

10.05.2022

Appellant present through counsel.

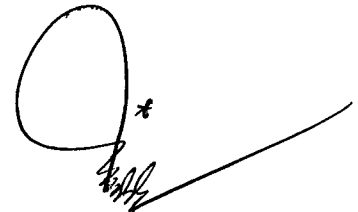
He requested for adjournment in order to prepare the brief. Adjourned. To come up for preliminary hearing on 13.07.2022 before S.B.



(Rozina Rehman)  
Member (J)

13.07.2022

Mr. Yasir Saleem, Advocate present and submitted Wakalatnama on behalf of the appellant, which is placed on file. Being freshly engaged, learned counsel for the appellant requested for adjournment. Adjourned. To come up for preliminary hearing on 13.09.2022 before S.B.



(MIAN MUHAMMAD)  
MEMBER (E)

21.10.2021

Mr. Adnan Bacha, Advocate present and submitted fresh Wakalatnama on behalf of the appellant.

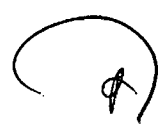
Learned counsel for the appellant seeks adjournment on the ground that he has freshly been engaged and could not prepare the brief. Adjourned. To come up for preliminary hearing before the S.B on 23.12.2021.

  
(MIAN MUHAMMAD)  
MEMBER (E)

23.12.2021


Haneef Bacha Advocate junior to counsel for appellant present.

He made a request for adjournment as senior counsel is indisposed. Request is accorded. To come up for preliminary hearing on 15.12.2022 before S.B.

  
(Rozina Rehman)  
Member (J)

15.02.2022

Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 10.05.2022. for the same as before.




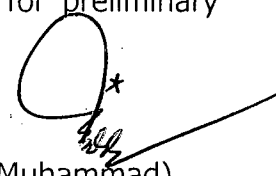
  
Reader

Form- A

FORM OF ORDER SHEET

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

Case No. - 3440 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/03/2021	<p>The appeal of Mr. Jawad Ali resubmitted today by Mr. Asad Safi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 02/03/2021</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/05/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
24.05.2021		<p>Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.09.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>
07.09.2021		<p>Appellant present in person and requested for adjournment as his learned counsel is not in attendance today. Request is accepted. To come up for preliminary hearing on 21.10.2021 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member(E)</p>

The appeal of Mr. Jawad Ali No. 29 Ex-Special Officer at District Police Mardan received today i.e. on 01/03/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Appeal has not been flagged/marked annexures marks.
- ③ Annexures of the appeal may be attested.
- 4- Copy of departmental appeal and show cause notice mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 5- Page no.9 and 11 of the appeal are illegible which may be replaced by legible/better one.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.


No. 408 /S.T,

Dt. 01/03 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Asad Safi Adv. Pesh.

Resubmitt of compliance of the above  
Deficiency.

  
08/03/2021

BEFORE THE CHAIRMAN HONOURABLE COURT SERVICE

TRIBUNAL K.P.K PESHAWAR

3940/21

JAWAD ALI.....(Appellant)


VERSUS

IGP KPK & Others.....(Respondents)

S.No	Description of documents	Pages
1.	Memo of Appeal.	01 to 05
2.	Affidavit.	06
3.	Application for condonation of delay	07 to 08
4.	Appointment order and his bitter copy is annexure "A"	09 to 10
5.	Copy of fir and his bitter copy is annexure "B"	11 to 12
6.	Charge sheet is annexure "C"	13
7.	Inquiry report and his bitter copy is annexure "D"	14 to 15
8.	Dismissal order of DPO dated 29-12-2016 is annexure "E"	16
9.	Judgement of Addittional Session judge-iv Mardan is annexure "F"	17 to 19
10.	Appeal to DIG Mardan dated 05-10-2020 is annexure "G"	20

Dated: 08-03-2021

  
**ASAD SAFI**  
ADVOCATE HIGH COURT  
AT BAR MARDAN

THROUGH COUNSEL  
  
**ASAD SAFI ADVOCATE**  
**HIGH COURT AT BAR MARDAN.**

**BEFORE THE CHAIRMAN HONOURABLE COURT SERVICE TRIBUNAL**

**K.P.K PESHAWAR**

Jawad Ali No.29 Ex-special Police Officer at District Police  
Mardan.....(Appellant)

**Versus**

1. Inspector General of Police, K.P.K Peshawar.
2. Deputy Inspector General of Police Mardan Region-1, Mardan.
3. District Police Officer District, Mardan.....(Respondents)

**SERVICE APPEAL UNDER SERVICE TRIBUNAL ACT 1973,  
FINAL APPEAL AGAINST APPLICATION DATED 05-10-2020  
TO THE RESPONDENT NO 2 AGAINST THE ORDER OF  
RESPONDENT NO 3 DATED 29-12-2016 VIDE WHICH THE  
APPELLANT WAS DISMISSED FROM SERVICE , WHICH IS  
LEGALLY AGAINST THE FACT AND IS TO BE DECLARED NULL  
AND VOID .**

**PRAYER IN APPEAL**

**THAT ON ACCEPTANCE OF THIS APPEAL THE ORDER OF  
RESPONDENT NO 3 DATED 29-12-2016 MAY KINDLY BE SET  
ASIDE AND THE APPELLANT BE REINSTATED IN SERVICE  
WITH ALL BACK BENEFITS, AND ANY OTHER REMEDY DEEM**

**FIT IN THE CIRCUMSTANCES OF THE APPEAL MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.**

**RESPECTFULLY SHEWETH:**

The appellant submits as under:

1. That the appellant was appointed as special police officer in district mardan on dated 17-03-2014,(copy order and his bitter copy is annexure "A")
2. That the appellant was posted special police officer at police lines,mardan was departmentally proceeded on the allegation that, he while posted at police lines, mardan charged in case vide FIR no 389 dated 07.11.2014 U/S 324/337-f(v)/337-l(ii)/34 PPC Rustam.(Copy of FIR and his bitter copy annexure "B")
3. That the appellant was charged sheeted under k.p.k police rules 1975. (charge sheet is annexure "C")
4. That the departmental inquiry was carried out by Mr. sajjad ahmad khan DSP/Takht Bhai, mardan and after his finding the inquiry officer suggested that the inquiry against the appellant may keep be pending till the decision of the court.(inquiry Report and his bitter copy is annexure "D")
5. That no final show cause notice was given by the undersigned which is mandatory under K.P.K police rules 1975.
6. That subsequently, district police officer, mardan awarded the major punishment.of dismissal form service. (order is annexure "E")

7. That on dated 04-10-2019 the additional session judge-IV mardan as declared the appellant innocent and acquitted the appellant vide case FIR no 389, dated 07-11-2014 U/S 324/337-f(v)/337-l(ii)/34 PPC of police station rustam.(copy of judgment is annexure "F")
8. That the appellant then preferred an appeal to the deputy inspector general of police mardan region-1, mardan on dated 05-10-2020. (copy of application is annexure "G")
9. That orders passed by respondent no 3 dated 29-12-2016 and no order passed by Respondent no 2 on application dated 05-10-2020 are not maintainable under the law inter-alia with following ground and other ground will be raised at the time of arguments with the permission of this honourable court.

**GROUNDS:**

- a) That the order of respondent no 3 dated 29-12-2016 and no order passed by respondent no 2 on application dated 05-10-2020 of the appellant are arbitrary void and unlawful in the eye of law .
- b) That the allegation leveled against appellant are without proof and baseless.
- c) That Mr. Sajjad Ahmad khan DSP/Takht Bhai, Mardan and after his finding the inquiry officer suggested that the inquiry against the appellant may keep be pending till the decision of the court.
- d) That the learned Additional Session Judge-IV Mardan declared the appellant is innocent and acquitted appellant form charge leveled against him.



- e) That the findings of the respondents no 3 are suffering form serious mis construction of facts and circumstances and misconception of law as law on the subject has not been applied and appreciated in its true perspective.
- f) That the respondents no 2 and 3 has condemned the appellant unheard without considering his stance properly resulted in infringement of his valuable right and violation of established principles of law.
- g) That the respondent NO 2 and 3 has conducted misreading and non reading of the records and dismissed the appellant form service.
- h) That the whole departmental inquiry has been conducted in stero-type manner and no evidence has been brought during the inquiry to eastablished the charges
- i) That the statement recorded by the inquiry officer are not on oath and therefore it can not be considered under the law
- j) That the punishment awarded to the appellant is harsh and severe and awarded major punishment to the appellant without any reasonable ground.
- k) That the appellant may kindly be given an opportunity to agitate any other ground during the course of arguments if not specifically stated/mentioned in the memo of the appeal.

**It is therefore, prayed:**


- a) That on acceptance of this appeal the order dated 29-12-2016 may kindly be set aside and appellant be reinstated with all back benefits in greater interest of justice .

(5)


b) That any other remedy deemed fit in the circumstances of the appeal may kindly be awarded in favour of the appellant.

Dated:08-03-2021

Appellant



Through counsel.

  
**ASAD SAFI**  
ADVOCATE HIGH CO'URT  
AT BAR MARDAN

ASAD SAFI ADVOCATE

HIGH COURT AT BAR MARDAN.

BEFORE THE CHAIRMAN HONOURABLE COURT SERVICE TRIBUNAL

K.P.K PESHAWAR

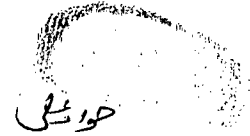
Jawad Ali No.29 Ex-special Police Officer at District Police  
Mardan.....(Appellant)

**Versus**

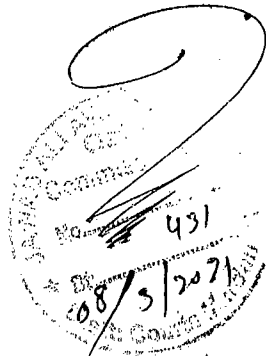
4. Inspector General of Police, K.P.K Peshawar. \*
5. Deputy Inspector General of Police Mardan Region-1, Mardan.
6. District Police Officer District, Mardan.....(Respondents)

**AFFIDAVIT**

I, Jawad Ali No.29 Ex-special Police Officer at District Police Mardan ,do hereby solemnly affirms and declare that the contents of the appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.



Deponent



BEFORE THE CHAIRMAN HONOURABLE COURT SERVICE

TRIBUNAL K.P.K PESHAWAR.

JAWAD ALI.....(Appellant)

VERSUS

IGP KPK & Others.....(Respondents)

APPLICATION FOR CONDONATION OF DELAY IN FILING OF  
SERVICE APPEAL.

Respectfully sheweth:

The Appellant submits as:

- 1) That the above service appeal is being filed with delay.
- 2) That the appellant filed appeal to the DIG Mardan on dated 05-10-2020 wherein no notice for inter appearance was issued to the appellant that why the appellant got no knowledge about that departmental appeal.
- 3) That the order of the learned DPO Mardan is violative of provision of law and ground of appeal may be consider as part of this application.
- 4) That the order of DPO is illegal ,void ab-initio, ultra-vires, without jurisdiction (with respect) and limitation does not run against void order
- 5) That the subject case was delayed due to fact that the appellant was misled by official of the department in computing the prescribed period of limitation.
- 6) That the delay in filling the appeal is not intentional but on account of above reasons.

PRAYER:

It is therefore humbly prayed that by condoning the delay the appeal may graciously be decided on merits to meet the end of justice.

Dated: 08/03/2021

Appellant



Through Counsel

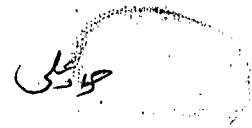


**ASAD SAFI**  
ADVOCATE HIGH COURT  
AT BAR MARDAN

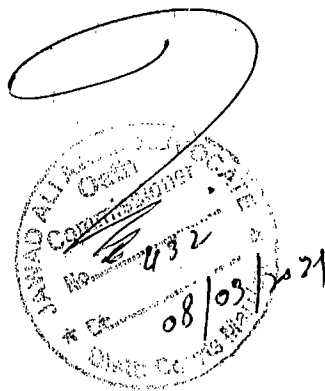
ASAD SAFI ADVOCATE,

HIGH COURT AT BAR MARDAN.

**AFFIDAVIT:** I, Jawad Ali no 29 Ex special police officer at District Mardan ,do hereby solemnly affirm on oath that the above content of condonation of delay application are true and correct to the best of my knowledge and nothing has been kept hidden from this honorable court.



(Deponent)



# Annexure "A"

(9)

## ORDER

The following persons are notified as enlisted persons

111/FD/67.01.2014 dated 17.03.2014 subject to medical fitness.

Sl. No.	Enlisted Name	Father Name	Resident	Allotted Number
		Musa Khail Toru		01/SPFC
	Dawa Jan	Toru		02/SPFC
	Gulab shah	Saifur Abad		03/SPFC
	Hakim Khan	Mohallah Mian Muhib shah TBI		04/SPFC
	Sahib jan	Khan Qila Pir Saddi		05/SPFC
	M. Israr	Bala Gari		06/SPFC
	Raj wali	Toru		07/SPFC
	Gulab Shah	Nesata Road Mardan		08/SPFC
	Ghulam Abass	Islam abad corona TBI		09/SPFC
	Khan Bahadur	Mirwas Kali Mardan		10/SPFC
	Ghulam Mohammad	Builder Hail Gumbhat		11/SPFC
	Mohammad Ayub	Koragh		12/SPFC
	Hameesh Gul	Khitab Abad Bala Gari		13/SPFC
	Rasool Khan	Nesata Road Bijli ghar Mardan		14/SPFC
	Ghulam Mohammad	Qamargi Rustam		15/SPFC
	Fahad Ali	Nawa Kali Toru		16/SPFC
	Ghulab Shah	Bala Gari Akhtar Abad		17/SPFC
	Mohammad Arif	Maho Dheri		18/SPFC
	Saced Ullah	Seray Galyara		19/SPFC
	Minhaj	Badrago Banda Lund Khwar		20/SPFC
	Mumtaz Ali	Gani Cho Mayar		21/SPFC
	Khoshal Khan	Machi Rustam		22/SPFC
	Nabat Khan	Qamar Abad Rustam		23/SPFC
	Dilrooz	Pipal Mahallah Rustam		24/SPFC
	Muhsin Shah	Taja Machi		25/SPFC
	Nazeer Moharamad	Hathyan		26/SPFC
	Gul Zada	Taja Rustam		27/SPFC
	Noor ul Amin	Nihar kinara Bank Road Pir yaqoob shah kali		28/SPFC
	Mohammad Iemal	Qamar abad Nawan kali Rustam		29/SPFC
	Abdul Ghayas	Meraj Colony TBI		30/SPFC
	Shafi urahman	Gujrat		31/SPFC
	Mahmood	Akbar Abad Mardan		32/SPFC
	Zareen	Nawan kali toru		33/SPFC
	Sher Bahadar	Fazal Abad		34/SPFC
	Khan Raziq	Ghala Dheri Mardan		35/SPFC
	Abdul Ghani	Kinal road Mistri Abad		36/SPFC
	Jan Muhammad	Mayar		37/SPFC
	Khan Saic	Sangao		38/SPFC
	Abdul Qadir	Hanjar Saddar		39/SPFC
	Haleem Gui	Dagger Kalli Par Hoti		40/SPFC
	Quadrat Ullah			

(District Police Officer)  
Mardan

BETTER COPY OF PAGE NO. 6

The Following persons are hereby enlisted as special police officer in Mardan district police vide Govt of KPK finance letter order No. BO-111/FD/07/0/2014 dated 17/03/2014 subject to medical fitness.

S.No.	Name	Father name	Resident	Allotted number
1	Safi ullah	Dawa jan	Musa Khel toru	01/2 SPFC
2	Wahid Shah	Gulab Shah	Toru	02/ SPFC
3	Faraz bilal	Hakim Khan	Saifur Abad	03/SPFC
4	Shahinam	Sahib jan	Mohallah Mian Muhib Shah TBI	04/ SPFC
5	Zawar Ali	M israr	Khan Qila pir saddi	05/ SPFC
6	Jamal shah	Raj wali	Bala Garhi	6/ SPFC
7	Zulkifal	Gulab shah	Toru	7/ SPFC
8	Zeeshan	Ghulam Abbas	Nisata road Mirwas	8/ SPFC
9	Khalil ullah	Khan Bahadar	Islamabad Corona TBI	9/ SPFC
10	Imran	Ghulam Muhammad	Mirwas Kali Mardan	10/ SPFC
11	Gohar Ayub	Muhammad Ayub	Buildet Hail Gumbat	11/ SPFC
12	Nabi gul	Hamesh Gul	Koragh	12/ SPFC
13	Sameer khan	Rasool khan	Khitab Abad Bala Garhi	13/ SPFC
14	Ismail khan	Ghalami Muhammad	Nisata Road Bijli ghar	14/ SPFC
15	irtaza A;o	Farhad ali	Qamargai Rustam	15/ SPFC
16	Asad Ullah	Gulab shah	Nawa Kali Toru	16/ SPFC
17	Muhammad Asir	Muhammad Zahid	Bala Garhi Akhtar Abad	17/ SPFC
18	M. Ibrar	Saeed Ullah	Maho Dheri	18/ SPFC
19	Shaukat hussain	Minhaj	Seray Galyara	19/ SPFC
21	Imad ali	Mumtaz Ali	Badrago Banda Lund khwar	20/ SPFC
2	Inam khan	Khoshal khan	Gani Cho Mayar	21/ SPFC
22	Nadir khan	Nobat Khan	Mechi rustam	22/ SPFC
22	Muhammad tariq	Dilrooz	Qamar Abad Rustam	23/ SPFC
24	Tahir ali shah	Muhsin shah	Papal mahallah Rustam	24/ SPFC
25	Haris	Nazeer Muhamamd	Taja Mechi	29/ SPFC
26	Hazrat Bilal	Gul Zada	Hatyan	26/ SPFC
27	Hair ul Amin	Noor ul Amin	Taja Rustam	27/ SPFC
28	Mohammad Reshad	Muhammad Ismail	Nehar Kinara BankQamar Abad Nawan kili Rustam	28/ SPFC
29	Jawad Ali	Abdul Ghayas	Qamar abad Nawan Kili Rustam	29/ SPFC
30	Naveed ur Rehman	Safi ur rehman	Miraj Colony TBI	30/ SPFC
31	Niaz Ali	Mahmoød	Akhtar Abad Mardan	31/ SPFC
32	Abdul Hameed	Zareen	Nawan Kili toru	32/ SPFC
33	Ali Bahadar	Sher Bahadar	Fazal Abad	33/ SPFC
34	Shahab Ali	Khan Raziq	Ghala Dheri Mardan	34/ SPFC
35	Hameed ullah	Abdul Ghani	Kinal Road Misri Abad	35/ SPFC
36	Rooh ullah	Jan Muhammad	Mayar	36/ SPFC
37	Muhammad bilal	Khan Said	SAngaoo	37/ SPFC
38	Shahab Husain	Abdul Qadir	Hanjar	38/ SPFC
39	Haneem ullah	Haleem Gul	Dagar Kili	39/ SPFC
40	Shabab Hussain	Qudrat ullah	hanjar	40/ SPFC
	I			SPFC

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت قابل دست اندازی پولیس رپورٹ شدہ زبرد فوجہ ۱۵۳ مجموعہ ضابطہ فوجداری

تاریخ وقت رپورٹ	۱۱/۱۱/۱۹۳۵	وقت	۱۷:۴۵
تاریخ وقت وقوع	۱۱/۱۱/۳۵	وقت	۱۷:۴۵
تاریخ وقت رپورٹ	۱۱/۱۱/۳۵	وقت	۱۹:۳۰
نام و سکونت اطلاع دہندہ مستقیم	ملاک مسکن شاہ ۵۱/۱۱/۳۵		
مختصر کیفیت جرم (مووقعہ) حال اگر کچھ لیا گیا ہو۔	۳۴		
جائے وقوعہ فاصلہ ٹھکانہ سے اور سمت	محلہ چنگان ایزان ایزان علی واقعہ قہر آباد لوان علی		
نام و سکونت ملزم	آریاز علی راجہ جواد علی سیران عبدالحمیدات قہر آباد لوان علی رقی ایک شخص اسم مستتر		
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو بیان کرو	سیران علی راجہ جواد علی سیران عبدالحمیدات قہر آباد لوان علی		
ٹھکانہ سے روانگی کی تاریخ و وقت	۱۱/۱۱/۳۵		

ابتدائی اطلاع مندرجہ ذیل کی رپورٹ مندرجہ ذیل کے مطابق ہے۔

ملاک مسکن شاہ ۵۱/۱۱/۳۵ قہر آباد لوان علی کے مکان پر ۱۱/۱۱/۳۵ کو ۱۷:۴۵ بجے ایک شخص نام مستتر نے آریاز علی راجہ جواد علی سیران عبدالحمیدات قہر آباد لوان علی کے مکان پر حملہ کیا۔ اس شخص نے آریاز علی راجہ جواد علی سیران عبدالحمیدات قہر آباد لوان علی کو ہتھیاروں سے لڑایا اور انہیں زخمی کر دیا۔ اس شخص نے آریاز علی راجہ جواد علی سیران عبدالحمیدات قہر آباد لوان علی کو ہتھیاروں سے لڑایا اور انہیں زخمی کر دیا۔ اس شخص نے آریاز علی راجہ جواد علی سیران عبدالحمیدات قہر آباد لوان علی کو ہتھیاروں سے لڑایا اور انہیں زخمی کر دیا۔

اس شخص نے آریاز علی راجہ جواد علی سیران عبدالحمیدات قہر آباد لوان علی کو ہتھیاروں سے لڑایا اور انہیں زخمی کر دیا۔ اس شخص نے آریاز علی راجہ جواد علی سیران عبدالحمیدات قہر آباد لوان علی کو ہتھیاروں سے لڑایا اور انہیں زخمی کر دیا۔ اس شخص نے آریاز علی راجہ جواد علی سیران عبدالحمیدات قہر آباد لوان علی کو ہتھیاروں سے لڑایا اور انہیں زخمی کر دیا۔

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Better copy of Annexure "B" ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ ضابطہ فوجداری

ضلع مردان

تھانہ رستم

علت نمبر 389

تاریخ 01/11/2014 وقت 17:45

1	تاریخ رپورٹ 01/11/2014 وقت 19:30	چاکیڈگی پرچہ 07/11/14 وقت 15:00 بجے
2	نام و سکونت اطلاع دہندہ، مستغیث	ظاہر شاہ ولد رضا خان قوم افغان بمر 52/53 سال ساکن قمر آباد نواں کلی
	مختصر کیفیت جرم (معد دفعہ حال اگر کچھ لیا گیا ہو)	ppc-337 f(i), 337 L (2)/34
3	جائے وقوعہ فاصلہ تھانہ سے اور سمت	عقب مکان ازاں آیاز علی واقع قمر آباد نواں کلی
5	نام سکونت ملزم	آیاز علی، جو اد علی پسران عبدالغیاث قمر آباد نواں کلی، ایک شخص اس، مسکن نام معلوم
6	کاروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	برسیدگی رائے DPP صاحب مندرجہ رجسٹر کی جاتی ہے
7	تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل ڈاک

ابتدائی اطلاع نیچے درج کرو

مستغیث مندرجہ خان نمبر 2 کی رپورٹ بمنزلہ اندراج روز نامہ درج کیا جا کر بحوالہ مد 10 روز نامہ 01/11/14 درج کر کے مجروحین میں ظاہر شاہ، اسرار علی شاہ کو بذریعہ نقشہ ضرر بوجہ نہ ہونے تشخیص زخماں ہسپتال رستم بھیجوائے جا کر ظاہر شاہ کی نقشہ ضرر پر ڈاکٹر صاحب ہسپتال رستم Grievoct اور اسرار علی شاہ کی نقشہ ضرر پر Simple Fire Arm تحریر کر کے بمعہ نقلہ بغرض حصول قانونی رائے جناب DPP صاحب مردان بھیجوا یا جا کر بعد حصول رائے جناب DPP صاحب مردان ملزمان بالا کے خلاف بجرم بالا مقدمہ درج رجسٹر کیا جاتا ہے، نقول FIR معہ نقلہ، نقشہ ضرر بمبراف تفتیش حوالہ شعبہ تفتیش کئے جاتے ہیں مقدمہ لہذا مقدمہ علت 372 محررہ 01/11/2014 جرم ppc 324/114/34 تھانہ رستم کا بالمقابل ہے، پرچہ گزارش ہے،

نقل مذیل ہے۔ مد نمبر 10 رپورٹ محمد زمان خان SI وقت 20:30 مورخہ 01/11/2014 اس وقت ایک تحریری رپورٹ بمنزلہ اندراج روز نامہ مخانب جاوید اقبال ASI سے بدست کنسٹیبل تیمور 2892 موصول ہو کر ذیل ہے، رپورٹ بمنزلہ اندراج روز نامہ تاریخ وقت وقوعہ بخدمت آفیسر انچارج تھانہ رستم، حسب اطلاع میں معہ نفری پولیس مکان ازاں ظاہر شاہ ولد رضا خان ساکن قمر آباد کر ظاہر شاہ ولد رضا خان قوم افغان بمر 52/53 سال سکنت قمر آباد نواں کلی رستم بوقت 19:30 کو بمورخہ 01/11/14 بمعہ ہمراہی برادر اش اسرار علی شاہ اہ بحالت مجروحیت پیش ہو کر رپورٹ کتا ہے کہ آیاز علی وغیر کے ساتھ دلہدی ہے، جو کہ مورخہ 31/10/14 کو آیاز علی نے جو اد علی برادر اش کے ذریعہ اطلاع دی کہ ہمارے مکان کے عقب دیوار کے ساتھ اسرار علی شاہ کا بجلی کا سروس تار گزر گیا ہے، اسکو ہٹا دیں، دوبارہ اعجاز ولد سید ولی شاہ بھتیجا اش بمر 10 سال اور طفلکہ اس لائے بمر 7/8 سال جو اس کے قریب مدرسہ میں دینی علم کرتے ہے کو دوبارہ جو اد علی نے اطلاع دی کہ اگر شاہ تک تاریخ نہیں ہٹایا تو اسکو ہم کاٹ دیں گے، شام ویلہ پڑوس کے بچوں کو ہمراہ کر کے سروس تار کو لڑکوں کے ذریعے ہتار ہتا رہا تھا، اس دوران آیاز علی، جو اد پسران عبدالغیاث اور ایک شخص اس و مسکن نام معلوم جو چھوٹی داڑھی رکھی ہوئی تھی مسلح آکر ہم پر حملہ آور ہوئے، آیاز علی مسلح بہ کلاشکوف ہتا جبکہ جو اد اور دوسرا شخص مسلح بہ پستول تھے، آیاز علی نے مجھ پر بندوق کی بٹ سے گزرات کر کے مجھے گرایا اور ساتھ ہی ہرتین کسان نے ہم پر فائرنگ کی جو برادر ام فائرنگ کے شغلوں کے زد میں آکر دایاں ہاتھ جھلس گیا، ساتھ ہی ہر سہ

لوگ، انکے رشتہ داران نے ہمارے مکانات کا محاصرہ کیا مگر آپ پولیس کے اندر پروہ نامعلوم کسان موقع سے فرار ہوئے، میں اپنے مجروحیت اور برادر اہم کے مجروحیت کا برخلاف ایاس علی، جو ادعلی پسران عبدالغیاث ساکنان قمر اباد نواں کلی اور تیسرا شخص اس، مسکن نامعلوم جو سامنے آنے پر شناخت چھٹی کریں گے، دعویٰ دار ہوں، وجہ عناد ایاز علی وغیر کے ساتھ ہمارا سابقہ دلبدی ہے العبد دستخط اسرار علی شاہ ولد رضا خان قوم افغان بھمر 45/46 سال سکندہ دیہہ نے رپورٹ بالا کی تائید کی العبد دستخط، کاروائی پولیس حسب گفتہ سائل رپورٹ درج بالا ہو کر پڑھ کر سنایا سمجھایا گیا، درست تسلیم کر کے زیر رپورٹ خود دستخط مثبت کی، اسرار علی شاہ برادر اش نے رپورٹ بالا کی تائید کی، جس نے دستخط مثبت کی اور مجروحین کے نقشہ ضرر ہائے بوجہ نہ ہونے تشخیص زحمت مرتب کر کے بغرض علاج منانجہ، رائے ڈاکٹری زیر حفاظت کنسٹبل عاطف جمال 2364 سول ہسپتال رستم بھاری نفری کی زیر حفاظت بھیجوائے جاتے ہیں، رائے ڈاکٹری کے آنے پر جیسی بھی صورت ہوئی کاروائی عمل میں لائی جائیگی۔

Annexure "C"

(13)

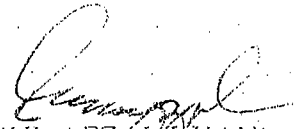
CHARGE SHEET UNDER NWFP POLICE RULES 1975

I, Gul Afzal Khan District Police Officer, Mardan as competent authority hereby charge you Constable Jawad Ali No. 29 (Special Force), as follows.

That you Constable, posted at Police Lines, posted at Police Lines, is involved in case vide FIR No. 389 dated 07.11.2014 u/s 324/337F(v)/337L(ii)/34 PPC PS Rustam.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the NWFP Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 62 (ii) of the NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense **within seven days** of the receipt of this charge sheet to the enquiry officer.
3. Your written defence 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.
4. Intimate whether you desired to be heard in persons.

  
(GUL AFZAL KHAN)  
District Police Officer,  
Mardan

INQUIRY REPORT AGAINST CONSTABLE JAWAD ALI NO. 29ALLEGATION:-

Constable Jawad Ali No. 29 (Special Force) while posted at Police Line involved in case FIR No. 389 dated 07.11.2014 U/s 324/337F(v)/337L(ii)/34 PPC PS Rustam. He was recommended for departmental action by Head of Investigation Mardan vide his office letter No.5423/GB/Inv: dated 13.11.2014. Charge sheet with statement of allegation were issued and served upon the alleged official and the inquiry was entrusted to the undersigned through Worthy DPO Mardan.

PROCEEDINGS:-

Inquiry proceedings were initiated. The accused constable was summoned and copy of the charge sheet and statement of allegation were delivered to him. Besides copies of FIR and court orders were requisitioned from PS Rustam and placed on inquiry file.

The official was heard in person and was given opportunity of self defense. The defaulter constable submitted his reply to the charge sheet in the stipulated time and disclosed in his written statement that on 01.11.2014 some persons namely Zahir Shah, Israr etc (mentioned in FIR) opened fire on his brother Ayaz who was injured by the fire. His brother was taken to Mardan Medical Complex for treatment. The Doctors referred him from Mardan medical Complex to LRH Peshawar. He lodged an FIR No. 172 dated 01.11.2014 U/s 324/34/114 PPC PS Rustam against Zahir Shah, Israr Ali Ss/ Raza Khan, Shahab S/o Israr Ali. He stated that he is the only careraker of his family. He was present with his brother in LRH Peshawar during treatment. On 01.11.14 Zahir Shah reported in the Police Station Rustam vide DD No.10 dated 01.11.2014 later on by DPP opinion an FIR No. 389 dated 07.11.2014 U/s 324/337(F5)/337L(2) PPC PS Rustam was registered against him and his brother. After completion of medical treatment of his brother he Seek his post-arrest bail on 11.02.15 in the court of Rozina Rehman S.J-VI Mardan and the case is under trial in the court. In this case an Inquiry Report against ASI Ayaz (Jawad's brother) was completed by the RI Police Line/Inquiry Officer which is attached herewith.

FINDINGS:-

- Keeping in view the above facts and circumstances. It is suggested that the inquiry against the constable Jawad Ali No.29 may keep be pending till the decision of the court.

No. 3355 /SMT  
Date: 8-7-2015

E = (32)

(Sajjad Ahmed)

Deputy Superintendent of Police,  
S.M.T-Circle.

Better copy of Annexure "D"

Inquiry report against constable jawad Ali No.29

ALLIGATION:-

Constable Jawad Ali NO.29 Special Force while posted at police Line involved in case FIR No.389 dated 07/11/2014 U/S 324/337 F-v/337 L-ii/34-ppc P.S Rustam. He was recommended for departmental action by Head investigation Mardan vide his office letter No.5423/GB/inv; dated 23/11/2014 charge sheet with statement of allegation were issued and served upon the alleged official and the inquiry was entrusted to the undersigned thoroughly worthy DPO Mardan

Proceedings;

inquiry proceedings were initiated. The accused constable was summoned and copy of the charge sheet and statement of allegation were delivered to him. Besides copies of FIR and court orders were requisitioned from PS Rustam and placed on inquiry file.

The official was heard in person and was given opportunity of self defense time and disclosed in his written statement that on 01/11/2014, some persons namely Zahir Shah, Israr etc mentioned in FIR opened fire on his brother Ayaz who injured by the fire. His brother was taken to Mardan Medical Complex for treatment. The doctor referred him from Mardan medical complex to LRH Peshawar, he lodged an FIR No.372 dated 01/11/2014 under section 324/34/114 ppc PS Rustam against Zahir Shah, Israr Ali sons of Raza Kha, Shahab son of Israr Ali. He alleged that he is the only caretaker of his family. He was present with his brother in LRH Peshawar during treatment on 01/11/2014, Zahir Shah reported in the police station Rustam vide DD No.10 dated 01/11/2014 later on by DPP opinion an FIR No.389 dated 07/11/2014 under section 324/337 F v/337 F ii PPC PS Rustam was registered against him and his brother. After completion of medical treatment of his brother he seek his post arrest bail on 11/02/2015 in the court of Rozina Rehman ASJ-vi Mardan and the case is under trial in the court. In this case, an inquiry against ASI Ayaz Jawad's brother's was completed by the RI Police line inquiry officer which is attached herewith.

Keeping in view, the above facts and circumstances. It is suggested that the inquiry against the constable Jawad Ali No.29 may keep be pending till the decision of the court.

No.355 / SMT

Date 08/07/2015

SAjjad Ahmad

Deputy Superintendent of Police

S.M.T Circle.

ORDER

Annexure "E"

This order will dispose of departmental inquiry, which has been conducted against Constable Jawad Ali No. 29/ SPO, on the allegation that, he while posted at Lines, Mardan charged in case vide FIR No. 389 dated 07.11.2014 u/s 324/337-F(V)/307-1 (II) of P.O. PS Rustam. He was recommended for departmental action by SP/Investigation, Mardan vide his office Letter No. 5423/GB/Inv: dated 13.11.2014. His attitude adversely reflected on his performance which is an indiscipline act and gross misconduct on his part as defined in rule 2(a) of Police Rules 1975.

In this connection, Constable Jawad Ali No. 29/ SPO, was charge sheeted vide this office No. 760/R, dated 17.11.2014, and also proceeded against departmentally through Mr. Sajjad Ahmed Khan DSP/Takht Bhai, Mardan, who after fulfilling necessary process submitted his findings to the undersigned vide his office endorsement No. 3554/1 dated 03.07.2015, as the allegation have been established against him and recommended to keep pending his enquiry till the court decision.

After going through the enquiry file, the undersigned reached to the conclusion that the alleged Constable Jawad Ali No. 29/ SPO, is hereby awarded order of dismissal from service, with immediate effect in exercise of the power conferred on me under the above quoted rules.

Order announced  
O.B No. 3132  
Dated 12/01/2016.

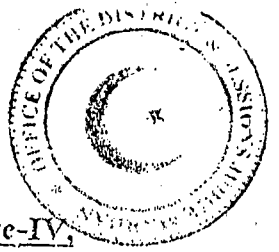
  
(Dr. Mian Saeed Ahmad) DSP  
District Police Officer  
Mardan

No. 459 dated Mardan the 02/01/2016.

- Copy for information and necessary action to:-
- 1. The Deputy Inspector General of Police, Mardan Region-1, Mardan.
- 2. The Sp Investigation, Mardan.
- 3. The S.P Operations, Mardan.
- 4. The DSP/Takht Bhai, Mardan.
- 5. The E.C (DPO) Mardan.
- 6. The Pay Officer (DPO) Mardan.
- 7. The OSI (DPO) Mardan.

(Annexure "F")  
3 sheets

(17)



In the Court of Dr. Khurshid Iqbal, Additional Sessions Judge-IV,  
Mardan

The State through Zahir Shah son of Raza Khan r/o Qamar Abad, Mardan	Vs.	1. Jawad Ali Ghayas, 3. Akhtar Ali son of Arzoomand r/o Rustam, Mardan	2. Ayaz Ali sons of Abdul
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Sessions case # 133 of 2019  
Date of commencement of trial 25.6.2015  
Date of Decision: 04.10.2019

Case FIR # 389, dated 7.11.2014 under section 324/337-F(v)/337-L2/34  
PPC of Police Station Rustam, Mardan

### J U D G M E N T

#### Facts

1. This case was registered on the complaint of one Zahir Shah on 01/11/2014, at P.S Rustam, Mardan. He was accompanied by his brother Israr Ali Shah, who was injured during the occurrence. The story of the occurrence shortly was that there was a disputed between the complainant party and accused party, namely Jawad Ali, Ayaz Ali and Akhter Ali, over the removal of an electricity wire that ran from the back side of the house of the accused party. As on 01/11/2014 at the evening time, the complainant party was removing the said electric wire, the accused party attacked on it by firing at them. One Ayaz Ali beat the complainant with butt of his Kalashnikov. The accused persons also made aerial firing. Initially the report was lodged at the strength of a diary which was later on converted into the instant case.

2. It is pertinent to mention that the accused party, too, have registered a criminal case FIR # 300 the same date (01/11/2014) u/s 324/114/34 PPC. That FIR was lodged by Muhammad Ayaz against Zahir Shah, Israr Ali Shah and Shahab. Ayaz was injured during that occurrence.

#### Investigation

3. The IO made the site plan at the instance of complainant, took into possession garments of complainant having burnt marks, received medical reports, recorded supplementary statement of complainant and applied and obtained for warrants u/s 204 CrPC and proclamation u/s 87 CrPC against the accused who were not yet arrested.

#### Proceedings at the trial

4. After completion of the investigation, the final report (*challan*) was submitted before the court on 22/11/2014 and after arrest of accused Jawad Ali and Akhtar Ali submitted supplementary challan on 17/11/2015. The accused were summoned. Copies of the relevant documents were provided to them u/s 265-C, the Cr.PC, on

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05 NOV 2019

Examiner Copying Station  
Sessions Judge Mardan



(18)

29.7.2015. Charge was framed against them, to which they pleaded not guilty and claimed trial, professing innocence.

Synopsis of prosecution evidence

Name & # of PW	Gist	Documents
PW1 Gul Khan No. 2565	Served and executed warrant u/s 204 CrPC and proclamation notices u/s 87 CrPC.	ExPW1/1 to Ex PW 1/8.
PW3 Zahir Shah	Complainant	

5. Statement of the accused was also recorded u/s 342 Cr.PC. The accused were afforded an opportunity to record statement on oath and produce evidence in defence. They did not prefer to avail any opportunity.

Arguments of the parties

6. I have heard arguments of Mr. Jehangir Alam learned counsel for complainant, learned APP, and Yousaf Shah Mohmand, learned counsel for the accused, and perused the record.

Point for determination

7. Whether the accused have committed the offence punishable u/s 324/337-F(v) and 337-L II read with S. 34 PPC? If the answer is yes, to what punishment the accused is liable under the law.

Appraisal of evidence

8. Zahir Shah, complainant/the star witness of the prosecution appeared as PW-03. While under cross examination, the put at naught is his entire case by disowning the occurrence:

9. The complainant party produced no further evidence in support of his case. It closed its evidence. This Court, therefore, proceeded further by examining the accused u/s 342 Cr.P.C.

10. It is worth mentioning here that the accused party, too, did not press the charge by giving deliberate concessions to them in their evidence against the complainant.

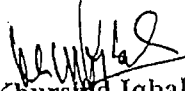
Verdict

11. In light of above discussion, the prosecution has been convincingly unable to prove the charge against the accused. Hence accused Jawad Ali, Akhtar Ali and ayaz Ali are acquitted from the charge. It needs no emphasis that the burden always lies on the prosecution to prove its case against the accused beyond any reasonable shadow of doubt. Resultantly, the point for determination is answered in the negative. As a further

(19)


result, the accused Ayaz Ali, Jawad Ali and Akhtar Ali are acquitted of the charge leveled against them. They are already on bail. Their sureties are discharged from the liability of bail bonds. Case property be destroyed as per the law after expiry of period of appeal/revision. File shall be consigned to Record Room after completion and compilation.

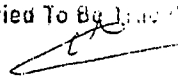
Announced  
04.10.2019

  
Dr. Khurshid Iqbal  
Addl; Sessions Judge-IV,  
Mardan

Certificate

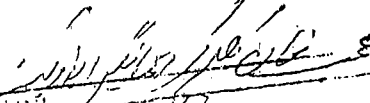
It is certified that this Judgment comprises of three pages. I have read it, initialled corrections and signed each page.

  
Dr. Khurshid Iqbal  
Addl; Sessions Judge-IV,  
Mardan

Certified To Be 

05 NOV 2019

Examiner Copying Branch  
Sessions Court Mardan

Name of Applicant	
Application No.	19383
Date of Presentation	23/10/19
Date on which	5/11/19
Date on which	5/11/19
No. of pages	03
Court Fee / Convince	
urgent fee	
dated of receipt	7/11/19

بخدمت جناب DIG صاحب مردان ریجن مردان

Annexure "G"

رحم درخواست بابت بحالی نوکری سائل

جناب عالی!

نہایت عاجزانہ گزارش کی جاتی ہے کہ سائل ایک غریب گھرانے سے تعلق رکھنے والا باعزت پاکستانی شہری ہے سائل کو بچپن سے ہی محکمہ پولیس کے ساتھ دلی لگاؤ تھا۔ جس کے لئے سائل نے محکمہ پولیس میں شمولیت کیلئے انتہائی تگ و دو کر کے لیکن ریگولر سروس نہ ملنے پر بالآخر سائل نے اپنی اس خواہش کو پورا کرنے کے لئے سال 2014ء میں سائل نے بطور SPO شمولیت اختیار کر کے خدمت شروع کی اور انتہائی احسن طریقہ سے فرائض کی انجام دہی کرتا ہے۔ تاہم سال 2017ء میں سائل کے خلاف اپنے گاؤں میں ایک بے بنیاد اور من گھڑت دعویداری ہو کر جس کے تناظر میں محکمہ پولیس کے افسران بالا صاحبان بلا کسی انکوائری اور تفتیش کے سائل کو بطور SPO محکمہ پولیس میں خدمت سے علیحدہ کیا۔ اس بے بنیاد مقدمہ میں سائل سال 2019ء میں باعزت طور پر عدالت سے بری بھی ہو چکا ہے۔ لیکن سائل کے محکمہ پولیس میں نوکری کی خواہش کو فنانس کر کے جس سے سائل کو انتہائی صدمہ ہے اور مزید یہ کہ سائل کے دیگر ساتھی اب صوبائی حکومت کے احکامات کے تناظر میں باقاعدہ محکمہ پولیس میں ریگولر بھی ہو چکے ہیں۔

استدعا ہے کہ سائل کی دلی خواہش کو مد نظر رکھتے ہوئے اور سائل کی سال 2014ء تا 2017ء محکمہ میں خدمت کے تناظر میں سائل کو اپنی نوکری پر بحال کرنے کی حکم صدوری فرمائی جائے سائل تاحیات صاحب کی بلند اقبال کیلئے دعا گو رہے گا اور سائل کا پورا خاندان احسان مند رہے گا۔

مورخہ: 05-10-2020

الغرض:

سائل جواد علی ولد عبدالغیاث سکنہ نوال کلی قہر آباد نوال کلی رستم

سابقہ SPO جواد علی 29 ضلع مردان

شناختی کارڈ: 7-16101-8234631

موبائل نمبر: 0343-9004248



بعدالت

جانب - پھر میں سرسبز ٹریڈنگ کمپنی لکھنؤ ۱۹۲۷

کورٹ فیس

مورخہ:

۲۱ اکتوبر

۲۰۲۱ء منجانب سرسبز ٹریڈنگ کمپنی

مقدمہ:

جواہر علی

بنام: اسٹیکر و ہولڈنگ ٹریڈنگ کمپنی لکھنؤ

دعویٰ:

سرسبز ٹریڈنگ

جرم:

### باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی کے متعلقہ آن مقام سرسبز ٹریڈنگ کمپنی سے لئے عدالت کے جج صاحب نے مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق و تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرفہ یا اپیل کی برآمد ہوگی اور منسوخ دائر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برداشت منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم ۲۱ ماہ اکتوبر ۲۰۲۱ء

العبد گواہ نشدہ العبد

بمقام: کئی کے لئے منظور ہے

Handwritten signatures and stamps at the bottom of the page.

جواہر علی

POWER OF ATTORNEY

In the Court of Service Tribunal Kpk Peshawar

Jawad Ali

- For
- Plaintiff
- Appellant
- Petitioner
- Complainant

VERSUS

IGP Kpk & others

- Defendant
- Respondent
- Accused

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_  
Fixed for \_\_\_\_\_

I/We, the undersigned/ \_\_\_\_\_ do hereby nominate and appoint  
**YASIR SALEEM ADVOCATE HIGH COURT**, my true and lawful

attorney, for me in my same and on my behalf to appear at \_\_\_\_\_ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, An appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc. and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at Jawad Ali  
the 13 day to 7 the year 2022

Executant/Executants \_\_\_\_\_  
Accepted subject to the terms regarding fee \_\_\_\_\_

**YASIR SALEEM**

Advocate High Court

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT  
FR-4, Fourth Floor, Bilqur Plaza, Saddar Road, Peshawar Cantt