

20th Sept 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Security and process fee not deposited. Learned counsel for the appellant seeks time to deposit the same. Appellant is directed to deposit security and process fee within three days, thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comment on 15.11.2022 before S.B at camp court Abbottabad.

Rs 100
Appellant Deposited
Security & Process Fee
22/9

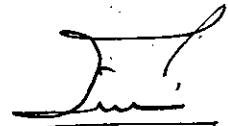


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

20.12.2021

Learned counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration, therefore, the appeal in hand is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments on 15.02.2022 before the S.B at Camp Court Abbottabad.

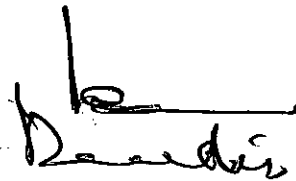


(Salah-Ud-Din)
Member (J)

Camp Court Abbottabad

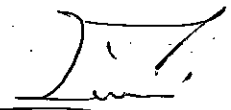
18.2.22

1405-20 Sub to retirement of monthly
allowance is adjourned. To
come up for the same on
19.7-22.



19.07.2022

Nemo for the appellant. Security and process fee have not been deposited by the appellant, therefore, notice be issued to the appellant as well as his counsel through registered post and to come up for further proceedings on 20.09.2022 before the S.B at Camp Court Abbottabad.



(Salah-Ud-Din)
Member (J)

Camp Court Abbottabad



FORM OF ORDER SHEET

Court of _____

Case No.- 16411 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1-	23/12/2020	<p>Form-A</p> <p>The appeal of Mr. Abdul Khaliq resubmitted today by Mr. Sajid Iqbal Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p>the appellant as well as his counsel through registered post and been deposited by the appellant, therefore, notice be issued to the appellant for further proceedings on 20.09.2022 before the S.B. Worthy Chairman for proper order please.</p> <p>REGISTRAR</p>
2-	19.05.2021	<p>Form-A</p> <p>Due to cancellation of tour, Bench is not available. Therefore, case is adjourned to 27.09.2021 for the same as before.</p> <p>CHAIRMAN</p>
	27.09.2021	<p>Form-A</p> <p>Nemo for appellant.</p> <p>Preceding date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for 20.12.2021 for preliminary hearing before S.B at Camp Court, Abbottabad.</p> <p>Reader</p> <p>(Rozina Rehman) Member Camp Court, A/Abad</p>

The appeal of Abdul Khaliq received to-day by post i.e. on 27.11.2020 is incomplete on the following score which is returned to the counsell for the appellant for completion and resubmission within 15 days.

1. Copy of inquiry report is not attached with the appeal which may be placed on it.
2. Copy of final show cause notice is not attached with the appeal which may be replaced on it.
3. Departmental appeal have no date be date.

No. 3946 /S.T.

Dt. 01/12 /2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Sadiq Iqbal Adv.
High Court, Abbottabad.

Six, objection removed date on departmental appeal has been mentioned successfully and final show cause notice is attached with the appeal. one thing ~~is~~ which is necessary to mention here that inquiry report of RPO Digi is not placed on file because they are not giving us the report and they will submit the same when hon'ble tribunal asked to submit that in the court, so please put the case to hon'ble bench on a date convenient to this court.

Advocate

4470000000

Final conf.

4. 11/14/80
CONFIDENTIAL

to MOP/6 person on or after

in the conf. 20 1/2000 but the case

MOP/6 flip/flop policy to permit first

and that will permit the same when

that are not divided for the other

860 D/C is not being on the process

to mention here that in order to

the other one find which is necessary

and that same course will be followed with

departmental other not been mentioned

no other however

is

1/15/80

2/2/80

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

Service Appeal No. 16411 /2020

Abdul Khaliq son of Faqeer Khan, Ex-Constable, LHC-693, Resident of Harno Tehsil and District Abbottabad.

...APPELLANT

VERSUS

District Police Officer, Abbottabad & others.

...RESPONDENTS

SERVICE APPEAL

INDEX

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 7	
2.	Copy of FIR	8	"A"
3.	Copy of the statement of allegation	9-10	"B"
4.	Copy of application	11	"C"
5.	Attested copies of the courts statements	12-20	"D"
6.	Copy of order dated 04/11/2019	21	"E"
7.	Copy of department appeal	22	"F"
8.	Copy of order dated 29/10/2020	23	"G"
9.	Wakalatnama	24	

...APPELLANT

Dated: 25-11- /2020

Through

(SAJID IQBAL)

Advocate High Court, Abbottabad

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

Service Appeal No. _____/2020

Abdul Khaliq son of Faqeer Khan, Ex-Constable, LHC-693, Resident of Harno Tehsil and District Abbottabad.

...APPELLANT

VERSUS

1. District Police Officer, Abbottabad.
2. Regional Police Officer, (RPO), Hazara Region, Abbottabad.
3. Provincial Police Officer (IGP) Khyber Pakhtunkhwa.
4. Secretary to Home Department, Government of Khyber Pakhtunkhwa, Peshawar.

...RESPONDENTS

**SERVICE APPEAL UNDER ARTICLE 4 OF KPK
SERVICE TRIBUNAL ACT, 1974, FOR
DECLARATION TO THE EFFECT THAT ORDER
BEARING NO. 28117/20 DATED 29/10/2020 ISSUED
BY RESPONDENT NO. 2 WHEREBY THE
DEPARTMENTAL APPEAL/ REVISION PETITION
FILED BY THE PRESENT APPELLANT WAS
DISMISSED IS ILLEGAL, UNLAWFUL, WITHOUT
LAW AUTHORITY, ARBITRARY, PERVERSE
AGAINST THE FACTS, RECORD AND**

CIRCUMSTANCES OF THE CASE AND OF NO
LEGAL EFFECT UPON THE RIGHTS OF THE
APPELLANT.

PRAYER: ON ACCEPTANCE OF THE INSTANT
SERVICE APPEAL, THE IMPUGNED ORDER
BEARING NO. 28117 DATED 29/10/2020 ISSUED BY
RESPONDENT NO. 2 MAY GRACIOUSLY BE SET
ASIDE. ANY OTHER RELIEF WHICH THIS
HONOURABLE TRIBUNAL DEEM APPROPRIATE
MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth:-

Brief facts of the case are as under:-

1. That, the appellant was inducted in police department on 26-10-2004 and after qualifying successful police training he was deployed in police lines Abbottabad and thereafter he was posted as LHC at P.P Thandiani where he served with honesty and due diligence.

2. That on 03/05/2019 the appellant was charged in case FIR No. 159 under section 319/337-H PPC and 3/4 FA of P.S Bagnetar District Abbottabad. Copy of FIR is annexed as Annexure "A".
3. That the appellant surrendered himself at P.S Bagnetar he was sent to Judicial Lockup and thereafter he was released on bail.
4. That, appellant after his release visited the office of respondent No. 1 for assumption of charge and he came to know that he has been suspended from duties and statement of allegations was handed over to the appellant on 07/05/2019. Copy of the statement of allegation is annexed as Annexure "B".
5. That on 22/05/2019 the appellant submitted his application. Copy of application is annexed as Annexure "C".
6. That alongwith the application/ statement of appellant he annexed the statement of legal heirs of the deceased and injured persons wherein the categorically stated that they have pardoned the

appellant in the name of All Mighty Allah and compromise has also been effected between the parties. The statements of injured and legal heirs of deceased Aqib son of Javed were also recorded before the trial court. Attested copies of the courts statements are annexed as Annexure "D".

7. That on 04/11/2019 the respondent No. 1 dismissed the appellant from his service. Copy of order dated 04/11/2019 is annexed as Annexure "E".
8. That feeling aggrieved by the order of respondent No. 1 the appellant submitted departmental appeal to respondent No. 2 on 20/11/2019 which was also dismissed on 29/10/2020. Copy of department appeal is annexed as Annexure "F".
9. That despite of this fact that the respondent No. 2 vide order dated 29/10/2020 dismissed the departmental appeal of the appellant and dismissed the appellant from the service. Copy of order dated 29/10/2020 is annexed as Annexure "G".

10. That feeling aggrieved by this harsh and arbitrary decision of respondent No. 2, the appellant preferred the instant appeal, inter-alia on the following grounds:-

GROUNDS:-

- a. That removal from service order dated 29/10/2020 without considering the record and reply of the appellant alongwith the statements of legal heirs of deceased as well as the injured of case FIR No. 159/20 of P.S Bagnotar is against the law, void and is liable to be set aside.
- b. That the inquiry was not conducted as per prescribed procedure and the impugned removal from service order dated 29/10/2020 is liable to be set aside. As per law, the record produced by the appellant has not been perused and no evidence has been recorded by the inquiry officer. The appellant applied for joining of service but firstly he was suspended and thereafter he was dismissed from service.

- c. That service appeal is within time and the appellant seeks his reinstatement of service from this Honourable Tribunal.
- d. That no other efficacious, speedy and adequate remedy is available to the appellant except the service appeal before this Honourable Tribunal.
- e. That the other points shall be urged at the time of arguments.

It is therefore, Humbly prayed that On acceptance of the instant service appeal removal from service order dated 29/10/2020 may graciously be set aside and respondent No. 1 & 2 may graciously be directed to restore/ reinstate the appellant with all service back benefits in the service of Police Department Khyber Pakhtunkhwa.

Dated: 25-11 /2020

Through


...APPELLANT


(SAJID IQBAL)

Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


...APPELLANT

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

Service Appeal No. _____/2020

Abdul Khaliq son of Faqeer Khan, Ex-Constable, LHC-693, Resident of Harno Tehsil and District Abbottabad.

...APPELLANT

VERSUS

District Police Officer, Abbottabad & others.

...RESPONDENTS

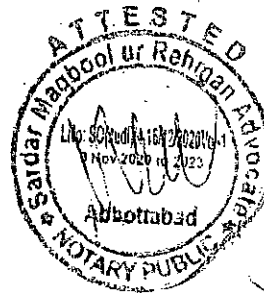
SERVICE APPEAL

AFFIDAVIT

I, Abdul Khaliq son of Faqeer Khan, Ex-Constable, LHC-693, Resident of Harno Tehsil and District Abbottabad, do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

[Handwritten Signature]

DEPONENT



دستخط انگریزی ریاض خان انڈیا SHO سمانہ ٹکنوٹر 3/19 کاروان سمانہ وھولسہ
سوانہ برقیہ عزم باہ قائم ہو کر نقل ہو رہی ہے ہر اہلہ لغزہ نقشبند والہ D-22
سٹاف کا جاتا ہے۔ ہر جہت بطور پیشگی نوٹوزی گزرا رہا ہے۔

S. que
MNC. ps. Begnator
03-05-19

دستخط

محمد

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا اس کی ہر بات کو لکھا جائے گا اور اگر ضرورت پڑے تو ایسی اطلاع کا دستخط بطور توثیق ہوگا۔ حروف الف با ب سرخ روشنی سے بالفاظ
ایک لزم یا شہر علی الترتیب واسطے باشندگان علاقہ غیر اور ایسا ایسا خاتمان جن میں موزوں ہوں لکھا جائے۔

(9) B

ANNEXURE

DISCIPLINARY ACTION

I Abbas Majeed Khan Marwat (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you LHC Abdul Khaliq No. 693 PP Thandiani rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975.

Attested
S. M. I. RAJ
Advocate
Abbottabad

STATEMENT OF THE ALLEGATIONS

- 1). He while posted at PP Thandiani involved himself in case FIR No. 159 dated 03-05-2019 u/s 319/337-II PPC and 3/4 PA PS Bangotar, which is tantamount to gross misconduct.
- 2). For the purpose of scrutinizing your conduct with reference to the above allegations, Mr. Abdul Aziz Khan Afridi SP, Investigation Abbottabad is appointed as Enquiry Officer.
- 3). The Enquiry Officer shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action the accused.
- 4). The accused a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer.

Abbas Majeed Khan Marwat, PSP
District Police Officer
Abbottabad

No: 107 /PA, Dated Abbottabad the 07/05/2019.
CC:

- 1. LHC Abdul Khaliq No. 693 PP Thandiani, with the direction to submit his defense within 07 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer of the date, time and place fixed for the purpose of departmental proceedings.

10

CHARGE SHEET

1). I Abbas Majeed Khan Marwat (PSP) District Police Officer Abbottabad as competent authority hereby charge you LHC Abdul Khalid No. 693 PP Thandiani as explained in the attached statement of allegations.

2). You appear to be guilty of misconduct under Police Disciplinary Rules 1975, and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet in the Enquiry Officer.

4). Your written defense, if any shall reach 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 ex-parte action shall follow against you.

5). Intimate whether you desire to be heard in person or otherwise.

6). A statement of allegations is enclosed.

Attested
4.8.77
SAJID IQBAL
Advocate High Court
Abbottabad

on 5/8/77
Abbas Majeed Khan Marwat, PSP
District Police Officer
Abbottabad

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No. 134/EX Dated Abbottabad, the 17/05/2019

FINAL SHOW CAUSE NOTICE

(GHI RULE 21) KPK Police Rules, 1975

- That you SDC Abdul Khalig No. 693, Police Lines, Abbottabad, rendered your services as an SDC and proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules, 1975 for following misconduct:
- I. While posted at PP Jhanjhan involved himself in case RTR No. 159 dated 03/05/2019, as 319/337-P-PPC and 349/PAIS/Bangula, which is tantamount to gross misconduct.
 - II. During proper departmental enquiry the allegations have been proved against you.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of enquiry officer.
 3. That the misconduct on your part is prejudicial to good order of discipline in the police force.
 4. That your retention in the police force will amount to encouragement of inefficient Police officers.
 5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind of punishments as provided in the Rules.
 6. You are, herefore, called upon to Final Show Cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconducts referred to above.
 7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
 8. You are further directed to inform the undersigned that you wish to be heard in person or not.
 9. Grounds of action are also enclosed with this notice.



District Police Officer
Abbottabad

Received by _____

Dated: 17/05/2019

جناب عالی

107/PA

بجوالہ مشمولہ چارج شیٹ و ڈسپلنری ایکشن شیٹ نمبر

Attested

سورٹ 7⁵⁵ بجاریہ از دفتر جناب عباسی مجید خان سروت ایف اے ڈی ایچ پی ایچ او
2019

SA. UN. P. R. C.
Advocate
Abbottabad

راہنی نامہ خانگی موروثی خدمت میں کہ حق تو لینے کا مقب و لک جاوید
عابد ولد سرور ساکنان سنگلی سنگودی گڑھی کے ورثاء اور مضروب
حسن خان ولد نیاز خان کے والد اور مضروب خورشید خان نے
خود بجوالہ مشمولہ بیان حلفی نامے جن میں جاوید خان اور
سمات رختا جی بی زوج جاوید خان ورثاء کا مقب و لک سرور خان
والد عابد حق تو لینے اور عسی نیاز خان والد مضروب حسن خان اور
خورشید خان مضروب نے خود بیان حلفیوں و دیگر میرے خلاف موروثی
راہنی کر لیا ہے۔ اور میرے خلاف مقدمہ کرنے کا مندرجہ
میرے پاس جوں سے میرے خلاف درج شدہ مقدمہ نمبر 159
سورٹ 53⁵⁵ جرم 74/PA-319 تصانیف بگنوتر میں حق تو لینے 7
2019
ورثاء اور مضروبین نے راہنی نامہ کرنے کا معاملہ اتفاقہ سے
تصدیق کر دی ہے۔

نہ کر کے لکھ

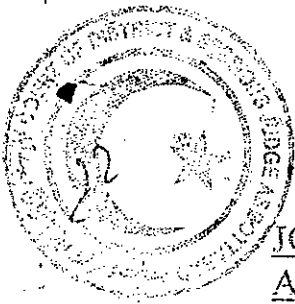
استدعا چھید براہ کرم سائل کو معطلی سے بحال فرمایا
جا کر مقدمہ کے سلسلہ میں شروع کی گئی انکو اثری داخلہ دفتر فرمائی جاوے۔

12⁴⁵ / 2019

میکر لٹا لٹو خان 693
L.H.C

ایسٹے آباو

Handwritten signature



ADIM

12

D

JOINT STATEMENT OF JAVID KHAN SON OF ZAR KHAN AND MST RUKHTAJ WIFE OF JAVID KHAN (PARENTS OF DECESED AQIB KHAN) ON OATH.

Stated that on the day of occurrence there was a marriage ceremony in our village. As a result of arial firing of accused our son Aqib got injured and succumbed to death. Case FIR No.159 dated 03-05-2019 U/S 319/337H/3/4FA was registered in PS Bagnotar against the accused facing trial. Now, due to the intervention of elders of the locality we have pardoned the accused in the name of Almighty Allah. The compromise between the parties is in the best interest of us. We have got no objection if this Honourable Court acquits the accused from the charge levelled against him. The deceased Aqib was un-married and we are the legal heirs of deceased Aqib, there is no other legal heir of Aqib. Original proforma alongwith affidavits is EX-PA and the Photo copy of CNIC of father of Aqib is EX-PB and photo copy of the ID card of mother of deceased Aqib is EX-PC. Photo copies of ID cards of witnesses are EX-PD and EX-PE respectively. (original ID card seen and returned).

219/vii

22/11/19

30/11/20

RO & AC
24.09.2020

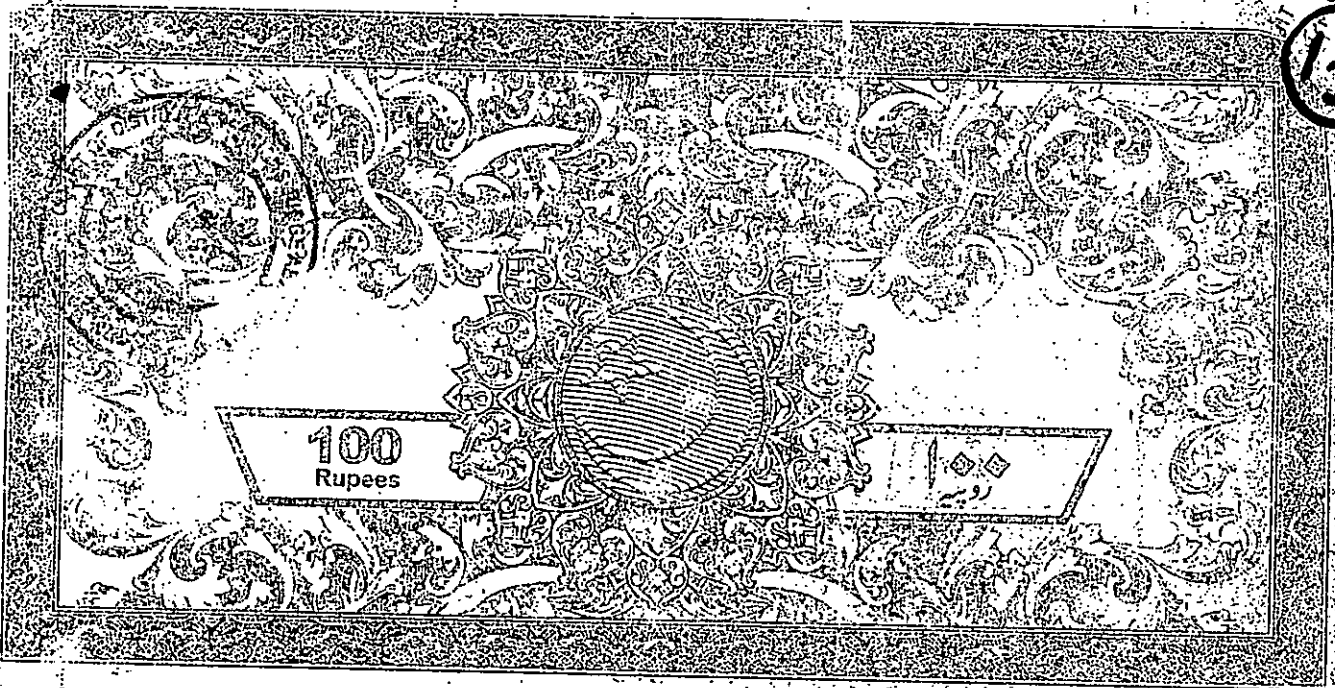
Attended to be a True Copy
21 NOV 2020
EXAMINER
Additional Sessions Judge

Javid Khan son of Zar Khan
(father of deceased)
CNIC No. 13101-1868143-9

Rukhtaj wife of Javid Khan
(mother of deceased)
CNIC No.13101-3072095-2

(Faris Abbas)
Additional Sessions Judge-VIII
Abbottabad.

13



IN THE COURT OF ADDITIONAL SESSIONS JUDGE-VIII, ABBOTTABAD

ADIV
DECISION

State through; Javed Khan son of Zar Khan, resident of Sangli, Sarbhana, Tehsil & District Abbottabad.

Complainant

VERSUS

Abdul Khaliq son of Faqir Khan caste Pathan, resident of Sarbhana, Barian, Abbottabad.

Accused

CASE FILE NO. 159 DATED 03/05/2019 U/S 319/337-H PPC, 3/4 FA and 15-AA KPK, POLICE STATION BAGNOTAR, DISTRICT, ABBOTTABAD.

PROFORMA FOR EFFECTING COMPROMISE ON BEHALF OF DECEASED AQIB SON OF JAVED KHAN, RESIDENT OF SANGLI, SARBHANA, TEHSIL & DISTRICT ABBOTTABAD.

1) Name (s) of accused with Parentage & Address

Abdul Khaliq son of Faqir Khan caste Pathan, resident of Sarbhana, Barian, Abbottabad

29/vii

2) Convictions (s) & Sentence (s) Awarded.

Trial Stage

22/11/19

30/11/22

EX PA
ASJ VIII
1/10

24/09
2020

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13101-808143-9

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13101-3072092-2

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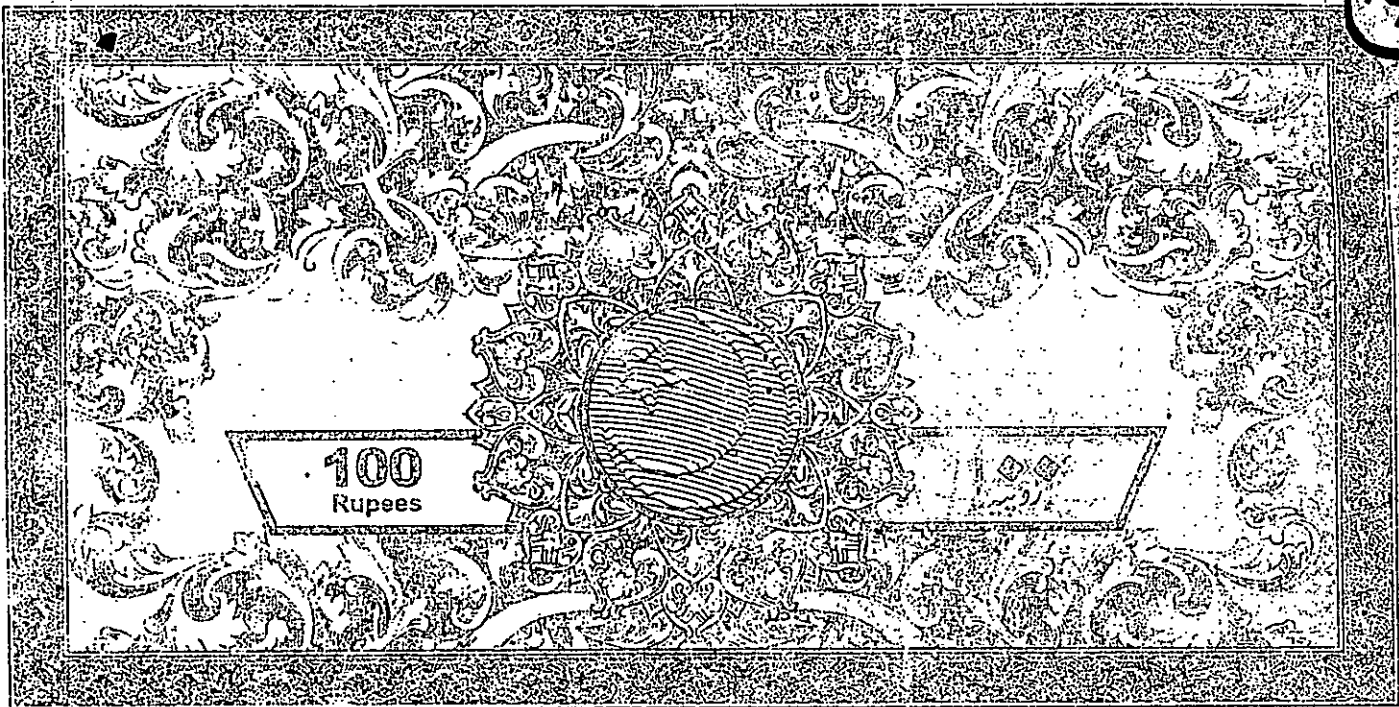
13101-5052080-7

Attended to by a Trial Court

721 NOV 2020

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Stamp with text: "SUPERIOR COURT" and "CLERK OF COURT" and other illegible text.



3) Name of deceased / injured person with parentage (1) Agib son of Javed Khan
R/o Sangli Sarbhana, Tehsil & District
Abbottabad. (deceased)

4) Nature & Date of offence. DATED 03/05/2019 U/S 319/337-H PPC,
3/4 FA and 15-AA KPK

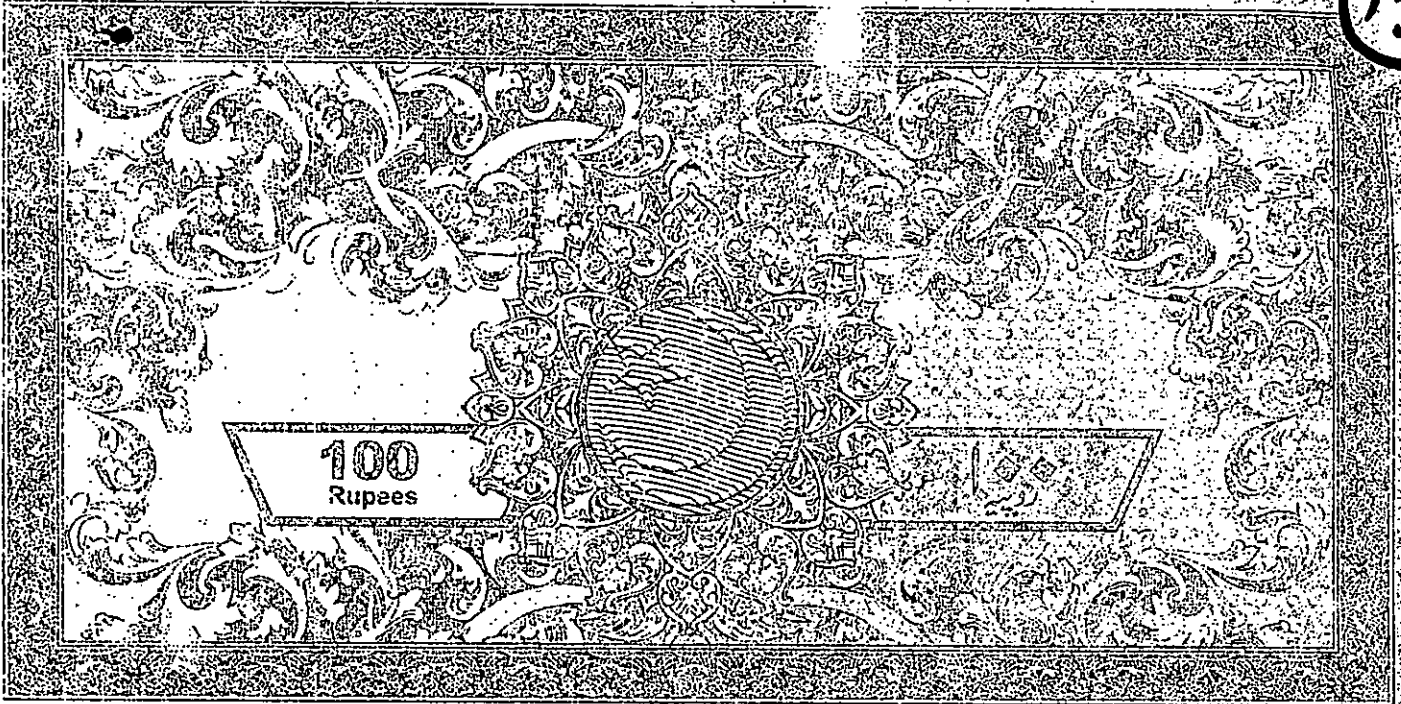
5) a) Rate of Silver, notified by the Govt. on 1st July of the year with Reference to the date of compromise. Rs. _____ per tola

b) Total cost of 30,630 grams of Silver Rs. 2777353/- approximately.

6) Total amount of Diyat or Arsh paid by the accused who so ever involved in the present case. LRs of deceased has forgiven the accused in the name of Almighty Allah.

7) Name (s) of the heir(s) of the Deceased who are entitled to Received and/or the name of the Injured person. Complainant. (1) Javed Khan son of Zar Khan (Father of deceased)
(2) Mst. Rukhtaj w/o Javed Khan R/o Sangli Sarbhana, Tehsil & District Abbottabad (Mother of deceased)

a) IN CASE OF DIYAT Name of heirs & NIC No. LRs have forgiven the accused in the name of Allah Almighty.



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IN CASE OF ARSH

NOT APPLICABLE

c) In case of Daman (Whether a specified request made to court for determination of the amount.

NOT APPLICABLE

8) a) Name (s) of the minors/ insane (s) heirs of the deceased with full particulars of the guardian and his/her relationship

NA (deceased was unmarried)

b) Steps taken to safeguard / protect the interest of minors/ insane (women heirs of the deceased).

N/A

9) Mode of payment of Diyat Arsh and Damam

N/A

10) Affidavit by each heirs of the victim (s) and / or injured certifying waiving or compounding against receipt of "Badl-e-Sulh" or "Arsh" or otherwise.

Affidavit attached.

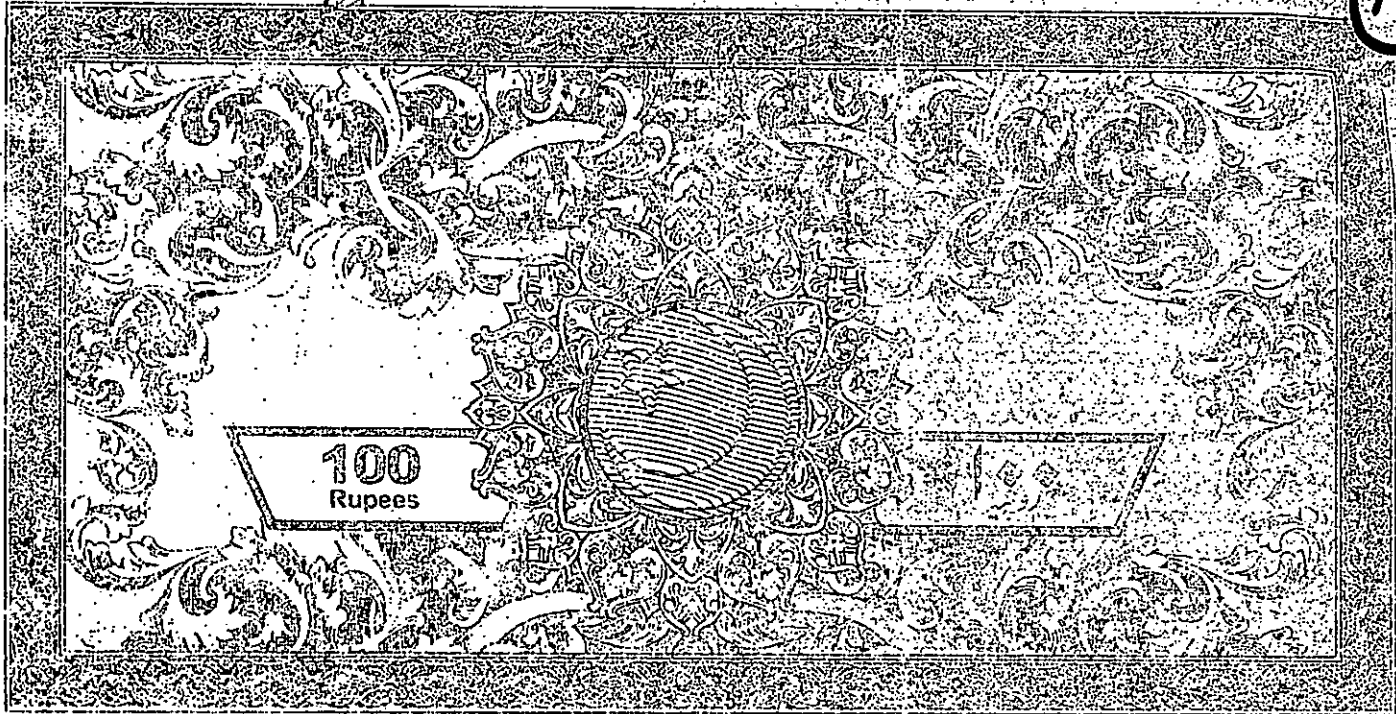
II. FINANCIAL POSITION

a) Accused

Belong to Middle class.

b) Deceased heirs

Belong to Middle class.



SIGNATURE OF THE LEARNED.

Counsel/AORS for the parties.

[Handwritten signature]
 26/2

SIGNATURE OF THE LEGAL HEIRS OF DECEASED

(1) Javed Khan son of Zar Khan
 (Father of deceased)

[Handwritten signature]

(2) Mst. Nukhtaj w/o Javed Khan
 (Mother of deceased)

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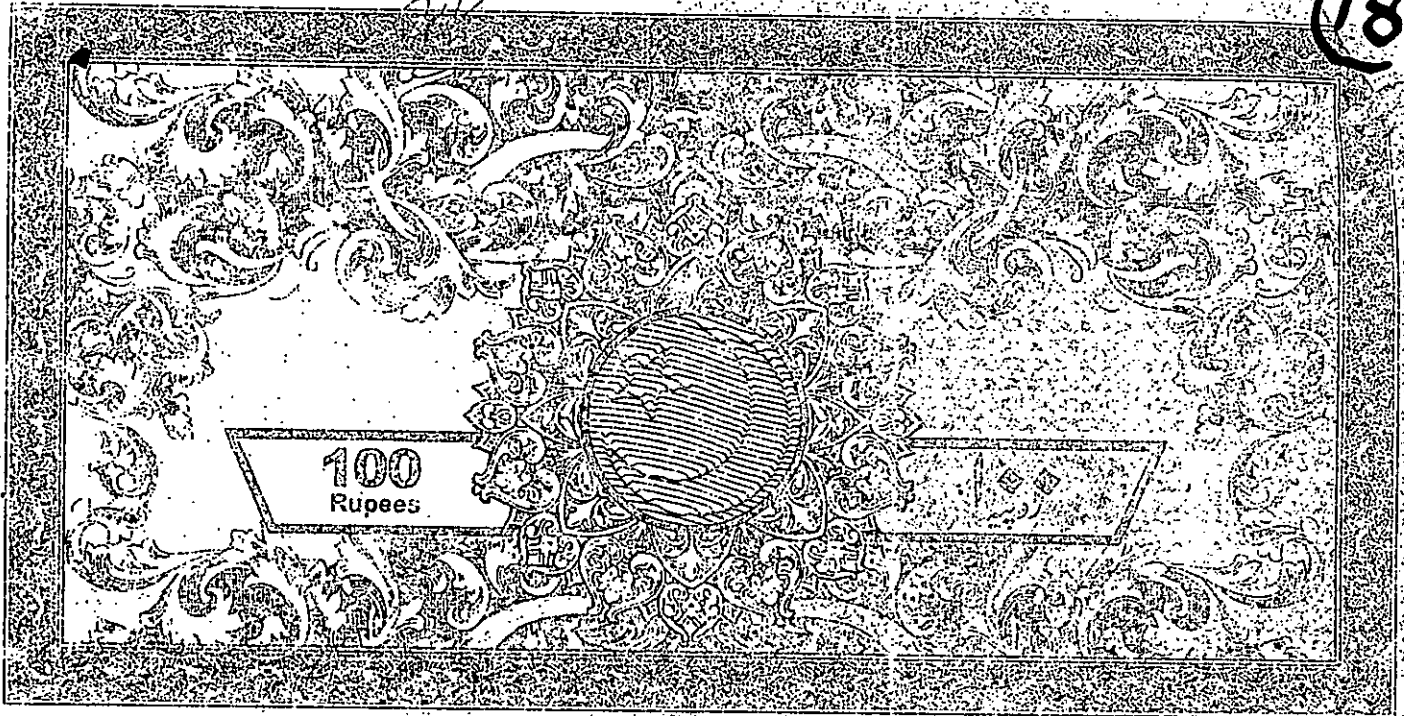
WITNESSES:

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1. Siddique Khan son of Munsif Khan resident of Sangli, Sarbhana, Post office Narrian, Tehsil and District Abbottabad, CNIC No. 61101-1910166-7.

[Handwritten signature]

2. Khan Gul son of Muhammad Suleman, resident of Sangho Di Garhi, Dhamtour, Tehsil and District Abbottabad, CNIC No. 13101-9514716-5



18

AFFIDAVIT

We, (1) Javed Khan son of Zar Khan (Father of deceased), CNIC No. 13101-1868143-9, (2) Mst. Rukhtaj w/o Javed Khan CNIC No. 13101-3072095-2, (mother of deceased), Residents of Sangli Sarbhana, Tehsil & District Abbottabad, do hereby affirm on oath as under: -

1. That a compromise in between the parties i.e we the legal heirs of the deceased and accused has been effected in case FIR No. 159 dated 03/05/2019 U/S 319/337-H PPC, 3/4 FA and 15-AA KPK, Police Station Bagnotar, District, Abbottabad without any pressure coercion form any side and we the legal heirs of the deceased have forgiven the accused in the name of Almighty Allah.
2. That the compromise is in the best interest of the both the parties and also for our peaceful living in the future.
3. That our above declaration/ affidavit / undertaking / statement is true and correct to the best of our knowledge and belief and that nothing has been concealed therein.

DEPONENTS

(1) Javed Khan son of Zar Khan
(Father of deceased)

Javed Khan

(2) Mst. Rukhtaj w/o Javed Khan
(Mother of deceased)

Mst. Rukhtaj

WITNESSES:

1. Siddique Khan son of Munshif Khan resident of Sangli, Sarbhana, Post office Narrian, Tehsil and District Abbottabad, CNIC No. 61101-1910166-7.

Siddique Khan

2. Khan Gul son of Muhammad Suleman, resident of Sangho Di Garhi, Dhamtour, Tehsil and District Abbottabad, CNIC No. 13101-9514716-5

Khan Gul

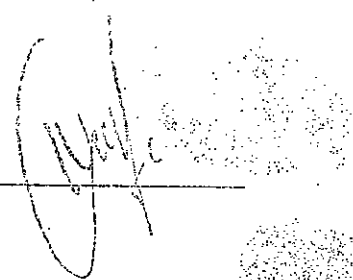
[Handwritten signature and notes in the bottom left corner]

JOINT STATEMENT OF KHURSHID KHAN SON OF MUNSIF KHAN AND HASSAN SON OF NIAZ RESIDENTS OF BAGNOTAR (INJURED) ON OATH.

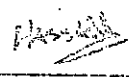
Stated that we received fire arm injuries on 3-5-2019 in a marriage ceremony at Sarbana within the jurisdiction of PS Bagnotar and on the complaint of SHO PS Bagnotar FIR NO. 159 dated 3-5-2019 was registered against accused facing trial. Now due to intervention of elders of the locality we have pardoned the accused and waived our right of Arsh, Daman and Diayat prescribed for the injures sustained by us. Therefore, we have got no objection if this Honourable Court acquits the accused in this trial. Photo copy of CNIC of Khurshid Khan is EX-PA and the Photo copy of CNIC father of Hassan (Niaz Khan) is EX-PB. (original ID card seen and returned).

RO & AC
10.09.2020

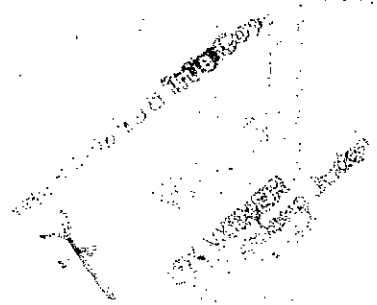
Khurshid Khan s/o Munsif Khan
(injured)
CNIC No. 13101-3811421-1



Hassan son of Niaz Khan (injured)
Identified by father:
CNIC No. 13101-0884019-1



(Tariq Abbas)
Additional Sessions Judge-VIII
Abt ottabad.



Handwritten Urdu text, likely a legal document or court record, covering the majority of the page.

Handwritten signature and name: *Shahid Hussain*

Accepted to be a True Copy
21 NOV 2020

EXAMINER
District & Sessions Judge
Abbottabad

Signature of the Examiner

21/11/2020

(21)
E

693

ANNEXURE

ORDER

This office order will dispose of the departmental enquiry against LHC Abdul Khaliq No. 693 Police Lines Abbottabad. He while posted at PP Thandiani involved himself in case FIR No. 159 dated 03-05-2019 u/s 319/337-II PPC and 3/4 FA PS Bagnotar, which is tantamount to gross misconduct

He was issued Charge Sheet along with statement of allegations. Mr. Abdul Aziz Khan Afridi SP, Investigation Abbottabad was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein allegations have been proved against delinquent official while Enquiry Officer recommended in his finding report for Reduction in pay for 03 stages. But the then District Police Officer, Abbottabad disagreed with the findings of Enquiry Officer, and in this regard an enquiry committee was constituted comprising of Addl: SP, Abbottabad and SP, Investigation Abbottabad for conducting re-enquiry. Enquiry Committee submitted its findings wherein allegations have been proved against delinquent official i.e. LHC Abdul Khaliq No. 693 and he has been recommended for major punishment. Consequently he was issued Final Show Cause Notice. He was summoned to appear in Orderly Room on 03-10-2019. He was given a patient hearing but he had nothing plausible to state in his defence.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, Javed Iqbal, PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of Dismissal from Service with immediate effect.

Order announced.

OB No. _____
Dated 03/11/19

(1)
District Police Officer
Abbottabad

- CC.
1. Pay Officer, DPO Office Abbottabad.
 2. Establishment Clerk.
 3. OHC alongwith complete Enquiry File containing (12) pages for completion of record.

Alleged
SAJID IQBAL
Advocate High Court
Abbottabad

جناب عالی!

نہایت ہی ادب سے ملتس ہوں کہ میں بطور انچارج پولیس چوکی ٹھنڈیا نی تعینات تھا کہ میرے ماموں زاد بھائی کی شادی کی تقریب میں شرکت کے لیے چوکی سے ایک گھنٹہ کی مسافت پر دہیہ سنگھی چلا گیا۔ شادی میں دیگر رشتہ دار بھی شریک تھے۔ کھانا کھانے کے بعد واپس آنے لگا تو میرے حقیقی بہنوئی عابد ولد سردر سکنہ ڈھسوڑ نے اپنی ذاتی لائسنس دار لوڈ شدہ کلاشکوف مجھے دی کہ آپ بھی شادی کی خوشی میں ہوائی فائرنگ کریں اس پر میں انکاری ہو گیا تو وہ ناراض ہو کر اصرار کرنے لگا اور دیگر رشتہ داروں کے اصرار پر میں نے کلاشکوف لی اور بلٹ مارا تو اچانک فائر ہو گیا۔ اور میرے قریب کھڑے میرے حقیقی بہنوئی عابد ولد سردر اور عاقب ولد جاوید دیگر کو گولی لگنے سے دونوں موقع پر ہی جان بحق ہو گئے۔ جبکہ حسن خان ولد نیاز خان اور خورشید ولد منصف خان زخمی ہو گئے۔ واقع کے بعد میں ہمراہ اسلحہ پولیس چوکی ہرنو مورخہ 203-05-2019م PPC319/337H,3/4FA مقدمہ تھانہ بکھو تر درج رجسٹرڈ ہو کر جیل ایبٹ آباد چلا گیا واقع ہذا میں مقتولین اور منرو بان کے وارثان نے تحریری طور پر راضی نامہ کر کے بیان حلفی اور بیانات زیر دفعہ 164 ض ف عدالت جناب سیشن جج صاحب کی عدالت میں جمع کر کے واقع کو حادثہ قرار دیا اور فی سبیل اللہ مجھے معاف کر دیا۔ اور سائل ضمانت پر رہا ہو گیا ہے۔ واقع ہذا پر جناب DPO صاحب ایبٹ آباد نے دروان انکوائری سائل کو بحوالہ OB نمبر 222 محررہ 04-10-2019 کو محکمہ سے فارغ کر کے بارخواست کیا ہے جملہ کاغذات مجرہ لف درخواست ہیں سائل والدین کا اکلوتا بیٹا اور اپنے گھر کا واحد کفیل ہے اور والد صاحب چار سال قبل وفات پا گئے ہیں۔ اور نوکری واحد ذریعہ معاش تھا۔

جناب سے رحم کی اپیل کرتے ہوئے استدعا کرتا ہوں کہ سائل پر ماتحت پروری فرمائی جا کر دوبارہ نوکری پر بحالی کا حکم فرمایا جاوے۔ سائل اور اسکے اہل خانہ ہمیشہ آپ کے لیے دعا گو رہیں گے۔

العارض الحارث المرقوم: 2019/11/01

عبد خالق خان --- سائل
 ولد فقیر خان، قوم پٹھان
 سکنہ: سر بھنہ، تحصیل ضلع ایبٹ آباد۔

شناختی کارڈ نمبر: 7-13101-5652680

رابطہ نمبر: 0315-5018665, 0346-9587503

Advocate
 SAUD IQBAL
 Advocate High Court
 Abbottabad



RAJID IQBAL
Advocate High Court
Abbottabad
OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22
0992-9310023

✉ r.rpohazara@gmail.com

0345-9560687

NO: 28117 /PA DATED 29/10/2020

23

ORDER

ANNEXURE - 9

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. LHC Abdul Khaliq No. 693 of District Abbottabad against the punishment order i.e. *Dismissal from Service* awarded by DPO Abbottabad vide OB No.222 dated 04.10.2019.

Brief facts leading to the punishment are that the appellant while posted at PP Thandiani involved himself in case FIR No.159 dated 03.05.2019 u/s 319/337-H PPC and 3/4 FA PS Bagnotar.

The appellant was issued charge sheet alongwith summary of allegations and an enquiry committee comprising of Addl: SP and SP Investigation Abbottabad was constituted to conduct departmental enquiry. The enquiry committee held the appellant responsible of misconduct and recommended him for major punishment. He was issued final show cause notice and heard in person, however he failed to advance any cogent reason in his defence. Consequently, DPO Abbottabad awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the official in OR and heard him in person. However, he failed to advance any convincing reason in his defence. In addition to this, act of the appellant claimed lives of two innocent persons which the appellant himself admitted during personal hearing. Such act of gross misconduct is unacceptable in a disciplined force. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed* with immediate effect.

J. Jamil
Qazi Jamil ur Rehman (PSP)
REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 28117 /PA, dated Abbottabad the 29/10 /2020.
CC.

1. The District Police Officer, Abbottabad for information and necessary action with reference to his office Memo No.4002/Legal dated 15-09-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

کوٹہ میں

وکیل صاحب

سروس ٹرانسپورٹ میٹاڈر

عبدالخالق D.P.O ایبٹ آباد وغیرہ

ایبٹ آباد

سروس ایبٹ

ایبٹ آباد

ایبٹ آباد - ساجد اقبال ایڈووکیٹ یاٹی کورٹ

میں ایک عرصے کے لیے سروس ٹرانسپورٹ میٹاڈر کے لیے ایک گاڑی کی ضرورت تھی جس کی فراہمی نہ کی گئی اور اس کی فراہمی کے لیے درخواستیں ارسال کی گئیں مگر کوئی عملی کارروائی نہیں ہوئی۔ اس لیے درخواست گزار نے درخواستیں ارسال کی ہیں اور اس کی فراہمی کے لیے درخواستیں ارسال کی ہیں۔

25-11-2020

Accepted by:

Handwritten signature

عبدالخالق ایبٹ آباد

"B"

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

No. *Rosa*

TB A/Abad.

Appeal No. *16411* of 20 *20*

Abdul Ichdiq Appellant/Petitioner

Versus

DPO A/Abad Respondent

Respondent No. *2*

Notice to:

Regional Police officer (RPO)
Hazara Region A/Abad.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on *15-11-22* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

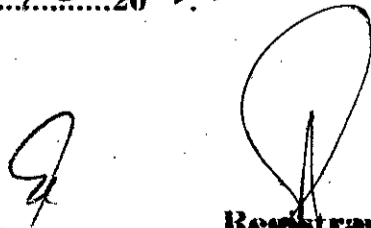
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of ~~appeal~~ is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this *3*

Day of *10* 20 *22*

at camp court
A/Abad.



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

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

TB A/Abad

Recd
 No.

Appeal No. *16411* of 20 *20*

Abdul Khaliq Appellant/Petitioner

Versus

DPO A/Abad Respondent

Respondent No. *1*

Notice to: *DIST Police office A/Abad*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on *15-11-22* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this *3*

Day of *10* 20 *22*

*At Camp Court
 A/Abad*

[Signature]

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

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

No.

TB A/Abad.

Appeal No. 16411 of 20 20

Abdul Khalique Appellant/Petitioner

Versus

D.P.O. Peshawar Respondent

Respondent No. 4

Notice to:

Secretary Home Deptt Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 15-11-20 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.


Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

~~Copy of appeal is attached.~~ Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 3.....

Day of..... 10..... 20 20

at CAMP COURT
A/Abad.
For Reply


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

~~AWMS~~

Issue R 13/10/022

Entry No.

Sp.

Ad.

.....

"B"

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

No.

TR A/Abad

Appeal No. 16411 of 20 20

Abdul Khaliq Appellant/Petitioner

Versus

DPO A/Abad Respondent

Respondent No. 3

Notice to:

Provincial Police office (GP)

Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....3.....

Day of.....10.....2022

at Camp Const
A/Abad

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

14/10/22

