامات کی بجا اداری کا قانوناً ذمہ دار ہوں گا۔

Gen. Shaukat
بھرتی شدہ شخص کے دستخط

پورا نام جنید جاوید

شناختی کارڈ نمبر 3-8754586-81(3)

پتہ ہاؤس نمبر 279 گھولہ کھیلاں ایسٹ آباد

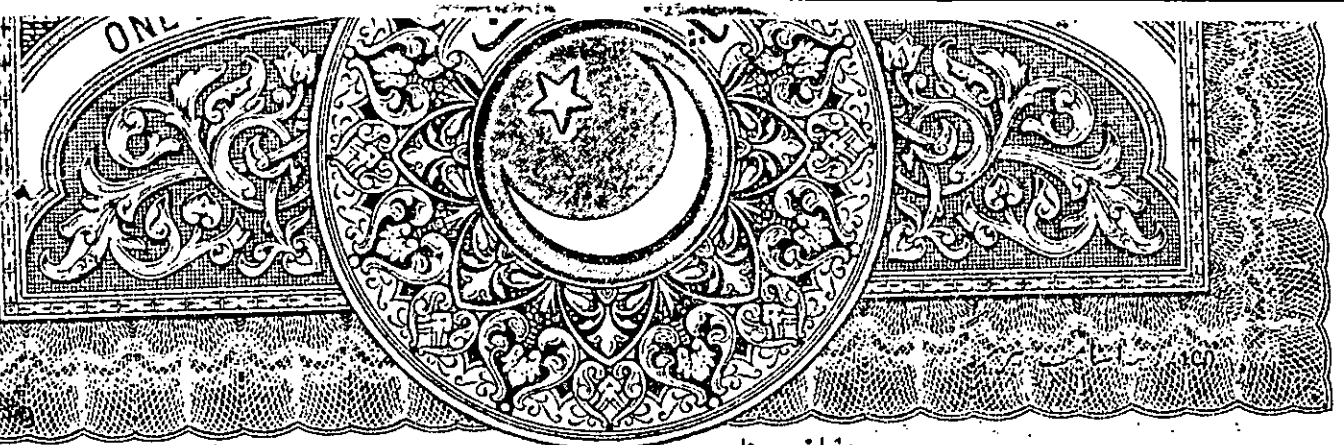
تاریخ 2011-05-16

ڈسٹرکٹ پولیس افسر کی گواہی تصدیق

تاریخ

26/5/2011





ضمانت نامہ

مکملہ جعفریہ داؤد ولد غلامکے داؤد سکند 279 گھولہ کھولہ ایبٹ آباد ضلع ایبٹ آباد میں بحیثیت پولیس کنشیل بھرتی شدہ حلفاً اقرار کر کے لکھ دیتا ہوں:

- ۱- میں ضلع ایبٹ آباد میں بحیثیت کنشیل کم از کم پانچ سال ڈیوٹی سرانجام دیتا رہوں گا۔
- ۲- ملازمت چھوڑنے یا استعفیٰ کی صورت میں میری ٹریننگ اور کٹ وغیرہ پر حکومت پاکستان کا جو خرچہ آیا ہے وہ یکمشت ادا کرنے کا پابند رہوں گا۔
- ۳- اس وقت میرے ساتھ نقد رقم برائے ادائیگی موجود نہ ہونے کی صورت میں ٹریننگ، کٹ وغیرہ کا خرچہ زیادہ تخمیناً مبلغ تین لاکھ روپے، میرے منقولہ وغیرہ منقولہ جائیداد سے محکمہ پولیس و صوبائی کا مجاز ہوگا۔
- ۴- متعلقہ ضلع ایبٹ آباد میں تعیناتی کے دوران میں دوسرے ضلع ایبٹ آباد یا ترقی کے لیے کسی قسم کی کوشش یا سفارش یا دیگر سیاسی دباؤ نہیں ڈالوں گا۔
- ۵- میں صوبہ سرحد کے تمام اضلاع میں جہاں بھی حکم ہوا اپنا فرض منصبی سرانجام دینے کا پابند رہوں گا۔ کسی قسم کا انکار نہیں کروں گا۔

Amr Rehman
بھرتی شدہ اہلکار کے دستخط

نام جعفریہ داؤد
پتہ مکان نمبر 279 گھولہ کھولہ ایبٹ آباد

قومی شناختی کارڈ نمبر 13101-8754586-3

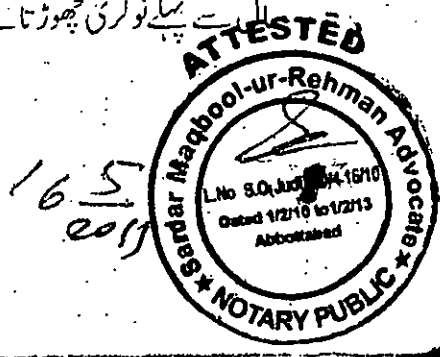
تاریخ 16/3/2011

مکملہ نواز ایبٹ آباد جعفریہ داؤد ضمانتی اقرار کر کے ضمانت دیتا ہوں کہ میں محکمہ پولیس کے قواعد و ضوابط کے تحت جو خرچہ کنشیل کی ٹریننگ، کٹ وغیرہ پر (جس کا محکمہ پولیس خود حساب لگائے گا) آیا ہے اگر مذکورہ کنشیل پانچ سال تک پہلے نوکری چھوڑتا ہے یا استعفیٰ دیتا ہے تو یہ خرچہ میں بذات خود محکمہ پولیس کو یکمشت ادا کرنے کا پابند رہوں گا۔

ضامی نواز ایبٹ آباد

دستخط
پتہ مکان نمبر 279 گھولہ کھولہ ایبٹ آباد

قومی شناختی کارڈ نمبر 13101-0879757-3



Before The Khyber Pakhtunkhwa Service Tribunal, Peshawar

In re-Service Appeal No 1051/2013

Junaid Daud Versus IG Police, KP and others

Rejoinder on behalf of Appellant

Respectfully Sheweth,

On Preliminary Objections:

All the preliminary objections are formal, wrong, incorrect, mis leading and mis conceived, hence denied.

On Facts:

1. Para No "1" needs no rejoinder.
2. Para No "2" needs no rejoinder.
3. Para No "3" of the comments is wrong and incorrect, while that of reply is incorrect. In fact, the Appellant was charged in case FIR No 848/2011 but after trial the Appellant is acquitted vide Judgment dated 31-03-2012, hence as per dictums of August Supreme Court of Pakistan, Civil Servant once acquitted of criminal charge by competent court of law was to be considered to have committed no offence because the competent criminal court had freed/cleared him from an accusation or charge of crime, hence he has to be reinstated in service with back benefits.
4. Para No "4" of the comments is wrong and incorrect, while that of Appeal is correct. In fact the Order dated 15-11-2011 has been passed in utter disregard of the mandatory provisions of law. The Appellant has been discharged with out holding any inquiry, without issuing any charge sheet, with out affording an opportunity of defence and cross examination.
5. Para No "5" needs no rejoinder.
6. Par No "6" needs no rejoinder.
7. Para No "7" needs no rejoinder.
8. Para No "8" of the comments is wrong and incorrect, hence denied while that of Service Appeal is correct. In fact the Appellant was charged in case

070
16.03.15

FIR No 848/2011 but after trial the Appellant is acquitted vide Judgment dated 31-03-2012, hence as per dictums of August Supreme Court of Pakistan, Civil Servant once acquitted of criminal charge by competent court of law was to be considered to have committed no offence because the competent criminal court had freed/cleared him from an accusation or charge of crime, hence he has to be reinstated in service with back benefits. Furthermore the order of discharge from service is passed in utter disregard of the mandatory provisions of law.

9. Para No "9" needs no rejoinder.

10. Para No "10" needs no rejoinder.

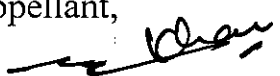
11. Para No "11" of comments is wrong and incorrect, hence denied while that of Service Appeal is correct. Full details are given in preceding Para's.

12. Para No "12" needs no rejoinder.

On Grounds:

- a. Para "a" of the comments is wrong and incorrect, hence denied while that of Service Appeal is correct.
- b. Para "b" of the comments is wrong and incorrect, hence denied while that of Service Appeal is correct. In fact the Appellant was charged in case FIR No 848/2011 but after trial the Appellant is acquitted vide Judgment dated 31-03-2012, hence as per dictums of August Supreme Court of Pakistan, Civil Servant once acquitted of criminal charge by competent court of law was to be considered to have committed no offence because the competent criminal court had freed/cleared him from an accusation or charge of crime, hence he has to be reinstated in service with back benefits.
- c. Para "c" of the comments is wrong and incorrect, hence denied while that of Service Appeal is correct. Full detail are given in preceding Para's.
- d. Para "d" of the comments is wrong and incorrect, hence denied while that of Service Appeal is correct.
- e. Para "e" of the comments is wrong and incorrect, hence denied while that of Service Appeal is correct. Full details are given in preceding Para's.

It is, therefore, prayed that the title Service Appeal may kindly be allowed as prayed for.

Appellant,
Through 
Arbab Safiullah Khan
Advocate

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16.03.15

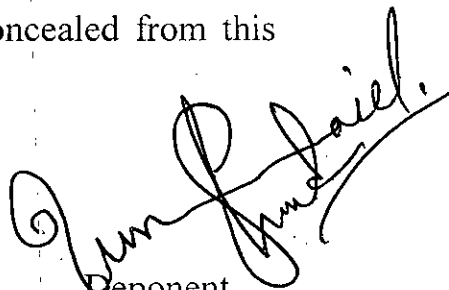
Before The Khyber Pakhtunkhwa Service Tribunal, Peshawar


In re-Service Appeal No 1051/2013

Junaid Daud Versus IG Police, KP and others

Affidavit

I, Junaid Daud S/o Ghulam Daud, R/o House No, RL 270, Kohal Khail, Distt Abbottabad do hereby solemnly affirm and declare on oath that the contents of accompanying rejoinder are true and correct and nothing is concealed from this Honorable Service Tribunal.


Deponent

ATTESTED
19-07-15
Mian Shahid Ullah Shah
Advocate
OATH COMMISSIONER
High Court Peshawar 

Before the Service Tribunal KPK

Peshawar

Junaid Iqbal v/s Inspector General etc

Appeal under sec 4

Application for Placement of document
ENQUIRY Proceeding conducted by Qammar
Hayyat

Respectfully sheweth:-

- 1) That above titled Appeal is pending before this honourable Tribunal.
- 2) That Petitioner want to place a Enquiry report along with proceeding conducted by Qammar Hayyat.

That documents are very necessary for disposal of the case.

Kindly allow me to place on above mentioned documents

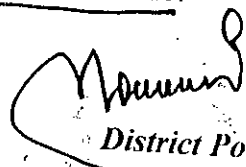
479

ORDER

Recruit Constable Junaid Daud No.479 was discharge from service under Police Rule 12-21 vide OB No.388 dated 15-11-2011 with effect from 10-11-2011. He preferred an appeal before the Provincial Police Officer Khyber Pakhtunkhawa Peshawar and Regional Police Officer vide his memo: No 1967/Legal dated 31- 05- 2012, upon which this office was directed to re-instate him in service and de-novo proceeding initiated against him. He was re-instated in service and after fulfillment of all procedural formalities Qamar Hayat DSP Investigation was appointed to conduct de-novo enquiry against him.

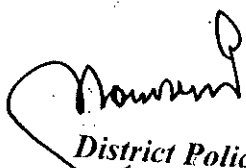
During de-novo enquiry the Enquiry Officer reached to the conclusion that at time of occurrence he was in a drunkard condition which was initially complied by the Medical report of DHQ Hospital Abbottabad & the FSL report has also received in positive.

In the light of findings of Enquiry Officer, allegation of misconduct, registration of FIR, his state of being drunkard subsequently have been proved against Recruit Constable Junaid Daud No.479 by FSL report. Original order of Discharge from service by District Police Officer Abbottabad under Police Rules 12-21 has become justified and therefore, it is clear that the Official should not be allowed to keep serving in Police as he shall being bad name to department. Hence, he is discharge from service under Police Rule 12-21.


District Police Officer,
Abbottabad.

No. 398788 Dated 12-4-13
Copy to the:-

1. Provincial Police Officer Khyber Pakhtunkhawa Peshawar w/r to memo: No.3256/legal dated 01-11-2012.
2. Regional Police Officer Hazara Region Abbottabad for favor of information w/r to his memo: No.2204/PA dated 19-03-2013.


District Police Officer,
Abbottabad.

OB-No-110
4-4-13

(2)

906

بحوالہ چارٹڈ گزارش فیصلہ میں محمد لوہیس میں مائیکل برتی ہو کر لوہیس ٹرسٹ
 بنگو بنیادی تربیت لینے گیا ہوا مقررہ 2011/11/1 سے 2011/11/1 تک وہ
 آیا۔ 11/11/11 کو بوقت مغرب میں P.M.A. لظرف منڈیاں جا رہا تھا۔ بادش بھی تھی کہ
 اسی اثناء میں ایک موٹر کار جو مجھے اسی تھی نے میری موٹر کار کو ٹکرا دیا
 دور جا کر گرا میں کافی زخمی ہو گیا اور میرا موٹر سائیکل بھی چلنا چور ہو گیا۔ موقع
 پر موجود لوہیس ملڈز نے میری رپورٹ دیکھنے کے بجائے اپنی طرف سے رپورٹ میرا
 خلاف لکھ دی۔ جو بعد فیصلہ عدالت مجھے عدالت نے باطنرت بری کر دیا ہے۔ چونکہ
 میرا پر جرم ثابت نہیں ہو سکا اور مجھے بے گناہ قرار دیتے ہوئے بری کر دیا
 گزارش فیصلہ عدالت کے فیصلہ کے مطابق محمد انکوار میں بھی مجھے معاف
 فرمایا جائے۔ میں ایک غریب خاندان سے تعلق رکھتا ہوں اور خاندان کا واحد
 کنبل ہوں میری عمر بھی زیادہ ہوئی ہے میری ہمالی کو برقرار رکھا جائے

جنید داؤد ڈائریکٹ مائیکل

906

OK
 Ahmad

Pun Jaid

Total Pages

(84)

②
FINAL SHOW CAUSE NOTICE

I, MUHAMMAD ALI KHAN, District Police Officer
Abbottabad, as competent authority charge you Recruit/ Constable Junaid No.479 as follows:-

That during initial period, you were under-going recruit course at PTC, had collided your Motor-bike with a Motor Car near PMA- By pass on 10.11.2011 when, allegedly you were in intoxicated condition. In order to confirm or otherwise the fact of your being in drunkard condition, you were taken to DHQ Hospital Abbottabad. The expert's report received was in positive which was followed by registration of case FIR No.848/2011 u/s 8/11 PS Cantt. You were discharged under P.R 12.21 vide O.B No.388 dated 15.11.2011. Subsequently in adherence with the directives of Additional Inspector General of Police, H.Qrs, Khyber Pukhtoon Khwa Peshawar vide his office Memo No. 07/2013 you were re-instated and de novo enquiry is being ordered.

✓ During de novo enquiry the allegations have been proved against you.

Keeping in view the above said allegation on your part, you are hereby called upon to show cause finally with in seven days of the receipt of this final show cause notice as to why you should not be awarded punishment under the Police disciplinary Rules 1975. If your written reply is not received with in stipulated period it shall be presumed that you have no defense to offer. You are also permitted to appear before the undersigned if you so desire.

O.B - No - 110
4 4 - 13

Muhammad
DISTRICT POLICE OFFICER,
ABBOTTABAD.

Muhammad
26/03/13

In the light of proceedings so far, in charging Constable Junaid 906 misconduct, registration of FIR, his state of drunkardness, subsequently proved by FSL report, original order of discharge from service by DPO Abbottabad under P.R. 12.21 and proving of allegations in de novo enquiry by DSP, investigation, it is clear that such officials should not be allowed to keep serving in Police as they shall bring bad name to department. Hence, he is discharged from service under P.R. 12.21.
Muhammad 4/4/13

966

3
474

Phone No.0992-9310021
Fax No.0992-9310023

From: The Deputy Inspector General of Police,
Hazara Region (Abbottabad)

To: The District Police Officer,
Abbottabad.

No. 2204 /PA Dated Abbottabad, the 19-3- /2013

Subject: APPEAL

Memo:

Please refer to your office Memo: No. 544/PA dated
05-03-2013.

The Worthy Regional Police Officer Abbottabad has
recorded the following remarks on it:-

"DPO is the competent authority. In this case he proceeds
as per rules".

The de-novo enquiry received with your letter under
reference is returned herewith for further necessary action.

Regional Police Officer,
Hazara Region Abbottabad
(C.O Gul Bibi)

P.A.
Discusses
RD
20/3

O.R.
a

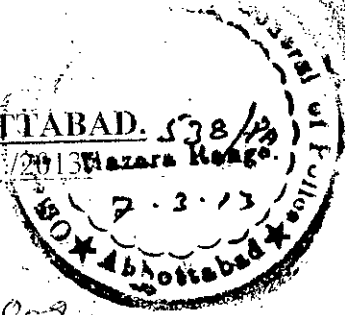
Confidential
Dy: No 786 /PA
Dated 20-3-2013

1-2
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(6)

OFFICE OF THE DISTRICT POLICE OFFICER ABBOTTABAD. 538/PA

NO. 544 /PA. FILE /DATED 07/3 /2013 Hazara Range.



To: The Regional Police Officer,
Hazara Region, Abbottabad.

4809
07-03-13

SUBJECT: APPEAL

MEMORANDUM

P/A

Kindly refer to your office Endst: No; 74/PA dated 4-01-2013.

In adherence with the directives of Addl: Inspector General of Police, Headquarters Khyber Pakhtunkhwa Peshawar, issued vide his office Memo No: 07/legal dated 01-01-2013, received in this office vide your above cited reference; denove enquiry was ordered and has been conducted-

The same is sent herewith for yours kind perusal and further orders please.

~~PA~~
2/7/3

Mansoor
DISTRICT POLICE OFFICER,
ABBOTTABAD.

~~PA~~
for n/section

~~Deputy Inspector General of Police
Hazara (Abbottabad)~~

31
District
Judge
Abb

PA
SPO is the competent authority in this case. Submitted for order p.
He has processed as per. W/D/16
12/3/13

5

SUBJECT: ENQUIRY AGAINST FC JUNAID DAUD DISTRICT
ABBOTTABAD

BRIEF OF ALLIGATION:

Recruit Constable Junaid Daud No. 479 was found in intoxicated position while traveling towards PMA crossing on Motor Cycle accident with Motor Cycle. He was sent DHQ Hospital for medical opinion. Result was received in positive. As a result case vide FIR No 848 dated 10-11-2011 US 8/11 Article PS Cantt has been registered against him He is under going Recruit Course at PTC Hangu and unfair to retrain in police Department as he had given a bad name to Police Department, therefore he is discharge from service under PR 12-21 with effect from 10-11-2011.

Denove enquiry was entrusted to undersign with the direction to finalize the enquiry within shortest time.

Enquiry Proceeding:

I proceeded accordingly and called following:

- 1: ASI Perviz I/C PP Skanderabad.
- 2: FC Nazakat No 736 PP Skanderabad
- 3: Ex Constable Junaid Daud No. 479

Their statement are recorded and placed with enquiry file already and they stated that their statements are same as they given before. From the recorded statement of ASI Perviz and Nazakat No 736 and perusal of case file it has been proved that Recruit Constable Junaid Daud No 479 was intoxicated. During the course of investigation his guilt was proved by the medical report and as well as FSL report. Any how during hearing of the case in the court, prosecution has failed to prove the case due to which he has been acquitted by the court.

FINDING

From the above circumstances during the course of enquiry the undersign reached to his consolation that at the time of occurrence Constable Junaid Daud was drunkard, FSL report has also conformed that he was drunkard by analysis of his blood and urine samples. Any how the applicant is acquitted due to failure of prosecution, so charges leveled against him are not proved. Therefore his appeal could be consider by higher authority then he has the right of appeal.

11/11/11

Qamar Hayyat Khan DSP
Urban Investigation Abbottabad.

P.A
enquiry file be sent a-head
Regional Police officer Md
for the orders.
proceed against departmentally
I.O. for his failure to carry out investigation properly
& skillfully.

DBTMD

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27

From: Dy: Superintendent of Police,
Havelian Abbottabad.

To: The District Police Officer,
Abbottabad.

No: 117 dated Abbottabad the 7-2-2013

Subject: ORDER.

Kindly refer to your office No 80/PA dated 11.01.2013.

It submitted that Denovoe enquiry against Ex -constable Junaid Daud No 429 received from your good office in this regard. it is bring to your kind notice that the initial report against the above constable was made by the undersigned while posted as SDPO cantt.

It is therefore requested that Denovoe enquiry may please be entrusted to any other police officer because findings opinion of undersigned can be challenge on any step

Submitted please.

Dy: Superintendent of Police,
Havelian Abbottabad.

No 364 PA/dated 11/2/2013

[Signature]

DSP Qamar Hayat of Invest. wing
is appointed as EO to
conduct denovo enquiry &
submit findings.

Encl. (46)

[Signature]

Dy: Supdt Of Police
Havelian

15.1.13
Havelian

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2/1

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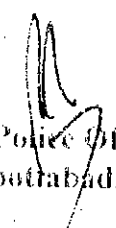
ORDER

This order is being issued in adherence and follow up of order of Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar vide Memo: No: 07, dated 01-01-2013 who being Competent Authority has accepted the mercy petition of applicant/ Ex-Recruit Constable Junaid Daud No: 429, who was discharged under Police Rules 12-21 by District Police Officer, Abbottabad vide order Book No: 388, dated 15-11-2011 for certain omissions and commissions.

Therefore, he is re-instated into Service with immediate effect. However, the fate of gap period the applicant remained out of service, will be decided after the completion of denovo enquiry.

As required by Competent Authority vide above referred letter, denovo enquiry will be conducted against above mentioned sacked Police Recruit/Constable, for which he will be issued Charge Sheet and disciplinary action.

Mr. Abdul Aziz Afridi, DSP, Havelian is nominated as Enquiry Officer.

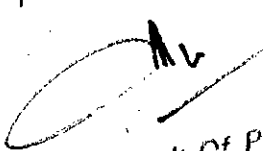

District Police Officer,
Abbottabad.

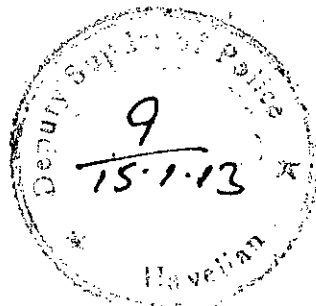
No: 80 /PA, 11-01-2013
Copies to the:-

1. Regional Police Officer, Hazara Region, Abbottabad for favour information with reference to his office Endst: No: 74/PA, dated 04-01-2013.
2. DSP, Havelian for necessary action.


District Police Officer,
Abbottabad.

CB No 76
11-01-2013

PA:
For ny action.

Dy: Supdt Of Police
Havelian



Complete File

(2)

From:- The Dy: Superintendent of Police,
Havelian.

To :- The District Police Officer,
Abbottabad.

No. 68 / Dated Havelian, the 18/1/2013.

Subject:- O A D E H.

MEMO:

(4)

Kindly refer to your office diary
No.80/PA dated 11.1.2013.

It is submitted that lenovo enquiry
against Ex-recruit constable Junaid Daud No.429 received
from your good office.

It is therefore requested please provide
previous enquiry file of the said Constable so that lenovo
Enquiry can be completed within target time please.

Dy: Superintendent of Police
Havelian.

[Handwritten signature]

[Handwritten Urdu text]

0305-9191070

9

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

To: - The District Police Officer,
Abbottabad.

5

No. 111 /Legal dated ,Peshawar the 18/11-2013
Subject: APPEAL AGAINST THE ORDER OF DPO ABBOTTABAD
DATED 10.11.2011.

Memo:

Please refer to your office letter No.81/ dated 11.01.2013 on the subject
cited above.

The Denovo Enquiry file (in original) in respect of Ex-Constable Junaid
Daud is sent herewith for taking further necessary action as desired.

10

AIG/LEGAL

For Provincial Police Officer
Khyber Pakhtunkhwa, Peshawar.

No. /Legal,

Copy of above is forwarded to the Deputy Inspector General of Police,
Hazara ,Region Abbottabad w/r his memo:No.336/PA,dated 14.01.2013 for information
please.

1

AIG/LEGAL

For Provincial Police Officer
Khyber Pakhtunkhwa, Peshawar.

DSP/Havela

For n. a.

DPO/PA

For n. a.

District Police Officer Abbottabad
Confidential
Dy:No 221 /PA
Dated 23-01-2013

Encl. (43)

DSP/Hm

10

6

OFFICE OF THE DISTRICT POLICE OFFICER ABBOTTABAD.

NO. 3219 /PA, Dated Abbottabad the 03-12 /2012

To: - The Deputy Inspector General of Police,
Hazara Region Abbottabad

SUBJECT: - APPEAL.

18784
4-12-12

MEMORANDUM

Kindly refer to your office Memo No.8561/PA, dated 19.11.2012.

It is submitted that AIG Legal in his letter bearing No. 3256/Legal dated 1.11.2012 has exaggerated the real things and attempted to twist the facts by mentioning there-in that " E.O in his findings stated that he (Junaid Daud) has been acquitted by the Court of law due to some lacunas, therefore his may kindly be considered" whereas, in his finding report the E.O (DSP Cantt:) has also mentioned that "the undersigned reached to the conclusion that at the time occurrence Constable Junaid Daud was drunkard. FSL report has also confirmed that he was drunkard by analysis of his blood and Urine samples.

To sum up the whole it is submitted that;

1. The sacked recruit was discharged under P.R 12.21 based upon his proved misconduct and criminal act. As envisaged in P.R no appeal lies against the order of discharge under P.R 12.21.
2. His appeal was dismissed/ rejected from your august office.
3. Worthy Provincial Police officer Khyber Pukhtoon Khwa did not accept the application as no written order bearing the signature of second appellate authority has so far been received in this office.
4. The undersigned being competent authority to award punishment has not discretion to set-aside previous discharge order.
5. During subsequent department enquiries the incrimination basing his discharge from service has been proved, therefore, his re-instatement in service will not be justified.

RA
3/12

RA
DISTRICT POLICE OFFICER
ABBOTTABAD

RA
for necessary action

*Submitted with P's
for favour of your kind
perusal + order pl.*

[Signature]
[Stamp]

w/DIG

PA
9/12/12

(11)

CHARGE SHEET.

I, **Muhammad Karim Khan District Police Officer Abbottabad**, as competent authority, is hereby charge you Recruit/ Constable Junaid No.479 as follows:-


That during initial period, you were under-going recruit course at PTC, had collided your Motor-bike with a Motor Car near PMA- By pass on 10.11.2011. when, allegedly you were in intoxicated condition. In order to confirm or otherwise the fact of your being in drunkard condition, you were taken to DHQ Hospital Abbottabad. The expert's report received was in positive which was followed by registration of case FIR No.848/2011 u/s 8/11 PS Cantt: You were discharged under P.R 12.21 vide O.B No.388 dated 15.11.2011. Subsequently in adherence with the directives of Additional Inspector General of Police, H.Qrs, Khyber Pukhtoon Khwa Peshawar vide his office Memo No. 07/2013 you were re-instated and de-novo enquiry is being ordered.

By the reasons of above, you appear to be guilty of misconduct under Police disciplinary rules 1975 and have rendered yourself liable for major punishment. You are therefore directed to submit your written defense within seven days of the receipt of this Charge Sheet.

Your written defense, if any should reach the enquiry officer/ Committee with in the specified report, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

Intimate whether you desire to be heard in person. A statement of allegation is enclosed

میرا جواب دے گا
میرا جواب دے گا
Junaid


District Police Officer,
Abbottabad.

(12)

DISCIPLINARY ACTION

I, Muhammad Karim Khan District Police Officer Abbottabad,, as Competent authority charge you Recruit/ Constable Junaid No.479 for cretin omissions and commission as elaborated below which render you liable to be proceeded against departmentally.

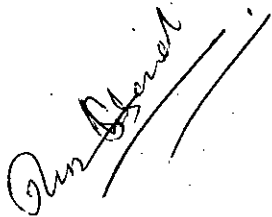
STATEMENT OF THE ALLEGATION.

That during initial period, you were under-going recruit course at PTC, had collided your Motor-bike with a Motor Car near PMA- By pass on 10.11.2011.when, allegedly you were in intoxicated condition. In order to confirm or otherwise the fact of your being in drunkard condition, you were taken to DHQ Hospital Abbottabad. The expert's report received was in positive which was followed by registration of case FIR No.848/2011 u/s 8/11 PS Cantt: You were discharged under P.R 12.21 vide O.B No.388 dated 15.11.2011. Subsequently in adherence with the directives of Additional Inspector General of Police, H.Qrs, Khyber Pukhtoon Khwa Peshawar vide his office Memo No. 07/2013 you were re-instated and de novo enquiry is being ordered.

For the purpose of scrutinizing the behavior/ conduct of said accused official with reference to the above allegations, Mr. Qazmay Hayat DSP Investigation is appointed as Enquiry Officer who shall in accordance with the provision of ordinance, provide reasonable opportunity of hearing to the defaulter, furnish findings within 20 days of the receipt of this enquiry, thereby avoiding unnecessary adjournment in the proceedings of departmental enquiry.


District Police Officer,
Abbottabad.

رنگتہ جونیئر ایف ڈی
ایکٹو سپروائزر



حوالہ یاد شدہ گزارش مہلہ میں محمد اویس میں مائٹیل بھرتی ہو کر پورے
 ٹریسنگ مائٹیلو بنیادی تربیت لینے گیا یہاں مقالہ مورخہ ۱۱/۱۱/۱۱ء
 ۱۱/۱۱/۱۱ء تک Reset پر کھرا آیا۔ ۱۱/۱۱ کو بوقت مغرب میں P.M.A طرف
 منڈیاں جا رہا تھا۔ بارش بھی تھی کہ کسی اس ^{اثناء} میں ایک موٹر کار جو ~~میں~~ آ
 دی تھی نے میری موٹر سیکل کو ٹکرا ماری میں دور جا کر گرا میں ٹاٹا مارٹی ہو گیا
 اور میرا موٹر سیکل بھی پلٹنا پور ہو گیا۔ موقع پر موجود آئے ہوئے اویس
 بلڈم نے میری رپورٹ تکفیر کے جانے اپنی طرف سے رپورٹ میرے خلاف
 کی تھی جو بعد میں عدالت مجھے عدالت نے باخترت لبری کر دیا مجھے کیونکہ
 میرے پر حرم ثابت نہیں ہو سکا اور مجھے بے گناہ قرار دیتے ہوئے لبری کر دیا
 گزارش مہلہ عدالت نے نیلہ کے مطابق حکما انہوں میں بھی مجھے معاف
 فرمایا جائے۔

دبلیو مائٹیل
 جنید داؤد
 نمبر 906
 Am Daud

(TM)

16925²
27/11/12

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

To: - The Deputy Inspector General of Police,
Hazara Region, Abbottabad.

No. 3256 /Legal, Dated Peshawar the: 1-11- 2012.

Subject:- APPEAL

Memo:-

3225/PA
12-11-12
Hazara Region

Please refer to your office letter No. 7738/PA dated 19.10.2012.

The appeal of Constable Junaid Daud No. 479, has already been considered and accepted by the competent authority i.e. Addl: IG/HQr, with direction to re-instatement him in service and initiation of denovo proceedings. While complying CPO directions, DPO Abbottabad, nominated DSP Cantt: Abbottabad to conduct denovo enquiry against the official, who in his findings report stated that he (Junaid Daud) has been acquitted by the court of law due to some lacunas therefore, his appeal may kindly be considered. The DPO instead to finalize the enquiry (being competent authority) send it to your good office for further order and disposal.

It is therefore, requested that DPO Abbottabad being competent authority, may be directed to dispose of the enquiry of Constable Junaid Daud and submit final decision if any to this office. Complete enquiry file (in original) is returned herewith.

*enquiry file not attached
27/11/12
see cont.*

(MOHAMMAD FAYAZ KHAN)
AIG/LEGAL
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

DPO, ABBOTTABAD.

For Compliance and report as directed by W.P.O

Sr, The enquiry file as mentioned above has not been received by this Office. Submitted for order H.

Letter No. 8314/PA of 8-11-2012 has been sent to PPO asking for the enquiry file

*11/11/12
PT
8/11/12*

11/11/12

*11/11/12
PT
7/11/2012*

(15)

5

Subject :- ENQUIRY AGAINST FC JUNAID DAUD DISTRICT ABBOTTABAD.

BRIEF OF ALLEGATIONS

Recruit Constable Junaid Daud No. 479 was found in intoxicated position while traveling towards PMA crossing met on Motor Cycle accident with Motor Car. He was sent DHQ Hospital for medical opinion. Result was received in positive. As a result case vide FIR No. 848 dated 10.11.2011 U/S 8/11 Article PS Cantt has been registered against him. He is under going Recruit Course at PTC Hangu and unfir to be retrain in Police Department as he had given a bad name to Police Department, therefore, he is discharge from Service under PR 12 - 21 with effect from 10.11.2011

Denove enquiry was entrusted to undersigned with the direction to finalize the enquiry within shortest possible time.

ENQUIRY PROCEEDINGS.

I proceeded accordingly and called the followings:-

1. ASI Pervaiz I/C PP Sakandarabad.
2. FC Nazakat No. 736 PP Sakandarabad.
3. Ex-constable Junaid Daud No. 479.

Their statements are recorded and placed with enquiry file.

From the recorded statement of ASI Pervaiz and Nazakat No. 736 and perusal of case file it has been proved that Recruit Constable Junaid Daud No. 479 was intoxicated. During the course of investigation his guilt was proved by the medical report and as well as FSL report. Any how during hearing of the case in the court of law prosecution has failed to prove his case due to which he has been acquitted by the court. Court orders are attached for ready reference.

FINDINGS.

From the above circumstances, during the course of inquiry the undersigned reached to this conclusion that at the time of occurrence Constable Junaid Daud was drunk. FSL report has also confirmed that he was drunk by analysis of his blood and urine samples. Anyhow he has been acquitted by the court of law due to some legal lacunas therefore, his appeal may kindly be consider.

Submitted please.

(RAJA ABDUS SABOOR KHAN)
Dy Superintendent of Police,
Cantt Abbottabad.

(45)

NO: 302
9/10/2012

16

3

Phone No.0992-9310021
Fax No.0992-9310023

From: The Deputy Inspector General of Police,
Hazara Region (Abbottabad)

To: The Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Attention (AIG Legal)

9

No. 8314 /PA Dated Abbottabad, the 8/11 /2012.

Subject: APPEAL

Memo:

Kindly refer to your office Memo: No. 3256/Legal dated
01-11-2012.

The complete enquiry file (in original) as mentioned in your
letter is not attached/received, which may kindly be sent to this office to proceed
further in the matter please.

Deputy Inspector General of Police
Hazara Region Abbottabad

Sen.

Stamp: Deputy Inspector General of Police
Hazara Region Abbottabad

OFFICE OF THE DISTRICT POLICE OFFICER ABBOTTABAD.

NO. 2651 /PA, Dated Abbottabad the 11/10 /2012

To:- The Deputy Inspector General of Police,
Hazara Region Abbottabad

SUBJECT:- APPEAL.

MEMORANDUM

Kindly refer to your office Endst: No.4172/PA, dated 6.6.2012, Endst: No.5216/PA, dated 24.7.2012 and this office Memo No. 1584/PA, dated 12.6.2012.

It is submitted that since the explicit orders upon the application of Ex-Constable Junaid who was discharged under P.R 12.21 vide this office order dated 10.11.2011 had not been issued by the appellate authority, therefore, denovo enquiry was ordered. DSP Cantt: was entrusted denovo enquiry.

The Enquiry Officer during the processes of denovo enquiry has proved the allegations based for the discharge of the applicant.

However, complete enquiry file is sent herewith for further orders and disposal please.

DISTRICT POLICE OFFICER
ABBOTTABAD

15004
12-10-12

17/10

(19)

(2)

مذکورہ کنٹینر کے بار بار کو بیرونی حالت تھا کہ کنٹینر
 ڈیڑھ ٹیکل رلوٹ اندر مارسل ہیرہ در مارسل ہیرہ
 ڈیڑھ ٹیکل رلوٹ سرنگورہ کے صدر صدر صدر
 سسٹم 20/11/11 جم 11:48 آرسل تھا کہ کنٹینر
 سورا بار کو جو ڈیڑھ رما ڈیڑھ جیل کوہ سورا
 ہیرہ مارسل مارسل اور اور مارسل سے مارسل
 رلوٹ آئی خون اندر مارسل سے رلوٹ مارسل
 لوٹ کنٹینر کے ذریعہ اندر لوٹ کنٹینر سے
 ہیرہ مارسل سسٹم ہیرہ ہیرہ مارسل
 مارسل کنٹینر سے مارسل مارسل ہیرہ
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 مارسل کنٹینر سے مارسل مارسل ہیرہ

(15)

Attested
 [Signature]

کنٹینر

تعمیراتی اور POF کے لیے
 [Signature]

7
 11/11/11
 11/11/11
 11/11/11

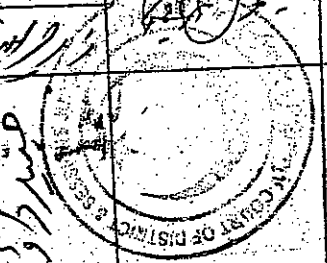
مجلس عالی عدالت لاہور
 چیلنج نمبر 355/PO
 مقدمہ نمبر 13

دفعہ نمبر 848 دفعہ 11 2011ء 10 دسمبر 2011ء
 16/11/11

31/08/2012
 Accr.

نمبر	نام	تاریخ	نوعیت
1	ڈاکٹر	736	نزدت
2	ڈاکٹر	1280	ڈاکٹر
3	ڈاکٹر	181	ڈاکٹر
4	ڈاکٹر	181	ڈاکٹر
5	ڈاکٹر	MAS	ڈاکٹر
6	ڈاکٹر	570	ڈاکٹر
7	ڈاکٹر	50	ڈاکٹر

فیصلہ آج ہی
 31/11/11
 20



Presented to the court
 22/12/11
 20

Attested to be True Copy
 Examiner
 District & Sessions Judge
 Abbottabad

13/11/2011

مجلس عالی عدالت لاہور میں ڈاکٹر صاحبہ کی درخواست پر فیصلہ جاری کیا گیا ہے۔

live ship gal rd jec

AS4019/20066/423 (2006) (1) (1) (1)

استدلالی اطلاع ریزی رپورٹ

استدلالی اطلاع ریزی رپورٹ کی دستاویزی کاپیوں پر مشتمل رپورٹ، 15/11/2011ء کو جمعہ صابوہ جدار کی

رقم	تاریخ اطلاع ریزی	موضوع
1	15/11/2011	سیاحتی ریسورٹ کے آباد
2	15/11/2011	سیاحتی ریسورٹ کے آباد
3	15/11/2011	سیاحتی ریسورٹ کے آباد
4	15/11/2011	سیاحتی ریسورٹ کے آباد
5	15/11/2011	سیاحتی ریسورٹ کے آباد
6	15/11/2011	سیاحتی ریسورٹ کے آباد
7	15/11/2011	سیاحتی ریسورٹ کے آباد
8	15/11/2011	سیاحتی ریسورٹ کے آباد
9	15/11/2011	سیاحتی ریسورٹ کے آباد
10	15/11/2011	سیاحتی ریسورٹ کے آباد

استدلالی اطلاع ریزی کے ذریعے درج کردہ حوثی قیدیوں کی شناختی معلومات اور دیگر اہم معلومات کے بارے میں تفصیلی اطلاع ریزی کی گئی ہے۔ اس اطلاع ریزی میں درج کردہ معلومات کی صداقت اور درستگی کے بارے میں یقین رکھنا ضروری ہے۔

گورنمنٹ آف یو این کے ساتھ ساتھ دیگر بین الاقوامی تنظیموں کی مدد سے بھی تحقیقات کی گئی ہیں۔

اس اطلاع ریزی میں درج کردہ معلومات کی بنیاد پر حوثیوں کی سرگرمیاں اور ان کی مقاصد کی وضاحت کی گئی ہے۔

حوثیوں کی سرگرمیوں کے خلاف لاکھوں افراد کی جانیں بچا کر دی گئی ہیں اور ان کے حقوق کی پاسداری کی گئی ہے۔

اس اطلاع ریزی میں درج کردہ معلومات کی بنیاد پر حوثیوں کی سرگرمیوں کے خلاف لاکھوں افراد کی جانیں بچا کر دی گئی ہیں اور ان کے حقوق کی پاسداری کی گئی ہے۔

اس اطلاع ریزی میں درج کردہ معلومات کی بنیاد پر حوثیوں کی سرگرمیوں کے خلاف لاکھوں افراد کی جانیں بچا کر دی گئی ہیں اور ان کے حقوق کی پاسداری کی گئی ہے۔

canth

(22)

میاں نرگت 736 سٹیفن جوئی سپیڈی سٹند آباد نے بدھ
 کیا جو 10/11/2011 کو لٹ کر تقریباً پلانے کو لیے گئے بعد میں ASI
 جی کے ساتھ میں لٹت یہ نکلے سوا تھا۔ مسی جنید ولد غلام دا
 کالفتہ مخوری نیار دیپتائی م DHQ ملزم کو لے جاؤ۔ میں
 ملزم کو ڈاکٹر صاحب کے پاس DHQ لے گیا۔ ڈاکٹر صاحب نے ملزم کو
 خون، ادریسیات کاشٹ لیا کہ دو پمارسل مجھے دینے اور زبانی
 کیا کہ یہ لٹتے میں ہے کہ لٹتہ مخوری یہ بھی تحریر کر دیا کہ
 والی آکر ملزم کو تھا کہ کٹی کی حوالہ میں بند کیا کہ پمارسل
 مع لٹتہ مخوری جی ڈاکٹر صاحب نے اپنی رائے دی تھی
 جوئی حاکم حوالہ ASI پر دینا کیا تھا۔ جس پر عدتے لٹ
 848/2011 (?) 8/11 آرٹیکل 202 دیکھ سوا تھا۔ یہی میرا بیان ہے
 میں لیا ہے بدست ہے۔

ک

ال

کشی نرگت م 736 سٹیفن جوئی

سپیڈی سٹند 4

28.9.2012.

Attested

Dep. Commr

31/10/2012
Attested
Abbott

(23)

دینار سید احمد علی گیلانی
FSC لاہور

شمارہ 848 سیم 10/201
8/11/11

(16)

خدمت کیسٹل ریڈیو سٹریٹ فوٹو (KPK)

ذاتی
ذمہ انوائس بل ایس ایس ایس ایس ایس ایس ایس
پیریل 22 ایکسپریس ٹی وی سوسائٹی ڈاٹ کام
ایریا بل نمبر 10/201 سیم 10/201
کیسٹل ایریا 50 ایکسپریس ٹی وی سوسائٹی ڈاٹ کام
پیریل 22 ایکسپریس ٹی وی سوسائٹی ڈاٹ کام
ایریا بل نمبر 10/201 سیم 10/201
کیسٹل ایریا 50 ایکسپریس ٹی وی سوسائٹی ڈاٹ کام

10/11/2011
FSC
D.S. Comptroller

کیسٹل ریڈیو سٹریٹ فوٹو (KPK)
پیریل 22 ایکسپریس ٹی وی سوسائٹی ڈاٹ کام

Attested

D.S.A. Comptroller

Attested

10/11/2011
KPK
D.S. Comptroller

GHULAM SAAD
Session Writer
District Abbottabad

10/11/2011

(25)

میں نے 13 ویں

میں نے 13 ویں

میں نے 13 ویں

میں نے 13 ویں

10-11-2011

848 (18)

میں نے 13 ویں

میں نے 13 ویں

میں نے 13 ویں

میں نے 13 ویں

میں نے 13 ویں

میں نے 13 ویں

میں نے 13 ویں

10-11-2011

میں نے 13 ویں

EXPW3/1

Attested

DSP

Count

K: Janaid
Shulam Barel

18/12. Obaidur Rehman 1341

P/S: Cantt

Findings!

On Examination!

- 1) Smell +ve (Alcohol)
- 2) Gait - Normal. EXPW 6/1
- 3) Relevant Talk JM-II/ATD

07-3-12

• Has got Bruise on (1) Elbow
Joint

• Bruise present on (2) knee joint.

• Blood and urine samples CMO
taken and sent to Dr Syab

• Laboratory handed over to
POME. Dafar 10/4/11

Handwritten notes in the top right corner, including numbers and illegible text.

(27)

۱۱/۸

(20)

تاریخ وقت وقوع: 10/11/2011 صبح 21:45 بجے

تاریخ وقت ایوارڈ: 10/11/2011 صبح 22:25 بجے

مقام وقوع: PMA جوہاں کال لیاؤں 3 کوسٹرز لگا

حکم: 8/11/11 ایسیکل

محکمات امن و صحت کے لئے،

امروز صبح نو بجے لوہے کے کلبے جو بائیل آفٹ

نزد AFC پلیرز جو درگاہ محمد علی جناح نے نزلو

واٹر کنکال کے نیچے پلیرز PMA جوہاں کال سے دور ایسیکل

اور جوہاں کال کے ایسیکل سے جوہاں کال سے فاصلہ

کراہے میں ایسیکل باؤں کو لگا جیسا کہ جوہاں کال

875 ایسیکل کے ڈریسنگ روموں کے قریب

5ND ایسیکل سے ایسیکل سے ان کے قریب

پلیس کو ایسیکل سے ایسیکل سے ایسیکل سے

کو ایسیکل سے ایسیکل سے ایسیکل سے

EXPW 3/3

Accepted

Count

در ذیل مذکورہ ہے۔ زلفہ مدنی نے اپنی رپورٹ
 میں فرمایا کہ مذکورہ لے مین سے شریک الکحل
 کو روکا گیا ہے۔ بطور رپورٹ میں مذکورہ کو روکا
 گیا ہے۔ اس کے ساتھ ساتھ دیگر
 لے مین پرست مذاہب 736 ایس ایف کے دفتر
 میں لے مین کے رپورٹ میں مذکورہ لے مین کے

10-11-2011
 ASI

4- لے مین کے دفتر 25/26
 قد 5-6
 حضور علیہ السلام
 کو روکا گیا

اس کے ساتھ ساتھ دیگر
 لے مین پرست مذاہب
 میں لے مین کے رپورٹ
 میں مذکورہ لے مین کے

بیانِ نکلِ حنیہ داؤد نمبر 479 سے بددیانتی بیان کیا گیا ہے
 میں بطور نکل کبریٰ سوئے ہوئے ہر ایک سٹریٹنگ کیا ہوا تھا
 سے ستمبر 2011ء 10۔11۔11 تک Reses پر گواہ ہوا تھا کہ یہ کام
 گو سے اپنے فوٹو سائٹل پر ایبٹ آباد شہر سے چند ماہ بعد
 کو عاری ہوا تھا کہ PMA چونکے قریب رائٹ ڈرائونگ کرنے
 فوٹو کارڈ رائونگ کے لیے فوٹو سائٹل کے ساتھ ٹکرا دی۔ مہرا
 سائٹل حنیہ چور لہ لٹھوٹ لٹھوٹ گیا۔ موقع پر موجود اسے سوائے
 پولیس ملازم نے سڑک پارکنگ کے لیے چائے اپنی طرف سے روانہ
 میرے طرف مگر دی۔ جو لہ فوجی عدالت مجھے عدالت
 بائزٹ بری کر دیا ہے کیونکہ میرے ہر ہرم ثابت نہ ہو
 لہ مجھے بے گناہ ٹھہرا دینے پر ہی کارڈ ہا جکا نقل مذ
 عدالت میں کرنا ہوں۔ اسد کارڈ ہونا ہے مجھے معلوم
 کیا جائے کیونکہ مذکورہ دونوں کے خورالہ مجھے مجھے
 بر فاسٹ ردیا گیا تھا۔

Amir Ahmad
 الن
 نکل حنیہ داؤد
 27.8.2012.
 Attested
 [Signature]

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 208 /ST

Dated 25 / 1 / 2017

To


The D.P.O,
Government of Khyber Pakhtunkhwa,
Abbottabad.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 18.01.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

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

Service Appeal No. 1051/2013.

Junaid Daud s/o Ghulam Daud Ex- Constable No. 479 r/o House No. RL 270,
Khola Kehal, District Abbottabad.

(Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Dy: Inspector General of Police Hazara Region Abbottabad.
3. District Police Officer, Abbottabad.

(Respondents)

Para wise comments on behalf of Respondents

Respectfully Sheweth

Preliminary objections.

1. That the appellant has no cause of action.
2. That the appellant has not come to this Tribunal with clean hands.
3. That the appeal is bad for misjoinder and non joinder of necessary parties.
4. That the appellant is estopped by his own conduct.
5. That the appeal is barred by law.

FACTS

Para No.1 Para not related needs no comments.

Para No. 2 Para pertains to record hence no comments.

Para No.3 Para to the extent of returning to his house is not related needs no comments while rest of the para incorrect. The appellant had collided his motor cycle with a motor car near PMA bypass on 10.11.2011 while he was drunken. In order to confirm this fact he was taken to DHQ hospital Abbottabad. The report was received in positive which resulted in registration of case vide FIR No. 848/2011 u/s 8/11 PS Cantt. So the plea of appellant of false involvement is totally baseless & frivolous.

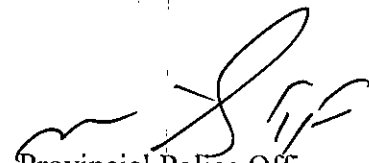
- Para No. 4. The appellant was discharged from service after fulfillment of all codal formalities as the charge against the appellant had been proved.
- Para No.5 Pertains to record needs no comments.
- Para No.6. Para also pertains to record hence, no comments.
- Para No.7. Para correct hence no comments.
- Para No. 8. The appellant was discharged from service after fulfillment of all codal formalities. The appellant was issued Charge Sheet, Statement of Allegation and Final Show Cause Notice. Moreover, he was provided opportunity to defend himself so the punishment order passed by the competent authority is in accordance with law. The plea taken by the appellant regarding acquittal from criminal case and its effect on departmental proceedings is of no value as the departmental proceedings and criminal proceedings are two different entities and can run side by side.
- Para No.9. Para pertains to record hence no comments.
- Para No.10. Para pertains to record needs no comments.
- Para No. 11. That during enquiry allegation of his intoxication has been proved so, the competent authority issued him Final Show Cause Notice and after fulfillment of all codal formalities the punishment order was passed which do commensurate with the gravity of his offence.
- Para No. 12. Para is for the appellant to prove.


GROUND

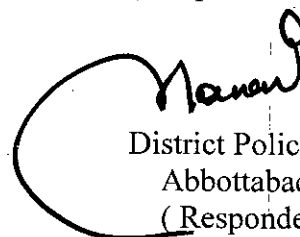
- A. Para is totally false and baseless. As the punishment order has been passed after conducting a full fledged enquiry, the appellant was provided opportunity of defending himself therefore, the order is in accordance with law, facts and material available on record..
- B. Para incorrect. The appellant at the time of accident was got examined from Doctor in DHQ Abbottabad and the report of Medical Officer transpired that the appellant was drunken at that time.

- C. Para incorrect. At the time of occurrence he was in drunken condition which was initially complied by the Medical report of DHQ hospital Abbottabad and later on the FSL report was also received in positive. So the entire proceedings are in accordance with law, facts and norms of justice.
- D. Para to the extent of satisfaction by the prosecution is not related needs no comments while rest of the para is incorrect hence denied. As explained earlier that criminal proceedings and departmental proceedings are two different entities and can run parallel. The fate of criminal case has no binding effect on departmental proceedings.
- E. Para explained earlier hence no comments.

It is therefore, requested that the appeal of the appellant being devoid its legal footing may graciously be dismissed with cost.


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


Regional Police Officer,
Hazara Region, Abbottabad.
(Respondent No. 2)


District Police Officer,
Abbottabad
(Respondent No. 3)

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

Service Appeal No. 1051/2013.

Junaid Daud s/o Ghulam Daud Ex- Constbale No. 479 r/o House No. RL 270,
Kohal Khail, District Abbottabad.

(Appellant)

VERSUS

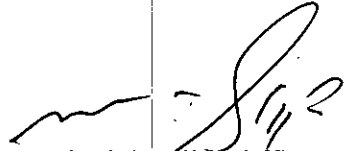
1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Dy: Inspector General of Police Hazara Region Abbottabad
3. District Police Officer, Abbottabad.


(Respondents)

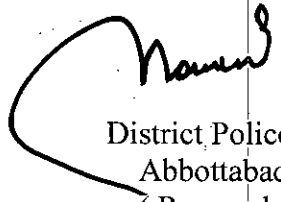
AFFIDAVIT.

We, do hereby affirm on oath that the contents of written comments are true to the best of our knowledge & belief and nothing has been concealed from the honorable tribunal.

Submitted please.


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


Regional Police Officer,
Hazara Region, Abbottabad.
(Respondent No. 2)


District Police Officer,
Abbottabad
(Respondent No. 3)

قلمبروئی ASPI حال اچھا ہے جو کہ POF تھا تو دوبارہ
دیکھا گیا ہے۔ بیان کیا کہ دیکھوان لکھنیا کی جو کہ سکندر آباد
تھا کہ کئی ایسے آیا اور مدرسہ 10/11/1975 کو جو لکھنیا کے حسب
عمل گنتی ہے۔ ہم امداد علی کہ PMA جو کہ میں
کو کہ تھا کہ ہے جو کہ امداد علی کے جو کہ تھا جہاں سے ایک
نور کا نمبری 875 اور ایک نور کا نمبری 876 کا
کو کہ ہے جو کہ ہے SND جو کہ ہے اور نور کا نمبری
جو کہ تھا جہاں کا کہ تھا کہ ہے اور نور کا نمبری
تو لکھنیا کی پیرس اور بھی ہوئی ہے تو اس کا نور کا نمبری
ہاں ہے۔ جو کہ ہے اور بھی ہے اور مذکورہ ہے تو اس کا
تھا کہ شروع کر دیا اور اس میں تو اس کا نمبری
کہ تو لکھنیا ہے۔ اس میں تو اس کا نمبری اور بھی
پہلے ہے۔ تو اس کا نمبری اور بھی ہے۔ اس کا
اعداد میں بھی نظر آتا ہے۔ جبکہ تو اس کا نمبری
کہ تو اس کا نمبری اور بھی ہے۔ اس کا نمبری
تھا کہ دیکھا گیا تھا نام ہندو داؤد ولد داؤد مان
میں کیا گیا اور اس کا نمبری اور بھی ہے۔ اس کا
میں دیکھوان کو اس کا نمبری ہے۔ اس کا نمبری
جو کہ ہے اور بھی ہے۔ اس کا نمبری 736
DHO جہاں ہے اور بھی ہے۔ اس کا نمبری
اسی جو کہ ہے اور بھی ہے۔ اس کا نمبری
تو اس کا نمبری اور بھی ہے۔ اس کا نمبری
اور بھی ہے۔ اس کا نمبری اور بھی ہے۔ اس کا

(C)

لکھنیا
ASPI

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مذکورہ کنٹریں نے بدنام کو سیزورالٹ تھا کہ کنٹری

سڈیکل رپورٹ اور باڈی ریسٹ ممبر ہر ایک کو

سڈیکل رپورٹ سیزورالٹ کے صحت شدہ 848

سیدھے 10/11/11 جم 8/11 آرٹیکل تھا کہ کنٹری

سڈیکل رپورٹ اور باڈی ریسٹ ممبر ہر ایک کو

سڈیکل رپورٹ اور باڈی ریسٹ ممبر ہر ایک کو

سڈیکل رپورٹ اور باڈی ریسٹ ممبر ہر ایک کو

سڈیکل رپورٹ اور باڈی ریسٹ ممبر ہر ایک کو

سڈیکل رپورٹ اور باڈی ریسٹ ممبر ہر ایک کو

سڈیکل رپورٹ اور باڈی ریسٹ ممبر ہر ایک کو

سڈیکل رپورٹ اور باڈی ریسٹ ممبر ہر ایک کو

سڈیکل رپورٹ اور باڈی ریسٹ ممبر ہر ایک کو

سڈیکل رپورٹ اور باڈی ریسٹ ممبر ہر ایک کو

15

Attested
DGP

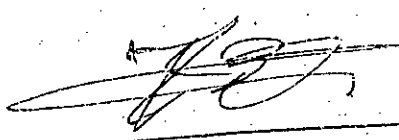
Cont

POF کے ساتھ دیا گیا

بیان تراث 736 سندھ چوٹی سیدنی سندھ آباد سے

تاریخ 10/11/2011
وقت تقریباً پونے کو بجے کے بعد آئی سی اے
جن کے ساتھ میں گنت یہ نقلہ ہوا تھا۔ مہی چنید ولد علیہم داؤد
کالفتہ چھوری بنا کر دیابت آئی ہے DHQ ملزم کو لے جاؤ۔ میر
ملزم کو ڈاکٹر صاحب کے پاس DHQ لے گیا۔ ڈاکٹر صاحب سے ملزم کا
خون، اور پیٹ کے کاسٹ لیا گیا۔ دو پیمارسل بھی دیے اور زبانی
کہا کہ یہ گنت سے ہے اور گنتہ چھوری پر بھی تحریر کر دیا گیا ہے
والیہ آکر ملزم کو گنتہ کسٹ کی حوالہ دے سہ بند کیا گیا اور
میں گنتہ چھوری میں یہ ڈاکٹر صاحب سے اپنی رائے دی تھی
چوٹی جا کر حوالہ ASI پر دیا گیا تھا۔ جس پر عدتے گنت
848/2011 (?) 11/8/12 آرٹیکل 222 کے تحت ہوا تھا۔ یہاں بیان ہے
من لیا ہے دست ہے


کا



کسٹ تراث 736 سندھ چوٹی

سیدنی سندھ آباد
28-9-2012.

Attested


C.A. Cant

ریکروٹ کا حلیفہ بیان

میں جنید جاوید ضلع ایونٹ اسپتال، ارباج میں بحیثیت پولیس کنسٹیبل بھرتی شدہ اس تحریر کے ذریعے اتر اتر کر کے لکھ دیتا ہوں:

- ۱۔ میں کسی بھی سیاسی پارٹی کے ساتھ کسی قسم کا تعلق یا واسطہ نہیں رکھتا۔
- ۲۔ میں اپنی تمام تر زندگی میں کسی بھی جرم قابل دست اندازی پولیس اخلاقی جرائم۔ دہشت گردی کے مقدمات یا حکومت کے منافی سرگرمیوں جیسے جرائم میں تاحال ملوث نہیں رہا ہوں۔
- ۳۔ بھرتی کے بعد افسران بالا مجھے ریکروٹ کورس کے لیے کسی بھی ٹریننگ سنٹر جس وقت بھی بھیجے گا حکم دیں، میں بلا چون و چرا کورس میں شمولیت کرونگا۔
- ۴۔ میں اپنی ڈیوٹی کی نوعیت کو تبدیل کرنے کے لیے کسی قسم کی کوشش نہیں کرونگا۔ ہاں اگر حکم کے افسران بالا اپنی مرضی سے تبدیل کرنے کے احکامات جاری کر لیں تو اسی صورت میں احکامات کی بجا ادوری کا قانوناً ذمہ دار ہوں گا۔

Gen. Javed
بھرتی شدہ شخص کے دستخط

پورا نام جنید جاوید

شناختی کارڈ نمبر 3-8754586-01(13)

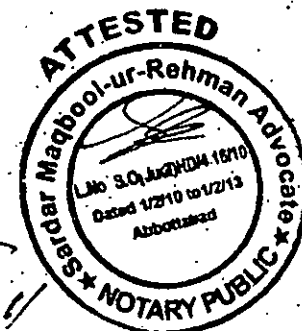
پتہ پوسٹ نمبر 279 گھولہ کھولہ اسپتال ایبٹ آباد

تاریخ 16-05-2011

ڈسٹرکٹ پولیس افسر کی گواہی تصدیق

تاریخ

26-5-2011





ضمانت نامہ

مکتبہ حسنینہ داؤد
ضلع ایبٹ آباد
ولد غلام داؤد کنڈ 279 گھولہ ایبٹ آباد
میں تحثیت پولیس کنشیل بھرتی شدہ حلفاً اقرار کر کے لکھ دیتا ہوں۔

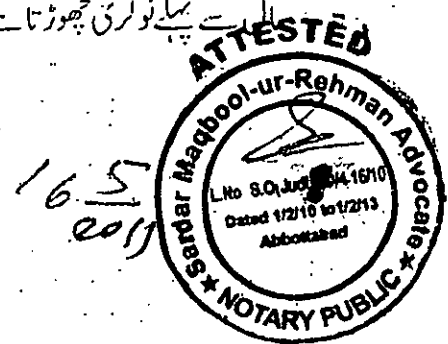
- ۱- میں ضلع ایبٹ آباد میں تحثیت کنشیل کم از کم پانچ سال ڈیوٹی سرانجام دیتا رہوں گا۔
- ۲- ملازمت چھوڑنے یا استعفیٰ کی صورت میں میری ٹریننگ اور کٹ وغیرہ پر حکومت پاکستان کا جو خرچہ آیا ہے وہ یکمشت ادا کرنے کا پابند رہوں گا۔
- ۳- اس وقت میرے ساتھ نقد رقم برائے ادائیگی موجود نہ ہونے کی صورت میں ٹریننگ، کٹ وغیرہ کا خرچہ زیادہ تخمیناً مبلغ تین لاکھ روپے، میرے منقولہ وغیرہ منقولہ جائیداد سے محکمہ پولیس وصولی کا مجاز ہوگا۔
- ۴- متعلقہ ضلع ایبٹ آباد میں تعیناتی کے دوران میں دوسرے ضلع ایبٹ آباد یا ترقی کے لیے کسی قسم کی کوشش یا سفارش یا دیگر سیاسی دباؤ نہیں ڈالوں گا۔
- ۵- میں صوبہ سرحد کے تمام اضلاع میں جہاں بھی حکم ہوا اپنا فرض منصبی سرانجام دینے کا پابند رہوں گا۔ کسی قسم کا انکار نہیں کروں گا۔

Qum Rehman
بھرتی شدہ اہلکار کے دستخط

نام حسنینہ داؤد
پتہ مکان نمبر 279 گھولہ ایبٹ آباد
قومی شناختی کارڈ نمبر 13101-8754586-3
تاریخ 16/3/2011

مکتبہ نواز ایبٹ آباد
حسینہ داؤد
ضمانتی اقرار کر کے ضمانت دیتا ہوں کہ میں محکمہ پولیس کے قواعد و ضوابط کے تحت جو خرچہ کنشیل کی ٹریننگ، کٹ وغیرہ پر (جس کا محکمہ پولیس خود حساب لگائے گا) آیا ہے اگر مذکورہ کنشیل پانچ سال تک پورا نہ کرے گا تو یہ خرچہ میں بذات خود محکمہ پولیس کو یکمشت ادا کرنے کا پابند رہوں گا۔

ضمانتی نواز ایبٹ آباد
دستخط
پتہ مکان نمبر 279 گھولہ ایبٹ آباد
قومی شناختی کارڈ نمبر 13101-0879757-3



Before the Service Tribunal KPK

Peshawar

Junaid claud v/s Inspector General etc

Appeal under sec 4

Application for placement of denon

Enquiry proceeding conducted by Qammar
Hayyat

Respectfully sheweth:-

- (1) That above titled Appeal is pending before this honourable Tribunal.
- (2) That Petitioner want to place a Enquiry report alongwith proceeding conducted by Qammar Hayyat.
- (3) That documents are very necessary for disposal of the case.

Kindly allow me to place on file above mentioned documents

ORDER

Page 1 of 1

479


Handwritten notes and signatures in the top left corner, including a signature and some illegible text.

Recruit Constable Junaid Daud No.479 was discharge from service under Police Rule 12-21 vide OB No.388 dated 15-11-2011 with effect from 10-11-2011. He preferred an appeal before the Provincial Police Officer Khyber Pakhtunkhawa Peshawar and Regional Police Officer vide his memo: No 1967/Legal dated 31- 05- 2012, upon which this office was directed to re-instate him in service and de-novo proceeding initiated against him. He was re-instated in service and after fulfillment of all procedural formalities Qamar Hayat DSP Investigation was appointed to conduct de-novo enquiry against him.

During de-novo enquiry the Enquiry Officer reached to the conclusion that at time of occurrence he was in a drunkard condition which was initially complied by the Medical report of DHQ Hospital Abbottabad & the FSL report has also received in positive.

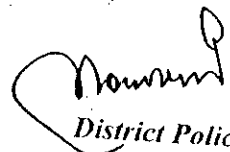
In the light of findings of Enquiry Officer, allegation of misconduct, registration of FIR, his state of being drunkard subsequently have been proved against Recruit Constable Junaid Daud No.479 by FSL report. Original order of Discharge from service by District Police Officer Abbottabad under Police Rules 12-21 has become justified and therefore, it is clear that the Official should not be allowed to keep serving in Police as he shall being bad name to department.

Hence, he is discharge from service under Police Rule 12-21.


District Police Officer,
Abbottabad.

No. 3987-88 Dated 12.4.13
Copy to the:-

1. Provincial Police Officer Khyber Pakhtunkhawa Peshawar w/r to memo: No.3256/legal dated 01-11-2012.
2. Regional Police Officer Hazara Region Abbottabad for favor of information w/r to his memo: No.2204/PA dated 19-03-2013.


District Police Officer,
Abbottabad.

OB-No-110
4-4-13

906

بحوالہ چارٹریٹ گزارش حصہ میں محمد لوہیہ میں مائیکل برنی ہوکر لوہیہ ٹرسٹ
 بنگو بنیادی تربیت لینے گیا ہوا تھا مورخہ 20/11/2011 سے 1/12/2011 تک Rese
 آیا۔ 11/11/11 کو بوقت مغرب میں P.M.A لظرف منڈیان جاری تھا۔ بارش بھی تھی کہ
 اسکی اثناء میں ایک موٹر کار جو مجھے ادری تھی نے میری موٹر کار کو ٹکرا دیا میری
 دور جا کر گرا میں کافی زخمی ہو گیا اور میرا موٹر سائیکل بھی چلنا چور ہو گیا۔ موقع
 پر موجود لوہیہ ملڈزک نے میری رپورٹ دیکھنے کے بجائے اپنی طرف سے رپورٹ میرا
 خلاف لکھو دی۔ جو بعد فیصلہ عدالت مجھے عدالت نے باعزت بری کر دیا ہے۔ چونکہ
 میرے پر جرم ثابت نہیں ہو سکا اور مجھے بے گناہ قرار دیتے ہوئے بری کر دیا
 گزارش حصہ عدالت کے فیصلہ کے مطابق محمد انکواری میں بھی مجھے معاف
 فرمایا جائے۔ میں ایک غریب خاندان سے تعلق رکھتا ہوں اور خاندان کا دار و
 کنیل ہوں میری عمر بھی زیادہ ہوئی ہے میری بھالی کو برقرار رکھا جائے

جنید داؤد

ڈیپوٹ مائیکل

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Total Pages

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27/11/11

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FINAL SHOW CAUSE NOTICE

I, MUHAMMAD ALI KHAN, District Police Officer
Abbottabad, as competent authority charge you Recruit/ Constable Junaid No. 179 as follows:-

That during initial period, you were under-going recruit course at PTC, had collided your Motor-bike with a Motor Car near PMA- By pass on 10.11.2011 when allegedly you were in intoxicated condition. In order to confirm or otherwise the fact of your being in drunkard condition, you were taken to DIIQ Hospital Abbottabad. The expert's report received was in positive which was followed by registration of case FIR No.848/2011 u/s 8/11 PS Cantt. You were discharged under P.R 12.21 vide O.B No.388 dated 15.11.2011. Subsequently in adherence with the directives of Additional Inspector General of Police, I.I.Q.s. Khyber Pukhtoon Khwa Peshawar vide his office Memo No. 07/2013 you were re-instated and de novo enquiry is being ordered.

✓ During de novo enquiry the allegations have been proved against you.

Keeping in view the above said allegation on your part, you are hereby called upon to show cause finally with in seven days of the receipt of this final show cause notice as to why you should not be awarded punishment under the Police disciplinary Rules 1975. If your written reply is not received with in stipulated period it shall be presumed that you have no defense to offer. You are also permitted to appear before the undersigned if you so desire.

27/3/13
4/4/13

Muhammad
DISTRICT POLICE OFFICER,
ABBOTTABAD.

Am Jaisal
26/03/13

In the light of proceedings so far, in charging Constable Junaid 906 misconduct, registration of FIR, his state of drunkardness, subsequently proved by FSL report, original order of discharge from service by DPO Abbottabad under P.R. 12.21 and proving of allegations in de novo enquiry by DSP, investigation, it is clear that such officials should not be allowed to keep serving in Police as they shall bring bad name to department. Hence, he is discharged from service under P.R. 12.21.
Muhammad 4/4/13

986
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479

Phone No.0992-9310021
Fax No.0992-9310023

From: The Deputy Inspector General of Police,
Hazara Region (Abbottabad)

To: The District Police Officer,
Abbottabad.

No. 2204 /PA Dated Abbottabad, the 19-3-2013

Subject: APPEAL

Memo:

Please refer to your office Memo: No. 544/PA dated
05-03-2013.

The Worthy Regional Police Officer Abbottabad has
recorded the following remarks on it:-

"DPO is the competent authority. In this case he proceeds
as per rules".

The de-novo enquiry received with your letter under
reference is returned herewith for further necessary action.

Regional Police Officer,
Hazara Region Abbottabad
(C.O:Gul Bibi)

P.K.
DISCUSS
AD
20/3

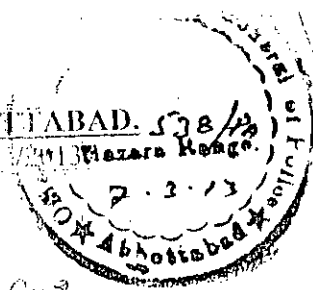
O.R.
A

Confidential
Dy:No. 786 /PA
Dated 20-3-2013

10/2
10

OFFICE OF THE DISTRICT POLICE OFFICER ABBOTTABAD. 538/13

NO. 544 /PA FILE /DATED 05/3



To: The Regional Police Officer, Hazara Region, Abbottabad.

4809
07-03-13

SUBJECT: APPEAL

MEMORANDUM

P/A

Kindly refer to your office Endst: No:74/PA dated 4-01-2013.

In adherence with the directives of Addl: Inspector General of Police, Headquarters Khyber Pakhtunkhwa Peshawar, issued vide his office Memo No: 07/legal dated 01-01-2013, received in this office vide your above cited reference; denove enquiry was ordered and has been conducted-

The same is sent herewith for yours kind perusal and further orders please.

~~PA~~
7/3

Mousoon
DISTRICT POLICE OFFICER,
ABBOTTABAD.

PA
FD n/action

Deputy Inspector General of Police
Hazara (Abbottabad)

DPo is the competent authority in this case. He has processed the matter. Submitted for order p.

W/D/16

7/3/13

7/3/13

3/1
Jude
Abb

5

SUBJECT: ENQUIRY AGAINST FC JUNAID DAUD DISTRICT ABBOTTABAD

BRIEF OF ALLIGATION:

Recruit Constable Junaid Daud No. 479 was found in intoxicated position while traveling towards PMA crossing on Motor Cycle accident with Motor Cycle. He was sent DHQ Hospital for medical opinion. Result was received in positive. As a result case vide FIR No 848 dated 10-11-2011 US 8/11 Article PS Cantt has been registered against him. He is under going Recruit Course at PTC Hangu and unfair to retrain in police Department as he had given a bad name to Police Department, therefore he is discharge from service under PR 12-21 with effect from 10-11-2011.

Denove enquiry was entrusted to undersign with the direction to finalize the enquiry within shortest time.

Enquiry Proceeding:

I proceeded accordingly and called following:

- 1: ASI Perviz I/C PP Skanderabad.
- 2: FC Nazakat No 736 PP Skanderabad
- 3: Ex Constable Junaid Daud No. 479

Their statement are recorded and placed with enquiry file already and they stated that their statements are same as they given before. From the recorded statement of ASI Perviz and Nazakat No 736 and perusal of case file it has been proved that Recruit Constable Junaid Daud No 479 was intoxicated. During the course of investigation his guilt was proved by the medical report and as well as FSL report. Any how during hearing of the case in the court, prosecution has failed to prove the case due to which he has been acquitted by the court.

FINDING

From the above circumstances during the course of enquiry the undersign reached to his consolation that at the time of occurrence Constable Junaid Daud was drunkard, FSL report has also conformed that he was drunkard by analysis of his blood and urine samples. Any how the applicant is acquitted due to failure of prosecution, so charges leveled against him are not proved. Therefore his appeal could be consider by higher authority then he has the right of appeal.

PA
enquiry file be sent a-head
Regional Police Officer Md
for further orders.
Proceed against department
for his failure to carry out investigation properly
& skillfully.

QAMAR HAYYAT KHAN DSP
Urban Investigation Abbottabad.

QAMAR HAYYAT KHAN DSP

6

2

From: Dy: Superintendent of Police,
Havelian Abbottabad.

To: The District Police Officer,
Abbottabad.

No: 117 dated Abbottabad the 7-2-2013

Subject: ORDER.

Kindly refer to your office No 80/PA dated 11.01.2013.

It submitted that Denovoe enquiry against Ex -constable Junaid Daud No 429 received from your good office in this regard, it is bring to your kind notice that the initial report against the above constable was made by the undersigned while posted as SDPO cantt.

It is therefore requested that Denovoe enquiry may please be entrusted to any other police officer because findings opinion of undersigned can be challenge on any step

Submitted please.

Dy: Superintendent of Police,
Havelian Abbottabad.

No 364 PA/dated 11/2/2013

[Handwritten signature]

DSP Qamar Hayat of Invest. wing
is appointed as EO to
conduct denovo enquiry &
submit findings.

Encl. (46)

[Handwritten mark]

[Handwritten signature]

Dy: Super't Of Police
Havelian

15-7-13
Havelian

7

ORDER

13

This order is being issued in adherence and follow up of order of Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar vide Memo: No: 07, dated 01-01-2013 who being Competent Authority has accepted the mercy petition of applicant/ Ex-Recruit Constable Junaid Daud No: 429, who was discharged under Police Rules 12-21 by District Police Officer, Abbottabad vide order Book No: 388, dated 15-11-2011 for certain omissions and commissions.

Therefore, he is re-instated into Service with immediate effect. However, the fate of gap period the applicant remained out of service, will be decided after the completion of denovo enquiry

As required by Competent Authority vide above referred letter, denovo enquiry will be conducted against above mentioned sacked Police Recruit/Constable, for which he will be issued Charge Sheet and disciplinary action.

Mr. Abdul Aziz Afridi, DSP, Havelian is nominated as Enquiry Officer.

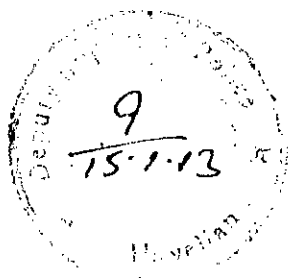
District Police Officer,
Abbottabad.

No: 80 PA. 11-01-2013
Copies to the:-

1. Regional Police Officer, Hazara Region, Abbottabad for favour information with reference to his office Endst: No: 74/PA, dated 01-01-2013.
2. DSP, Havelian for necessary action.

District Police Officer,
Abbottabad.

PA.
For ny action.
Av
Joy: Sup't Of Police
Havelian



(2)

From:- The Dy. Superintendent of Police,
 Mavelier.
 To :- The District Police Officer,
 Abbottabad.
 No. **68** / Dated Mavelier, the **18.1.2013.**
 Subject:- C. I. D. R.
 MEMO:

(4)

Kindly refer to your office diary
 No. 80/PA dated 11.1.2013.

It is submitted that lenovo enquiry
 against Ex-Recruit Constable Junaid Iqbal No. 429 received
 from your good office.

It is therefore requested please provide
 previous enquiry file of the said Constable so that lenovo
 Enquiry can be completed within target time please.

AL
 Dy. Superintendent of Police
 Mavelier.
24 *04*

27/1/2013
0315-9191070

12/01/13

(9)

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

(5)

To: - The District Police Officer,
Abbottabad.

No. // /Legal dated ,Peshawar the 18/1-2013
Subject: APPEAL AGAINST THE ORDER OF DPO ABBOTTABAD
DATED 10.11.2011.

Memo:
Please refer to your office letter No.81/ dated 11.01.2013 on the subject
cited above.
The Denovo Enquiry file (in original) in respect of Ex-Constable Junaid
Daud is sent herewith for taking further necessary action as desired.

W
AIG/LEGAL
For Provincial Police Officer
Khyber Pakhtunkhwa, Peshawar.

No. //Legal,
Copy of above is forwarded to the Deputy Inspector General of Police,
Hazara ,Region Abbottabad w/r his memo:No.336/PA,dated 14.01.2013 for information
please.

AIG/LEGAL
For Provincial Police Officer
Khyber Pakhtunkhwa, Peshawar.

DSP/Havela
For n. a.

DSP/Attd. PA
For m.a.

District Police Officer Abbottabad
Confidential
Dy:No 221 /PA
Dated 23-01-2013

Encl. (43)

DSP/Hm

12/1/13

10

6

OFFICE OF THE DISTRICT POLICE OFFICER ABBOTTABAD.

NO. 3219 /PA, Dated Abbottabad the 03-12 /2012

To: - The Deputy Inspector General of Police,
Hazara Region Abbottabad

SUBJECT: - APPEAL.

18984
4-12-12

MEMORANDUM

Kindly refer to your office Memo No.8561/PA, dated 19.11.2012.

It is submitted that AIG Legal in his letter bearing No. 3256/Legal dated 1.11.2012 has exaggerated the real things and attempted to twist the facts by mentioning there-in that " E.O in his findings stated that he (Junaid Daud) has been acquitted by the Court of law due to some lacunas, therefore his may kindly be considered" whereas, in his finding report the E.O (DSP Cantt:) has also mentioned that " the undersigned reached to the conclusion that at the time occurrence Constable Junaid Daud was drunkard. FSL report has also confirmed that he was drunkard by analysis of his blood and Urine samples.

To sum up the whole it is submitted that;

1. The sacked recruit was discharged under P.R 12.21 based upon his proved misconduct and criminal act. As envisaged in P.R no appeal lies against the order of discharge under P.R 12.21.
2. His appeal was dismissed/ rejected from your august office.
3. Worthy Provincial Police officer Khyber Pukhtoon Khwa did not accept the application as no written order bearing the signature of second appellate authority has so far been received in this office.
4. The undersigned being competent authority to award punishment has not discretion to set-a side previous discharge order.
5. During subsequent department enquiries the incrimination basing his discharge from service has been proved, therefore, his re-instatement in service will not be justified.

RA
3/12

RA
for necessary action

[Signature]

DISTRICT POLICE OFFICER
ABBOTTABAD

*Submitted with P/S
for favour of your kind
perusal & order pl.*

w/DIG

[Signature]
PA
4/12/12

(11)

CHARGE SHEET.

I, **Muhammad Karim Khan District Police Officer Abbottabad**, as competent authority, is hereby charge you Recruit/ Constable Junaid No.479 as follows:-


That during initial period, you were under-going recruit course at PTC, had collided your Motor-bike with a Motor Car near PMA- By pass on 10.11.2011 when, allegedly you were in intoxicated condition. In order to confirm or otherwise the fact of your being in drunkard condition, you were taken to DHQ Hospital Abbottabad. The expert's report received was in positive which was followed by registration of case FIR No.848/2011 u/s 8/11 PS Cantt: You were discharged under P.R 12.21 vide O.B No.388 dated 15.11.2011. Subsequently in adherence with the directives of Additional Inspector General of Police, H.Qrs, Khyber Pukhtoon Khwa Peshawar vide his office Memo No. 07/2013 you were re-instated and de novo enquiry is being ordered.

By the reasons of above, you appear to be guilty of misconduct under Police disciplinary rules 1975 and have rendered yourself liable for major punishment. You are therefore directed to submit your written defense within seven days of the receipt of this Charge Sheet.

Your written defense, if any should reach the enquiry officer/ Committee within the specified report, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

Intimate whether you desire to be heard in person. A statement of allegation is enclosed

میرا جواب
میرا جواب
Junaid


District Police Officer,
Abbottabad.

(12)


DISCIPLINARY ACTION


I, Muhammad Karim Khan District Police Officer Abbottabad,, as Competent authority charge you Recruit/ Constable Junaid No.479 for cretin omissions and commission as elaborated below which render you liable to be proceeded against departmentally.

STATEMENT OF THE ALLEGATION.

That during initial period, you were under-going recruit course at PTC, had collided your Motor-bike with a Motor Car near PMA- By pass on 10.11.2011 when, allegedly you were in intoxicated condition. In order to confirm or otherwise the fact of your being in drunkard condition, you were taken to DHQ Hospital Abbottabad. The expert's report received was in positive which was followed by registration of case FIR No.848/2011 u/s 8/11 PS Cantt: You were discharged under P.R 12.21 vide O.B No.388 dated 15.11.2011. Subsequently in adherence with the directives of Additional Inspector General of Police, H.Qrs, Khyber Pukhtoon Khwa Peshawar vide his office Memo No. 07/2013 you were re-instated and de novo enquiry is being ordered.

For the purpose of scrutinizing the behavior/ conduct of said accused official with reference to the above allegations, Mr. Qazmay Hayat DSP Investigation is appointed as Enquiry Officer who shall in accordance with the provision of ordinance, provide reasonable opportunity of hearing to the defaulter, furnish findings within 20 days of the receipt of this enquiry, thereby avoiding unnecessary adjournment in the proceedings of departmental enquiry.


District Police Officer,
Abbottabad.

رنگت عید اور
کا دوسرا


حوالہ یاد شدہ گزارش مہلہ میں حکمہ ایس میں مائٹیل بھرتی ہو کر پو لیس
 ٹریننگ کالج نیکو بنیادی تربیت کئے گیا یہاں تک کہ ۱۱/۱۱/۱۱ء تک
 ۱۱/۱۱/۱۱ء تک Reses پر کھرا گیا ۱۱/۱۱/۱۱ء کو بوقت مغرب میں P.M.A طرف
 منڈیاں جا رہا تھا بارش بھی تھی کہ کھی اسی ^{اثناء} میں ایک موٹر کار جو بھیجا
 دی تھی نے میری موٹر سائیکل کو ٹکرا دیا میں دور جا کہ گرا میں ٹاٹا گاڑی ہو گیا
 اور میرا ڈائری سائیکل بھی پلٹنا چور ہو گیا۔ موقع پر موجود آئے ہوئے پولیس
 کانسٹیبل نے میری رپورٹ لکھنے کے بجائے اپنی طرف سے رپورٹ میرے خلاف
 لکھ دی جو بعد میں عدالت مجھے عدالت نے باختر لڑی کر دیا مجھ کو نونکہ
 میرے پر حرم ثابت نہیں ہو سکا اور مجھے بے گناہ قرار دیتے ہوئے لڑی کر دیا
 گزارشی مہلہ عدالت نے فیصلہ کا مطالبہ کیا اور اس میں بھی مجھے مواف
 فرمایا جائے۔

دیپنریت مائٹیل
 جنید داؤد
 نمبر 906

Om Prasad

(TM)

16925²
27/11/12

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

To: - The Deputy Inspector General of Police,
Hazara Region, Abbottabad.

No. 3256 /Legal, Dated Peshawar the: 1-11- 2012.

3225/PA
12-11-12
Hazara Region

Subject: - APPEAL
Memo:-

Please refer to your office letter No. 7738/PA dated 19.10.2012.

The appeal of Constable Junaid Daud No. 479, has already been considered and accepted by the competent authority i.e. Addl: IG/HQr, with direction to re-instatement him in service and initiation of denovo proceedings. While complying CPO directions, DPO Abbottabad, nominated DSP Cantt: Abbottabad to conduct denovo enquiry against the official, who in his findings report stated that he (Junaid Daud) has been acquitted by the court of law due to some lacunas therefore, his appeal may kindly be considered. The DPO instead to finalize the enquiry (being competent authority) send it to your good office for further order and disposal.

It is therefore, requested that DPO Abbottabad being competent authority, may be directed to dispose of the enquiry of Constable Junaid Daud and submit final decision if any to this office. Complete enquiry file (in original) is returned herewith.

*enquiry file not attached
27/11/12*

(MOHAMMAD FAYAZ KHAN)
AIG/LEGAL
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

DPO, ABBOTTABAD.

for compliance and report as directed by W.P.O

Sr, the enquiry file as mentioned above has not been received by this office. Submitted for order pl.

Letter No. 8314/PA of 8-11-2012 has been sent to PPO asking for the enquiry file

27/11/12

21/11/12

27/11/2012

15

5

Subject :- ENQUIRY AGAINST FC JUNAID DAUD DISTRICT ABBOTTABAD.

BRIEF OF ALLEGATIONS

Recruit Constable Junaid Daud No. 479 was found in intoxicated position while traveling towards PMA crossing met on Motor Cycle accident with Motor Car. He was sent DHQ Hospital for medical opinion. Result was received in positive. As a result case vide FIR No. 848 dated 10.11.2011 U/S 8/11 Article. PS Cantt has been registered against him. He is under going Recruit Course at PTC Hangu and unfir to be retrain in Police Department as he had given a bad name to Police Department, therefore, he is discharge from Service under PR 12 - 21 with effect from 10.11.2011

Denove enquiry was entrusted to undersigned with the direction to finalize the enquiry within shortest possible time.

ENQUIRY PROCEEDINGS.

I proceeded accordingly and called the followings:-

1. ASI Pervaiz I/C PP Sakandarabad.
2. FC Nazakat No. 736 PP Sakandarabad.
3. Ex-constable Junaid Daud No. 479.

Their statements are recorded and placed with enquiry file.

From the recorded statement of ASI Pervaiz and Nazakat No. 736 and perusal of case file it has been proved that Recruit Constable Junaid Daud No. 479 was intoxicated. During the course of investigation his guilt was proved by the medical report and as well as FSL report. Any how during hearing of the case in the court of law prosecution has failed to prove his case due to which he has been acquitted by the court. Court orders are attached for ready reference.

FINDINGS.

From the above circumstances, during the course of inquiry the undersigned reached to this conclusion that at the time of occurrence Constable Junaid Daud was drunk. FSL report has also confirmed that he was drunk by analysis of his blood and urine samples. Anyhow he has been acquitted by the court of law due to some legal lacunas therefore, his appeal may kindly be consider.

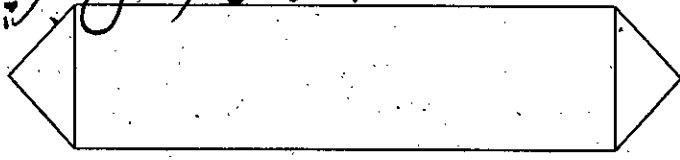
Submitted please.

(RAJA ABDUS SABOOR KHAN)
Dy Superintendent of Police,
Cantt Abbottabad.

45

NO: 302
9/10/2012

بعدالت صاحب سروس رینٹل بلڈ پینڈ اوٹوا لیمٹڈ



صاحب داور سے جو رینڈ اوٹوا لیمٹڈ
بنام

مورخہ
مقدمہ
دعوی

جیم
13
SA

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی میں متعلقہ
 آن مقام رینڈ اوٹوا لیمٹڈ کے لیے رباب صاحبہ کے نام سے
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
 اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
 مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
 اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
 سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
 گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Am Jaid

Acceptance

Arbab Saifullah
20
20/06/2020

موردی

المرقوم 8 ماہ

العواہ العواہ

کے لئے منظور ہے۔

13

مقام

DBA No. _____

BC No. 14-5028Name of Advocate جواری لنگرS.No. 16480Head Clerk
District Bar Association
Abbottabad

وکالت نامہ

بعدالت ضابطہ سرورسٹریٹ نر ایجنٹ ایٹ ابار بیٹ ایٹ ا. ا. ا. د.

عنوان: جنید داؤد بنام سرکارمنجانب: ایٹ لنگر نوعیت مقدمہ ایپیل

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی دیکھو پیروی برائے پیشی یا تصفیہ مقدمہ بمقام ایٹ ا. ا. ا. د. کے لیے

جواری لنگر

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا بخاند کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخلہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ محتانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

28/11/18

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے کہ

Accept
28/11/18

Amir Daud

3-5865487-13101 جنید داؤد

DBA number	302
BC No.	10 - 1362
Name of Advocate	

S.No. 36932



Head Clerk
District Bar Association
Abbottabad

وکالت نامہ

بعدالت
عنوان: محمد وارث نامہ
مجانب: محمد وارث
نوعیت مقدمہ
باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام محکمہ اعلیٰ عدالت کے لیے
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے
جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ
سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پچھری کے
علاوہ کسی جگہ یا پچھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پچھری کے علاوہ کسی اور جگہ
سماعت ہونے پر یا بروز تعطیل یا پچھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے
کسی معاوضہ کے ادا کرنے یا نفاذ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر اخذ صاحب موصوف
مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم
درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے
اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات
از پچھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری کی طرف درخواست حکم انتہائی یا قرتی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب
موصوف کو بشرط ادا جنگی علیحدہ مختار پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے
کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں
وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف
کاتق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ
کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔
مورخہ: / / سال
مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ دن / ماہ / سال

Amir Khan

Amir Khan