- 1. None present for the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.
- 2. Called several times till last hours of the court but neither appellant nor his counsel is present. In view of the above, the instant appeal is dismissed in default.
- 3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 5<sup>th</sup> day of October, 2022.

Farceha Paul) Member(E) (Kalim Arshad Khan) Chairman 13.12.2021

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Arif Saleem Stenographer for respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on application for amendment before the D.B on 10.03.2022.

(Atiq Ur Rehman Wazir) Member (E) (Salah-ud-Din) Member (J)

10-3-2022

Due to retirement of the Horsble Chairman the case is adjourned to come up for the same as before on 30-06-2022

Reader

30.06.2022

Clerk of learned counsel for the appellant present. Mr. Arif Salim Stenographer alongwith Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents present.

Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 05.10.2022 before the D.B.

(Rozina Rehman) Member (J)

(Salah Ud Din) Member (J) 04.02.2021

Counsel for the appellant and Add. AG alongwith Arif Saleem Stenographer for the respondents present.

Learned counsel representing appellant invited attention of the bench to application for amendment which has been mentioned vide order sheet dated 10.03.2020. The perusal of record reveals that neither reply of the said application has been submitted nor arguments have been addressed. Copy of the aforesaid application for amendment be delivered to learned Additional Advocate General. File to come up for arguments on application for 04.05.2021 before D.B.

(ATIQ-UR-REHMAN WAZIR) MEMBER (E)

(MUHAMMAD JAMAL KHAN) MEMBER(J)

2021 Ou to covis-19, The dass is adjust to 2-9, 2021-for the fame.

02.09.2021

Clerk of learned counsel for the appellant present. Mr. Ishaq Gul, DSP (Legal) alongwith Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to appear before the Tribunal today due to injuries being sustained by him in road accident. Adjourned. To come up for arguments on application for amendment before the D.B on 13.12.2021.

(ATIQ-UR-REHMAN WAZIR) MEMBER (EXECUTIVE)

(SALAH-UD-DIN) MEMBER (JUDICIAL) 16.09.2020

Nemo for appellant.

Mr. Kabirullah Khattak learned Additional Advocate General alongwith Arif Saleem Stenographer for respondents present.

Representative of respondents produced copy of FIR dated 04.08.2020 vide which present appellant has been charged in a murder case, therefore, notice be issued to counsel for appellant in order to apprise the court in respect of involvement of appellant in the above mentioned case. To come up for further proceedings/arguments on 19.11.2020 before D.B

(Atiq ur Rehman Wazir) Member (E)

(Rozina Rehman) Member (J)

19.11.2020 Appellant with counsel present.

Muhammad Jan learned Deputy District Attorney for respondents present.

A request for adjournment was made on behalf of appellant. Adjourned. To come up for arguments on 04.02.2021 before D.**B**.

(Atiq ur Rehman Wazir) Member (E)

(Rozina Rehman) Member (J) Due to COVID19, the case is adjourned to

27/2020 for the same as before.

Reduer

27.07.2020

Nemo for appellant. Addl. AG alongwith Arif Saleem, ASI for the respondents present.

On the last date the matter was adjourned through Reader note, therefore, notices be issued to appellant/counsel for 16.09.2020 for hearing before the D.B.

(Attiq-ur-Rehman) Member Chairman

Counsel for the appellant present. Addl: AG alongwith Mr. Arif Saleem, Constable for respondents present. Amendment application was submitted by the learned counsel for the appellant mentioned vide order sheet dated 05.12.2019 but today learned counsel for the appellant stated that he wants to withdraw the amendment application mentioned vide order sheet dated 05.12.2019 and submitted another application for amendments of the instant service appeal on the ground mentioned in the application. As per request of learned counsel for the appellant, the earlier application stands withdrawn. To come up for reply and arguments on the application on 07.05.2020 before D.B.

Member

Member

18.10.2019 Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for the appellant submitted an application for adjournment. Allowed. To come up for arguments on 05.12.2019 before D.B.

Member

*Member* 

05.12.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Arif Saleem Stenographer for the respondents present. Learned counsel for the appellant submitted application for amendment in service appeal, which is placed on file. Adjourned. To come up for further proceedings on 21.01.2020 before D.B.

(1)() Y (Hussain Shah) Member

(M. Amin Khan Kundi)
Member

21.01.2020

Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Usman Ghani, District Attorney for the respondents present. Case to come up for further proceeding on 10.03.2020 before D.B.

(Hussain Shah) Member (M. Amin Khan Kundi) Member



Appellant alongwith his counsel and Mr. Muhammad Bilal, Hæll Constable alongwith Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment to furnish rejoinder. Adjourned to 23.07.2019 for rejoinder and arguments before D.B.

(HUSSAIN SHAH) MEMBER

(M. AMIN KHAN KUNDI) MEMBER

23.07.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Ishaq Gul, DSP (Legal) for the respondents present. Representative of the department furnished copy of final showcause notice alongwith copy of reply of the appellant to the final showcause notice, copy of de-novo departmental inquiry and statement of witnesses. Copy of the same was also provided to the learned counsel for the appellant, who seeks adjournment to examine the same. Adjourned to 16.09.2019 for arguments before D.B.

(HUSSAIN SHAH) MEMBER

(M. AMIN<sup>7</sup>KHAN KUNDI) MEMBER

16.09.2019

Clerk to counsel for the appellant present. Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the bar. Adjourn. To come up for arguments on 18.10.2019 before D.B.

Member

Member

29.01.2019

Appellant alongwith his counsel present. Mr. Kabirullah Khattak,

Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on 18.02.2019 before S.B.

(MUHAMMAD AMIN KHAN KUNDI) MEMBER

18.02.2019 Clerk to counsel for the appellant present. Written reply not submitted. No one present on behalf of respondent department. Notice be issued to the respondent department with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 04.04.2019 before S.B.

Member

None for the appellant present. Addl: AG alongwith Mr. inayatullah, HC for respondents present and submitted written reply which is placed on file. Case to come up for rejoinder and arguments on 30.05.2019 before **D**.B.

(Ahmad Hassan) Member arguments heard.

The appellant (Ex-Constable) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order dated 02.03.2018 whereby he was awarded major penalty of dismissal form service on the ground that he committed an unnatural act with complainant Feroz Khan. The departmental appeal of the appellant was rejected vide order dated 17.04.2018. Main argument of the learned counsel for the appellant was that the impugned punishment was awarded without adhering to the legal requirements.

Points urged need consideration. The present service appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. The present of the present service appeal is admitted to the legal objections. The appeal is admitted for regular hearing subject to all the legal objections. The appeal is admitted for regular hearing subject to all the legal objections. The appeal is admitted for regular hearing subject to all the legal objections. The appeal is admitted for regular hearing subject to all the legal objections. The appeal is admitted for regular hearing subject to all the legal objections. The appeal is admitted for the present of the present

Appellent Denosited
Security Process Fee

\_∕.⊷ Member

01.11.2018 Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 19.12.2018.

READER

19.12.2018

Appellant in person and Mr. Kabirullah Khattak learned Additional Advocate General present. Written reply not submitted. Notice be issued to the respondents with the direction to furnish written reply/comments. Adjourn. To come up written reply/comments on 29.01.2019 before S.B.

- Member

# Form- A FORM OF ORDER SHEET

Court of		
	•	
Case No	986 <b>/2018</b>	

	Case No	986/2018
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/08/2018	The appeal of Mr. Niamat Ullah resubmitted today by Syed
		Mudassir Pirzad Advocate may be entered in the Institution Register
		and put up to the Worthy Chairman for proper order please.
	11-8-2018	REGISTRAR 10/8/18
2-		This case is entrusted to S. Bench for preliminary hearing to
	echeroperan Revention	be put up there on 127-9-2018.
•	8.8	
	* <sub>Z</sub> .	
		CHAIRMAN
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The appeal of Mr. Naimatullah Khan son of Bilawar Khan r/o Gubmat Distt. Kohat received today i.e. on 17.07.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of dismissal order mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 3- Annexures of the appeal may be attested.

No. 1448 /S.T.

Dt. 1807 /2018.

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Mudassir Pirzada Adv. Kohat.

De Juban de Convection ne ce Assument

# BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 4 2 2018

Ex- Constable Naimat ullah Khan S/o Bilawar Khan R/o Gumbat District Kohat

(Appellant)

# **VERSUS**

- 1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
- 2. DEPUTY INSPECTOR GENERAL OF POLIEC KOHAT REGION KOHAT
- 3. DISTRICT POLICE OFFICER KOHAT.

(Respondent)

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4	Copy of departmental representation dated 06-03-2018 & Impugned order issued on 04-08-2018	Α .	8-9
5	Copy of Order of Service Tribunal Peshawar dated 04-12-17	В	10-12
6	Copy of FCN, Charge Sheet along with reply	С	13-18
	Wakalatnama		

Through

Date 17/7/ 2018

Syed Mudasir Pirzada Advocate HC 0345-9645854

ppellant

# FORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal \_\_\_\_\_\_2018

Ex- Constable Naimat ullah Khan S/o Bilawar Khan R/o Gumbat District Kohat

**VERSUS** 

(Appellant)

Khyber Pakhtukhwa Service Trihunal

Diary No. 17

INSPECTOR GENERAL OF KPK POLICE PESHAWAR.

Dated 17-7-2018

- 2. DEPUTY INSPECTOR GENERAL OF POLIEC KOHAT REGION KOHAT
- 3:- DISTRICT POLICE OFFICER KOHAT

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 02-03-2018 VIDE NO 222 IN WHICH THE RESPONDENT NO:-3 CONDUCT THE DENOVA ENQUIRY FOR BACK BENEFIT IN COMPLIANCE TO THE ORDER OF KPK SERVICE TRIBUNAL THE RESPONDENT NO-3 AGAIN DISMISS THE APPELLANT WITHOUT ANY COGENT REASON FEELING AGGRIVED THE APPELLANT PREFER DEPARTMENTAL REPRESENTATION DATED 06-03-2018 WHICH WAS NOT CONSIDER NOR ENTERTAIN TILL DATE.

# Pray:

In view of above submission it is requested, by accepting of instant appeal the impugned order of Respondents may be set aside and the present appellant any please be re instated in the service with all back benefits are blessed with any other remedy as the honable tribunal deem proper.

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

#### Facts:

To submitted to se

Briefly facts are that the appellant while serving as constable Belt No-750 in District Police Kohat and a false criminal case was register against the appellant dated 06-08-2014 u/s 377/367-A382/34/109 along with other accused PS Bilitang Kohat.

That due to above mentioned criminal case the appellant was dismissed from service and then the honourable service tribunal reinstated the appellant in to service and so far as for back benefits honourable tribunal directed the respondent to conduct the denova enquiry but due to non reading and mis

interpretation of order of service tribunal the respondent No-3 again dismissed the appellant. (Copy of Impugned Order and judgment is annexed as annexure.)

That the no departmental enquiry was properly conducted nor any opportunity of personal hearing was provided to the appellant as well as nor the complainant was heard in person resulting in to impugned order.

That it is worth mentioning here that as per police rule that when any official of police department acquitted from any criminal case then the official is entitled for service but the respondent above violate this golden principal which is against to the principal of natural justice.

That the allegations were not inquired by enquiry officer and the appellant was dismissed form service with immediate effect from 2-03-2018 without giving any opportunity of fair hearing and proceedings have been initiated. Feeling aggrieved by the appellant from the impugned order of the respondent No-3 the appellant preferred representation for giving the opportunity of being heard in person but the same was not entertain nor accepted.

## **Grounds:**

- a. That since the appointment of appellant in the police department performed duty with honesty and sincerity and devotion in the police department and during course of enquiry none from any other police official was examined in support of the charges leveled against the appellant. No allegation mentioned above practice by the appellant nor proved against any cogent reason against the appellant. The appellant had numerous good entries in his service record which could be verified form the service record of the appellant.
- b. That the enquiry officers vide in their findings not personally heard the present appellant .
- c. That the enquiry officer has mentioned in his finding report that the appellant reply was unsatisfactory, but till date the appellant was not given the opportunity of being personally heard but the respondent above No-03 issued the charge sheet, and final show cause notice in which the appellant has submitted his reply but the enquiry officer in hasty manner not given any worth consideration to the reply of the appellant. (Copy of charge sheet, final show cause notice etc annexed as annexure §)
- d. That the above mentioned enquiry officer has not given any legal consideration to the actual facts of the case of appellant nor the other police officials were examine by enquiry officer.

- e. That during the course of enquiry the enquiry officer has mentioned in his finding report that the appellant was directed to submit his written reply but no lice is crawling /creeping on his ear, but the same was falsely mentioned in enquiry report by concern enquiry officer in fact no single document has ever been served to the appellant and self stated that appellant has reply was unsatisfactory.
  - f. That the bias ness of the respondents is clearly shows from the application submitted by appellant to the respondent N0-3 regarding the personal hearing but no response on the application tendered (Copy Copy Copy)
  - g. That again the biasness of the respondent N0-2&3 clearly prove by not entertaining the representation of the petitioner ,keeping in view the decision of apex court the respondent No2& 3 were duty bound to record reason of rejection 'when departmental appeal was submitted to the competent authority was bound to decide the same with in reasonable time after application of independent mind ,by giving reason such was a requirement of law as well as of the principal of natural justice 2009 (PLC)(CS) 77
  - h. That it is clearly mention in 2003 PLC CS 1468 that any instruction issued in violation of Rules would be illegal and void .
- i. That it is worth mentioning here that these facts have also been intimated to respondent No-2 but in vain.
- j. That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law, the same is based on wrong assumption of facts.
- k. That the departmental enquiry was not conducted according to the rules.
- I. That the penalty has been imposed on extraneous consideration which is not the subject of the occurrence but the appellant has been penalized.
- m. That the impugned order is out come of surmises and conjecture.
- n. That the impugned order is suffering from perversity of reasoning, hence liable to be set aside.
- o. That order of the respondent is very much harsh in nature.
- p. That some other grounds will be agitated at the time of arguments with the prior permission of the Honorable highness.

- p. That the bias ness of the respondent clearly shown from the impugned order that order announced on 17-04-2018 and kept hide and issued to the appellant on 04-8-2018
- q. That some other grounds will be agitated at the time of arguments with the prior permission of the Honorable highness.

#### Pray:

In view of above submission it is requested, by accepting of instant appeal the impugned order of Respondents NO- 3 may be set aside and the present appellant may please be re instated in the service with all back benefits and blessed with any other remedy as the honable tribunal deem proper.

Dated: 17/7/2018

(Appellants)

Through

Syed Mudasir Pirzada Advocate HC. District Courts Kohat 0345-9645854

# Certificate:-

Certified that no such like appeal has earlier been filed in this Hon able Service tribunal as per instruction of my client .

# List of Books

- 1:- Constitution of Pakistan 1973
- 2:- Police Rules
- 3:- Case Law according to need.

Service Appeal	2018
Service Appear	2010

# **AFFIDAVIT**

I ,Syed Mudasir Pirzada Advocate ,as per instruction of my client do here by solemnly affirm and declare that all the contents of accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable Tribunal

Advocate



# FORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

O · A ·	0040
Service Appeal	2018

Ex- Constable Naimat ullah Khan S/o Bilawar Khan R/o Gumbat District Kohat

(Appellant)

## **VERSUS**

- 1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
- 2. DEPUTY INSPECTOR GENERAL OF POLIEC KOHAT REGION KOHAT
- 3: DISTRICT POLICE OFFICER KOHAT.

## ADDRESS OF THE PARTIES

## APPELLANT :-

Ex- Constable Naimat ullah Khan S/o Bilawar Khan R/o Gumbat District Kohat

## **RESPONDENTS**

- 1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
- 2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
- 3. DISTRICT POLICE OFFICER KOHAT.

Appellant

Through

Date 17/7/18

Syed Mudasir Pirzada Advocate HC 0345-9645854



# OFFICE OF THE DISTRICT POLICE OFFICER, KOHAT

Tel: 0922-9260116 Fax 9260125

No. 2196-98 /PA dated Kohat the 65/3 /2018

# ORDER

This order will dispose of de-novo departmental proceedings initiated against Constable Nimat Ullah No. 750 of this District Police under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

The essential facts arising of the case are that Constable Nimat Ullah No. 750 (hereinafter called accused) while posted at guard district Courts security was Dismissed from service vide order dated 03.09.2014. The accused was involved in case FIR No. 260 dated 05.08.2014 u/s 377/367A-382/109/34 PPC PS Billitang.

In compliance with the Judgement of Service Tribunal dated 04.12.2017, denovo departmental proceedings initiated after approval. The SP FRP Range Kohat, Kohat was appointed as enquiry officer by the competent authorities. Charge Sheet alongwith statement of allegations issued to the accused official. The accused official was associated with the proceedings and afforded ample opportunity of defense by E.O. The accused official was held guilty of the charges vide finding of the enquiry officer.

Final Show Cause Notice alongwith copy of enquiry finding was served upon the accused official. Reply received unsatisfactory, without any plausible explanation.

Therefore, the accused official was called as in Orderly Room, held on 01.03.2018 and heard in person, but he failed to submit any explanation to his gross professional misconduct.

Record gone through, which indicates that the accused official had committed an unnatural act with complainant Feroz Khan, which is an offence of moral turpitude.

In view of the above and available record, I agreed with the finding of enquiry officer, therefore, in exercise of powers conferred upon me under the rules ibid I, Abbas Majeed Khan Marwat, District Police Officer, Kohat impose a major punishment of dismissed from service with immediate effect.

Announced 01.3.2018

RICT POLICE OFFICER, KOHAT 22-1/2

OB No. <u>ネスカー</u> Date ヘラーミ /2018

No<u>2186 - 98</u> / PA dated Kohat the <u>65-3-</u>2018.

Copy of above is forwarded for information and necessary action to the Reader, Pay officer, SRC and OHC.

# Annerme A Page: (8)

بخدمت جناب DIG صاحب کوہاٹ ڈویٹر ن کوہاٹ

عنوان - ايبل برخلاف علم وفيصله جناب OPO صاحب كوباث مورخه 18-3-5 بوجوبات ذيل

# جناب عالی اسائل ذیل عرض رسال ہے۔

یرکسائل محکمہ پولیس میں بطور کنٹیبل 2009-8-11 کوجرتی ہوکراپنے فرائض مضی بطوراحسن ادا کرتا چلا آرہا تھا۔ یہ کہ سائل محکمہ پولیس میں بطور ہیں بھی سیم سے تحت ایک جھوٹا مقد مدہات نمبر 260 مور ند 2014-8-6جرم 2019-382-367 تھانہ یہ کہ سائل کے خلاف ایک سوچی بھی سیم کے تحت ایک جھوٹا مقد مدہار دی گرفتار کیا گیا ڈیپار شمنٹ انکوائری ہوکر سائل کو برخاست کیا گیا جس کے خلاف بلی نئک درج کیا گیا۔سائل کو دوران ڈیوٹی مجبری گیٹ پر باور دی گرفتار کیا گیا ڈیپار شمنٹ انکوائری ہوکر سائل کو باعز ت طور بری با قاعدہ اپیل ہوئی اور سائل کا مقد مدسر وسز ٹرینول پشاورا پیل نمبر 2016/2015 رجوجہ 17-9-7 سے فیصلہ ہو چکا ہے سائل کو باعز ت طور بری فرمایا ہے اور سروس بحالی کا محتم فرمایا اور دوبارہ انکوائری کی اجازت عطافر مائی ہے۔ (نقل فیصلہ لف ہے۔

فرمایا ہے اور سروں بھاں ہم سرمایا اور دوبارہ، ور کا جب سے سے اور سروں بھی انکام سروسرٹر یونل جناب SP-FRP میاں امتیازگل صاحب کوائکوائری آفیسر مقرر فرما کرا تکوائری ممل میں لائی گئے ہے۔

یہ کہ حسب الحکم سروسرٹر یونل جناب SP-FRP میاں امتیازگل صاحب کوائکوائری آفیل بند نہ کیا دیگر گواہان نے جانبدارانہ بیانات قلم بند کیے ہیں جن پر
انکوائری Denew میں مدعی مقدمہ حاضر نہ ہوئے کوئی بیان برخلاف سائل قلم بند نہ کیا دیگر گواہان نے جانبرارانہ بیانات قلم بند کیے ہیں جن پر میائل کے خلاف الزامات کی صورت بھی خابت نہیں ہوتے جبکہ SP-FRP صاحب نے اپنی انکوائری رپورٹ سائل جرح کاحق محفوظ رکھتا ہے سائل جرح کاحق محفوظ رکھتا ہے سائل جس پر OPO صاحب نے مور خد 18-3-5 دوبارہ سائل کوسروس سے برخاست کردیا ہے جے سائل جناب OPO صاحب کوہائ جس پر OPO صاحب نے مور خد 18-3-5 دوبارہ سائل کوسروس سے برخاست کردیا ہے جے سائل جناب OPO صاحب کوہائی جس پر OPO صاحب کوہائی جس کے میں کوہائی جس کے میں کردیا ہے جس کردیا ہے جس کردیا ہو کردیا ہے جس کردیا ہے جس کردیا ہو کردیا ہو کردیا ہو کہائی کوہائی جس پر OPO صاحب کوہائی کوہائی جس کردیا ہو کردیا

کونہایت ضرر رسیدہ اور نا قابل تلائی نقصان کا سامنا ہے۔ یہ کہ مقدمہ علت نمبر 260 جرم 109 -387-367 تھانہ بلی ننگ کا مقدمہ کا ٹرائل ہو کر مقدمہ نمبر 2016 -980 تھانہ بلی ننگ کا مقدمہ کا ٹرائل ہو کر مقدمہ نمبر 2016 جرہ ہے) رجوعہ 16-4-13 فیصلہ 17-6-3 مور خد 17-6-9 گوشوارہ 2017-190 باعزت طور بری فرمایا ہے۔ (نقل فیصلہ لف ہے) یہ کہ سائل محکمہ پولیس سے از حد محبت رکھتا ہے اور اپنی خدمات محکمہ پولیس کے لیے بطور احسن ادا کر تاریا ہے اور از حد شوق رکھتا ہے۔ دور ان ڈیوٹی میں کیا ہے۔ سانون اور ایران طرح DIG صاحب اشتیا تر

سائل کواچھی کارکردگی پر DPO صاحب کو ہاٹ نے-/500روپے نفز انعام داعز ازی شیفکیٹ سے نواز اے ای طرح DIG صاحب اشتیاق مروت صاحب نے بھی اچھی کارکردگی پرسائل کو-/500روپے نفز انعام معداعز ازی شیفکیٹ نواز اے۔ (شیفکیٹ لف ہیں) مروت صاحب نے بھی اچھی کارکردگی پرسائل کو-/500روپے نفز انعام معداعز ازی شیفکیٹ نواز اے۔ (شیفکیٹ لف ہیں)

یہ کہ دیگراہم اُمور بوقت ساعت زیر بحث لائے جا کینئے۔ استدعاہے کہ بمنظوری اپیل ہذا بوجوہات بالاانکوائزی رپورٹ کوخلاف قانون قرار دیا جا کرفیصلہ وتھم مورخہ 18-3-5 جناب DPO صاحب کو منسوخ فر ماکر سائل کوحسب سابق سروس پر بحال فر مایا جانے کے احکامات صاور فر مائے جاویں۔

منگل ۲ ر مارچ ۲۰۱۸

العارض كمعت الكريد طان سابقة سابقة ولد بلاور خان ساكن گنڈيالى پايان تھانه گمبط ضلع كوماك رابط نمبر 8275014 Alleste de la la commanda de la comm

# ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Naimat Ullah No. 750 of Kohat district Police against the punishment order of dismissal from service, passed by DPO Kohat vide OB No. 222, dated 02.03,2018 for the allegations of unnatural offense with complainant and his brother Fayaz. Proper case vide FIR No. 260, dated 05.08.2014 u/ss 377, 367 A, 382, 34, 109 PPS Police Station, Billitang Kohat.

He preferred appeal to the undersigned, upon which comments were obtained from DPO Kohat and his service record was perused.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved and the punishment order passed by DPO Kohat is correct. Hence, his appeal being Order Announced

17.04.2018

(AWAL KHAN) Regional Police Officer

Kohat Region.

LEC, dated Kohat the

Copy to the District Police Officer, Kohat for information w/r to his office Memo: 6440/LB, dated 27.03/2018. His Fauji Missal / Enquiry File is

(AWAL KHAN) Regional Police Officer, Cohat Region

17/8 // instructe for lasto the appellant

#### BEFORE KHYBER PAKHTUNKHWA SERVIC PESHAWAR:

#### SERVICE APPEAL NO. 1029/2015

Date of institution ... 07.09.2015

Date of judgment ... 04.12.2017

Mr. Niamatullah, Ex-Constable No. 750, District Police, Kohat.



(Appellant)

- 1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2. The D.I.G Kohat Range, Kohat.
- 3. District Police Officer, Kohat.

(Respondents)

Service Tribunal.

1974 ORDER DATED 12.08.2015 WHEREBY THE PETITION/APPEAL UNDER RULES-11 (A) OF THE KPK POLICE RULES, 1975 HAS BEEN REJECTED AGAINST THE ORDER OF DIG KOHAT DATED 13.11.2014 WHEREBY <u>MAINTAINED</u> THE <u>PENALTY</u> **ORDER** <sup>2</sup> PASSED BY THE DISTRICT POLICE OFFICER, KOHAT.

Peshawar

Mr. M. Asif Yousafzai, Advocate.

Mr. Muhammad Jan, Deputy District Attorney

For appellant. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI MR. AHMAD HASSAN

MEMBER (JUDICIAL) MEMBER (EXECUTIVE)

#### <u> JUDGMENT</u>

MUHAMMAD AMIN KHAN KUNDI, MEMBER: appeal: has been filed under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 03.09.2014 passed by the District Police Officer Kohat whereby the appellant was dismissed from service on the allegation that he was involved in case FIR No. 260 dated 05.08.2014 under sections 377-367A-382/109/34 PPC PS Bilitang, Kohat. The appellant also filed departmental appeal on 24.09.2014 which was rejected on 12.11.2014. The appellant also filed review



petition on 08.12.2014 which was also rejected on 12.08.2015 hence, the present service appeal on 07.09.2015.

2. Learned counsel for the appellant contended that the appellant was serving in Police Department. It was further contended that during service the appellant was involved in the aforesaid criminal case. It was further contended that after registration of the criminal case departmental proceeding was initiated against the appellant and inquiry officer has recorded the statement of witnesses but opportunity of cross examination was not provided to the appellant. It was further contended that the appellant was also not provided opportunity of personal hearing and defence therefore, the inquiry proceeding is illegal and liable to be set-aside. It was further contended that the competent court has also acquitted the appellant under section 265 Ker.Pc in the aforesaid criminal case vide detailed judgment dated 03.06.2017 as neither the appellant was charged in the information report nor the prosecution produced any evidence against the accused appellant therefore, the impugned order is illegal and liable to be set-aside.

- On the other hand, learned Deputy District Attorney opposed the contention of learned counsel for the appellant and contended that the appellant was serving in Police Department. It was further contended that during service the appellant was involved in the aforesaid criminal case and inquiry was initiated by the competent authority. It was further contended that a proper charge sheet and statement of allegation was served upon the appellant and the appellant was fully associated by the inquiry officer in the inquiry proceeding and after recording statement of witnesses he was found guilty and on the basis of inquiry report show-cause notice was issued but the appellant failed to satisfy high-up, therefore, the appellant was rightly dismissed from service and prayed for dismissal of appeal.
- 4. We have heard the arguments on both side and gone through the record available on file.

Khyber a sayankhwa Service Tribunal, Peshawar

ATTESTEL

KOHAT SA 15/2

1/2

M. Horron

Perusal of the record reveals that the appellant was serving in Police Department and during service he was involved in the aforesaid criminal case. The record further reveals that inquiry was initiated against the appellant due to his involvement in the aforesaid criminal case. The record further reveals that the inquiry officer has recorded the statements of victims Muhammad Fayaz as well as Sub-Inspector Gul Rehman, I.O of the aforesaid criminal case but the opportunity of cross examination was not provided to the appellant by the inquiry officer. Although it was incumbent upon the inquiry officer to provide opportunity of cross examination to the appellant as under Section-11 of the Government Servant (Efficiency & Disciplinary) Rules, 2011 it has been laid down that when witnesses is produced by one of the party the other party shall be entitled to cross examine such witness but the inquiry officer has not provided any opportunity of cross examination to the appellant which has rendered the inquiry proceedings illegal and liable to be set-aside. Furthermore, the appellant was also acquitted by the competent court under section 365 Ker.Pc in the aforesaid criminal case therefore, we accept the appeal, set aside the impugned order and reinstate the appellant in service. However, the respondent-department is at liberty to conduct a de-novo inquiry within three months/and in case de-novo inquiry is conducted, the issue of back benefits of intervening period will be subject to the outcome of the de-novo inquiry proceedings. Parties are left to bear their own costs. File be consigned to the record room.

Announced 3df M. Amin Khan Kundi, Member Sdf-Ahnad Hagson, Nember.

Page Cons.

Date of Presentation of Application //-/2->
Number of World | 2-00

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Urgent | 8-00

Date of Couple | 22-12-2-0/2

Date of Delivery of Control | 22-12-2-0/2



## OFFICE OF THE DISTRICT POLICE OFFICER, KOHAT

Tel: 0922-9260116 Fax 9260125

No 1573 /PA dated Kohat the 15/2/2018

# FINAL SHOW CAUSE NOTICE

- 1. I, Abbas Majeed Khan Marwat, District Police Officer, Kohat as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014), is hereby serve you, Constable Nimat Ullah No. 750 as fallow:
  - i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 683-84/PA dated 24.01.2018.
  - ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.
    - I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

Being involved/arrested in case FIR No. 260 dated 05.08.2014 u/s 377-367A-382/109/34 PPC PS Billitang. Which is a gross misconduct on your part.

- 2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules **ibid**.
- 3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.
- 4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.
- 5. The copy of the finding of inquiry officer is enclosed.

DISTRICT POLICE OFFICER, KOHAT 4/2 15/2 Affect one







Police Rules 1975.

# Office of the District Police Officer, Kohat

Dated 24-1- /2018

#### CHARGE SHEET.

I, ABBAS MAJEED KHAN MARWAT, DISTRICT POLICE OFFICER, KOHAT, as competent authority under Khyber Pakhtunkhwa Police Rules 1975 (amendments 2014) am of the opinion that you Constable Nimat Ullah No. 750 rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the

- i. Being involved/arrested in case FIR No. 260 dated 05.08.2014 u/s 377-367A-382/109/34 PPC PS Billitang. Which is a gross misconduct on your part.
- 2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of Police Rules 1975.
- 3. You are, therefore, required to submit your written statement within 07days of the receipt of this Charge Sheet to the enquiry officer.

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

4. A statement of allegation is enclosed.

DISTRICT POLICE OFFICER, KOHAT 24/) Hell will





No \_\_\_\_\_/PA

# Office of the District Police Officer, Kohat

Dated	/	201 <b>g</b>
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#### DISCIPLINARY ACTION

I, ABBAS MAJEED KHAN MARWAT, DISTRICT POLICE OFFICER, KOHAT, as competent authority, am of the opinion that you Constable Nimat Ullah No. 750 have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

# STATEMENT OF ALLEGATIONS

Being involved/arrested in case FIR No. 260 dated 05.08.2014 u/s 377-367A-382/109/34 PPC PS Billitang. Which is a gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations <u>Mian Imtiaz Gul SP FRP Range Kohat</u> is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

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

DISTRICT POLICE OFFICER, KOHAT W 24/

No. <u>683 - 89</u>/PA, dated <u>24-1-</u>/2018.

Copy of above to:-

Mian Imtiaz Gul SP FRP Range Kohat: The Enquiry Officer for initiating denove enquiry proceedings against the accused in pursuance of Judgment of Khyber Pakhtunkhwa Service Tribunal dated 04.12.2017 followed by DIG E&I letter No. 148/E&I dated 19.01.2018 and submit finding before 04.02.2018.

The Accused Official: with the directions to accuse the service of the s

The <u>Accused Official:</u> with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of denove enquiry proceedings.

Atteston Court

بیان: ازار کشفیل نعت الله نمبر 750 پولیس لائن کو ہائے۔ عنوان: فرد جرم اور تکلمانہ کاروائی۔

جواب فائنل شوكار نولس نمبر (1573/PA) مورجه 2018-2-15 منجانب ساكل ذيل -

جناب عالى!

بحواله مشموله فرد جرم بالا بسلسله ماخوذگی بمقدمه علت نمبر 6 0 مورده 4 1 0 2 - 8 - 5 0 زیر دفعه 34/R-109-376-A)/382-109) تھانہ کی نگا معروض خدمت ہوں کہ مقدمہ بالا میں مدعی بالا کے بیان کے مطابق کہاس کے ساتھ میں نے بدفعلی ہے جس پر مقدمہ بالا میرے اور میرے ویکر ساتھی کے خلاف درج کیا گیا ہے۔

- ۔ مبینہ وقوعہ کے دن میں کو ہاٹ بچہری کے مین گیٹ پر ڈیوٹی پرموجود تھا۔ ڈیوٹی سے فارغ ہونے کے بعد میں اکثر لائن میں موجود رہتا تھا۔ بقول مدی کہ اس کوگا وَل لوٹ لے جایا گیا تھا اور وہاں پہاڑی علاقہ میں اس کے ساتھ بدفعلی کی گئی تھی۔ تویقنیا میری ڈیوٹی پوائنٹ سے عدم موجودگی کی صورت میں انچاری سیکورٹی میرے قلاف رپورٹ منبط تحریر میں لاتا۔
- ---۲ اگلے دن میں اپنی ڈیوٹی پرموجود تھا کہ بچھے باور دی حراست میں لیا گیا۔اگر میں اس غیراخلاتی فعل میں ملوث ہوتا توقطعی اپنی ڈیوٹی پرموجود نہ ہوتا۔
- س۔ میں نے نیتو کسی تفقیقی افسر کے سامنے اقبال جرم کیا ہے اور نہ ہی کسی انگوائری افسر کے روبرو۔ بلکہ جھے تو کوئی موقع تک نہیں دیا گیا تھا کہ مدی پرجرح کرتا۔
- اگر میں اس غیراخلاتی فعل میں ملوث ہوتا تو تفتیشی افسر عدالت میں میرے خلاف تھوں ثبوت پیش کرتے ۔ پھر نہ تو میری صانت ہوتی اور نہ ہی میں عدالت سے بری ہوتا۔ عدالتیں آزاد ہیں اور مدعی کو چاہیے تھا کہ وہ عدالت کے روبرو پیش ہوتا نقل کا پی عدالت لف بیان ہذاہے۔
- مروس ٹریونل نے جملہ ریکارڈ کا ملاحظہ کر کے مجھے بری الذمہ قرار دیا ہے اگر میرے خلاف صفحہ شل مقدمہ بالا پر بچھ شہوت ہوتا تو استفا شمیرے بریت کے خلاف ایل دائر کرتی ۔
- محکمہ پولیس میں ڈیوٹی سرانجام دینے کی وجہ ہے گی لوگوں کے ساتھ سرکاری ڈیوٹی سرانجام دینے کے بتیجے میں رنجشیں پیدا ہوئی میں۔ میرے خلاف الزام سراسر مدعی کی جانب سے بدنیتی پرمبنی ہے۔ مدعی کو چاہیے تھا کہ وہ عدالت میں پیروی مقدمہ کرتا اور شوت پیش کرتا۔
- ے۔ میڈیکل رپورٹ مکمل طور پراستغاثہ کی کہانی اور تفتیش انسر کی کاروائی کوردکرتی ہے۔ میرے خلاف الزامات بے بنیادی سے۔استدعا ہے کہ فی کنوائلوائزی فائل کی جائے۔

مورند:2018-02-19

آيكا تابعدار

لعبت الشركان كنشيل نعت الذنبر 750 سكندگذيالي يايال بوليس شيش سنى گمبت كوباث Hest de

بيان: اذان كانشيبل نعت الله نمبر 750 يوليس لائن كوبات

عنوان:فر دجرم اورمحکمانه کاروائی

ريفرنس: جناب DPO صاحب كو ہائے نمبر 018-01-24/(883-84/PA) بامتعلق فر دجرم بالا

بحواله شموله فردجرم بالابسلسله ما خوذگی بمقد مه علت 260 مور نه 14-08-50 زیر دفعه 34/R-109-382/(377-367A) تقانه بلى ننگ معروض غدمت ہوئی \_ كەمقدمه بالاميس مدی بالا کے بیان کےمطابق کہاس کےساتھ میں نے بدفعلی کی ہے۔جس پرمقدمہ بالامیرےاور میرے دیگرساتھی کے خلاف درج کیا گیا ہے۔

(1)۔ مبینہ وقوعہ کے دن میں کو ہائے بچہری کے مین گیٹ پر ڈیوٹی پرموجو دتھا۔ ڈیوٹی سے فارغ ہونے کے بعد میں اکثر لائن میں موجودر ہتا تھا۔ بقول مدعی کہاس کوگا وُں کوٹ لے جایا گیا تھا۔اور وہاں پہاڑی علاقہ میں اس کے ساتھ بدفعلیٰ کی گئی تقیناً میری ڈیوٹی بوائٹ سے عدم موجودگی کی صورت میں انجارج سکیورٹی میرے خلاف ریورٹ ضبط تحریر میں لاتا۔

(2)۔ اگلے دن میں اپنی ڈیوٹی پرموجودتھا کہ مجھے باور دی حراست میں لیا گیا۔اگر میں اس غیراخلاقی فعل میں ملوث ہوتا توقطعی اپنی ڈیوٹی پرموجودنہ ہوتا۔

(3)۔ میں نے نہتو کسی تفتیشی افسر کے سامنے اقبال جرم کیا ہے اور نہ ہی کسی انکوائری افسر کے روبر و بلکہ مجھة و كوئي موقع تكنہيں ديا گياتھا كەمدى أيرجرح كرتا-

(4) - اگرمیں اس غیراخلا فی فعل میں ملوث ہوتا تو تفتیشی افسرعدالت میں میرے خلاف تھوں ثبوت پیش کرتے۔ پھرنہ تو میری ضانت ہوتی اور نہ ہی میں عدالت سے بری ہوتا۔عدالتیں آزاد ہیں

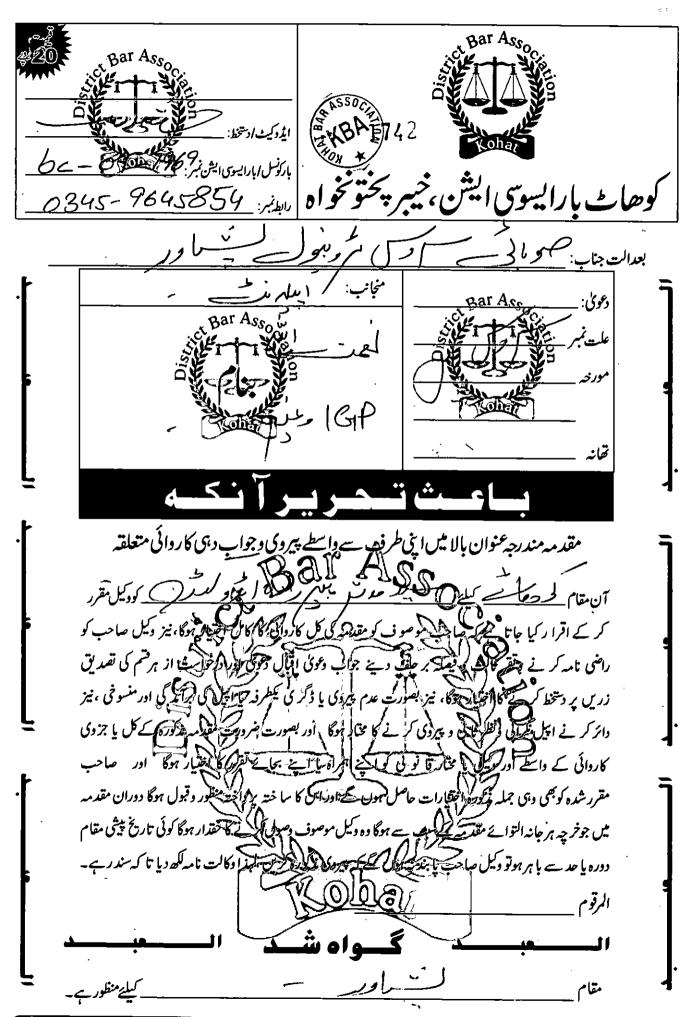
اور مدعی کوچا ہے تھا کہ وہ عدالت کے روبروپیش ہوتا نقل کا بی عدالت لف بیان ھذا ہے۔ ۔ سروسٹریبیونل نے جملہ ریکارڈ کاملاحظہ کر کے مجھے بری الزمہ قرار دیا ہے۔اگرمبرے خلاف صفحة شل مقدمه بالابر بچھ ثبوت ہوتا تواستغاثه میری بریت کے خلاف اپیل دائر کرتی -محکمہ پولیس میں ڈلوٹی سرانجام دینے کی وجہ سے کئی لوگوں کے ساتھ سرکاری ڈیوٹی سرانجام دینے کے نتیج میں رجشیں پیدا ہوئی ہیں۔میرےخلاف الزام سراسرمدعی کی جانب سے بدنیتی پرمبنی المعلى كوچا سنتے تھا كەدە عدالت ميں بيروى مقدمه كرتااور ثبوت بيش كرتا۔ )۔ میڈیکل رپورٹ ممال طور پراستغاثہ کی کہانی اور تفتیشی افسر کی کا دوائی کوردکرتی ہے۔میرے خلاف الزامات الجابنياديين استدعام كه دُى نُوانكوائرى فائل كى جائے-

> آپ کا تابعدار Ubul is

الكس كانطيبل نعمت اللد

نمبر750

سكنه كنديالى بإيال بوليس شيشن سيني تمب كوباك



# VAKALAT NAMA

NO. 986 /2018

IN THE COURT OF Sexus	Ty: bural. Perhaway
Wimat allah Kk	(Appellant) (Petitioner) (Plaintiff) RSUS
I/We, Minad ulla	(Respondent) (Defendant)
Do hereby appoint and constitute <b>SYED Advocate High Court Peshawar</b> , to a refer to arbitration for me/us as my/our C	NOMAN ALI BUKHARI and Uzma Syed ppear, plead, act, compromise, withdraw of Counsel/Advocate in the above noted matter th the authority to engage/appoint any other
sums and amounts payable or deposited o	sit, withdraw and receive on my/our behalf all n my/our account in the above noted matter to leave my/our case at any stage of the outstanding against me/us.
Dated 7 9 /2018	نانينا تعفا
	(CLIENT)

**ACCEPTED** 

SYED NOMAN ALI BUKHARI

Advocate High Court Peshawar.

UZMA SYED

Advocate High Court Peshawar.

Cell: (0335-8390122)

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal # \_\_\_\_/2016

put up to the count will relivant offer.

Constable Naimat

**VERSUS** 

Inspector General of Police & Others

Allowed to fatour solutions

# **APPLICATION FOR DEPOSITING SECURITY FEE**

# RESPECTFULLY SHEWETH.

- 1. That the above title service appeal was pending before this Hon'ble Court and next date of hearing is fixed on 19/12/2018.
- 2. That the appeal of the appellant was admitted and appellant was directed to deposit security fee within 10 days.
- 3. That the appellant is very much poor and having no source of income to deposit the security fee within a stipulated period as directed.
- 4. That the appellant arranged the security fee but the Hon'ble Tribunal was non functional, hence the security fee was not deposited.
- 5. That if the security fee not deposited with the gracious permission of Hon'ble Tribunal the appellant suffer irreparable loss.

- 6. That the compliance of the order was not deliberate but due to above reason.
- 7. That it is settled principle of law that technicalities should be ignored and appeal should be decided on its merit.

It is, therefore most humbly prayed that the above noted application may kindly be allowed for depositing of the security fee.

Dated: 10/12/2018

Appellant

Through

Syed Mudasir Pirzada Advocate, High Court Peshawar.

# **VERIFICATION**

Verified on Oath that the contents of this application are true and correct to the best of my knowledge and believe, and nothing has been canceled from this Hon'ble court.

**DEPONENT** 

# BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service appeal No. 986/2018 Ex-Constable Nimat Ullah,		Appellant	
	VERSUS		
Inspector General of Police, Khyber Pakhtunkhwa & others		Responder	nts

# INDEX

SN	Description of documents	Annexure	pages
1.	Parawise comments	-	01-03
2.	Counter affidavit		04
3.	Copy of FIR	A	
4.	Copies of order	B&C	
5. ·	Copy of self-explanatory finding of the inquiry officer	D	
6.	Copy of reinstatement order	E	
7.	Copies of final show cause notice and reply	F	

DISTRICT POLICE OFFICER, KOHAT

## BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service	appeal	No.	98	6/2018	
Ex-Con	stable	Nim	at	Ullah.	_

.....Appellant

#### **VERSUS**

Inspector General of Police, Khyber Pakhtunkhwa & others

..... Respondents

## PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

#### Respectively Sheweth:-

Parawise comments are submitted as under:-

### **Preliminary Objections:-**

- 1. That the appellant has got no cause of action.
- 2. That the appellant has got no locus standi.
- 3. That the appeal is not maintainable in the present form.
- 4. That the appellant is estopped to file the instant appeal for his own act.
- 5. That the appellant has not come to this Hon: Tribunal with clean hands.
- 6. That the appeal is not maintainable as the departmental appeal of the appellant has been decided by respondent No. 2 on 17.04.2018 against which the appellant has not sought any remedy.

## FACTS:-

- 1. Correct to the extent of serving of appellant as constable. During his service the appellant alongwith two others were directly charged for commission of offence vide FIR No. 260 dated 06.08.2014 U/Ss 377, 367 A, 382, 34, 511, 109 PPC, Police station Bilitang Kohat. The appellant was directly charged in the FIR by the complainant. The appellant being member of a disciplined force involved himself in immoral & serious nature of crime and earned bad name to the department. Copy of FIR is annexure A.
- 2. On the above score of charges the appellant was proceeded with departmentally. The charge leveled against the appellant was established beyond shadow of doubt and the proceedings culminated into his dismissal from service vide order dated 03.09.2014. In compliance with the judgment passed in service appeal No. 1029/2015, of the Honorable Tribunal dated 04.12.2017, the appellant was proceeded with de-novo departmental inquiry. Superintendent of Police FRP, Kohat was appointed as inquiry officer, who held him guilty of the charges and on completion of all codal formalities, the appellant was dismissed from service while speaking order dated 01.03.2018. Copies of orders are annexure B & C.

- 3. Incorrect, proper de-novo departmental proceedings were conducted against the appellant with appointment of inquiry officer as submitted in Para No. 2. The appellant was associated with inquiry proceedings and provided ample opportunity of defence / cross examination by the inquiry officer, but failed to defend himself. It is evident from the inquiry report that the complainant and victim were summoned by the inquiry officer, but not traced. Self-explanatory finding of the inquiry officer is **annexure D**.
- 4. Incorrect, criminal and departmental proceedings are distinct in nature.

  Therefore, the department is not binding on the decision of criminal court.
- 5. Incorrect, the charge / allegations leveled against the appellant were proved beyond any shadow of doubt. The appellant was associated with the inquiry proceedings, provided opportunity of cross examination of the witnesses. Furthermore, the appellant was heard in person by respondent No. 3 on 01.03.2018, but failed to advance any plausible explanation for his involvement in criminal case and misconduct.

### **GROUNDS:-**

- a. The appellant was enrolled as constable on 11.08.2009 and during his initial stage of service he was removal from service vide order dated 20.02.2010 on account of absence from training. However, subsequently re-instated in service by the competent authority. Copy of removal from service is annexure E. Furthermore, the appellant had earned 13 bed entries during his service. The remaining para is incorrect, the concerned witnesses were examined by the inquiry officer during course of de-novo proceedings and the appellant cross examined.
- b. Incorrect, as evident from inquiry proceedings the appellant was heard by the inquiry officer and afforded opportunity of cross-examination of witnesses, who did the said in shape of questions to the witnesses.
- c. Incorrect, reply in detail has been submitted in the above paras. The appellant was served with final show cause notice by respondent No. 3 to which he submitted reply. He was also heard in person during orderly room on 01.03.2018. Copies of final show cause notice and reply are annexure F.
- d. Incorrect, the inquiry officer conducted inquiry in depth in accordance with law & rules and the concerned Police officers / officials were examined.
- e. Incorrect, the appellant deliberately submitted false stance. The appellant submitted reply to the charge sheet and statement of allegation to the inquiry officer, which he has admitted and annexed with his appeal.
- f. Incorrect, the appellant was personally heard by the respondent No. 3 during orderly room held on 01.03.2018.

- g. Incorrect, the departmental appeal of the appellant was processed by respondent No. 2 which was decided on 17.04.2018 against which the appellant has sought no relief / remedy. Therefore, the appeal is not maintainable in its present form.
- h. The judgment of the Honorable Tribunal passed in service appeal No. 1029/2015 was honored by the respondents. Furthermore, each and every case has/its own facts and merits.
- i. Incorrect, the departmental representation of the appellant was decided accordingly.
- j. Incorrect, the impugned order is speaking one, passed on merits and in accordance with law & rules after fulfilling all codal formalities.
- k. Incorrect, as submitted in detail in the above paras, the de-novo departmental proceedings were conducted against the appellant in accordance with law & rules.
- Incorrect, the appellant was involved in moral turpitude offence, earned bad name to a discipline department and his retention in such circumstances definitely bad effect on the image of Police.
- m. Incorrect, legal and speaking order was passed on the basis of facts, material placed on record and charged / allegation established against the appellant.
- n. Incorrect.
- o. Incorrect, the appellant deserved for the said punishment, in view of his conduct / act.
- p/p. incorrect, the appellant was willful in knowledge of order passed on his departmental representation. Furthermore, the appellant has not challenged the said order in his appeal.
- q. The respondents may also be allowed to advance any grounds through representative during course of hearing.

In view of the above, the appeal is devoid of merits may graciously be dismissed please.

Deputy Inspector General of Police, Kohat Region, Kohat

(Respondent No. 2)

Inspector General of Police, Khyber Pakhtunkhwa, (Respondent No. 1)

District Police Officer, Kohat

(Respondent No. 3)

## BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service appeal No. 986/2018 Ex-Constable Nimat Ullah,

.....Appellant

#### **VERSUS**

Inspector General of Police, Khyber Pakhtunkhwa & others

..... Respondents

#### **COUNTER AFFIDAVIT**

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

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

Inspector General of Police, Khyber Pakhtunkhwa, (Respondent No. 1)

District Police Officer, Konat (Respondent No. 3)

Annex, A زل پولیس صوبه سرحد فارم برس لر فائتل 260 40 تاريخ ووتت ريورك نام وسكونت اطلاع ومندومستنغيث عُنْقُر كِيفِيت جرم (معد فعه) حال أكر بجرليا گيا ہو۔ مام وسكونت ملزم تقانه سے روا گی کی تاریخ ووت مرة دينا مرسرے مع موا يد خو بعر أس أدى عرب مرد ما على أور ميرع دفاع مي بينو كما أور ما فعلام كسان تجابي ما روانی در کا کم ما در و مانی ساین آن برم بریان کرسی دید ، المساری ، میرور مان مد وردور سن لساور ما زيور نفل برج مع درولون بؤق كنش وا د ١٤٩ سام كا جاما ؟ برج وا رق ع

گورنمنىت چېرىش يىثا درجائىپىغىر 2286/13 ئارم سۈدر-قىدادا يك بۇاردچىز زمودىد 1) 06.06 راي فور( قارم شۇرجايز) ممرية س ابتداني اطلاعي ريورث فارم كميريهم يدا ابتدائي اطلاع لي مست المدازي بوليس ربورث شده زير دفعة ١٥١ مجور حكوا العطابول في 5.20,00 (~3005 B) 17:45 (50 06, 74, 8) (5) 4130 (50 06, 74) 1/2 377-367A-382-/34 دہم کوتط ہاڈی لفرانلولری درواس بر كاروائي جوتفيتش كم متعلق كى كئ اگراطلاح درج كرئے ميں تو قف ہوا ہوتو وجہ بيان كرو ورج حقيم امرير مستعين عيره طامير ه ع صا مال مام المان ا كر في ما دعام النفاق م المنفاق من المركزي الموسى عن أن ع مداليل اورنفدى اورضافي كار في هيون لها ي . فذكورن ورفواميت ونجادج ولسك كا كو فادك موى . جسى بكراني من درفوامت وما ير أُملوارُن مُن على إلى المرحافر مروس كالليل لعن الله وكل وصلح كوهان . جدى معالم مالليل سيم على الله عباني مبان كم نقسم فات فرر وت كرك زيرها فت مولازم ٢٥٨ هيدال كويا م فوال ك مولويوروان بالد بحرائم بالمربرم وباجانا بي لفل عام اوى تفسى حوام اهما مناف كناجاء الم لا حواس كا من دول على معدر مناب در بني السيار منرل الى اولى ولا ط صاحبانی ودلام رازن سے کم میں اور میرا عمانی میابی مالد محداد رحال لیداور صاحب رادوی مام لیداور ت بعر سمانی ادر می مالداد دار دساه است تک بهاری می برده ی در ادر بس اسی بهاری می جود کرمایی إدريم عرات ديم كراد الم محراط أعداد عم صحرا على بحد المياد بين بني تيم تفولاندا وروادة من اين أدى كسا غويل مى ننى ساور بعدي والے سے بھى برليا بر بر سے - 600 \$ 13- قادو اور اس كو كما

## ORDER

This order is passed on the departmental enquiry against Constable Naimat Ullah No. 750 of this district Police under Police Rule, 1975.

Brief facts are that being involved/arrested in case FIR No. 260 dated 05.08.2014 u/s 377-367A-382/109/34 PPC PS Billitang. He was proceeded against departmentally.

He was served with Charge Sheet/Summary of Allegations and Mr. Mansoor Aman ASP HQrs, Kohat was appointed as Enquiry Officer to proceed against him departmentally who submitted his findings and stated that allegations has been established beyond any shadow of doubt that constable Naimat Ullah No. 750 has brutally misused his authority, committed forcible immoral offence with innocent underage boy, therefore, he was strongly recommended by the enquiry officer to be shunted out from the force to set an example to other force members.

In light of findings of enquiry officer he was issued Final Show Cause Notice. His reply is perused and found un-satisfactory, therefore; I award him a major punishment of Dismissal from Service with immediate effect.

OB No. 1095
Date 3 - 09, /2014

DISTRICT POLICE OFFICER



### OFFICE OF THE DISTRICT POLICE OFFICER, KOHAT

Tel: 0922-9260116 Fax 9260125

No 2196-98 /PA dated Kohat the 05/3 /2018

## ORDER

This order will dispose of de-novo departmental proceedings initiated against Constable Nimat Ullah No. 750 of this District Police under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

The essential facts arising of the case are that Constable Nimat Ullah No. 750 (hereinafter called accused) while posted at guard district Courts security was Dismissed from service vide order dated 03.09.2014. The accused was involved in case FIR No. 260 dated 05.08.2014 u/s 377/367A-382/109/34 PPC PS Billitang.

Service Tribunal dated 04.12.2017, denovo departmental proceedings initiated after approval. The SP FRP Range Kohat, Kohat was appointed as enquiry officer by the competent authorities. Charge Sheet alongwith statement of allegations issued to the accused official. The accused official was associated with the proceedings and afforded ample opportunity of defense by E.O. The accused official was held guilty of the charges vide finding of the enquiry officer.

Final Show Cause Notice alongwith copy of enquiry finding was served upon the accused official. Reply received unsatisfactory, without any plausible explanation.

Therefore, the accused official was called in Orderly Room, held on 01.03.2018 and heard in person, but he failed to submit any explanation to his gross professional misconduct.

Record gone through, which indicates that the accused official had committed an unnatural act with complainant Feroz Khan, which is an offence of moral turpitude.

In view of the above and available record, I agreed with the finding of enquiry officer, therefore, in exercise of powers conferred upon me under the **rules ibid** I, Abbas Majeed Khan Marwat, District Police Officer, Kohat impose a major punishment of **dismissed from service** with immediate effect.

Announced 01.3.2018

OB No. 222Date  $02 \cdot 3 \cdot /2018$ 

No 2196-98 / PA dated Kohat the 05-3-2018.

Copy of above is forwarded for information and necessary action to the Reader, Pay officer, SRC and OHC.

POLICE OFFICER,

KOHAT 2

## FINDING REPORT

t Ullah No. 750

This de-nove departmental enquiry was conducted against Constable Naimat Ullah No. 750 under Police Disciplinary Rules 1975 (Amended in 2014) in compliance with the DPO Kohat letter No. 665/PA dated 24.01.2018.

On receipt of departmental enquiry file, defaulter official was summoned in this office. On his attendance, charge sheet with summary of allegations was delivered to him who submitted reply to it which was placed on file.

In order to prove the alleged allegations against defaulter official, the following police officials were summoned and examined:-

- 1. Inspector Shoukat Hayat RI FRP Kohat (the then SHO PS Billitang)
- 2. Gul Rehman SI (Rtd)(the then I.O)
- 3. HC Javed Younas Muharrar KBI Kohat (the then HC PS Billitang)
- 4. FC Mizaj Hussain No. 113 PS Jangle Khel

Statement of above mentioned officials were recorded in the presence of defaulter constable and placed on file.

Inspector Shoukat Hayat while posted as SHO PS Billitang had registered a case vide FIR No. 260 dated 06.08.2044 U/S 377/367-A/382/109/34 PPC against Naimat Ullah (the present defaulter constable) and his co-accused for committing unnatural offence with complainant Feroz Khan and his brother Fayyaz on receipt of application which was preferred by complainant/victim Feroz Khan before worthy DIG Kohat Region Kohat. He further stated that he had arrested the present defaulter constable and had prepared injury sheet of complainant/victim Feroz Khan and his brother Fayyaz. He had sent them to DHQ Hospital KDA Kohat for Medical Examination through an ASI Muhammad Nawaz. He had taken into possession "Shalwar and Qamees" of both the victims which were sent by the Medical Officer concerned.

Gul Rehman SI (Rtd) stated that he had conducted investigation in the criminal case registered against Naimat Ullah and his co-accused. Accused Naimat Ullah was interrogated/examined by him who admitted to have committed unnatural offence with Feroz Khan by him and Fayyaz by his co-accused Saleem. Accused official also pointed out place of occurrence to him in the presence of other Police officials and to this effect he prepared Pointation Memo. Besides it he had also prepared site plan and had examined both the victims U/S 161 CRPC.

HC Javed Younas stated that the present defaulter constable had pointed out place of occurrence to the I.O in his presence during Police custody and had also disclosed that he had committed unnatural offence at that very place with Feroz Khan.

Constable Mizaj Hussain No. 113 is witness to the recovery prepared by Inspector Shoukal Hayat the then SHO.

Complainant Feroz Khan and his brother Fayyaz (victim) were summoned through local Police of PS Tatara (Hayatabad Peshawar) on their home address recorded in FIR but they were not traced out at that address as reported vide DD No. 12 dated 01.02.2018. To this effect I recorded statement of Naseeb Ullah LHC/Muharrar FRP Lines Kohat. Thereafter, statement of defaulter official was recorded who denies and upper charges levelled against him. He stated that he had committed no offence and he has already been acquirted by learned District & Session Judge Kohat vide judgment dated 03.06.2017.



Defaulter constable was given full opportunity of defence but he failed to produce any evidence acrost of allegation levelled against him. He only stated that he was falsely involved in the case and there as no evidence against him. It is why that he was acquitted by the trial court.

Service Record of defaulter constable was requisitioned and examined. It revealed that he was appointed as constable in FRP Kohat Range on 11.08.2009. He was removed from service by the then SP FRP Kohat Range under Removal from Service (Special Powers) Ordinance-2000 on account of his absence from training program w.e.f 31.12.2009 vide OB No. 55 dated 20.02.2010 and later on re-instated by appellant authority vide order Endst: No. 577/EC dated 24.01.2011. After qualifying recruit course he was transferred to District Police Kohat vide AIG Establishment KP Peshawar order Endst: no. 20581-89/E-III dated 22.10.2012. There are 16 bad entries against him while he has earned no good entry during the whole service.

From the enquiry conducted so far, I have come to the conclusion that defaulter constable had committed an unnatural offence with a boy aged about 15 years which has been established against him. Although he has taken the plea that he was innocent and falsely involved in the case and due to this fact he has been acquitted by the court. In this regard, I will submit that it is correct that he has been acquitted by court of learned District Session Judge Kohat in the criminal case vide judgment dated 03:06:2017 but his acquittal in the criminal case has no effect on the departmental enquiry as both are different from each other. Each is to be decided on its own merits as also held by superior courts in various judgments.

It has been learnt that accused official has effected compromise privately through elders of the illaga with the complainant/victim party and due to this effect the complaint party avoided to attend court and to depose against the accused official.

From the statements of Police officials recorded during course of enquiry it has established that accused official had committed an unnatural act with complainant Feroz Khan which is an offence of moral turpitude. As such he is found guilty for the commission of offence of unnatural act with Feroz Khan and is recommended for punishment which is deemed fit please.

(Mian Intraz Gur)
Superintendent Of Police, FRP
Kohat Range, Kohat/E.0

e of languas

## 29 ORDER

Constable Naimat Ullah No. 561 while undergoing Basic Recruit course at PTC, Hangu has absented himself from training programme with effect from 30.12.2009 and is still absent. On account of his absence, he has been rendered as unqualified vide Commandant; PTC Hangu Signal No. 303/GC dated 01.02.2010.

In light of his above, he is dismissed from service under Removal From Service (Special Powers) Ordinance 2000 from the date of his absence i.e 30.12.2009.

Superintendent of Police, FRP Kohat Range, Kohat

Copy to:-

Pay Officer

SRC

OASI

Special quality Clerical

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stable's 🚓



# OFFICE OF THE DISTRICT POLICE OFFICER, KOHAT

Tel: 0922-9260116 Fax 9260125

No 1573 /PA dated Kohat the 15/2/2018

## FINAL SHOW CAUSE NOTICE

1. I, Abbas Majeed Khan Marwat, District Police Officer, Kohat as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, Constable Nimat Ullah No. 750 as fallow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 683-84/PA dated 24.01.2018.
- ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.
  - I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

Being involved/arrested in case FIR No. 260 dated 05.08.2014 u/s 377-367A-382/109/34 PPC PS Billitang. Which is a gross misconduct on your part.

- 2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules **ibid**.
- 3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.
- 4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.
- 5. The copy of the finding of inquiry officer is enclosed.

DISTRICT POLICE OFFICER, KOHAT 49, 15/2.

بيان: ازال كنسليل نعمت الله نمبر 750 پوليس لائن كوہائ\_

عنوان فردجرم اور حكمانه كاروائي \_

جواب فائنل شو کازنونس نمبر (1573/PA) مورخه 2018-2-15 منجانب سائل ذیل ہے۔ پالی!

بحوالہ مشمولہ فرد جرم بالا بسلسلہ ماخوذگی بمقدمہ علت نمبر 0 6 مورخہ 4 1 0 2 - 8 - 5 0 زیر دفعہ 34/R مشمولہ فرد جرم بالا بسلسلہ ماخوذگی بمقدمہ بالا میں مدعی بالا کے بیان کے مطابق کہ اس کے مطابق کہ اس کے میان کے مطابق کہ اس کے میان کے مطابق کہ اس کے میان مقدمہ بالا میر سے اور میر سے دیگر ساتھی کے خلاف درج کیا گیا ہے۔

- ا۔ مبینہ دقوعہ کے دن میں کوہاٹ کچہری کے مین گیٹ پر ڈیوٹی پرموجو دھا۔ ڈیوٹی سے فارغ ہونے کے بعد میں اکثر لائن میں موجود رہتا تھا۔ بقول مدعی کہ اس کو گا وَں لوٹ لے جایا گیا تھا اور وہاں پہاڑی علاقہ میں اس کے ساتھ بدفعلی کی گئتھی۔ تو یقیناً میری ڈیوٹی پوائنٹ سے عدم موجودگی کی صورت میں انچارج سیکورٹی میر سے خلاف رپورٹ صنبط تحریر میں لاتا۔
- ۲۔ اگلے دن میں اپنی ڈیوٹی پرموجودتھا کہ مجھے باور دی حراست میں لیا گیا۔اگر میں اس غیرا خلاقی فعل میں ملوث ہوتا توقطعی اپنی ڈیوٹی پرموجود نہ ہوتا۔
- ال میں نے نہ تو کسی تفتیشی افسر کے سامنے اقبال جرم کیا ہے اور نہ آئی کسی اکوائری افسر کے روبرو۔ بلکہ مجھے تو کوئی موقع تک نہیں دیا گیا تھا کہ مدی پر جرح کرتا۔
- ار اگریس اس غیراخلاتی فعل میں ملوث ہوتا تو تفتیشی افسر عدالت میں میرے خلاف ٹھوس ثبوت پیش کرتے۔ پھر نہ تو میری ضانت ہوتی اور نہ ہی ہوتا۔ نقل کا پی عدالت سے بری ہوتا۔ عدالتیں آزاد ہیں اور نہ کی کو چاہیے تھا کہ وہ عدالت کے روبروپیش ہوتا۔ نقل کا پی عدالت لف بیان ہذا ہے۔
- ۵۔ سروس ٹر بیونل نے جملہ ریکارڈ کا ملاحظہ کرکے مجھے بری الذمہ قرار دیا ہے اگر میرے خلاف صفحہ ثل مقدمہ بالا پر پکھ ثبوت ہوتا تو استغاثہ میرے بریت کے خلاف اپیل دائر کرتی۔
- ۱- محکمہ پولیس میں ڈیوٹی سرانجام دینے کی وجہ سے کئی لوگوں کے ساتھ سرکاری ڈیوٹی سرانجام دینے کے نتیج میں رنجشیں پیدا ہوئی میں۔ میرے خلاف الزام سراسر مدعی کی جانب سے بدئیتی پیٹی ہے۔ مدعی کو چاہیے تھا کہ وہ عدالت میں پیروی مقدمہ کرتا اور شوت پیش کرتا۔
- ے۔ میڈیکل رپورٹ کمل طور پراستغاشہ کی کہانی اور تفتیش افسر کی کاروائی کورد کرتی ہے۔میرے خلاف الزامات بے بنیاد ہیں۔استدعا ہے کہ ڈی نوائکوائزی فائل کی جائے۔

مورخه: 2018-02-19

آپکا تابعدار لعی*ت الدر خان* کنشیل نعت الله نمبر 750 سکنه کنڈیالی پایاں پولیس معیفن سینی ممبث کوہائ

بيان: ﴿ ازال كنشييل نعت الله نمبر 750 پوليس لائن كو ہائ \_

عنوان: مغروجيهم اورمحكمانه كاروائي \_

جواب فائنل شوکازنوٹس نمبر (1573/PA) مورخہ 2018-2-15 منجانب سائل ذیل ہے۔ جناب عالی!

بحوالہ مشمولہ فرد جرم بالا بسلسلہ ماخوذگی بمقدمہ علت نمبر 0 6 مورخہ 4 1 0 2 - 8 - 5 0زیر دفعہ 34/R-109-382/(A)/382-376) تھانہ بل ننگ معروض خدمت ہوں کہ مقدمہ بالا میں مدعی بالا کے بیان کے مطابق کہاس کے ساتھ بیس نے بدفعلی کی ہے جس پر مقدمہ بالامیر سے اور میرے دیگر ساتھ کے خلاف درج کیا گیا ہے۔

- ا۔ مبینہ دقوعہ کے دن میں کو ہاٹ کچبری کے مین گیٹ پر ڈیوٹی پر موجو دتھا۔ ڈیوٹی سے فارغ ہونے کے بعد میں اکثر لائن میں موجود رہتا تھا۔ بقول مدعی کہ اس کو گاؤں لوٹ لے جایا گیا تھا اور وہاں پہاڑی علاقہ میں اس کے ساتھ بدفعلی کی گئے تھی۔ تو یقیناً میری ڈیوٹی بوائٹ سے عدم موجودگی کی صورت میں انچارج سیکورٹی میرے خلاف رپورٹ صبط تحریم میں لاتا۔
- ۲- اگے دن میں اپنی ڈیوٹی پرموجودتھا کہ مجھے باور دی حراست میں لیا گیا۔اگر میں اس غیرا خلاقی فعل میں ملوث ہوتا تو قطعی اپنی ڈیوٹی پرموجود نہ ہوتا۔
- ۳- میں نے نیق کسی تفتیش افسر کے سامنے اقبال جرم کیا ہے اور نہ ہی کسی انگوائری افسر کے روبرو۔ بلکہ مجھے تو کوئی موقع تک نہیں ویا گیا تھا کہ مدی پر جرح کرتا۔
- ۳۔ اگر میں اس غیراخلاتی فعل میں ملوث ہوتا تو تفتیشی افسرعدالت میں میرے خلاف ٹھوں ثبوت پیش کرتے۔ پھر نہ تو میری صانت ہوتی اور نہ ہی میں عدالت سے بری ہوتا۔عدالتیں آزاد ہیں اور مدعی کو چاہیے تھا کہ وہ عدالت کے روبروپیش ہوتا نقل کا پی عدالت لف بیان ہذاہے۔
- ۵۔ سروں ٹریبول نے جملہ ریکارڈ کا ملاحظہ کرکے مجھے بری الذمہ قرار دیا ہے اگر میرے خلاف صفحہ شل مقدمہ بالا پر پھھ ثبوت ہوتا تو استغاث میرے بریت کے خلاف اپیل دائر کرتی۔
- ۲- محکمہ پولیس میں ڈیوٹی سرانجام دینے کی وجہ سے کئی اوگول کے ساتھ سرکاری ڈیوٹی سرانجام دینے کے نتیجے میں رجشیں پیدا ہوئی ہیں۔ میرے خلاف الزام سراسر مدعی کی جانب سے بدنیتی پر مبنی ہے۔ مدعی کو چاہیے تھا کہ وہ عدالت میں پیروی مقدمہ کرتا اور جبوت پیش کرتا۔
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مورخه: 2018-02-19

آپکا تا بعدار لعمت المسترخان کنشیل نعمت الله نمبر 750 سکنه گنڈیالی پایاں پولیس شیشن سینی گمبٹ کوہاٹ



## OFFICE OF THE DISTRICT POLICE OFFICER, KOHAT

Tel: 0922-9260116 Fax 9260125

No 1573 | 1PA dated Kohat the 15/2/2018

#### FINAL SHOW CAUSE NOTICE

- 1. I, Abbas Majeed Khan Marwat, District Police Officer, Kohat as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you; Constable Nimat Ullah No. 750 as fallow:
  - i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 683-84/PA dated 24.01.2018.
  - ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

Being involved/arrested in case FIR No. 260 dated 05.08.2014 u/s 377-367A-382/109/34 PPC PS Billitang. Which is a gross misconduct on your part.

- 2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules ibid.
- 3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.
- 4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

The copy of the finding of inquiry officer is enclosed.

DISTRICT POLICE OFFICER,

W.

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- If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.
- 5. The copy of the finding of inquiry officer is enclosed.

DISTRICT POLICE OFFICER,

Phone: 091-9211947



## Office of the Inspector General of Police Khyber Pakhtunkhwa, Peshawar.

/E&I, dated Peshawar the

Fr-

District Police Officer, The

Kohat

Subject:

DENOVE DEPARTMENTAL ENQUIRY AGAINST

EX-FC NIMAT ULLAH

Memo:

Please refer to your office letter No.1103/PA dated 06.02.2018, on the subject

cited above.

2. On perusal of the findings of the denovo departmental enquiry, it has been transpired that the official is guilty of moral turpitude.

You being competent authority in the instant may proceed further in the light of 3. recommendations of the enquiry officer, under intimation to this office, for the perusal of worthy IGP.

Enquiry file containing 50 pages is returned herewith.

(SHAHAB\MAZHAR BHALLI)PSP

DIG/Enquiry & Inspection For Inspector General of Police Khyber Pakhtunkhwa, Peshawar

No:

Copy of above is forwarded for information to the Regional Police Officer, Kohat

(SHAHAB MAZHAR BHALLI)PSP

DIG/Enquiry & Inspection For Inspector General of Police Khyber Pakhtunkhwa, Peshawar

charges levelled against him. He stated that he had committed no of by learned District & Session Judge Kohat vide judgment dated 03.06.2

## FINDING REPORT



This de-nove departmental enquiry was conducted against Constable Naimat Ullah No. 750 under Police Disciplinary Rules 1975 (Amended in 2014) in compliance with the DPO Kohat letter No. 685/PA dated 24.01.2018.

On receipt of departmental enquiry file, defaulter official was summoned in this office. On his attendance, charge sheet with summary of allegations was delivered to him who submitted reply to it which was placed on file.

In order to prove the alleged allegations against defaulter official, the following police officials were summoned and examined:

- 1. Inspector Shoukat Hayat RI FRP Kohat (the then SHO PS Billitang)
- 2. Gul Rehman SI (Rtd)(the then I.O)
- HC Javed Younas Muharrar KBI Kohat (the then HC PS Billitang)
- 4. FC Mizaj Hussain No. 113 PS Jangle Khel

Statement of above mentioned officials were recorded in the presence of defaulter constable and placed on file.

Inspector Shoukat Hayat while posted as SHO PS Billitang had registered a case vide FIR No. 260 dated 06.08.2014 U/S 377/367-A/382/109/34 PPC against Naimat Ullah (the present defaulter constable) and his co-accused for committing unnatural offence with complainant Feroz Khan and his brother Fayyaz on receipt of application which was preferred by complainant/victim Feroz Khan before worthy DIG Kohat Region Kohat. He further stated that he had arrested the present defaulter constable and had prepared injury sheet of complainant/victim Feroz Khan and his brother Fayyaz. He had sent them to DHQ Hospital KDA Kohat for Medical Examination through an ASI Muhammad Nawaz. He had taken into possession "Shalwar and Qamees" of both the victims which were sent by the Medical Officer concerned.

Gul Rehman SI (Rtd) stated that he had conducted investigation in the criminal case registered against Naimat Ullah and his co-accused. Accused Naimat Ullah was interrogated/examined by him who admitted to have committed unnatural offence with Feroz Khan by him and Fayyaz by his co-accused Saleem. Accused official also pointed out place of occurrence to him in the presence of other Police officials and to this effect he prepared Pointation Memo. Besides it he had also prepared site plan and had examined both the victims U/S 161 CRPC.

HC Javed Younas stated that the present defaulter constable had pointed out place of occurrence to the I.O in his presence during Police custody and had also disclosed that he had committed unnatural offence at that very place with Feroz Khan.

Constable Mizaj Hussain No. 113 is witness to the recovery prepared by Inspector Shoukat.

Hayat the then SHO.

Complainant Feroz Khan and his brother Fayyaz (victim) were summoned through local Police of PS Tatara (Hayatabad Peshawar) on their home address recorded in FIR but they were not traced out at that address as reported vide DD No. 12 dated 01.02.2018. To this effect I recorded statement of Naseeb Ullah address as reported vide DD No. 12 dated 01.02.2018. To this effect I recorded statement of Naseeb Ullah LHC/Muharrar FRP Lines Kohat. Thereafter, statement of defaulter official was recorded who denied all the charges levelled against him. He stated that he had committed no offence and he has already been acquitted by learned District & Session Judge Kohat vide judgment dated 03.06.2017.

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Defaulter constable was given full opportunity of defence but he failed to produce any evidence adisproof of allegation levelled against him. He only stated that he was falsely involved in the case and there was no evidence against him. It is why that he was acquitted by the trial court.

Service Record of defaulter constable was requisitioned and examined. It revealed that he was appointed as constable in FRP Kohat Range on 11.08.2009. He was removed from service by the then SP FRP Kohat Range under Removal from Service (Special Powers) Ordinance-2000 on account of his absence from training program w.e.f 31.12.2009 vide OB No. 55 dated 20.02.2010 and later on re-instated by appellant authority vide order Endst: No. 577/EC dated 24.01.2011. After qualifying recruit course he was transferred to District Police Kohat vide AIG Establishment KP Peshawar order Endst: no. 20581-89/E-HI dated 22.10.2012. There are 16 bad entries against him while he has earned no good entry during the whole service.

From the enquiry conducted so far, I have come to the conclusion that defaulter constable had committed an unnatural offence with a boy aged about 15 years which has been established against him. Although he has taken the plea that he was innocent and falsely involved in the case and due to this fact he has been acquitted by the court. In this regard, I will submit that it is correct that he has been acquitted by court of learned District Session Judge Kohat in the criminal case vide judgment dated 03.06.2017 but his acquittal in the criminal case has no effect on the departmental enquiry as both are different from each other. Each is to be decided on its own merits as also held by superior courts in various judgments.

It has been learnt that accused official has effected compromise privately through elders of the illaqa with the complainant/victim party and due to this effect the complaint party avoided to attend court and to depose against the accused official.

From the statements of Police officials recorded during course of enquiry it has established that accused official had committed an unnatural act with complainant Feroz Khan which is an offence of moral turpitude. As such he is found guilty for the commission of offence of unnatural act with Feroz Khan and is recommended for punishment which is deemed fit please.

(Mian Inthaz Gul) Superintendent Of Police, FRP Kohat Range, Kohat/E.O

who will I wing on a single of the best of the selection SHO job com with ile reggetten i with lite 16 290 06 6 in in 11 2 No Oli jani Som 63 ale Me cielman de Dia cie de la cielma JJ S SM1201 / Jeol 20 g 05/8/14/200 N S och (3) jalo 1 lige 36. 200 1 ort 191 al 2009 1. 1. 3 & ci ( ció ( po por de 1) 1 - 48 stante 300 By Usto & 15 2/3/ cm/200/10 1 3 300 Cho Di sel les orgentilles si si li la constitutione de la constit deep être (01), volos je pué i for de 3 les Dies SHOCIE, 200/ an/2/201/1/2- 200 illé 377/367A/382/109/34 PC (? 06/8/14,2)0 26000 Jus Starkbi Cite Ope FIR de NW 37220 Mide Ja-W/201 de Jest 60990 im 09/1 [ 04-W 19 2 sollo de jun cie il, li pul mine 2 19/0 19/0 chi i com Min 25 3/20 ilize ASI CIMPU . Bly de KDA باران میں زود عود سرشی کیاں فیا جی اور ایک عود سرتی vie degersjigt – 25 Majher in bolo 

ignifoli) ship god all glie olil ship ores of 1968 of the William of the I to well 100 my com for onde onde i con y a bit of 39 30 Mes of 30 of com se of 30 Mes of 30 of com se of 30 Mes of 30 of com se of a c 4 0 2/2 198 -4) CS (10 C) C X X Wolf of Mill (Ollie o 19 is) of of the sold of the sol . OS SI SOM LUMBER LIGHTY S ( C) Sey 2 by DIG CV1) 15 C/C/C 2) S/W May 2 ( Plan 19/19/2 - 9/6/19) S/J C/C/C 2) 1. 1. 1. 3 3 / hr on con 1,20 2 def cot 3 / don فرور نے بور ویاں وجود کا لفت الله انظر کو ایجال کویا دی کوی کوشل - (85 Schoon Show [ Wij Com? 2 10 - 19 0 is de point of the state of the of the of the of the of the file of the state of the of th 1056/ 8210/12 a Down 601200-5510/100 Shicup son son Shirt was to so come - 13 29-1-18 cho crocion bs the composition 

حلیًا سان کیا کم مارلی وقویم عام علی نگال می معالی ا لمرتشي سَان مِي لَعِنان هَا ـ نهر علن عنز الله المراس لفت المل وعنره ( فوروه كالميل) من ما كانفاء مادرات لعنت فوالم موراس نعته برار کیاها ملزم لفت املها (مرفرده الشل) ملک ن المقار كرك تھے والے كما تھا ملزم كے حق مى كے عوالت سے دولى مال ري مر ليانها ملرم عرب روروم مي كالما كر رس نے فرر ال منوبت فورس كے مائد بركاكا كفى لعاداللا م تھے جائے وقوم کی نشاندہی بھی کا تھی۔ حس کوش نے برارموری موزى من ميراه حاويدلول علا در بكر كالديمان حا روثور برليركما تقاً. نشاندی کے لیم عرکی نے قرر نشاندی فرنس کرکے اس برگوالی کے کھی ل كال تع الما كوافعالى بها الرك علاك بم يوسى كباركا. عكوه علالت می مخری مرکبا میں نے لفت اللہ کا بنان زیروفوری 16/کمیر حواجًا اس كے علىوہ من بے يارال عذر وبارل عذر و مول سرفتى. عوان مرعبر آذان شرورهان و فياص من كرساء مرفعلى لاكري عي لفراق كان سَالُ فَرَاكِ سَالِكِ اللَّهِ اللَّهُ اللَّا اللَّهُ اللَّهُ اللَّا اللَّا اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ اللَّهُ ك دوس لفي المل كنيك بإما كل عنون ف ميرور آور في الادل كرمان مى علمالك 750 WICE UNK CUGO CLOXX سرال عند اس کے اس کے ساتھ مالی دائوں کو اس کو افاج حال اس بے علط بھے ، اس نے سرے ساتھ ملزم خرور کے ساتھ مارتھا کا ارتقا سرال مرد الرس كرا كا كو آب نے مرت مل كولى كول بي كول بي كار مران ار مجھے علائے کول سے کول عن رعبرہ تو جو کول ایس ہوا تھا۔ و معرالی ار ایس سے طری عرائش میں شعب تھ وہ کو محمول کافریش کریا۔ و

عے عمالت کی طن سے ستھی (وراس کے بھالی کو فر برٹس کے کا کوئی) of in chapter is ا۔ مجھے علات مری نے مقرم مراجی بری کیاھے. کواس کے میزی طرف ا بل کما تباعقاء ک المان ( - محمد اس کے بارے میں کو گاہ کی ہوئے۔) مالی ا عباه الشرايل ك استفات / وقدر طول كاكم) جع م رسی کیا كل المنافزيس النبير) Attested Superintendent of Police, FRP
Kohat Range, Kuhat.

ن بیان ازال جاوید لولس ۱۴۲/عر (KBi اوباط) . حلفًا مال کی دورال وؤید فان بلی شک سی لطور فیکنشر 6/08/04/200 260 ANNIÉR D'AN CON JESON -63 109/367 A /3 89 /109/34 PPC gieldles - lân a milse tile de la lort i alid موجوده كشيل كو لفتري العبر في حالة وقوعر ته شامل كو لفتري العبر في حالة وقوعر ته شامل كالمالية 1699 560 d Niel (The) 2491 Cial for or of some of the 21/186/gr 204/2/6001/16001/2/062 Culing Med Cités Charas (m) & Schein Shu 75016) (Col / Sicilor 20 NA (3) file 59 ( 1) cost file & ple del 2.10/9. 19 Julio Seles (1) - 8/19 16966 1951326 10 8 851 W Com Geign -12/ Jegn عام :- کفتی افیرز بلی بارا می برایوسی سوروری مارا کواری موقوعه بر د جاند کسی می - البی میرسای انجادی استان موجود

The sold with sold city 2 mil cial. 3 Cyly Operation jobs to the interior of the 12 -! of gift did w bis i i ind find the strong of bid with a sign of all W John Commo John - els KB1,3/1HC Justo Hested! Superintendent of Roman 
The Jest ale KBI 13 com The Jest Ulil Who. W ملفا بال لیا د دوران وقوی تماد بلی الی میں اعتماد عالم میں 130 (M) oblic VIII of visit 250 2 colo SHO (M) Min KDA Not es e en en 29 29) 19/2 (1/1) cinting مين سيعلق والرّ م مان اور فيروز كا ميزلفل عبدال ال 9) JUIC COLP SHO - 26 25 NIG & COLP SHO 10) 2 عليمان عليحده بارسل مين بنرسا نقا- فرد مقبولل برمين لاختوا أن الله المراجع المعالى دراجه الله الله الله المراجعة SHO CH 3 28 8 2 NO 09/18 I CMI - 2 29 9 / 19 CMID. مان نه ایک قمل وشاوار ازال فیان و ایل همان و ایل اوال SHOW OF 19 05 01 192 2 3 000 min 2 19/1 19/1 علی کو بیش کے تھے اور بتایا تھا کہ بوقت وقوی انہوں نے Lale 1/13 a Ollie Olil 1/2 2 182 in Ling 1 1 201 2 who SHO- 6 W Ch Jeb 19 50 50 50 196 4/1 on Mil of - 6 19 1/2 of of W/280 - 2/W ZJ XX Superintendent of Police, FRE Superintendent Red Back Holpat 2018

و سان ا خال کالی لغت املی محمد عظم الله و سال کیا۔ کم میں جام تیس کے طوب میں جرباں رہا ہے۔ وہا مرسان ہے میں مزید کول بیان میں دیا جاجہ ایول. می ے گناہ میں بھے ہرالک علادعوبرای بیران ہے۔ حس کا وہ سے عدالت سین جے صاحب کو مان نے مجھے بری کیا ہے۔ الم معانب انگوامری آمری ا موال عندار عندی تعرکے ماعظ عبدای کو ارتب داری جو ، ج اوروکیاں کا رجنے والا جے صبکہ سی تنزانی فوالا ہے صبکہ سی تنزانی فوالا ہے صبکہ سی تنزانی ع ربصہ ہم ہم الماری کے دربال جاری کی ربال جاری کے دربال میں نے ہم اینی بلھاتھا۔ کم غلل کرمیر ورست بھ. (جاج اللا کے حواب س رکھا تھا کہ غلاخ کر سرمر دونث جے ) به درست هے. کم القم کا لیس کمیار درست ہے ۔ ۹ مرال المردد. سَى اور سلم مادمان وقوع مريدي من سياراني دُلُولُ رِلْمِيا دَيْق کواں اے سالفتر چارج میں کے دولت ڈکی کالج کے ماتھ سے میں اور کولار مرابلہ عری کراس کے دولت ڈکی کالج کے ماتھ سے میں اور کولور یاس مور اس اللہ عیر آب اور کے دولت کے اور دولت شاکم برات کے سات بر الله جارج بنك بى ال الما مارج بنك بى الى نے بى مات كور موال عبری نے رہے جا ہے میں کے بیکی میں جر بیکی وہا ہے۔ سالت طرح میں کے طرب میں آپ نے اس سے قدلی حوال رہا ہے۔ اس کے میں کے طرب میں آپ نے اس سے قدلی حوال رہا ہے۔

فيا۔ القہ جاج سُن كول من جو بان محصرى طرى سے فرى جے۔ وہ سی نے نہیں دیاتھا۔ بہ کسی اور نے صری طرف سے بھی تھا۔ میں نے جراعی ریاھے۔ مرایعی بیال ہے. مول خراد کیا ہے درست ہے کہ آپ ے مستخب مرت کے ساتھ لیشور م ورد! تے مطالی کر گر ال کو لطور کے دائے وہا ہے۔ ص ک وہ = وہ عَمِارِ علی بان بنی را رج عِ ج ا ولایار۔ میں یہ ان کو جانیا میں اور نہ میں سے ان کے ساتھ راعی مام سرال منزلار کیاب درست ہے کہ علم جمر کیدی کرمانا میں وکیل کے لاف کام کرنا ہے۔ ؟ · Ub & -: 610 سوال برق استغیت ضرور کے ماق اس کی رحماضری سے مرفعای تھی۔ حسر اس کے عوص اس کو رقم وعنرہ جس ریا تھا ، حس کی واج وه عَبَارٍ علي العِرِكِ ورج كِبالحِ ج وان: - کے ہم بالکی عنظ بھے ۔ اروز کیا۔ کم سیفیت نے مرب طاب کی الله المعربي المعربي المعربي المعاربي المعاربية من كردرست كيم كيا الغين الشرفان كانبرلغت الما موج Heated Survey Range, Kohar R 20/8

(13)

سى بيان: اذال كانشيبل نعمت الله نمبر 750 بوليس لائن كوماك

عنوان: فر دجرم اور محكمانه كاروائي

ريفرنس: جنابDPO صاحب كو ہائے نمبر 018-01-24/PA) بامتعلق فروجر م

جنابِ عالى!

بحواله شموله فردجرم بالابسلسله ماخوذگی بمقد مه علت 260 مورخه 14-05-05 زیرانگی دفعه 377-367A)/382-109-34/R) تھانہ بلی ٹنگ معروض خدمت ہوئی ۔ کہ مقدمہ بالا میں

مدعی بالا کے بیان کے مطابق کہاس کے ساتھ میں نے بدعلی کی ہے۔جس پرمقدمہ بالامیرےاور از

میرے دیگر ساتھی کے خلاف درج کیا گیا ہے۔

(1)۔ مبینہ وقوعہ کے دن میں کو ہائے کچہری کے مین گیٹ پر ڈیوٹی پرموجو دتھا۔ ڈیوٹی سے فارغ ہونے

کے بعد میں اکثر لائن میں موجودر ہتا تھا۔ بقول مدعی کہ اس کوگا وُں کوٹ لے جایا گیا تھا۔ اور

وہاں پہاڑی علاقہ میں اس کے ساتھ بدفعلی کی گئے تھی۔ تو یقیناً میری ڈیوٹی پوائٹ سے عدم

موجودگی کی صورت میں انجارج سکیورٹی میرے خلاف ربورٹ ضبط تحریر میں لاتا۔

(2)۔ اگلے دن میں اپنی ڈیوٹی پرموجو دتھا کہ مجھے باور دی حراست میں لیا گیا۔اگر میں اس غیراخلاقی

فعل میں ملوث ہوتا توقطعی اپنی ڈیوٹی پرموجود نہ ہوتا۔

(3)۔ میں نے نہتو کسی تفتیشی افسر کے سامنے اقبالِ جرم کیا ہے اور نہ ہی کسی انکوائری افسر کے روبر و بلکہ مجھے تو کوئی موقع تک نہیں دیا گیا تھا کہ مدعی پر جرح کرتا۔

(4)۔ اگر میں اس غیراخلاقی فعل میں ملوث ہوتا تو تفتیشی افسرعدالت میں میرےخلاف تھوں ثبوت پیش کرتے۔ پھر نہ تو میری ضانت ہوتی اور نہ ہی میں عدالت سے بری ہوتا۔عدالتیں آزاد ہیں اورمدگی کوچاہئے تھا کہ وہ عدالت کے روبر وپیش ہوتا نقل کا پی عدالت لف بیان فیڈ آئے۔ (5) سروس ٹربیونل نے جملہ ریکارڈ کا ملاحظہ کر کے مجھے بری الزمة قرار دیا ہے۔ اگر میزے خلاف استخاصی مقدمہ بالا پر پچھ ثبوت ہوتا تو استغاشہ میری بریت کے خلاف اپیل ذائر کرتی ہے۔ (6) ۔ محکمہ پولیس میں ڈیوٹی سرانجام دینے کی وجہ سے کئی لوگوں کے ساتھ سرکاری ڈیوٹی سرانجام والے کے نتیج میں رنجشیں پیدا ہوئی ہیں ۔ میرے خلاف الزام سراسرمدی کی جانب سے بدندی پہنی اللہ کی اللہ کے نتیج میں رنجشیں پیدا ہوئی ہیں ۔ میرے خلاف الزام سراسرمدی کی جانب سے بدندی پہنی اللہ کی کہائی اور تفتیشی افسر کی کاروائی کورد کرتی ہے۔ میرے خلاف الزامات کے بنیاد ہیں ۔ استدعا ہے کہ ڈی نوائکوائری فائل کی جائے۔

خلاف الزامات بے بنیاد ہیں ۔ استدعا ہے کہ ڈی نوائکوائری فائل کی جائے۔

> آپ کا تابعدار لن*ٺ ارگرزهازی* ایکس کانشیبل نعمت الله نمبر 750

سكنه گنڈيالى پاياں بوليس شيشن سيني گمبڪ كوہا ٺ

29/1/2018

Sup Rona Range, Koha

Ch SUN FRP 32 WILL COUNT OUT OF حلقًا بیان کیا۔ کہ حسب حیابیث م کی صلحب میں ن سركاري بنبلى فون تهائم كانام (حبات آباد) بادر در مان مع المع المان ك فون على 15860433 مان مان كالم 190 مرابط اس کورواست کی کے مقدم جنا کے مستوبت میروزمال ولدفحہ لوگا کنه فنری کال عنر 470 کلی عنر 27 حیات آباد کرمطلے رہی کے سا انکوئری برحلف لفت ملّما کانبیل کے سلط ہی مورکم اور اور کورہو بہان رسے کیلے آجائے ۔اس کے مثلی رسی نے روزا ہے ہی ماعاملرہ راور المالم الماليم ال زین الدی Asi کا کای کے ساتھ اس کے ذاتی مربال عنر بررابط جن نے بحلیاً کہا کہ ضرور جان کے مثلا دہج مثرہ ہنتہ پر کلرش کرگئی۔ سكره المن مراد وحسى اورها على علم المالع دورا فيمن معلم موركم ما و العلم المراح المراح من لكوريش كرامول

> MHE. P20 WT 02-02-018

CHARP, 3. 30/18 /2/11 22 Ne ورو من المرام 8 الماري و 18:30 السومة ورو من فررستان مان ASI نیاز طبی و کوران سرکاری شرافون 83 260 in pie 1/2 2 5 (M) & 091-58604336 ا/8/8/14 من من من على أعلى المعالم أعلى أومال 377. 367A 382 /34 ppc ( في 6/8/14 مستفید میروز مان ولد قر لور سنده مر 6 میان مر 190 می مر 27 ما شر کار لی ور کو عظم کرے نسل اللوائری رافاق 12/18 Prod. FRF LOW SP - 10 wi cie, più 6 کوار این و بری مان فلای داور ا مساه رزم · 100 8 6 10 Sir Farwardi خاستانی ندا عطالق اهل LOFFET 2018.

2 /18 3 bies 12 New 1003 (ho,6/2 es we/20 die 166,00 No UP 19/0 - 1000 / 0333-5838032/ 16 10 10 10 27 10 990 HOLD 6 in-To dicho di al to po City of 2 N, in 6 5 6 be de 36 f-will" رُجُولُونَ نَا حَلَمُ مُنْ الْمُعَامِ مُنَا مِنْ الْمُعَامِينَ الْمُعْلِقِ الْمُراسِينِ مُعْلُوفًا مِنْ في الليل درت روزنا رو في في وما عالى المال الم Sir farwarded Superinte Consultation of Police, FRP OFRICE

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المرديقاري 8/1c377.367A:382.34-08 8 Per 260 Wine بالم له الله ولد بلاورخال كذراك مقدم عنوان بالاميل ملزم الاحسب جابط گر متاركرك كارة كرختارى لني الميم والمراح كرك الانقا كزارش س حلير فلر SHO-BT 6.8.14 distil adding JL-24/25 2, 5, 8, 17 tis 5 is

Marcel

29/1/20/8

Survey tendent of Police, FRP

Konat Range, Kohat.

ملهويان مررحقوسك المشارسل celes. (2) 321 ave ave 156 (2) Celes دو بر قرایاهٔ دیل بروران آلوانوی آل فیمی شان سال بری کالداران میلید عامل، آی جیس کوارس کی ادان منروز جدوان کیان شركره نع حديث كروظام كيا- الم بوف دقرم يوى فهاس بيا الما على متعلى فيرا عان ترسل ما المراجع و ورود بولس من المال المان ميامل بالمراس وا فيم حول المان فيرور بزيار الم إلى وركة من كيف بالرف و ورسي م ليان و دوركان - CO 3 U.E. الم والم والعرب والمقاه ليملكم rintendent of Police, FRP Wish clis 1520 Jois J.
Koray Rango Kohat.

No Fio

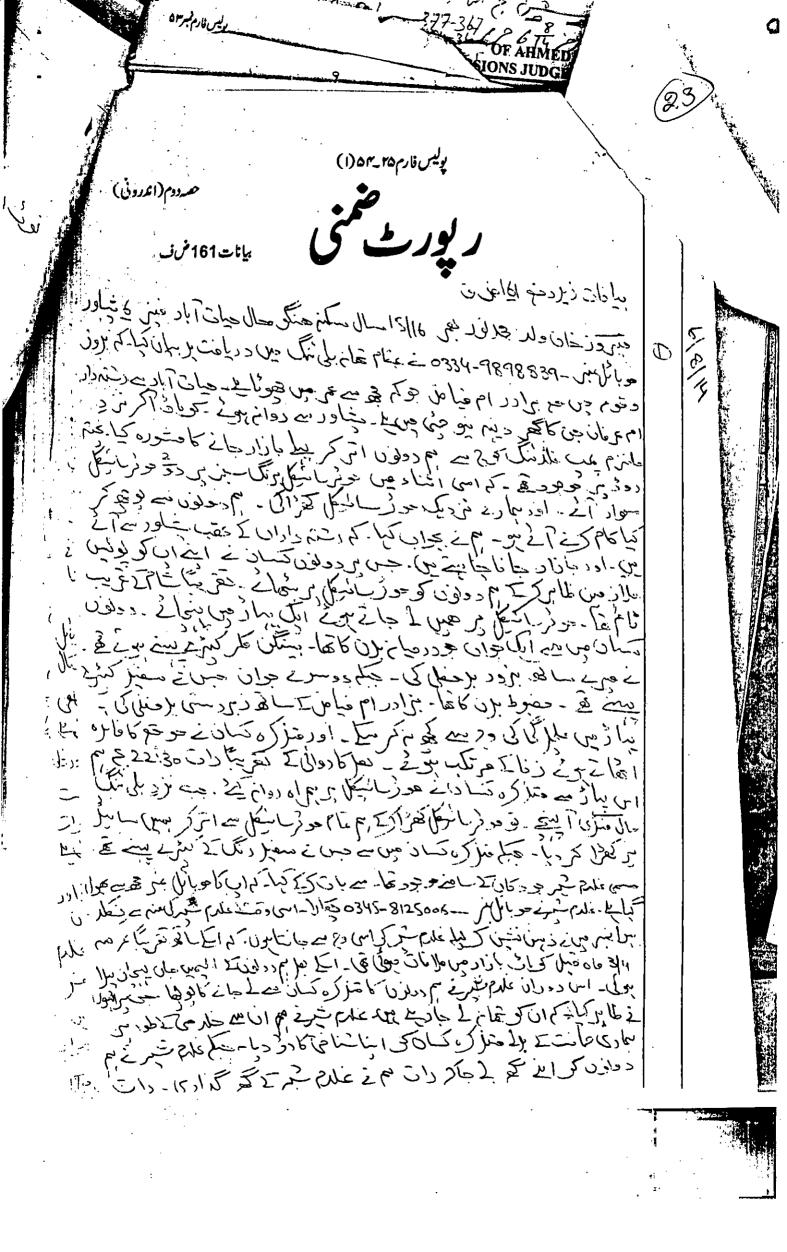
تقام ليمك في وهوستلي انداس واركى ated E Cilar 12) 121 ale es p 1760 al 1560 al دو بروگان دیل دسیان میامی، غیروز سانمان چاور جو زیای پیکار سان ميتس ما لهشمور على على مرتبار و دون عامل كل علادع हार्य किया कर है। हिंद कर्ष के अध्ये रहे बर में केंद्रे iduala, Tost में की शिंह के हों में की शिंह के हैं। र्मिन् । १० हार्या अवन्य में में के मार्च में में के में かり、それではいかあるにいかりというというというできます。 مر التري منام مناطق منز لوسل و رئي ، الله عدد حيثى بنام عدو ز الرادل できないができないというできないできないとうないとうない for de fine in the conte Sto PS ET المسلم والمحدي والقاء لي الم Mendon Of Police, Fixed Sirch class 1520 pols July Robat Robat Robat (100) & Man (100)

فلولائ عام ال ور شاری د چ William 1977-367A-382 P3 6 FG pos 360 Wester is a silmen the color of in the following all is الدران اینار کیف ملم نعیت اساملا ے دوئے کا اسراف کرتے ایم عاقبری ال وادرات ساقی سلخان وله عب عان کے بحوراً فرق شہرا - مذم باله بخری ا कर्ण भी ही में परीय मिलें पर पटिए बीन कर होने दिन के रह मीर् करन حيل قل بيني- قوطني بالم نه بيني مع سوزول كالمنهم كه كالماء- أورسوزول آليكا いからといいるかというというというないというというというという できているというできているというできているというできていています。 100 12 100 में हार के किया है। के किया है के किया है। के किया है कि किया है। के किया है किया है। के किया है कि ع في و المعلى ال A city 100 ch ションンと そっている م اس نها ما ما سام رکادی تھے۔ اس ور سائری حرج میں شام کا ان کے اس ور سائری میں اس فيت الما من حركة من شاع ي كري اور كوابان من درسة و منعل ليك ع الطاع لعن الما وله بلود وال كم المرالي المال SI-KBI-BT بها آیودی 08-08-14 المرا 4-01-2 Lidita 160, 150111

فلوكواف laun eighund ا تهامای آ Judinto AC 377-367A-382 pr 06-08 Res 260 Wests سلسلم بمار وسرم حمل كلاحماق ne Les بسمر بهرلي رمين فلوقيد وقوي هذا سلم مازى وسوم ولي كول مرعالومن روناسونا سا ف مرا- و فوع عراب شمال، خوب، معمل زون عرار مالو ولتجاباً عني سمال في ماد وسوع حرف قول حرفا قو ملم جانب غرق بني رهم لي زونون عرف الو ولتجاباً عني سلم فيها د وسوع حرف قول حرف قول حرف قول حرف الحرب عرف المراب عرف المراب ا صلابه اس منا بربروز بوقت و قوم مرعی فیرو زخان جو زخاکاشکار بوائے ۔ نے ای عود را اور جلنم نفت اسا فلا بلاور خان کم تنزیالی جان نے ان کے ساتھ برور زبردستی د فاکر نا اور جلنم نفت اسا فلا بلاور خان کم تنزیالی جان نے ان کے ساتھ برور زبردستی د فاکر نا الاسا ۔ معار A. اس عام و و تراسيل برنگ برنگ و و رنگ مل عای نون انساء علی فات انسان علی انسان عامله عند مقامات في الموسى وسلم مقامات في يا الهيس دست برست س Púlso = hobolho, o 4,3 0 bles 2, 1 - 1 les 2, 1 - 1 les 1 2, 1 - 1

نوند مامات ١، ٤ مع مامات ١ ، ١ نظرين آ تي م (= 2.1 - 17 in se (= A plie = 2.1 تعريع. مر مامان 1، 2 مام عار السال عربي رواجع الله المعرف الم Si-KBi-BT 6-8-14

W



كادورال علم عبى برملى كالحالم في كافي متك كيادها. को ने के बार के हैं। हैं हैं के की में कि के बहर कर की مع دولے مار دھم علی وہ تو سے علم شہرے مع حوالی وکھی مارکم مارکل من در کردن ورس می - رس کیا کر الار مد المحت کرد عصور مناع والسن لعت المعادله بلردرخان سن المارك كوربسكو 1 طلبكة مناع بولس قوص في المعالى درت شاحت في عادر نفت المعامر ودما عی تعرفورگ میں دو سرا شرک ارات افی کم غادر و الم عادر الله علی الله عوراً ورا سلار دولان تسان عن ١١١ اور عم خان عاد ما هوالعمل ونا) كيا - سي الحد فن الله والمدوران عرور زيردي ذاكما سلم سرادر ام سام عال سلم عان وله عب خان تم مورا رحم عرود ربردی کا کے دارے کے سال کے داری کے دار これによりいいのしてのろうにいとくしょくしょくしん क राजित र्मिया महाराज्ये में या प्राहरण के विकास الان در و در و در الله تعلیم عرف عنظ حرکت ، معالی نظر رقم ، عالم عند الله تعلیم عرف علم من الله تعلیم الله تعلی الله من الله تعلیم ون الهات الوقت المورد وم المورد مناع م المورد المورد المواليل المورد الم عان عال حال العلاد هي علل نال علم علوحال سال آلم والمعان الم والمعان المراقع المعان المراقع المعان المراقع الم حواربانوكا سواد آلے ، اور بادے مزديل در فراخ كولال. عوری حوال سواد المدر المراد می می در از کا عقب و اور سے آئے ہی اور ازاز جا ما جاسی ا یا، حواید ولان کسان نے لعاب کو لوٹری ملزمین ظاہر کے ہم دون کو و ترکاراً یک سواد کئے۔ ستام کے عزیب وقت تعامو کر سائل مرع دونون فول جات ہے کہ ایک 

The KPK Servoice Tribunal Bejoure Perhavon.
Service Appeal No 986/18 Naimat ullah v/s Appellant IGP-etc. Respect. Application per Amendment in Pervice Appeal R/shevieller, Appellant State's as Undners. I) That the Service appeal of the appellant is paiding begore tribunal four augments. in) That due do some Clenical mistake the the survides appeal intends the amendments. m) mat its the application is not allowed the appellant super inrepairable lass.

iv) that the appellant will submit the amended appeal with in a weak time possitively. Therefore it is hundry prayed mat the applications may gracionsly be allowed for the end of Justice. Dt:-5/12/19 Appellant
Comeil 18

Begare The KPK Servoice Tribunal Perhawan. Sarvia Appeal No 986/18 Naimatullah v/s Appellant 1GP-etc.
Respoll. Application per Amendment in Pervice Appaal R/sheweller,
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Dt:-5/12/19 Appellant

Council 1s

Before The KP Berrice Tribunel. Perhance
Service Appeal 986/18
Mimach ullah vs Polite
Application gos adjourndment
R/Shaweth. Submitted Ahad
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tribunal humbly Prayed that an acceptioner of this application the
pe afjording.
UZMA Syed  Alle townish  Appellant
Date 17-10-2019

Before me Honourable KPK Service Tribunal i Peshawar. Naima I Illah IGP- etc. (Appellant) (Respolt) Service Appeal Application per tumendment im Nervice Appeal. R/Shewell,
Appelland States as
Under. I ment the instant Survice appealing ponding before the honomable in med the appellant Intents to add the respondent No A order along with additional grounds regarding the order dt:-12-08-15 NO 9834-38/E-IV that if the appellant nat allowered for subswippion of amondment in appeal, appellant will super irreparable losso. There fore it is requested mad the applications many graciously be allowed.

Applications mangh spellant Dt:- 10-3-20



#### OFFICE OF THE INSPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA CENTRAL POLICE OFFICE, PESHAWAR

#### **ORDER**

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex- Constable Niamat Ullah No. 750 of District Police Kohat against the Punishment Order i.e dismissal from service passed against the appellant by DPO/Kohat vide Order dated 03.09.2014.

In the light of recommendations of Appeal Board meeting held on 06.08.2015, the board examined the enquiry in detail & other relevant documents. It revealed that the appellant was served with Charge Sheet/Statement of Allegations and punishment order was announced on the basis of reply to the Charge Sheet and Statement of Allegations.

The appellant was heard in person. Record perused. The above named Ex-official was charged in a case of moral turpitude. His trial is also pending in court. He got 15 bad entries during his service having no good entry. The board rejected his appeal.

Order announced in the presence of appellant.

Sd/-NASIR KHAN DURRANI Inspector General of Police, Khyber Pakhtunkhwa Peshawar.

No. 9834 - 38/E-IV dated Peshawar the 12/08/2015Copy of above is forwarded to the:-

1. RPO/Kohat Region, Kohat.

- 2. DPO/Kohat. The service Roll, Fauji Missal and Enquiry File of the above named official are returned herewith.
- 3. PSO to IGP/Khyber Pakhtunkhwa Peshawar.
- 4. PA to Addl: IGP/HQrs Khyber Pakhtunkhwa, Peshawar.
- 5. PA to DIG/HQrs Khyber Pakhtunkhwa, Peshawar.

(SYED FIDA HASSAN SHAH)

AIG/Establishment

For Inspector General of Police,

Khyber Pakhtunkhwa, Peshawar

Before me Honourable KPK pervice Tribunal Peshawar. Naima I allah 4/5 IGP- etc. (Appellant) (Respolt) Service Appeal Application for Ammondment im Pervice Appeal. R/Shewell,
Appellant States as
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المحمد المحادث المحادث المحادث Peshowour. Maimas Mallah 1/6 199-etc. ( Expland ) (Respect) English sinnig Application for Amendmenth in Persite Appaal. Republic,
Appellant Stoles as
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'ED FIDA HASSAN SHAH)

AIG/Establishment For Inspector General of Police, Khyber Pakhtunkhwa, Peshawarz



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AIG/Establishment For Inspector General of Police, Khyber Pakhtunkhwa, Peshawarz ابتدائي اطلاعي ربورط

رفائيل) ابتراني العلاع نبت جُمْع قابل دست اخلای بورس تنبون زوند ۲۵، جُموع منا بعا فرویل ۱۹۶۵ - ۱۹۶۵

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SUPERINTENDENT DISTRICT JAIL KOHAT

To,

The Registrar

Khyber Pakhtunkhwa Service Tribunal,

Peshawar.



Subject:-

**APPEAL NO. 986 of 2018** 

petitioner Niamat ullah

Respondents I-G-P Peshawar

R/Sir;

Kindly refer to your Court orders in subject cited appeal, please.

It is submitted that Mr. Niamat Ullah (Ex-Constable) s/o Bilawar Khan, resident of gandyali District Kohat was admitted in to this Jail on 13-10-2020 as under trial Prisoner being involved in Case FIR. 285 dated: 04-08-2020, u/s: 302/15AA/34 of Police Station Gumbat Kohat. The Prisoner mentioned above is not confined in this Jail, he has been released from this Jail on 20-10-2020 on bail by the Court Order of Additional District & Sessions Judge-IV-Kohat, vide his Learned Court Order No. 2360 dated: 20-10-2020.

Submitted for information, please.

put up to the court

Deader

560. 10 000 GS&PD.KP.SS-1776/1-RST-5,600 Forms-09.05.18/P4(Z)/F/PHC Jos/Form A&B Ser. Tribunal

66 A 9

# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD,

No.	PESHAWAR.	$\mathcal{T}$	).R
APPEAL No	<u>98</u> 5	of 20\署.	
Nianat	ullah	Control Contro	
		Apellant	Petitioner
	Versus		
<u> </u>	Jashawar	RESPO	NDENT(S)
Notice to Appellant/Petitioner	- Niamal u	llah Ex-	constabl
3/0 Bilawar	Khan Rlo	Gumbat	Dist,
Take notice that your a replication, affidavit/counter affine on at	fidavit/record/argument		

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Registrar,

Khyber Pakhtunkhwa Service Tribunal,

Peshawar.

January Condi

released from Jack on

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.986/2018

Naimat Ullah..... Appellant

**VERSUS** 

### **APPLICATION FOR ADJOURNMENT**

## **Respectfully Sheweth:**

- 1. That the above titled appeal is pending adjudication before this Hon'ble Tribunal and is fixed for today i.e. 02.09.2021.
- 2. That the counsel for appellant injured due to road accident and due to injuries, he is unable to appear before this Hon'ble Tribunal.

It is, therefore, respectfully prayed that on acceptance of this application, the titled case may kindly be adjourned.

Appellant

Through

**Syed Mutahir Shah** 

Clerk of

Syed Mudassir Pirzada

Advocate High Court Cell: 0313-9921335

Dated: 02.09.2021

335