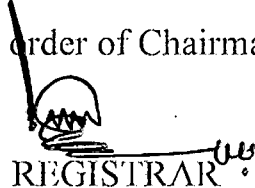


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1494/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/10/2022	<p>The appeal of Mr. Sami Ullah resubmitted today by Mr. Mansoor Salam Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Sami Ullah Ex-Head Constable no. 616 Police post Main Gate Judicial Complex Lakki Marwat received today i.e. on 12.10.2022 is incomplete on the following score which is returned to the counsel for the appellent for completion and resubmission within 15 days.

Annexures-A, B, D, E and G of the appeal are illegible which may be replaced by legible/better one.

No. 2806 /S.T,

Dt. 13/10 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mansoor Salam Adv. Pesh.

Objection has properly been removed
and Service Appeal has been
re-submitted on 17/10/2022.

Adv. Mansoor Salam

Mansoor Salam
17/10/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1494 /2022

Sami Ullah Ex-HC

V/S


Police Deptt:

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S. No.	Documents	Annexure	P. No.
01.	Memo of appeal	-----	1-4
02.	Affidavit	-----	5
03.	Copies of Charge Sheet, Statement of Allegations & Reply	A,B&C	6-9
04.	Copy of Final Show Cause Notice	D	10,11
05.	Copy of Impugned Order of DPO dated 01.08.2022	E	12
06.	Copy of Departmental Appeal	F	13
07.	Copy of the impugned order of RPO dated 12.09.2022	G	14
07.	Wakalat Nama	-	-


APPELLANT

THROUGH:

(MANSOOR SALAM) 
ADVOCATE HIGH COURT
PESHAWAR

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1494/2022

Sami Ullah Ex-Head Constable No.616
Police Post main Gate Judicial Complex, Lakki Marwat. (APPELLANT)
VERSUS

1. The Regional Police Officer, Bannu Region.
2. The District Police Officer, Lakki Marwat. (RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE ORDER DATED 01.08.2022, WHEREBY THE
APPELLANT WAS DISMISSED FROM SERVICE, AND
AGAINST THE ORDER DATED 12.09.2022, WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT WAS
REJECTED WITH NO GOOD GROUNDS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER
DATED 01.08.2022 AND 12.09.2022 MAY KINDLY BE SET
ASIDE AND THE APPELLANT MAY BE REINSTATED INTO
HIS SERVICE WITH ALL BACK AND CONSEQUENTIAL
BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST
TRIBUNAL DEEMS FIT AND PROPER MAY ALSO BE
AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SUBMITTED;

FACTS:

1. That the appellant has appointed in the respondent department in the year 2001 and was performing his duty with great devotion and honesty, whatsoever, assigned to him and no complaint or adverse remarks has been filed or passed against him regarding his performance.
2. That the appellant was posted as Head Constable at Police post main gate judicial complex Lakki Marwat, where an incident of murder

took place inside judicial complex Lakki Marwat vide FIR No. 206 dated 25.06.2022 u/s 302, 324, 34 PPC PS Gazni Khel, and for that the appellant has been held liable for gross misconduct, inefficiency and negligence for not proper body search of the accused/murderer.

3. That on the same date of incident, the appellant was issued a charged sheet and statements of allegations vide dated 25.06.2022 wherein appellant was held liable for misconduct, inefficiency and lethargic conduct, which was duly replied within specified time of 07 days by the appellant denying all the charges and allegations that has been leveled against the appellant. **(Copies of Charge Sheet & Statement of Allegations & Reply are Annexure-A, B&C).**
4. That one sided departmental inquiry was conducted by the inquiry officer against the appellant and as a result appellant has been held responsible for committing the act of gross misconduct, negligence & inefficiency, by which the appellant has been issued a final Show Cause Notice, vide dated 19.07.2022. **(Copy of Final Show Cause Notice as Annexure-D)**
5. That after issuing final show cause notice, the appellant has been dismissed from service vide impugned order dated 01.08.2022, without affording an opportunity of personal hearing and condemned unheard by violating natural justice. **(Copy of Impugned Order dated 01.08.2022 as Annexure-E)**
6. That feeling aggrieved from impugned order of District Police Officer Lakki Marwat. The appellant filed departmental appeal vide dated 15.08.2022 to the office of Regional Police Officer in Bannu, against the dismissal order dated 01.08.2022. **(Copy of Departmental Appeal is attached as Annexure-G)**
7. That the departmental appeal of the appellant was rejected on 12.09.2022, however the rejection order dated 12.09.2022 does not communicated to the appellant in person, more so on 16.09.2022 the appellant went to the office of respondent No.2 to know about the fate of his departmental appeal on which the officials of the office of respondent No.2 inform the appellant that his departmental appeal has been rejected on 12.09.2022, but office received the rejection order on 14.09.2022 bearing dairy No.4554 and handed over rejection order to the appellant on 16.09.2022.
8. That the appellant has no other remedy except to file the instant service appeal in this Hon'ble Tribunal on the following grounds amongst others.

GROUNDS:

- A. That the impugned orders dated 01.08.2022, 12.09.2029 and are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B. That inquiry conducted against the appellant was not according to the prescribed procedure as neither the appellant was properly heard nor the CCTV cameras visuals as evidence were associated with the inquiry proceeding, which is sheer violation of law and rules and as such the impugned orders are liable to be set aside on this ground alone.
- C. That no opportunity of defense was provided to the appellant during inquiry proceeding, which is violation of Article-10A of the Constitution of Pakistan.
- D. That the inquiry office wholly depend on the discussion of the DSP concerned and IO of the case, because neither a lady constable was associated in inquiry proceedings nor the visuals of CCTV cameras has been made part of the inquiry proceedings, which is gross violation of facts and collecting evidences.
- E. That the appellant was incharge of security of judicial complex and to take body search of the litigants etc that were entering via the main gate of the judicial complex however the inquiry officer conducted inquiry in violation of procedure given in KP Police E&D Rules 1975.
- F. That it is pertinent to mention here that appellant in his departmental appeal and in reply of charge sheets has brought the attention of officers for the reasons of security laps but neither attention has been given nor even considered, and appellant has straight away dismissed from service.
- G. That it is cherished principle of law that where law required the things to be done in particular manner, the same is to be done in that manner and not otherwise.
- H. That the law and courts of the country have always encouraged and preferred that rules are to be followed and have deplored, discoursed and depreciated any violation or variation therein.

- I. That no witnesses examined on oath which was obligatory for inquiry officer who has to perform quasi-judicial function and comply with legal procedure. Departmental inquiry mostly resting on accused/murderer statements before police.
- J. That it is settled principle of law that no person could be condemned unheard but in the said case the appellant has been condemned unheard and no prior chance of defense or hearing was provided to the appellant while dismissed from service.
- K. That from all prospective, the impugned order is wrong and void and is liable to be set aside and the appellant has been reinstated into his service with all back and consequential benefits.
- L. That the appellant seeks permission of this Hon'ble Tribunal to advance others grounds and proofs at the time of hearing/arguments.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

Sami
Sami Ullah Ex-Head Constable

THROUGH:

Salam
(MANSOOR SALAM)

ADVOCATE HIGH COURT
PESHAWAR

CERTIFICATE:

It is certified that no other similar service appeal between the parties has been filed earlier.

Sami
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____ /2022

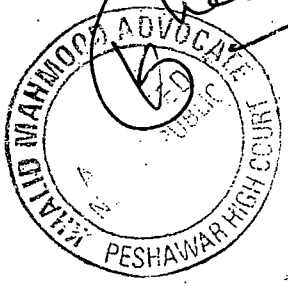
Sami Ullah

V/S

Police Deptt:

AFFIDAVIT

I, Habib-ur-Rehman Ex-Incharge Head Constable No.616 Police Post main Gate Judicial Complex, Lakki Marwat (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this august Court.



[Handwritten Signature]
DEPONENT

Sami Ullah
(APPELLANT)
CNIC:11201-0380750-1
Cell# 0345-8116294

CHARGE SHEET UNDER NWFP POLICE RULES 1975.

I, Zia ud Din Ahmed PSP, District Police Officer, Lakki Marwat as competent authority hereby charge you HC Sami Ullah while posted at Judicial Complex Lakki Marwat as follow:-

3. That on 25.06.2022 your negligence and not proper body searching an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No.206 Dated 25.06.2022, u/s 302/324/34 PPC PS Ghazni Khel.
4. This speaks your gross misconduct, inefficiency and lethargic conduct on his part and liable to be punished under Police Rule-1975.
3. By reason of the above, you appear to be guilty of misconduct under section 02 (iii) of the KPK Police Rules-1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) and & b of the said rules.
4. You are therefore directed to submit your written defense within seven days (7) of the receipt of this Charge Sheet to the Enquiry Officer.
5. Your written defense if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
6. Intimate whether you desired to be heard in persons.

No. 484 Dated Lakki Marwat the 25/6 2022.


District Police Officer,
Lakki Marwat

CHARGE SHEET UNDER NWFP POLICE RULES 1975

I Zia ud Din Ahmed PSP, District Police Officer, Lakki Marwat as competent authority hereby charge your HC Sami Ullah while posted at Judicial Complex Lakki Marwat as follows:

3. That on 25.06.2022 your negligence and not proper body searching an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No. 206 dated 25.06.2022 U/s 302, 324, 34 PPC PS Ghazni KHel.
4. This speaks your gross misconduct, inefficiency and lethargic conduct on his part and liable to be punished under Police Rules 1975.
5. By reason of the above, you appear to be guilty or misconduct section 02 (iii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section 04 (i) and & b of the said rules.
6. You are therefore directed to submit your written defense within seven days (7) of the receipt of this charge sheet to the Enquiry Officer.
7. Your written defense if any should reach to the enquiry officer within the specified period failing which it shall be presumed that you have no defense to put in and in that case an ex parte action shall follow against you.
8. Intimate whether you desired to be heard in persons.

No. 484 Dated Lakki Marwat the 25/06/2022

Sd/-
District Police Officer
Lakki Marwat

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.

7

No. 482 / 197

Dated: 25 / 06 / 2022

DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975.

I, Zia ud Din Ahmed PSP, District Police Officer, Lakki Marwat as competent authority am of the opinion that HC Sami Ullah posted at Judicial Complex Lakki Marwat has rendered himself liable to be proceeded against as he committed the following acts: commission which fall within the meaning of Section-02 (iii) of KPK Police Rules 1975.

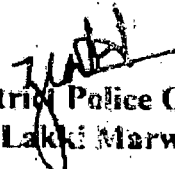
STATEMENT OF ALLEGATIONS.

- 3. That on 25.06.2022 his negligence and not proper body searching an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No.206 dated 25.06.2022 u/s 302/324/34 PPC PS Ghazni Khel.
- 4. This speaks his gross misconduct, inefficiency and lethargic conduct on his part and liable to be punished under Police Rule-1975.

For the purpose of securitizing the conduct of the said official with reference to the above allegations DSP HDP is appointed as Enquiry Officer for further thorough probe into the matter.

The Enquiry Officer shall conduct proceedings in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its finding and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


District Police Officer
Lakki Marwat

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.

No. 482-83 / SRC, dated Lakki Marwat the 25/06 2022.

Copy of above is submitted to the:-

- 5. DSP HDP for initiating proceedings against the accused officer under Police Rules 1975.
- 6. HC Sami Ullah with the :-

OFFICE OF THE DISTRICT POLICE OFFICER LAKKI MARWAT

No. 482/PM
Dated 25/06/2022

DISCIPLINARY ACTION UNDER KPK POLICE RULES 1975

I, Zia ud Din Ahmed PSP, District Police Officer Lakki Marwat as competent authority aim of the opinions that HC Sami Ullah posted at Judicial Complex Lakki Marwat has rendered himself liable to be proceeded against as he committed the following acts commission which fall within the meaning of Section 02 (iii) of KPK Police Rules, 1975.

STATEMENT OF ALLEGATIONS

3. That on 25.06.2022 his negligence and not proper body searching an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No. 206 dated 25.06.2022 U/s 302, 324, 34 PPC PS GhaziniKHel
4. This speaks your gross misconduct, inefficiency and lethargic conduct on his part and liable to be punished under Police Rules 1975.

For the purpose of scrutinizing the conduct of the said official with reference to the above allegations PPH_ is appointed as Enquiry Officer for further thorough probe into the matter.

The Enquiry Officer shall conduct proceedings in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused / officer.

The accused officer shall join the proceedings in the date, time and place fixed by the Enquiry Officer.

Sd/-
District Police Officer
Lakki Marwat

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT

No. 482-83/SRC, Dated Lakki Marwat the 25/06/2022

Copy of above is submitted to the:

5. DSP HQR for initiating proceedings against the accused officer under Police Rules 1975.
6. HC Sami Ullah with (sic)

ب۔ جو الہ ڈیپلنری ایکشن نوٹس 89/888-488 حتمی صورت میں ہو گا کہ

1۔ روز وقوعہ یعنی حوضہ کے بعد کو من سبیل بصر دیگر سیکورٹی سٹاف
25.6.22
صبح 08.00 بجے تا عدالت ٹائم موجود رہے گا۔ اس سلسلہ میں C.C-7-V

2۔ عدالت کے ٹائم ختم ہونے کے بعد ایک روز صبح 08.00 بجے تک پولیس
گارڈ میں لیٹ اور دوسرے پوسٹوں پر تعینات ہوتے ہیں

3۔ من سبیل نے اپنی ڈیوٹی نہایت محنت اور جانفشانی سے انجام دیا ہے جو سٹاف
واک ٹھہرو گیسٹ سے داخل ہو چکے ہیں۔ کی باقاعدہ تلاشی لی گئی ہے۔

4۔ ماسوا و ملائ کے ذاتی کارٹریج اور پولیس افسران کے سرکاری کارٹریجوں کو من سبیل
سے وادہ کی اجازت نہیں ملے۔ البتہ جوڈیشل پبلیکس میں داخلہ کیلئے
عقب جانب چند دوسرے راستے بھی موجود ہیں

5۔ یہ امر بھی گزارش کرنا مناسب اور ضروری سمجھتا ہوں۔ کہ وقوم عدالت
قبل بھجوانی قسم کے دیگر وقومات پبلیکس کے اندر رونما ہو چکے ہیں

6۔ ڈیوٹی ہر وجودہ سٹاف نے وقومات کے تدارک کے خاطر ضروری
احتیاط اور تدابیر عمل میں لائے۔ لیکن پھر بھی وقومات رونما ہوتے

7۔ ان وقومات کے دوران ڈیوٹی پر موجود سیکورٹی پیر ماور احکامات ان
کا بھی یہی یقین ہے۔ کہ پبلیکس کے اندر وقومات رونما کرنے والے
اشخاص اور وقوم میں استعمال ہونے والا اسلحہ و ملائ کے کارٹریجوں
سے ذریعہ سے پبلیکس کے اندر داخل ہو چکے ہیں۔

8۔ پبلیکس کے سیکورٹی ڈیوٹی پر متعین سٹاف نے ضرورتاً یہ کوشش کی ہے
کہ و ملائ کے کارٹریجوں اور ان کے اندر سولہ پرائیویٹ اشخاص کو تلاشی
کے دائرہ میں لایا جائے۔ تاکہ پبلیکس کے اندر وقومات کا تدارک کیا جاسکے

کیلیں بار کونسل کے چند ممبران کی صفت دھرمی اور اپنے آپ کو مافوق الفطرت خلیق سمجھتے ہوئے عدلیہ اور انتظامیہ کیلئے مسائل کھڑے کرنے کے خوف سے یا بہت وکلاء کے ماریٹوں اور خاص کر کالے شیٹے والے گارڈیوں کی تلاش اور ان گارڈیوں کے اندر موجود پرائیویٹ اشخاص کی تلاش ممکن نہ ہو سکی۔

مثیل نے دوران سروسی افسران بالاکو کسٹم سے شہادت کا موقع نہیں دیا ہے۔

مثیل نے دوران سروسی اپنی ڈیوٹی میں کسٹم کی غفلت اور کوتاہی نہیں کی ہے۔

مثیل کے خلاف وقوعہ حذا کے دوران غفلت کا الزام محض قیاس ارائی پر نہیں ہے۔ اس سلسلہ میں مقدمہ حذا کے تفتیش افسر سے بھی انکوائری کی جاسکتی ہے۔

من مثیل کے قصور ہے۔

لینا استدعا ہے کہ ڈیپلومیٹک ایجنٹس ٹوٹس بمع چارج شیٹ بلا مزید کارروائی دخول دفتر کرنے کے احکامات صادر فرمادیں۔

توخم بکرم برہندہ فنت نہد۔

الطراف
پیدائش سید سمیع اللہ 16/11/1961 حقیقہ سیکورٹی انچارج خود نیشنل پبلیکٹی
بکروت محل وولیس لائن بکروت

OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT

(10)

No. 9404 SRC

Dated 19/07/2022

FINAL SHOW CAUSE NOTICE

You Head Constable Sami Ullah No.616 while posted at main gate Judicial Complex Lakki Marwat are guilty of acts of omission and commission as detailed below:

1. That on 25.06.2022 your negligence and not proper body searching an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No.206 dated 25.06.2022 of 302/324/34 PPC PS Ghazni Khel.

2. This speaks your gross misconduct, inefficiency and lethargic conduct on your part and liable to be punished under Police Rule-1975

3. In this regard, charge sheet based upon summary of allegations was issued and DSP/Hqr Lakki Marwat was appointed as Inquiry Officer. The Inquiry Officer after conducting proper departmental enquiry submitted his finding report and you were found guilty of the misconduct and also recommended for major punishment.

4. NOW THEREFORE, I, Zia ud Din Ahmed PSP, District Police Officer Lakki Marwat call upon you through this Final Show Cause Notice within three (03) days of the receipt of this Final Show Notice that as to why you should not be awarded a major punishment including dismissal from Service as provided under KPK Police Rules, 1975. Also state whether you want to be heard in person.

5. In case your reply is not received within stipulated period without sufficient reasons, it shall be presumed that you have no defense to offer and the undersigned would be at liberty to pass on ex-parte action against you.

Zia ud Din Ahmed
District Police Officer
Lakki Marwat

OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT

No. 9404/SRC
Dated 19/07/2022

FINAL SHOW CAUSE NOTICE

You Head Constable Sami Ullah No. 616 while posted at Main Gate Judicial Complex Lakki Marwat was found to indulge in the following omissions commission as detail below:-

1. That on 25.06.2022 his negligence and not proper body searching an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No. 206 dated 25.06.2022 U/s 302, 324, 34 PPC PS GhaziniKHel
2. This speaks your gross misconduct, inefficiency and lethargic conduct on his part and liable to be punished under Police Rules 1975.

In this regard, he was charge sheeted and enquiry was marked to DSP Hqrs Lakki Marwat for thorough probe into the allegations. The enquiry officer after conducting proper departmental enquiry submitted finding report and you were found guilty of misconduct and also recommended for major punishment.

NOW THEREFORE I Zia ud Din Ahmad PSP, District Police Officer, Lakki Marwat exercise of the powers vested in the under KPK Police Rules 1975 hereby impose upon him major punishment of "Dismissal from service" as provided under KPK Police Rules 1975. Also state whether you want to be heard in person.

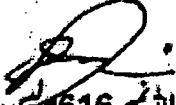
In case of your reply is not received with an stipulated period witho0ut sufficient reasons, it shall be presumed that you have no defense to offer and the undersigned would be at liberty to pas an ex parte action against you.

Sd/-
District Police Officer
Lakki Marwat

جناب عالی!

بحوالہ مشمولہ شوکارڈ نوٹس نمبر SRC/9404 مورخہ 19.07.2022 جاریہ آنجناب معروضہ میں ہوں کہ میرا وہی بیان ہے جو قبل ازیں چارج شیٹ

نمبر SRC/488-89 مورخہ 25.06.2022 میں دے چکا ہوں۔


IHC سکاڈ نمبر 616 پولیس لائننگلی مروت

Reply of Show Cause

OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT
District Police Office Lakki Marwat
Lakki Marwat

Annex "E"

12

ORDER

My this order will dispose off the departmental enquiry proceedings against **Head Constable Sami Ullah No.616** while posted at main gate Judicial Complex Lakki Marwat was found to indulge in the following omission/commission as detail below:

1. That on 25.06.2022 his negligence and not proper searching an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No.206 dated 25.06.2022 u/s 302/324/34 PPC PS Ghazni Khel.

2. This speaks his gross misconduct, inefficiency and lethargic conduct on his part and liable to be punished under Police Rule-1975

3. In this regard, he was charge sheeted and enquiry was marked to DSP Hqrs. Lakki Marwat for thorough probe into the allegations. The enquiry officer after conducting proper departmental enquiry submitted finding report stated therein that he being present on duty showing negligence, carelessness and irresponsibility, taking the pistol inside even after searching the accused from the main gate and killing his enmity on the front of ASJ No.II has led to his failure, hence found guilty of the misconduct. He was served with Final Show Cause Notice to this effect. His reply to the Final Show Cause notice was perused which was also found un-satisfactory. He was also called in Orderly Room for personnel hearing on 29.07.2022, where he offered no cogent reason to prove his innocent

4. Therefore, I **Zia-ud-Din Ahmed PSP**, District Police Officer, Lakki Marwat exercise of the power vested in me under KPK Police Rules-1975, hereby impose upon him major punishment of "Dismissal from service" with immediate effect. He is directed to deposit all the Govt. articles allotted to him to the concerned branches.

OB No. 356

Dated: 01/08/2022

(Zia-ud-Din Ahmed) PSP
District Police Officer
Lakki Marwat

No. 9838-41

Dated Lakki Marwat the

01/8 2022

Copy of above is submitted for favour of information to:-

1. The Regional Police Officer, Hannu Region, Hannu.
2. I.C. PO, OHC & Lanes Officer for necessary action

**OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT**

ORDER

My this order will dispose off the department enquiry proceedings against Head Constable Sami Ullah No. 616 while posted at Main Gate Judicial Complex Lakki Marwat was found to indulge in the following omissions commission as detail below:-

1. That on 25.06.2022 his negligence and not proper searching an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No. 206 dated 25.06.2022 U/s 302, 324 34 PPC PS Ghzni Khel.
2. This speaks his gross misconduct, inefficiency and lethargic conduct on his part and liable to be punished under Police Rules 1975.
3. In this regard, he was charge sheeted and enquiry was marked to DSP Hqrs Lakki Marwat for thorough probe into the allegations. The enquiry officer after conducting proper departmental enquiry submitted finding report dated thereon that he being present on duty showing negligence, carelessness and interpenibility, taking the pistol inside even after searching the accused form the main gate and killing his enmity on the front of ASI No. II has led to his failure, hence found guilty of the misconduct. He was served with Final Show Cause Notice to the effect. His reply to the final show cause notice was perused which was also found unsatisfactory. He was also called as Orderly Room or personnel hearing on 29.07.2022 where he offered no cogent reason to prove his innocent.
4. Therefore I Zia ud Din Ahmad PSP, District Police Officer, Lakki Marwat exercise of the powers vested in the under KPK Police Rules 1975 hereby impose upon him major punishment of "Dismissal from service" with immediate effect. He is directed to deposit all the Govt articles allotted to him to the concerned branches.

OB No. 356

Dated: 01.08.2022

Sd/-

Zia ud Din Ahmed PSP
District Police Officer
Lakki Marwat

No. 983841 dated Lakki Marwat the 01/08/2022

Copy of the above is submitted for favour of information;

1. The Regional Police Officer Bannu Region Bannu.
2. FC PO ___ Lines Officer for necessary action.

بخدمت جناب ریجنل پولیس آفیسر صاحب بنوں ریجن بنوں دام اقبال

عنوان:- درخواست، ایبل برخلاف آرڈر نمبر OB NO 356/ 01.08.2022 جاریہ جناب D.P.O صاحب کی مروت احوالی مروت۔

جناب عالی:- بحوالہ OB No 356/ 01.08.2022 جناب D.P.O صاحب کی مروت نے من مسائل کو پولیس فورس سے برخواست کرنے کا حکم صادر فرمایا ہے۔ (کاپی ہمراہ لفہ ہے) من مسائل اس سلسلے میں ذیل گزارشات عرض کرنا چاہتا ہے۔

- 1- مسائل مورخہ 14.05.2001 کو تکہ پولیس میں بطور کنٹینیل بھرتی ہوا تھا۔
- 2- مسائل سال 2015 کو عہدہ ہیڈ کنٹینیل ترقی یاب ہوا۔
- 3- بروز وقوعہ مورخہ 25.03.2022 کو مسائل جوڈیشل کمپلیکس کی مروت میں تعینات تھا۔ اور اپنی ڈیوٹی سیکورٹی جوڈیشل کمپلیکس پر موجود تھا۔ اور حسب حکم جناب سیشن جج صاحب کی مروت صبح 8:00 بجے سے تا عدالت اختتام تاہم اپنی ڈیوٹی پر موجود اور مصروف تھا۔ اس سلسلے میں CCTV کیمرے چیک کئے جاسکتے ہیں۔

- عدالت کے تاہم ختم ہونے کے بعد اگلے روز صبح 8:00 بجے تک پولیس گارڈ بمعدہ انچارج مین گیٹ اور دوسرے پوسٹوں پر تعینات ہوتے ہیں۔
- 4- من مسائل نے اپنی ڈیوٹی نہایت محنت اور جانفشانی سے انجام دی ہے۔ جو اشخاص واک تھرو گیٹ سے داخل ہو چکے ہیں کی باقاعدہ تلاشی لی گئی ہے۔
- 5- ماسوا دکلاء کے ذاتی گاڑیوں اور پولیس آفسران کے سرکاری گاڑیوں کو مین گیٹ سے داخلہ کی اجازت نہیں دی ہے۔ البتہ جوڈیشل کمپلیکس میں داخلہ کیلئے عینی جانب چند دوسرے راستے بھی موجود ہے۔

- 6- یہ امر بھی گزارش کرنا مناسب اور ضروری سمجھتا ہوں کہ وقوعہ ہذا سے قبل بچوں قسم کے دیگر وقوعات کمپلیکس کے اندر رونما ہو چکے ہیں۔
- 7- ڈیوٹی پر موجودہ سٹاف نے وقوعات کے تدارک کے خاطر ضروری احتیات اور تدابیر عمل میں لائے ہیں لیکن پھر بھی وقوعات رونما ہوئے۔
- 8- ان وقوعات کے دوران ڈیوٹی پر موجود سیکورٹی پر مامور اہلکاران کا بھی یہ یقین ہے کہ کمپلیکس کے اندر وقوعات رونما کرنے والے اشخاص اور وقوعہ میں استعمال ہونے والے اسلحہ دکلاء کے گاڑیوں سے کمپلیکس کے اندر داخل ہو چکے ہیں۔

- 9- کمپلیکس کے سیکورٹی ڈیوٹی پر متعین سٹاف نے ہر وقت یہ کوشش کی ہے کہ دکلاء کے گاڑیوں اور ان کے اندر سوار پرائیویٹ اشخاص کو تلاشی کے دائرے میں لایا جائے تاکہ کمپلیکس کے اندر وقوعات کا تدارک کیا جاسکے۔ لیکن بار کونسل کے چند ممبران کی ہٹ دھرمی اور اپنے آپ کو مافوق الفطرت تخلیق سمجھتے ہوئے عدلیہ اور انتظامیہ کیلئے مسائل کھڑے کرنے کے خوف کے باعث دکلاء کے گاڑیوں اور کالے شیشے والے گاڑیوں کی تلاشی اور ان گاڑیوں کے اندر موجود پرائیویٹ اشخاص کی تلاشی ممکن نہ ہو سکی۔

لہذا استدعا ہے کہ جناب D.P.O صاحب کی مروت کے آرڈر OB NO 356/ 01.08.2022 کو کالعدم فرمایا جاوے اور من مسائل کو مروت پر بوجہ جملہ حقوق بحال کرنے کے احکامات صادر فرمائے۔

العارض

سابقہ ہیڈ کنٹینیل سبج انسپکشن 616/HC متعین سیکورٹی جوڈیشل کمپلیکس کی مروت حال برخواست شدہ

موبائل نمبر- 03458116294

4554
14-9-22

ORDER:

This order will dispose of departmental appeal, preferred by [Name] of District Police Lakki Marwat, wherein he has prayed for setting aside the order of major punishment of "Dismissal from Service", imposed upon him by DPO Lakki Marwat vide OB No.356 dated 01.08.2022 on the following allegations:-

- That on 25.06.2022 the appellant while posted at main gate for security of Judicial Complex Lakki Marwat, his negligence and not proper body search an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No.206 dated 25.06.2022 u/s 302, 324, 34 PPC PS Ghazni Khel.

Comments. Service record and enquiry papers were received [Name] Lakki Marwat vide his office letter No.10278 EC, dated 19.08.2022. The DPO Lakki Marwat reported that the appellant was charge sheeted and enquiry papers were marked to DSP HCO Lakki Marwat for thorough probe into the allegations. The enquiry officer after conducting proper departmental enquiry submitted findings report stating therein that the appellant being present on duty showing negligence, carelessness and irresponsibility in taking the pistol from the accused. Resultantly, the accused killed his enemy in front of the court of ASJ No.II.Lakki hence found guilty of the charge. The appellant was served with Final Show Cause Notice by DPO-Lakki. His reply to the Final Show Cause Notice was found unsatisfactory. The appellant was heard in Orderly Room held by DPO-Lakki, but he failed to prove himself. Therefore, the DPO Lakki Marwat awarded him major punishment of "Dismissal from Service" vide O.B No.356 dated 01.08.2022. The appellant was also heard in person in orderly room held in RPO Office Bannu on 01.09.2022 in connection with the instant appeal. However, his plea has not been found convincing.

He failed to perform such an important duty and consequently a litigant was killed in front of the court of ASJ No.II Lakki. His conduct/delinquency has not only embarrassed the district police and earned a bad name for it but also resulted in the loss of a precious life. His attitude towards duty has thus been found to be extremely casual.

Therefore, I, Syed Ashfaq Anwar, PSP, Regional Police Officer, Bannu in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1973 (amended in 2014) hereby endorse the order of DPO Lakki Marwat vide his OB No.356 dated 01.08.2022. His appeal is rejected.

ORDER ANNOUNCED
OB No. 285
Dated: 12/09/2022

SAC
Per [Signature]

ORDER

My this order will dispose off the department enquiry proceedings against Head Constable Sami Ullah No. 616 while posted at Main Gate Judicial Complex Lakki Marwat was found to indulge in the following omissions commission as detail below:-

- That on 25.06.2022 his negligence and not proper searching an incident of murder took place in Judicial Complex Lakki Marwat vide FIR No. 206 dated 25.06.2022 U/s 302, 324 34 PPC PS Ghzni Khel.

Comments service record and enquiry papers were received (sic) Marwat vide his office letter No. 10278 EC, dated 19.08.2022. The DPO Lakki Marwat reported that the appellant was charge sheeted and inquiry papers were marked to DSP HQ, Lakki Marwat for thorough probe into the allegations. The enquiry officer after conducting proper departmental inquiry submitted findings report stating therein that the appellant being present on duty showing negligence, carelessness and irresponsibility in taking the pistol from the accused resultantly, the accused killed his enemy in front of the court of ASI No. II Lakki hence found guilty of the charge. The appellant was served with Final Show Cause Notice to this effect but he failed to prove (sic), therefore the DPO Lakki Marwat awarded him major punishment of Dismissal from service vide O.B No. 356 dated 01.08.2022. The appellant was also heard in person in orderly (sic) in RPO Office Bannu on 01.09.2022 in connection with the instant appeal. However, his plea has not been found convincing.

He failed to perform such an important duty and consequently a litigant was killed in front of the court of ASJ No. II Lakki. His conduct / delinquency has not only embarrassed the district police and earned bad name for it but also resulted in the loss of precious life. His attitude towards duty has thus been found to be extremely casual.

Therefore I Syed Ashfaq Anwar, PSP, Regional Police Officer, Lakki Marwat exercise of the powers vested in the under KPK Police Rules 1973 (amended in 2014) hereby endorse the order of DPO Lakki Marwat vide his OB No. 356 dated 01.08.2022. His appeal is rejected.

ORDER ANNOUNCED

OB No. 285
Dated: 12/09/2022

WAKALATNAMA
(POWER OF ATTORNEY)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Sami Ullah (HC)

(Petitioner)
(Plaintiff)
(Applicant)
(Appellant) ✓
(Complainant)
(Decree Holder)

V E R S U S

Police Department

(Respondent) ✓
(Defendant)
(Accused)
(Judgment Debtor)

I/We Sami Ullah Head Constable

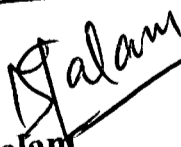
noted Service Appeal in the above
Mansoor Salam, Advocate, High Court, Peshawar, to appear, plead, act,
compromise, withdraw or refer to arbitration for me/us as my/our Counsels in the
above noted matter, without any liability for their default and with the authority to
engage/appoint any other Advocate/Counsel at my/our matter.

I/We authorize the said Advocate(s) to withdraw and receive on my/our behalf all
sums and amounts payable or deposited in my/our account in the above noted
matter.

The said advocate(s) is/are not liable / responsible for any act done in good
intention.


CLIENT(S)

Accepted & Attested


Mansoor Salam
&

Taimoor Khan
Advocates, High Court,
Cell No: 0333-9730452