


06.07.2022

Appellant present in person. Mr. Noor Zaman, District Attorney alongwith Mr. Muqadar Khan, Inspector Legal for respondents present.

Written reply/comments not submitted. Representative of the respondent department requested for time to file written reply/comments. Request accepted by way of last chance. To come up for written reply/comments on 04.08.2022 before S.B at Camp Court, Swat.

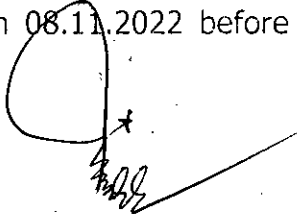

(Fareeha Paul)
Member (E)
Camp Court, Swat

14.8.22 due to summer vacation the case is adjourned to 8.9.22 for the same.

08.09.2022

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Zahir Shah, S.I (Legal) for the respondents present.

Reply/comments on behalf of respondents submitted which are placed on file. Copy of the same handed over to the appellant. Adjourned. To come up for rejoinder, if any, and arguments on 08.11.2022 before D.B at Camp Court, Swat.


(Mian Muhammad)
Member (E)
Camp Court Swat

20.04.2022

Learned counsel for the appellant present and submits that the order on revision was passed on 26.08.2021 and the said order was not communicated to the appellant. This fact is evident from the copy sent vide endorsement No.3311-20/21 dated 26.08.2021 where name of the appellant has not been mentioned in the list to whom the order dated 26.08.2021 was sent. As such he claims that the appeal is within time. The appeal is thus admitted to full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comment on 07.06.2022 before S.B at camp court Swat.

Rs-500/-
Appellant Deposited
Security & Process Fee

A. Arshad Khan
20/4/22

Chairman

7th June, 2022

Appellant in person present. Mr. Kabirullah Khattak,
Addl: AG for respondents present.

Written reply on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments. To come up for written reply/comments on 06.07.2022 before the S.B at camp court Swat.




(Kalim Arshad Khan)
Chairman
Camp Court Swat

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 7647/2021 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/10/2021	<p>The appeal of Mr. Irshad Khan resubmitted today by Mr. Muhammad Ishfaq Khan Akhunkhail 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</p> <p>This case is entrusted to touring S. Bench at Swat. Notices be issued to appellant/counsel for preliminary hearing to be put there on <u>05/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>07.02.2022</p> <p>Due to retirement of the Hon'able Chairman, the case is adjourned to 20.04.2022 before S.B for the same.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Irshad Khan, S/O Sher Muhammad, Ex-Constable belt No. 2862, R/O Dushkhel Talash, Tehsil Timergara, District Dir Lower received today i.e. on 07.10.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Index of the appeal is not attached with the appeal.
2. Memorandum of the appeal is unsigned which may be signed by the appellant.
3. Checklist is not attached with the appeal.
4. Appeal has not been flagged/marked with annexure marks.
5. Annexures of the appeal may be attested.
6. Affidavit attested by the Oath Commissioner is not attached with the appeal.
7. Annexures of the appeal is not in sequence which may be placed in order.
8. Copy of charge sheet, statement of allegation and replies annexed as Annexure C and D are not attached with the appeal.
9. Copies of departmental appeal and rejection order in respect of appellant annexed as Annexure H, I and J is not attached with the appeal which may be placed on it.
10. Address of respondent no 2 is incomplete which may be completed according to Khyber Pakhtunkhwa Service Rules, 1974.
11. Copy of office order No. 11968/EB dated 21/09/2020 mentioned in the memo of the appeal is not attached with the appeal.
12. Copy of FIR, Order No. 2280/E dated 22/02/2021 and Order No. S/3311-2021 dated 26/08/2021 attached with the appeal are illegible which may be replaced by legible/better one.
13. Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.
- 14.

No. 1993 /S.T,

Dt. 07/10 /2021

M. Ashfaq Khan

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Objection no 10 Still Stand.

no : 2076 / ST

dated : 18/10/2021

Re-submitted
after compliance.

[Signature]
21-10-2021

[Signature]
18/10/21

[Signature]
Registrar

K.P. S.T.P

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Ishtiaq Khan

v/s

I.C.P. Police & Co

S#	CONTENTS	YES.	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: M. Ashfaq Khan Akhundkhail

Signature: [Signature]

Dated: _____

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No.....7647.../2021

Irshad Khan (Ex-Constable belt No.2862)
Versus

Inspector General Police, Khyber Pakhtunkhwa & Others

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA BEFORE

INDEX OF DOCUMENT

S. No	Description of Documents	Annexure	Page No
1.	Memo of Service of Appeal		1-4
2.	Affidavit & Addresses of Parties		5-6
3.	Copy FIR No.75 dated 14/04/2020	A	7
4.	Copy of impugned Dismissal Order dated 04/01/2021 is	B	8
5.	Copy of Acquittal Order dated 21/01/2021 of the learned Judicial Magistrate/IQ Dir Lower	C	9, 12
6.	Copy of Departmental Appeal and impugned office order dated 22/2/2021	D	13,
7.	Copy of Impugned officer order dated 26/08/2021 of Respondent No.1	E	14, 15
8.	Waklatnama		16

اللصا
Appellant

Through

Jehan Dastagir

&

M.Ashfaq Khan Akhunkhail
Advocates,
High Court, Peshawar

Email: Ashfaqkhan182@gmail.com
Cell No.0333-8522332

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 7647/2021

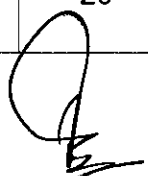
Irshad Khan s/o Sher Muhammad (Ex Constable Belt No. 2862) r/o Dushkhel
Talash Tehsil Timergara District Dir Lower.....Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.Respondents.

INDEX

S. #	Description of documents	Annex.	Pages
1.	Para wise comments	-	1-4
2.	Affidavit	-	5
3.	Power of Attorney		6
4.	Copies of bad entries	"A" to "E"	7-11
5.	Copy of FIR and suspension order	"F" to "G"	12-13
6.	Copies of charge sheet, statement of allegation, finding report and dismissal order	"H" to "K"	14-18
7.	Copy of order passed by respondent no 02	"L"	19
8.	Copy of order passed in revision petition	"M"	20


(ZAHIR SHAH)
SI Legal Dir Lower

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 7647/2021

Irshad Khan s/o Sher Muhammad (Ex Constable Belt No. 2862) r/o Dushkhel
Talash Tehsil Timergara District Dir Lower.....Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.Respondents.

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the service appeal is not maintainable in its present form.
- 2) That the appellant has not come to this honourable Service Tribunal with clean hands.
- 3) That the present Service appeal is badly barred by law and limitation.
- 4) That this honorable Service Tribunal has got no jurisdiction to entertain the present service appeal.
- 5) That the appellant has suppressed the material facts from this honorable service tribunal.

ON FACTS:

1. Needs no comments.
2. Pertains to record.
3. Correct, to the extent, that the appellant initially appointed as SPO on contract basis with fixed pay in the year 2014 and later on regularized in the year 2020 as constable BPS-7, while his short service record is tainted with bad entries (Copies of bad entries enclosed as annexure "A" to "E").
4. Incorrect, the appellant was directly charged in a theft case vide FIR No75 dated 14.08.2020 u/s 382/457/34PPC PS Talsah by complaint Amina Bibi for stolen away cash worth Rs 1,10000/- from her house at night time. Resultantly he was

Suspended and closed to police line vide order OB No. 579, dated 18.08.2020.
(Copy of FIR and suspension order enclosed as annexure "F" to "G").

5. The appellant was issued charge sheet plus statement of allegation and DSP/HQ was appointed as enquiry officer to conduct departmental enquiry against him. The enquiry officer in his findings report found guilty the appellant for his immoral act of stealing amount from the house of complainant and recommended for appropriate punishment (Copy of charge sheet plus statements of allegation finding report and dismissal order enclosed as annexure "H" to "K").
6. Incorrect as evident from record, that the appellant has effected compromise with complainant which means that the appellant has confessed the guilt. The offences in FIR are non compoundable in nature and the court has taken into consideration the compromise and acquitted the accused/ appellant on the said grounds.
7. Incorrect, the respondent No. 02 (Regional Police Officer) called the appellant in Orderly Room and he was heard in detail. The appellant failed to advance any solid reasons in his defence. The respondent No. 02 passed the order after observance of all the codal formalities under the rules. (Copy of order enclosed as annexure "L").
8. Incorrect, the Review board meeting was held and the appellant was heard in person. The appellant was acquitted u/s 249-A CrPc on the basis of compromise, therefore the acquittal of appellant by court does not absolve the appellant from the liability. Therefore the the review board rightly rejected the petition on solid grounds. Copy enclosed as annexure "M").
9. Incorrect, all the orders, passed by the respondents, are legal, in accordance with law/rules and no discrimination has been done in all the process. This honorable Service Tribunal has got no Jurisdiction to entertain the present appeal.

GROUNDS

- A) Incorrect, the order of dismissal in respect of complainant is based on facts and no violation of any provision of the Constitution of Islamic Republic of Pakistan has been committed by the respondents.

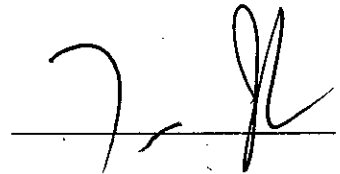
- B) Incorrect, the orders of dismissal of appellant passed by the respondents are legal, lawful and no violation of the rights of appellant is committed.
- C) Incorrect, final show cause notice was issued to the appellant and detailed inquiry was carried out by DSP/HQ. The competent authority, after scrutiny of the whole record in respect of appellant, and perusal of inquiry passed the dismissal order. No malafide exist on the part of respondents and the orders were passed in accordance with law/rules.
- D) Incorrect, the order of dismissal, passed by the competent authority, is lawful and no violation of the law/rules and policy has been made by the respondents.
- E) Incorrect, the appellant has been treated in accordance with law/rules and no discrimination has been done with appellant in overall process of inquiry.
- F) Incorrect, the appellant was directly charged in theft case being member of disciplined force and the court acquitted the accused on the basis of compromise. This state of affairs means that the appellant admitted the guilt by effecting compromise with complainant.
- G) Incorrect, no violation of the law/rules have been committed by the respondents. The dismissal order was passed, after observing all the code of formalities by touching deeply the service laws. The order of dismissal is legal and in accordance with facts and law/rules.
- H) Incorrect, the orders passed by the respondents is based on principles of natural Justice and equity.
- I) Incorrect, the case of the appellant has been examined thoroughly by the respondents before passing the orders and after fulfillment of the code of formalities. No malafide exist on the part of respondents. Moreover each and every case has its own facts and merit.
- J) Incorrect, no violation of the rules/policy has been made by the respondents and the competent authority exercising their powers as per law based on facts and merits.
- K) The respondents also seek leave of this honorable Tribunal to rely on additional grounds at the time of arguments/ hearing.

4


PRAYER:

It is therefore humbly prayed that on acceptance of this Para-wise reply, the appeal may graciously be dismissed with cost.

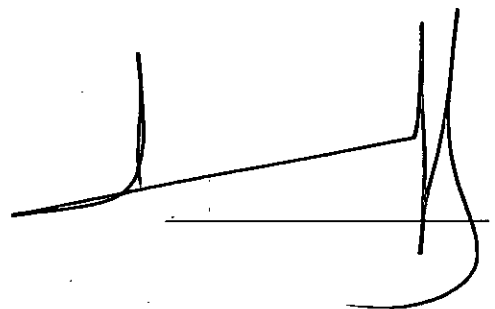
Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.



Regional Police Officer,
Malakand at Saidu Sharif Swat.


Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.

District Police Officer,
Dir Lower.



5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 7647/2021

Irshad Khan s/o Sher Muhammad (Ex Constable Belt No. 2862) r/o Dushkhel
Talash Tehsil Timergara District Dir Lower.....Appellant.

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer Malakand at Saidu Sharif, Swat.
3. District Police Officer Dir Lower.Respondents.

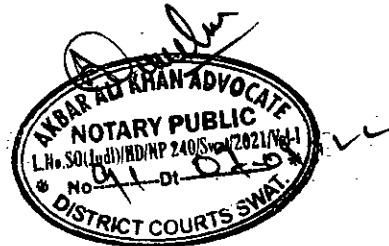
AFFIDAVIT.

I, Zahir Shah SI Legal Dir Lower, do hereby solemnly affirm on oath, that the contents of accompanying comments on behalf of Respondents is correct to the best of my knowledge and belief. Nothing has been concealed from this honourable Service Tribunal.



(DEPONENT)
SI Legal Dir lower.

ATTESTED.



(b)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 764/2021

Irshad Khan s/o Sher Muhammad (Ex Constable Belt No. 2862) r/o Dushkhel Talash
Tehsil Timergara District Dir Lower.....Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.Respondents.

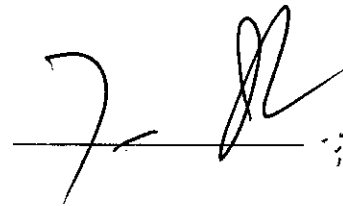
POWER OF ATTORNEY

Mr. Muqadar Khan DSP Legal Dir Lower is hereby authorized to
appear on our behalf and submit all the relevant documents as required by the
Honorable Service Tribunal in the above Service Appeal.

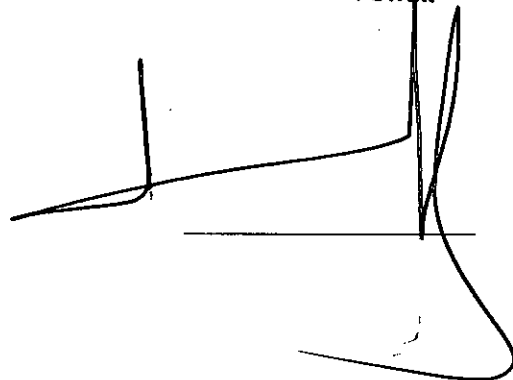
Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.

Regional Police Officer,
Malakand at Saidu Sharif Swat.

District Police Officer,
Dir Lower.



Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.



صلح دسر لور

7

لس لانس مگره

لتقدیر 08 روزانہ 23/10/2020

Amex (AP)

صدر 08 رپورٹ میٹر حاضری 10 بجے 23/10/2020 وقت 10:00 بجے اس وقت کنسل
فہرستہ خان عمر 2862 بار کنسل میں چیک کر کے عدم موجود
پاکر جن کے خلاف رپورٹ میٹر حاضری در 7 روزانہ لگی

حالی

نقل بطریق اصل ہے

MM.PI-THG
27-10-20

لتقدیر 04 روزانہ 27/10/2020

صدر 04 حاضری 10 بجے 27/10/2020 وقت 08:15 بجے اس وقت کنسل فہرستہ خان 2862
SPF غیر حاضر شدہ کو الٹے 08 روزانہ 23/10/2020 ، اسے حاضر کرو دینے حاضری
بیماری یہاں کی الٹے اردو میں مذکورہ کی حاضری دینے روزانہ کسلی

حالی

نقل بطریق اصل ہے

MM.PI-THG
27-10-20

Sir,

Forwarded

Lo-DIR(L)THG
27-10-2020

OAS
Pos infection

DEPT/HP/14
02-11-20

Sir, Forwarded

RI P L
29-10-

ORDER

Four days absence
L-w-o pay.

CB No 79

6-11-2020 DPO Dir (L)

تحفہ تالیف

(8)

نمبر 14 روزنامہ 12/9

صوبہ دہلی

Ammed "B"

در 14 صبحری ای مورف 12/9 وقت 12:10 بجے اس وقت تھیل ارشاد 12/9 صبحری
شہرہ کو اور مرد 32 روزنامہ 10/9 سے بچھڑ تھا آری سانی بھنگہ کو و صبحری
کام غیر صبحری ہو گیا تھا، اس صبحری یا بھون - صبحری صبحری بچھڑ -
دستخط (دو) ہیں و زکوہ کا صبحری در 14 روزنامہ بھنگہ

صائب عالی
نقل بھنگہ
12-9-19

صائب عالی

کھیل منگورہ 10/9 سے 12/9 تک دو روز
غیر صبحری ہے مناسب حکم اقامت

[Signature]

AMHC PS-Talash
12-9-19

Sir:

Forwarded
[Signature]

SHO-PS-TALASH
20-9-19

ORDER

Two days absent
warned

صائب عالی
مناسب حکم اقامت کی سفارش کی جاتی ہے

[Signature]
DPO-DIT-Lower

[Signature]
11/5
24-09-19

CBN 1235

25-09-2019

03 02 2020
Two days absence
L-w-2 pay

ORDER

17-01-2020
MTP 3th-7th

SDPO Tm
27-01-2020

[Signature]

Sir Forwarded

[Signature]
30/01/2020
MTP 3th-7th

16-01-2020
[Signature]
MTP 3th-7th

16/01/2020
14/01/2020

16/01/2020

16-01-2020

MTP 3th-7th

[Signature]
MTP 3th-7th

16/01/2020
14/01/2020
16/01/2020
14/01/2020
16/01/2020
14/01/2020

[Signature]

Annex "C"

16/01/2020
14/01/2020



[Signature]

Ammit (D)

ضلع دیپالپور

179
570

ضلع تالاش

تقلید 16 روزہ 14/6
14/6



صدر 16 ماہری ASHO صوف 14/6 وقت 09:40 اس وقت کنپل ارشاد 17/6 غیر موجود

شرف جو الہ صدر 37 روزہ 12/6 سے 14/6 تا 16/6 یامہر قمار آکر بیان دیکر میں موجود
جنوری کام غیر حاضر ہو چکا تھا۔ اس کا غیر آیا ہوں میرا اجازتی کیا ہوں
دستخط اردو میں منگوانہ کنپل کی فاضلی رہا روزہ 14/6 کی گئی۔

جناب عالی

نقل بطریق اولیٰ

J. M. P. Talash
14-6-19

جناب عالی

کاپل مذکورہ مورخ 12/6 سے مورخ
14/6 آتے ہوئے غیر حاضر رہ چکا ہے مناسب

حکم صادر فرمادیں
AMITE P. Talash
14-6-19

Sir

Forwarded



SHO P. Talash
27-6-19

ORDER

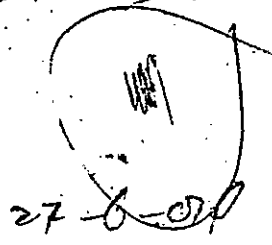
~~Two days - Absent
Counted - Leave without
pay~~

DPO - DIT

صاحب عالی
مذکورہ نقل دو روزہ غیر حاضر رہے
بلا نسخہ میرا رکن کی سفارش ہو گیا ہے

CF No 871

17-07-2019



MMA / ضلعی پولیس

«ع»

11

پولیس لائن میٹرنگ

تقعر 09 روزنامہ 28/10/020

صدر 09 رپورٹ غیر حاضری L حور دہ 28/10/020 وقت 11:00 اس وقت
معطل کیشنل خمدار شاد 2862 ، سرکار سرکار دفتر محرم لائن طلب
کرتے پر عدم موجودگی کے خلاف رپورٹ غیر حاضری درج
روزنامہ کی گئی۔ جناب عالی

نقل عطائی اصل ہے۔

MMA
31-10-020

تقعر 04 روزنامہ 29/10/020

صدر 04 حاضری L حور دہ 29/10/020 وقت 08:05 کم اس وقت
معطل کیشنل خمدار شاد غیر حاضری بحوالہ صدر 09 روزنامہ
28/10/020 سے حاضری پر حاضری ضروری کام بیان کی دستاورد
پس مذکورہ کی حاضری درج روزنامہ کی گئی۔ جناب عالی

نقل عطائی اصل ہے۔

MMA
31-10-020

Sir,
Fazal Mehtab,
LO-DIR (L) MMA
31-10-020

o-ASI
For-n-action

ORDER

One day absence

L.w.c pay.

DSP/HO/15
9-11-020

CBN-927

DPO-DIR (L)

9-11-020

12

ابتدائی اطلاع رپورٹ

15302-084444
0344-2641631

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر وقوع 15302-084444

تاریخ 6

تاریخ دیوار

75

وقت وقوع 14:20 وقت 21:00

نوع وقت رپورٹ

وقت وقوع 11:58

سکونت اطلاع دہندہ مستفیث

رکبیت جرم (معدومہ) حال احوال کے لئے پتہ ...
کے وقوعہ فاصلہ تھانہ سے اور سمت

382-457-477

سکونت ملزم

خانہ قومیہ واقع کانسٹبل ہاؤس پلاٹ نمبر 13/14

وائی جی ٹی ٹی کے متعلقہ اطلاع دہندہ کے لئے پتہ ...

رہائشی رپورٹ پرچہ دیا جاتا ہے

سے روانگی کی تاریخ و وقت

ابتدائی اطلاع نیچے درج کریں۔

مستفیث صدر جج خان نے ...
پلاٹ نمبر 13/14 کے ...
پتہ ...
مقام ...
...
...



Amex

CCA

13

OFFICE OF THE
DISTRICT POLICE OFFICER
DIR LOWER

No. _____ /EC, dated _____ /2020

ORDER

As per report vide DD No.29 dated 14-08-2020 of Police Station Talash Constable Irshad Khan No.2862, is here by suspended and closed to Police Lines Timergara with immediate effect, due to his involvement in vide Case FIR No.75 u/s 382-457/34, PPC dated 14-08-2020 Police Station Talash.

OB No. 579

Dated 18/08 /2020

Irshad

**District Police Officer,
Dir Lower**

17/08/20

No. 9953-54 /EC, Dated 18/08 /2020

Copies submitted to the: -

- 1- Mr. Muhammad Zaman Acting DSP Hqrs Dir Lower to conduct inquiry in the said matter within 07 days positively.
- 2- OASI Local Office.

(14)

Annex 4th

OFFICE OF THE DISTRICT POLICE OFFICER, DIR LOWER AT TIMERGARA

Enquiry No. 161 /EB,

Dated 31-8- /2020

CHARGE SHEET

I, **Abdur Rashid (PSP)** District Police Officer, Dir Lower at Timergara as competent authority, hereby charge you **FC/SPO Irshad Khan No.2862** committed as follows: -

a. That while you posted at Police Station Talash you along with other three persons entered into the house of one Mst: Amina Bibi w/o Bakht Zaman r/o Katan Payeen Talash at night, hostage/held their family at gunpoint in their room and snatch Rs.110,000/- from the box laying in the house. A proper Case vide FIR No.75 dated 14-08-2020 u/s 382/457/34 PPC PS Talash was registered. You have earned a bad name for Police department, which shows gross misconduct, misbehavior, and inefficiency on your part.

2. By the reason of above you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the disciplinary Rules, 1975.

3. You are: therefore, require to submit your written reply within 25 days of the receipt of this charge sheet to the enquiry officer.

4. Your written reply, if any, should reach the enquiry officer **Mr. Muhammad Zaman DS HQrs (look after charge of SDPO Circle Timergara)**, within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-part action shall follow against you.

5. Intimate to whether you desire to be heard in person or not.

6. A statement of allegation is enclosed.

Abdur Rashid
District Police Officer
Dir Lower
26/8/2020

No. 10776-77 /EC,

Copies for to the:-

- 3- Mr, Muhammad Zaman DSP HQrs (look after charge of SDPO Circle Timergara) Dir Lower to initiate departmental enquiry against above named FC/SPF in the light of attached documents, with in stipulated period.
- 4- Accused FC/SPO Irshad Khan No. 2862 through RI Police Line Timergara for further necessary action.

Enquiry No 161 /EB,Dated Timergara the 31-8-2020**DISCIPLINARY ACTION**

I, **Abdur Rashid (PSP)**, District Police Officer, Dir Lower at Timergara as competent authority as of the opinion that **FC/SPO Irshad Khan No.2862** have rendered yourself liable to be proceeded against departmentally as you have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

b. That while he posted at Police Station Talash he along with other three persons entered into the house of one Mst: Amina Bibi w/o Bakht Zaman r/o Katan Payeen Talash at night, hostage/held their family at gunpoint in their room and snatch Rs.110,000/- from the box laying in the house. A proper Case vide FIR No.75 dated 14-08-2020 u/s 382/457/34 PPC PS Talash was registered. He has earned a bad name for Police department, which shows gross misconduct, misbehavior, and inefficiency on his part.

2- For the purpose of scrutinizing the conduct of said office, with reference to the above allegation **Mr, Muhammad Zaman DSP HQrs (look after charge of SDPO Circle Timergara) Dir Lower** is appointed as enquiry officer.

3- The enquiry officer shall conducted proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its findings and make within 25 days of the receipt of his order, recommendation as to punishment or other appropriate action against the accused officer.

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

Abdur Rashid
District Police Officer
Dir Lower

26/08/2020

No. 10775-76 /EC,

Copies for to the:-

- ✓ Mr, Muhammad Zaman DSP HQrs (look after charge of SDPO Circle Timergara) Dir Lower to initiate departmental enquiry against above named FC in the light of attached documents, with in stipulated period.
- 2- Accused FC/SPO Irshad Khan No. 2862 through RI Police Line Timergara for further necessary action.

فائنڈنگ رپورٹ بسلسلہ انکوائری برخلاف کنسٹیبل SPO ارشاد خان نمبر 2862 متعینہ تھانہ تالاش حال پولیس لائن لیٹر نمبر جناب عالی!

بجوالہ مشمولہ انکوائری کاغذات عرض گزار ہوں کہ (سپیشل فورس) کنسٹیبل ارشاد خان نمبر 2862 متعینہ تھانہ تالاش بخلاف الزام ہے کہ وہ معہ 3 دیگر کسان اسم و مسکن نامعلوم مسماۃ آمنہ بی بی بیوہ بخت زمان سکنہ کاشن پائین کی مکان میں رات کے وقت داخل ہو کر اسلحہ کی نوک پر اہل خانہ کمرے میں بند کر کے کمرے میں پڑے ایک آہنی بکس سے مبلغ -/10000 روپیہ لے گئے ہیں۔ مسماۃ آمنہ کی مدعیت میں مقدمہ علت 75 مورخہ 14.08.2020 بجرم 382/457/34PPC تھانہ تالاش قائم ہونے پر جناب DPO صاحب نے اسے چارج شیٹ کر کے من DSP، ہیڈ کورٹرز کو انکوائری کرنے کا حکم صادر فرمایا۔ انکوائری کاغذات اور مذکورہ (سپیشل فورس) کنسٹیبل ارشاد خان نمبر 2862 کا تحریری جواب موصول ہونے پر باقاعدہ انکوائری کرتے ہوئے متعلقین مدعیہ مقدمہ مسماۃ آمنہ بی بی، انسپکٹر انسپکشن خان SHO، شاہنواز خان ASI، انور زادہ IHC وغیرہ طلب کئے۔ موجودگی الزام الیہ اسکے بیانات لئے گئے اور اسکو باقاعدہ ان پر جرح کرنے کا موقع دیا گیا۔

مسماۃ آمنہ بی بی بیوہ بخت زمان سکنہ کاشن پائین نے اپنی تفصیلی بیان ابتدائی اطلاعی رپورٹ کے تائید میں مذید بتلایا کہ اسکی مکان بوسیدہ ہونے، غربت اور لاچارگی کی وجہ سے میڈیا کے ذریعہ، تشہیر ہونے کی وجہ سے مختلف لوگوں، تنظیموں نے اس کو رقم کے علاوہ ایک راس گائے دے کر مالی امداد کی ہے۔ بقول مذکور یہ مورخہ 14.08.2020 کو مبینہ (سپیشل فورس) کنسٹیبل ارشاد خان نمبر 2862 اپنے آپ کو میڈیا سے وابستہ اور پشاور سے، ظاہر کر کے سہ پہر کے وقت اس کی گھر آیا۔ مذید امداد، مکان کی تعمیر کے بہانے موبائل کے ذریعے اسکی مکان کی ویڈیو بنائے اور ان کو اپنا موبائل نمبر دے کر چلا گیا۔ راستے میں مدعیہ کے بھائی وکیل زادہ جو اسکی گھر آ رہا تھا نے خود دیکھ کر جب مدعیہ نے تذکرہ کی تو اس نے کہا کہ یہ تو ارشاد ہے۔ پھر بوقت عشاء جب وہ گھر میں اپنی بچوں سمیت موجود تھی مذکورہ ارشاد مسلح بہ پستول اس کے گھر کے اندر، جبکہ 3 دیگر کسان اسم و مسکن نامعلوم گھر کے باہر آ کر ارشاد نے انکو ایک کمرے میں کنڈی لگا کر بند کیا اور دوسرے کمرے میں پڑے ایک آہنی صندوق سے مبلغ -/10000 روپیہ چھین کر لے گئے۔ مذکور یہ نے بھائی وکیل زادہ کو فون کی اور والد، بھائی کے ہمراہ تھانہ تالاش جا کر رپورٹ کی۔ مذکورہ کو جب پولیس نے گرفتار کر کے جیل چلا گیا تو اس کی ماں، بیوی اور دیگر رشتہ دار اسکی گھر بطور جرگہ آئے اور اس کو (مسماۃ آمنہ) کو متذکرہ رقم مبلغ -/10000 روپیہ ادا کئے۔ اسے اپنا رقم مل کر راضی نامہ کیا۔ یوں وہ (مدعیہ) حسب طلبی عدالت جا کر بتلایا کہ بوقت وقوعہ وہ شدید پریشانی کی عالم میں تھی اسلئے ملزم کنسٹیبل ارشاد خان نمبر 2862 اور 3 دیگر کسان نامعلوم بخلاف دعویٰ ادرسی کی تھی مگر ارشاد اکیلے اس کے مکان کے اندر آیا تھا۔ جواب اس نے ملزم ارشاد کیساتھ راضی نامہ کیا ہے اور راضی نامہ کی رو سے اس نے ملزم کو فی سبیل اللہ بخش دیا ہے اس وجہ سے اسکی رہائی یابری ہونے پر اسے کوئی اعتراض نہیں ہے۔ بیان مذکور یہ لف انکوائری ہذا قابل ملاحظہ ہے۔

اس کے علاوہ مقامی پولیس تھانہ تالاش نے اس کو مقدمہ ہذا میں جب گرفتار کیا، بغرض حصول حراست پولیس عدالت میں پیش کر کے بجائے حراست کے حوالات جوڈیشل بھیجوا یا۔ تو ملزم ارشاد کے رشتہ داروں نے مدعیہ مقدمہ کے گھر جا کر مبلغ -/10000 (ایک لاکھ دس ہزار) روپیہ دے کے مدعیہ کیساتھ راضی نامہ کیا۔ یوں مدعیہ مقدمہ مسماۃ آمنہ کی بیانات 161/164 ضف قلمبند کر کے عدالت میں دیگر ملزمان اسم و مسکن نامعلوم کو چھوڑ کر صرف ارشاد ملزم کو گھر کے اندر آ کر رقم لیجانے کی بیان دی، لیکن اس کو رقم حوالگی کی وجہ سے بخش دیا تو اس راضی نامہ کی رو سے اس کا ضمانت بعد الت ایڈیشنل سیشن جج صاحب تیمر گرنے بجوالہ حکم مورخہ 19.08.2020 منظور کر کے ضمانت پر رہا ہوا ہے۔ نقل راضی نامہ اور حکم عدالت اور بیانات SHO, ASI, IHC لف انکوائری ہذا قابل ملاحظہ ہیں۔

فوری سیکورٹی کے لیے

نتیجہ تحقیق :- کنسٹیبل ارشاد خان نمبر 2862 جو مورخہ 16.08.2014 کو محکمہ پولیس سپیشل فورس میں بحیثیت کنسٹیبل مقرر ہوا تھا۔ اب بشمول ریگریگولر ہو کر پولیس لائن میں تعینات ہے کے خلاف مدعیہ مقدمہ مسماة آمنہ بی بی بیوہ بخت زمان ساکن کاشن پائین کی باقاعدہ درخواست پر مقدمہ عدالت 75 مورخہ 14.08.2020 بجرم 382/457/34PPC تھانہ تلاش قائم ہوئی۔ اس کی تفتیش ہوئی، گواہان چشم دید کے بیانات قلمبند ہوئے، موبائل ڈاٹا سے کوئی روابط تو نہ ملے، مگر مدعیہ کیساتھ رقم ادائیگی کے بعد راضی نامہ کرنا اس پر لگائے ہوئے الزامات کی تائید کر رہا ہے۔ ایک ڈسپلن فورس میں رہتے ہوئے اس قسم کی افعال، حرکات ایک طرف ایک پولیس افسر کیلئے درست نہیں ہیں تو دوسری طرف محکمہ پولیس کیلئے باعث بدنامی بن سکتا ہے۔ اس کے علاوہ ایک بیوہ عورت ذات کیساتھ اس قسم کا رویہ کرنا، اسے حراساں کر کے رقم لیجانا ایک ناقابل معافی بلکہ ایک قابل مواخذہ فعل ہے۔ چونکہ معاملہ عدالت میں زیر سماعت ہے اسلئے تافصلہ عدالت انوائس کی بندنگ رکھنے کی سفارش کیجاتی ہے۔

Demand
محمد زمان

ڈی ایس پی گیز کو اریژ تیرگرہ
دیرو لور

Dismissed
Sumit

perused
ISSUE

F.S.N.
District Police Officer
Bij Lower
DP

Final opinion

حذا عالی!
کنسٹیبل مذکورہ نے مدعیہ کیساتھ رقم ادائیگی راضی نامہ کیا ہے۔
مناسب سرانجامی سفارش کیجاتی ہے۔
Demand
DP - H



Amir (KS)

Enquiry made in Si Roll
and enquiry Register
pls file FMC

AEC
HS-1-021

ORDER

This order will dispose of the departmental enquiry conducted against **Constable Irshad Khan No.2862**, that while he posted at Police Station Talash, he along with other three persons entered into the house of one Mst: Amina Bibi w/o Bakht Zaman r/o Katan Payeen Talash, at night hostage/held their family at gunpoint in their room and snatch Rs.110, 000/- from the box laying in the house. A proper Case vide FIR No.75 dated 14-08-2020 u/s 382/457/34 PPC of Police Station Talash was registered. He has earned a bad name for Police Department & Muhammad Zaman DSP HQrs: Dir lower was appointed as enquiry officer, to conduct proper departmental enquiry against him and submit his finding report.

The enquiry officer, during the course of enquiry recorded the statements of all concerned as well as the official concerned. The enquiry officers in his finding report recommended him for appropriate punishment.

On the receipt of finding report along-with other relevant documents, the alleged official was issued, Final Show Cause Notice No.11968/EB dated 21-09-2020 through RI Police Line Timergara, the reply of which was received on 22-09-2020.

He was called in Orderly Room on 04-01-2021 for personal hearing and found unsatisfactory. Full opportunity was given to him to explain his position, but he failed to produce any cogent reason in his self defense to satisfy the undersigned

Therefore, I **CAPT @ Laiqat Ali Malik (PSP/PPM)**, District Police Officer, Dir Lower in exercise of power vested under (E & D) Rules 1975 with amendment 2014, "agreed with the finding report of enquiry officer and awarded him a Major punishment of "Dismissal from service" with immediate effect.

ORDER ANNOUNCED

OB No. 13 /EB
Dated 04/01/2021

No. 133-36 /EB,

Copies submitted to the: -

- 1- Regional Police Officer, Malakand at Saidu Sharif, Swat.
- 2- Pay Officer Local Office.
- 3- OASI Local Office
- 4- RI Police Line Timergara

CAPT @ LAIQAT ALI MALIK
(PSP/PPM)
District Police Officer
Dir Lower
04/01/2021



(19) AMX (123) 23/2/21

**OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
SAIDU SHARIF SWAT.**
Ph: 0946-9240381-88 & Fax No. 0946-9240390
Email: digmalakand@yahoo.com

ORDER:

This order will dispose off appeal of Ex-Constable Irshad Khan No. 2862 of Dir Lower District for reinstatement in service.

Brief facts of the case are that Ex-Constable Irshad Khan No. 2862 while posted at Police Station Talash, he along with other three persons entered into the house of one Mst: Amina bibi w/o Bakht Zaman r/o Katan Payeen Talash, at night hostage/ held their family at gunpoint in their room and snatch Rs. 110,000/- from the box laying in the house. A proper Case vide FIR No. 75 dated 14/08/2020 u/s 382/457/34 PPC Police Station Talash was registered. He has earned a bad name for Police Department and DSP Hqrs Dir Lower was appointed as Enquiry Officer to conduct proper departmental enquiry against him and submit his finding report. The Enquiry Officer, during the course of enquiry recorded the statement of all concerned as well as the official concerned. The Enquiry Officer in his finding report recommended him for appropriate punishment. On the receipt of finding report along with other relevant documents the alleged official was issued Final Show Cause Notice No. 11968/EB, dated 21/09/2020 through RI Police Line Timergara, the reply of which was received on 22/09/2020. He was called in orderly room for personal hearing and found unsatisfactory. Full opportunity was given to him to explain his position but he failed to produce any cogent reason in his self defence. Therefore, the District Police Officer, Dir Lower in exercise of power vested to him under (E&D) Rules 1975 with amendment 2014 agreed with the finding report of Enquiry Officer and awarded him a major punishment of Dismissal from service with immediate effect vide OB No. 13, dated 04/01/2021

He was called in Orderly Room on 17/02/2021 and heard him in person. The appellant could not produce any cogent reason in his defence. The duty of Police Force is to protect the lives and properties of civilian not to be a robber themselves. He has earned a very bad name for Police Force. He used the uniform of Police for his personal illegal, ugly and unlawful business. He does not deserve any leniency. Besides, his service record also show that there are 6 bad entries in his service, which also indicate his disinterest in Police Job. Therefore, I agreed with the decision of District Police Officer, Dir Lower and uphold the order passed by him and his appeal is hereby filed.

Order announced.

Regional Police Officer,
Malakand Region, Saidu Sharif Swat
Naqi
19/2/21

ALIYAQAT ALI MALIK
PSP/PPM,
District Police Officer,
Dir Lower

No. 2280 /E,
Dated 22-02-2021.

Copy of above for information and necessary action to District Police Officer, Dir Lower with reference to his office Memo: No. 799/E dated 14/01/2021. Service Roll, Fauji Missal and enquiry file of the above named officer is returned herewith for record in your office.

OB No 202
27-2021

ایڈیشنل ڈیپٹی ڈائریکٹر
ڈیڑی ڈیپارٹمنٹ
23/2/21

OB/EC

23/02/21

20

Amir "M"



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

21/01/21

17/18/21

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Irshad Khan No. 2862. The petitioner was dismissed from service by District Police Officer, Dir Lower vide OB No. 13, dated 04.01.2021 on the allegations that he while posted at Police Station Talash, he along-with other three persons entered into the house of one Mst: Amina Bibi w/o Bakht Zaman r/o Katan Payeen Talash, at night hostage/held their family at gunpoint in their room and snatch Rs.110,000/- from the box laying in the house. A proper case vide FIR No. 75 dated 14.08.2020 u/s 382/457/34 PPC of Police Station Talash was registered against him. His appeal was filed by Regional Police Officer, Malakand vide order Endst: No. 2280/E, dated 22.02.2021.

Meeting of Appellate Board was held on 15.07.2021 wherein petitioner was heard in person.

During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charges. Petitioner was acquitted u/s 249-A of Cr.P.C on compromise basis by the court of Judicial Magistrate/IQ-I, Dir Lower vide judgment dated 21.01.2021. The acquittal from the court does not absolve the petitioner from the liability. The Board see no ground and reasons for acceptance of his petition; therefore, the Board decided that his petition is hereby rejected.

Sd/-

KASHIF ALAM, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

9421

27/8/21

No. SI 3311-20 dt. 06/08/2021

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat. One Service Roll, one Service Book and one Fauji Missal containing departmental enquiry file of the above named Ex-FC received vide your office Memo: No. 4581-82/WPC, dated 08.04.2021 is returned herewith for your office record.
2. District Police Officer, Dir Lower.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

No 9421/E
Date 17-8-21

EC/OPD Dir Lower

FIR 8 Payeen

Encl: S. Roll
S. Book
F. Missal

Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat-2021

(IREAN ULLAH KHAN) PSP
AIG Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

OB/EC/DHC

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 7647/2021

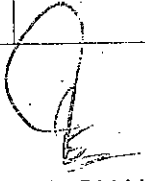
Irshad Khan s/o Sher Muhammad (Ex Constable Belt No. 2862) r/o Dushkhel
Talash Tehsil Timergara District Dir Lower.....Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.Respondents.

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5.	Copy of FIR and suspension order	"F" to "G"	12-13
6.	Copies of charge sheet, statement of allegation, finding report and dismissal order	"H" to "K"	14-18
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(ZAHIR SHAH)
SI Legal Dir Lower

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 7647/2021

Irshad Khan s/o Sher Muhammad (Ex Constable Belt No. 2862) r/o Dushkhel
Talash Tehsil Timergara District Dir Lower.....Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.Respondents.

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the service appeal is not maintainable in its present form.
- 2) That the appellant has not come to this honourable Service Tribunal with clean hands.
- 3) That the present Service appeal is badly barred by law and limitation.
- 4) That this honorable Service Tribunal has got no jurisdiction to entertain the present service appeal.
- 5) That the appellant has suppressed the material facts from this honorable service tribunal.

ON FACTS:

1. Needs no comments.
2. Pertains to record.
3. Correct, to the extent, that the appellant initially appointed as SPO on contract basis with fixed pay in the year 2014 and later on regularized in the year 2020 as constable BPS-7, while his short service record is tainted with bad entries (Copies of bad entries enclosed as annexure "A" to "E").
4. Incorrect, the appellant was directly charged in a theft case vide FIR No75 dated 14.08.2020 u/s 382/457/34PPC PS Talsah by complaint Amina Bibi for stolen away cash worth Rs 1,10000/- from her house at night time. Resultantly he was

- Suspended and closed to police line vide order OB No. 579, dated 18.08.2020. (Copy of FIR and suspension order enclosed as annexure "F" to "G").
5. The appellant was issued charge sheet plus statement of allegation and DSP/HQ was appointed as enquiry officer to conduct departmental enquiry against him. The enquiry officer in his findings report found guilty the appellant for his immoral act of stealing amount from the house of complainant and recommended for appropriate punishment (Copy of charge sheet plus statements of allegation finding report and dismissal order enclosed as annexure "H" to "K").
 6. Incorrect as evident from record, that the appellant has effected compromise with complainant which means that the appellant has confessed the guilt. The offences in FIR are non compoundable in nature and the court has taken into consideration the compromise and acquitted the accused/ appellant on the said grounds.
 7. Incorrect, the respondent No. 02 (Regional Police Officer) called the appellant in Orderly Room and he was heard in detail. The appellant failed to advance any solid reasons in his defence. The respondent No. 02 passed the order after observance of all the codal formalities under the rules. (Copy of order enclosed as annexure "L").
 8. Incorrect, the Review board meeting was held and the appellant was heard in person. The appellant was acquitted u/s 249-A CrPc on the basis of compromise, therefore the acquittal of appellant by court does not absolve the appellant from the liability. Therefore the the review board rightly rejected the petition on solid grounds. Copy enclosed as annexure "M").
 9. Incorrect, all the orders, passed by the respondents, are legal, in accordance with law/rules and no discrimination has been done in all the process. This honorable Service Tribunal has got no Jurisdiction to entertain the present appeal.

GROUNDS

- A) Incorrect, the order of dismissal in respect of complainant is based on facts and no violation of any provision of the Constitution of Islamic Republic of Pakistan has been committed by the respondents.

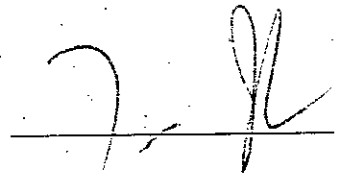
- B) Incorrect, the orders of dismissal of appellant passed by the respondents are legal, lawful and no violation of the rights of appellant is committed.
- C) Incorrect, final show cause notice was issued to the appellant and detailed inquiry was carried out by DSP/HQ. The competent authority, after scrutiny of the whole record in respect of appellant, and perusal of inquiry passed the dismissal order. No malafide exist on the part of respondents and the orders were passed in accordance with law/rules.
- D) Incorrect, the order of dismissal, passed by the competent authority, is lawful and no violation of the law/rules and policy has been made by the respondents.
- E) Incorrect, the appellant has been treated in accordance with law/rules and no discrimination has been done with appellant in overall process of inquiry.
- F) Incorrect, the appellant was directly charged in theft case being member of disciplined force and the court acquitted the accused on the basis of compromise. This state of affairs means that the appellant admitted the guilt by effecting compromise with complainant.
- G) Incorrect, no violation of the law/rules have been committed by the respondents. The dismissal order was passed, after observing all the codel formalities by touching deeply the service laws. The order of dismissal is legal and in accordance with facts and law/rules.
- H) Incorrect, the orders passed by the respondents is based on principles of natural Justice and equity.
- I) Incorrect, the case of the appellant has been examined thoroughly by the respondents before passing the orders and after fulfillment of the codel formalities. No malafide exist on the part of respondents. Moreover each and every case has its own facts and merit.
- J) Incorrect, no violation of the rules/policy has been made by the respondents and the competent authority exercising their powers as per law based on facts and merits.
- K) The respondents also seek leave of this honorable Tribunal to rely on additional grounds at the time of arguments/ hearing.

4


PRAYER:

It is therefore humbly prayed that on acceptance of this Para-wise reply, the appeal may graciously be dismissed with cost.

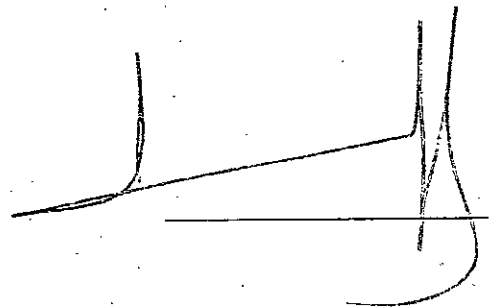
Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.



Regional Police Officer,
Malakand at Saidu Sharif Swat.


Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.

District Police Officer,
Dir Lower.



5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 7647/2021.

Irshad Khan s/o Sher Muhammad (Ex Constable Belt No. 2862) r/o Dushkhel
Talash Tehsil Timergara District Dir Lower.....Appellant.

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
2. Regional Police Officer Malakand at Saidu Sharif, Swat.
3. District Police Officer Dir Lower.Respondents.

AFFIDAVIT.

I, Zahir Shah SI Legal Dir Lower, do hereby solemnly affirm on oath, that the contents of accompanying comments on behalf of Respondents is correct to the best of my knowledge and belief. Nothing has been concealed from this honourable Service Tribunal.



(DEPONENT)
SI Legal Dir lower.

(6)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 764/2021

Irshad Khan s/o Sher Muhammad (Ex Constable Belt No. 2862) r/o Dushkhel Talash
Tehsil Timergara District Dir Lower.....Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.Respondents.

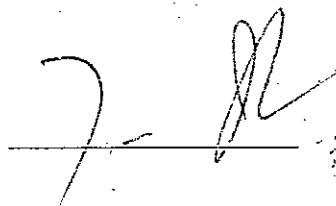
POWER OF ATTORNEY

Mr. Muqadar Khan DSP Legal Dir Lower is hereby authorized to
appear on our behalf and submit all the relevant documents as required by the
Honorable Service Tribunal in the above Service Appeal.

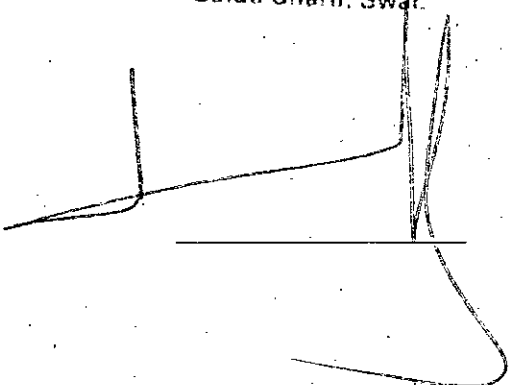
Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.

Regional Police Officer,
Malakand at Saidu Sharif Swat.

District Police Officer,
Dir Lower.



Regional Police Officer,
Malakand Region.
Saidu Sharif, Swat.



صوبہ دہلی

7

پولیس ایجنسی

تقدیر 08 روزانہ 23/10/2022

AMM (AV)

08 رپورٹ پمپ حاضری 10:00 بج اس وقت کنسل
محمد ارشد خان پٹر 2862 بارک کنستبل میں چمک کر کے عدم موجود
پاکر جن کے خلاف رپورٹ پمپ حاضری در 7 روزانہ کی گئی
جواب عالی!

نقل مطالبہ اصل ہے

MM-PT-MSG
27-10-22

تقدیر 04 روزانہ 27/10/2022

04 حاضری 10:00 بج اس وقت کنسل محمد ارشد خان 2862
پمپ حاضری 23/10/2022 سے حاضری و در پمپ حاضری
سیاری کہاں کی الودیعہ اردو میں مذکورہ کی حاضری در 7 روزانہ کی گئی
جواب عالی!

نقل مطالبہ اصل ہے

MM-PT-MSG
27-10-22

Sir,
Forwarded,
To DIR (L) msg
27-10-2022

OAS
For instruction

DEPT/PT/12
02-11-20

Sir, Forwarded

RI P
29-10

ORDER

Four days absence
L-wo pay.

25/11/2022

DP O Dir (L)

صاحب دفتر

نمبر ۱۲ روزنامہ ۱۲/۹

مقام: لاہور

Annex ۱

روزنامہ صاحبزادے کی طرف سے ۱۲/۹ کو ۱۲:۱۵ بجے اس وقت تکٹل ارسال کیا گیا ہے۔
شعبہ اخبارات اور روزنامہ ۱۲/۹ کو ۱۲:۱۵ بجے تکٹل ارسال کیا گیا ہے۔
تمام اخبارات اور روزنامہ ۱۲/۹ کو ۱۲:۱۵ بجے تکٹل ارسال کیا گیا ہے۔
دستخط (نام) کے ذریعہ ۱۲/۹ کو ۱۲:۱۵ بجے تکٹل ارسال کیا گیا ہے۔

صاحب دفتر
تفصیل کے لئے

12-9-19

جوائنٹ

تکٹل نمبر ۱۲/۹ سے ۱۲/۹ تک
صاحبزادے کے ذریعہ ۱۲/۹ کو ۱۲:۱۵ بجے تکٹل ارسال کیا گیا ہے۔

(Signature)
12-9-19

Sms

Forwarded

(Signature)

SHO PS TASH

20-9-19

ORDER

Two days absent
warned

صاحب دفتر
تفصیل کے لئے

DPO - Mr. - Lower

24-09-19

ملک پر مشتمل

نمبر 20 روزنامہ 16/01/2020

ASMCX "C"

کتابخانه

179
596
کشیل ارشاد
16/01/2020
MHC
16/01/2020
14/01/2020
کشیل ارشاد کی طرف سے
کشیل ارشاد کی طرف سے
کشیل ارشاد کی طرف سے
کشیل ارشاد کی طرف سے
کشیل ارشاد کی طرف سے

ملک پر مشتمل

ASMCX

16-01-2020

کشیل ارشاد کی طرف سے

کشیل ارشاد کی طرف سے

کشیل ارشاد کی طرف سے

ASMCX

16-01-2020

Sir

Forwarded

کشیل ارشاد کی طرف سے

کشیل ارشاد کی طرف سے

WJP Sir-Talash

17-01-2020

SDPO-Talash

ORDER

Two days absence
LWD pay

کشیل ارشاد کی طرف سے

کشیل ارشاد کی طرف سے

(10)

Annex (D)

دفعہ درج ذیل

تفصیلاً درج ذیل 14/6/79

179
500

14/6/79

(11)

صوبہ 16 مئی 1979ء کو صرف 14/6/79ء کو 09:40 بجے اس وقت تک پہنچا اور شام 17/6/79ء کو

شہر کو جانے والے 37 روزہ گاڑی 14/6/79ء سے 17/6/79ء تک کی سفر کی کارڈز اور دیگر دستاویزات
موجود ہیں۔ اس سفر کے دوران میں اس وقت تک پہنچا اور شام 17/6/79ء کو

صوبہ 16

تفصیلاً درج ذیل

M. M. Talash

14-6-79

ملاحظہ ہو

تفصیلاً درج ذیل 14/6/79ء کو 09:40 بجے اس وقت تک پہنچا اور شام 17/6/79ء کو

ملاحظہ ہو

AMITE ps Talash

14-6-79

Six

Forwarded

(Signature)

SHO ps Talash

27-6-79

ORDER

~~Five days absent~~

~~without pay~~

DPO dit

ملاحظہ ہو
ملاحظہ ہو
ملاحظہ ہو

(Signature)

MMA

(11)

تقدیر 09 روز تاجی 28/10/20

پولس لائن میٹرنگ

حد 09 رپورٹ غیر حاضری 28/10/20 روز تاجی وقت 11:55 بجے اس وقت
بھٹل کسٹنل خمدار شہاد 2862 سیکر سرکار دفتر محمد لائن طلب
کری پر عدم موجودگی کی اطلاع رپورٹ غیر حاضری درج
روز تاجی لگائی جا چکی

نقل عطائی اصل ہے۔

MMA
31-10-20

تقدیر 04 روز تاجی 29/10/20

حد 04 حاضری 29/10/20 روز تاجی وقت 05:55 بجے اس وقت
بھٹل کسٹنل خمدار شہاد 2862 غیر حاضری کی اطلاع 04 روز تاجی
28/10/20 سے حاضری پر حاضری ضروری کام بیان کی اطلاع درج
اسی مذکورہ کی حاضری درج روز تاجی لگائی جا چکی

نقل عطائی اصل ہے۔

MMA
31-10-20

Sir,
Ferozabad,

LO-DIR (L) MMA
31-10-20

OAS
For-n-action

ORDER

One day absence

L.w.c. pay.

DSP/HAS
9-11-20

CBN-927

DPO Dir (L)

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجرمہ صاحبہ خیرا بی بی 0844-2641631

وقت رپورٹ	75	تاریخ	14-08-2020
وقت اطلاع دہندہ مستفیث	14-08-2020	محل وقوع	وقت 21:00
نیت جرم (معدومہ) حال اگر کوئی نہ ہو	نیت جرم (معدومہ) حال اگر کوئی نہ ہو	تاریخ اطلاع	14-08-2020
تقریباً قاصد خانہ سے اور سمت	تقریباً قاصد خانہ سے اور سمت	نیت ظم	خانہ و رہائش گاہ
تفصیل کے مطابق کی گئی اگر اطلاع درج کرنے میں وقفہ یا تاخیر ہو تو اس کی وجہ بیان کریں	تفصیل کے مطابق کی گئی اگر اطلاع درج کرنے میں وقفہ یا تاخیر ہو تو اس کی وجہ بیان کریں	رہائش گاہ کی پتہ	13/11/19
رہائش گاہ کی تاریخ و وقت	رہائش گاہ کی تاریخ و وقت	رہائش گاہ کی پتہ	13/11/19

ابتدائی اطلاع نیچے درج کرو۔ سبیل ڈرنگ

مستحقہ صدمہ خانہ سے، مہر ایف خیرا بی بی
 سبیل ڈرنگ، حاضر قاصد خانہ تقریباً 14-08-2020 کو رپورٹ کرنا ہے کہ اور وقت حاجتیں ویلے ہی ارشاد خانہ
 والا صومبر کے گھر پر تیار کیا گیا تھا اور سے آگیا ہوں اور عدلیا سے وابستہ ہوں۔ میں
 ہی رہ گئی ویڈیو بنانا میں۔ اور ویڈیو کے ذریعے آنگو حالی اور ویڈیو کے اسکری
 ویڈیو بن کر عدلیا۔ بعد وقت بالا صومبرہ ارشاد خانہ میں دیکر کسان اسم کے بعد
 بچپن اجازت خانہ کے گھر پر تیار رہا تھا۔ میں داخل ہو کر عام میں قاصد خانہ کے
 قاصد خانہ میں بہتر کرنے آگیا کہ اس کے ساتھ جو رقم ہے میں وہ چوں خواہہ اس
 اسکریڈین کے ساتھ دیکھنے میں بہتر کے دو عدد اپنی منگنی کے لئے فون پر اس میں بہتر
 رقم ہے ایک ایک رقم میں صومبرہ خانہ کوئی اطلاع کر سکتے تھے کہ وہ قاصد خانہ
 صومبرہ کے بعد دیکر اپنی قاصد خانہ کا چشمہ دیکر ہے۔ میں ارشاد خانہ بالا وہ دیکر ہوں
 کسان اسم کسان نامعلوم وقت شب اپنے گھر میں حدیثات سے جا اور اسکے سے فون
 پر رقم ہے ایک ایک رقم میں بہتر روپیہ صرف کرتے ہے جانے کی دو دیواروں۔ رپورٹ کرنا
 میں فون پر اسکریڈین میں بھی دیکھیں زیادہ فقیرہ اسم کی رپورٹ کی تاہم کسان میں
 اسکریڈین کا اور یا خانہ جب گفتہ سنا گیا رپورٹ صرف صرف دیکھ رہی تھی
 کسان اسم کی کسان اسم کے رپورٹ اور اسکے بہتر کے بہتر کے کسان اسم نے کسان اسم
 رپورٹ بہتر کی جہی میں لہجوں کر سنا ہوں فون رپورٹ سے وقت جمع ہلا کا پائی جان
 رپورٹ جمع ہلا رپورٹ کے پتہ پر کسان اسم کے نظر میں ہے قاصد خانہ
 رپورٹ جمع ہلا رپورٹ کے پتہ پر کسان اسم کے نظر میں ہے قاصد خانہ



Amma

CC

13

OFFICE OF THE
DISTRICT POLICE OFFICER
DIR LOWER

No. _____ /EC, dated _____ /2020

ORDER

As per report vide DD No.29 dated 14-08-2020 of Police Station Talash Constable Irshad Khan No.2862, is here by suspended and closed to Police Lines Timergara with immediate effect, due to his involvement in vide Case FIR No.75 u/s 382-457/34, PPC dated 14-08-2020 Police Station Talash.

OB No. 579

Dated 18/08 /2020

Irshad

District Police Officer,
Dir Lower

No. 9953-54 /EC, Dated 18/08 /2020

17/08/2020

Copies submitted to the: -

- 1- Mr. Muhammad Zaman Acting DSP Hqrs Dir Lower to conduct inquiry in the said matter within 07 days positively.
- 2- OASI Local Office.

(14)

Amex (H)

OFFICE OF THE DISTRICT POLICE OFFICER, DIR LOWER AT TIMERGARA

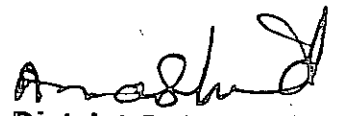
Enquiry No 161 /EB,

Dated 31-8-2020

CHARGE SHEET

I, **Abdur Rashid (PSP)** District Police Officer, Dir Lower at Timergara as competent authority, hereby charge you **FC/SPO Irshad Khan No.2862** committed as follows: -

- a. That while you posted at Police Station Talash you along with other three persons entered into the house of one Mst: Amina Bibi w/o Bakht Zaman r/o Katan Payeen Talash at night, hostage/held their family at gunpoint in their room and snatch Rs.110,000/- from the box laying in the house. A proper Case vide FIR No.75 dated 14-08-2020 u/s 382/457/34 PPC PS Talash was registered. You have earned a bad name for Police department, which shows gross misconduct, misbehavior, and inefficiency on your part./
2. By the reason of above you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the disciplinary Rules, 1975.
3. You are: therefore, require to submit your written reply within 25 days of the receipt of this charge sheet to the enquiry officer.
4. Your written reply, if any, should reach the enquiry officer **Mr. Muhammad Zaman DS HQrs (look after charge of SDPO Circle Timergara)**, within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-part action shall follow against you.
5. Intimate to whether you desire to be heard in person or not.
6. A statement of allegation is enclosed.


District Police Officer
Dir Lower
24/8/2020

No. 10776-77 /EC,

Copies for to the:-

- 3- Mr, Muhammad Zaman DSP HQrs (look after charge of SDPO Circle Timergara) Dir Lower to initiate departmental enquiry against above named FC/SPF in the light of attached documents, with in stipulated period.
- 4- Accused FC/SPO Irshad Khan No. 2862 through RI Police Line Timergara for further necessary action.

Enquiry No 161 /EB, (5)

Dated Timergara the 31-8-2020 *Amma*

DISCIPLINARY ACTION

I, **Abdur Rashid (PSP)**, District Police Officer, Dir Lower at Timergara as competent authority as of the opinion that **FC/SPO Irshad Khan No.2862** have rendered yourself liable to be proceeded against departmentally as you have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

b. That while he posted at Police Station Talash he along with other three persons entered into the house of one Mst: Amina Bibi w/o Bakht Zaman r/o Katan Payeen Talash at night, hostage/held their family at gunpoint in their room and snatch Rs.110,000/- from the box laying in the house. A proper Case vide FIR No.75 dated 14-08-2020 u/s. 382/457/34 PPC PS Talash was registered. He has earned a bad name for Police department, which shows gross misconduct, misbehavior, and inefficiency on his part.

2- For the purpose of scrutinizing the conduct of said office, with reference to the above allegation **Mr, Muhammad Zaman DSP HQrs (look after charge of SDPO Circle Timergara) Dir Lower** is appointed as enquiry officer.

3- The enquiry officer shall conducted proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its findings and make within 25 days of the receipt of his order, recommendation as to punishment or other appropriate action against the accused officer.

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

No. 10775-76 /EC,

Copies for to the:-

- ✓ Mr, Muhammad Zaman DSP HQrs (look after charge of SDPO Circle Timergara) Dir Lower to initiate departmental enquiry against above named FC in the light of attached documents, with in stipulated period.
- 2- Accused FC/SPO Irshad Khan No. 2862 through RI Police Line Timergara for further necessary action.

Abdur Rashid
District Police Officer
Dir Lower

26/08/2020



فائنڈنگ رپورٹ بسلسلہ انکوائری برخلاف کنسٹیبل SPO ارشاد خان نمبر 2862 متعینہ تھانہ تلاش حال پولیس لائن سیمرگرہ

جناب عالی!

جوالہ مشمولہ انکوائری کاغذات عرض گزار ہوں کہ (سپیشل فورس) کنسٹیبل ارشاد خان نمبر 2862 متعینہ تھانہ تلاش کینالہ الزام ہے کہ وہ معہ 3 دیگر کسان اسم و مسکن نام معلوم مسماة آمنہ بی بی بیوہ بخت زمان سکنہ کاشن پائین کی مکان میں رات کے وقت داخل ہو کر اسلحہ کی نوک پر اہل خانہ کمرے میں بند کر کے کمرے میں پڑے ایک آہنی پکس سے مبلغ -/10000 روپیہ لے گئے تھے۔ مسماة آمنہ بی بی مدعیہ میں مقدمہ عدلت 75 مورخہ 14.08.2020 بجرم 34PPC/457/382 تھانہ تلاش قائم ہونے پر جناب DPO صاحب نے اسے چارج شیٹ کر کے من DSP ایڈ کورٹرز کو انکوائری کرنے کا حکم صادر فرمایا۔ انکوائری کاغذات اور مذکورہ (سپیشل فورس) کنسٹیبل ارشاد خان نمبر 2862 کا تحریری جواب موصول ہونے پر باقاعدہ انکوائری کرتے ہوئے متعلقین مدعیہ مقدمہ مسماة آمنہ بی بی، اسپیکر تادیب خان (SHO)، شاہنواز خان (ASI)، انورزادہ (IHC) وغیرہ طلب کئے۔ موجودگی الزام الیہ انکے بیانات لئے گئے اور اسکو باقاعدہ ان پر توجہ کرنے کا موقع دیا گیا۔

مسماة آمنہ بی بی بیوہ بخت زمان سکنہ کاشن پائین نے اپنی تفصیلی بیان ابتدائی اطلاعی رپورٹ کے تائید میں مذید بتلایا کہ اسکی مکان بوسیدہ ہونے، غربت اور لاجارگی کیوجہ سے میڈیا کے ذریعہ، تشہیر ہونے کیوجہ سے مختلف لوگوں، تنظیموں نے اس کو رقم کے علاوہ ایک راس گائے دے کر مالی امداد کی ہے۔ بقول مذکور یہ مورخہ 14.08.2020 کو مبینہ (سپیشل فورس) کنسٹیبل ارشاد خان نمبر 2862 اپنے آپ کو میڈیا سے وابستہ اور پشاور سے، ظاہر کر کے سہ پہر کے وقت اس کی گھریا۔ مذید امداد، مکان کی تعمیر کے بہانے موبائل کے ذریعے اسکی مکان کی ویڈیو بنائے اور ان کو اپنا موبائل نمبر دے کر چلا گیا۔ راستے میں مدعیہ کے بھائی وکیل زادہ جو اسکی گھر آ رہا تھا نے خود دیکھ کر جب مدعیہ نے تذکرہ کی تو اس نے کہا کہ یہ تو ارشاد ہے۔ پھر بوقت عشاء جب وہ گھر میں اپنی بچوں سمیت موجود تھی مذکورہ ارشاد مسلحہ پستول اس کے گھر کے اندر، جبکہ 3 دیگر کسان اسم و مسکن نام معلوم گھر کے باہر آ کر ارشاد نے انکو ایک کمرے میں کنڈی لگا کر بند کیا اور دوسرے کمرے میں پڑے ایک آہنی صندوق سے مبلغ -/10000 روپیہ چھین کر لے گئے۔ مذکور یہ نے بھائی وکیل زادہ کو فون کی اور والد، بھائی کے ہمراہ تھانہ تلاش جا کر رپورٹ کی۔ مذکورہ کو جب پولیس نے گرفتار کر کے جیل چلا گیا تو اس کی ماں، بیوی اور دیگر رشتہ دار اسکی گھر بطور جرگہ آئے اور اس کو (مسماة آمنہ) کو متذکرہ رقم مبلغ -/10000 روپیہ ادا کئے۔ اسے اپنا رقم مل کر راضی نامہ کیا۔ یوں وہ (مدعیہ) حسب طلبی عدالت جا کر بتلایا کہ بوقت وقوع وہ شدید پریشانی کی عالم میں تھی اسلئے ملزم کنسٹیبل ارشاد خان نمبر 2862 اور 3 دیگر کسان نام معلوم برخلاف دعویہ اری کی تھی مگر ارشاد اسکیے اس کے مکان کے اندر آیا تھا۔ جواب اس نے ملزم ارشاد کیساتھ راضی نامہ کیا ہے اور راضی نامہ کی رو سے اس نے ملزم کو فی سبیل اللہ بخش دیا ہے اس وجہ سے اسکی رہائی یا بری ہونے پر اسے کوئی اعتراض نہیں ہے۔ بیان مذکور یہ لف انکوائری ہذا قابل ملاحظہ ہے۔

اس کے علاوہ مقامی پولیس تھانہ تلاش نے اس کو مقدمہ ہذا میں جب گرفتار کیا، بغرض حصول حراست پولیس عدالت میں پیش کر کے بجائے حراست کے حوالات جوڈیشل بھیجوا یا۔ تو ملزم ارشاد کے رشتہ داروں نے مدعیہ مقدمہ کے گھر جا کر مبلغ -/110000 (ایک لاکھ دس ہزار) روپیہ دے کے مدعیہ کیساتھ راضی نامہ کیا۔ یوں مدعیہ مقدمہ مسماة آمنہ کی بیانات 164/161 ض ف قلمبند کر کے عدالت میں دیگر ملزمان اسم و مسکن نام معلوم کو چھوڑ کر صرف ارشاد ملزم کو گھر کے اندر آ کر رقم لیجانے کی بیان دی، لیکن اس کو رقم حوالگی کیوجہ سے بخش دیا تو اس راضی نامہ کی رو سے اس کا ضمانت بعدالت ایڈیشنل سیشن جج صاحب سیمرگرہ نے جوالہ حکم مورخہ 19.08.2020 منظور کر کے ضمانت پر رہا ہوا ہے۔ نقل راضی نامہ اور حکم عدالت اور بیانات SHO, ASI, IHC لف انکوائری ہذا قابل ملاحظہ ہیں۔

لوہے کی پٹی (17)

نتیجہ تحقیق :- کنسٹیبل ارشاد خان نمبر 2862 جو مورخہ 16.08.2014 کو محکمہ پولیس سپیشل فورس میں بحیثیت کنسٹیبل مقرر ہوا تھا۔ اب بشمول دیگر ریگولر ہو کر پولیس لائن میں تعینات ہے کے خلاف مدعیہ مقدمہ مسماة آمنہ بی بی بیوہ بخت زمان ساکن کائن پاکین کی باقاعدہ دعویٰ اداری پر مقدمہ علت 75 مورخہ 14.08.2020 بجرم 382/457/34PPC نمٹانہ تلاش قائم ہوئی۔ اس کی تفتیش ہوئی، گواہان چشم دید کے بیانات قلمبند ہوئے، موبائل ڈائنامی کوئی روابط ٹونہ ملے، مگر مدعیہ کیساتھ رقم ادائیگی کے بعد راضی نامہ کرنا اس پر لگاتار ہوئے الزامات کی تائید کر رہا ہے۔ ایک ڈسپلن فورس میں رہتے ہوئے اس قسم کی افعال، حرکات ایک طرف ایک پولیس افسر کیلئے درست نہیں ہیں تو دوسری طرف محکمہ پولیس کیلئے باعث بدنامی بن سکتا ہے۔ اس کے علاوہ ایک بیوہ عورت ذات کیساتھ اس قسم کا ہتھیار کرنا، اذیت حراساں کر کے رقم لیجانا ایک ناقابل معافی بلکہ ایک قابل مواخذہ فعل ہے۔ چونکہ معاملہ عدالت میں زیر سماعت ہے اسلئے تافیسامہ عدالت انٹواری بنڈنگ رکھنے کی سفارش کیجاتی ہے۔

Dhammad
محمد زمان

ڈی ایس پی گیز کو ارٹرز تیسر گرہ
دیر لوئر

Dismissed for
sumin
4/2/21
perused
ISSUE

F.S.O.
District Police Officer
D.P.O. Lower

Final opinion

جناب عالی! پٹیل مذکورہ نے مدعیہ کیساتھ رقم ادائیگی راضی نامہ کیا ہے۔
مناسب سرانجامی سفارش کیجاتی ہے۔
Dhammad
D.P.O. Lower



Anna K

Entry made in S. Roll
and enquiry Register
Pls file FMC

REC
H. S. 1-22

ORDER

This order will dispose of the departmental enquiry conducted against **Constable Irshad Khan No.2862**, that while he posted at Police Station Talash, he along with other three persons entered into the house of one Mst: Amina Bibi, w/o Bakht Zaman r/o Katan Payeen Talash, at night hostage/held their family at gunpoint in their room and snatch Rs.110, 000/- from the box laying in the house. A proper Case vide FIR No.75 dated 14-08-2020 u/s 382/457/34 PPC of Police Station Talash was registered. He has earned a bad name for Police Department & Muhammad Zaman DSP HQrs: Dir lower was appointed as enquiry officer, to conduct proper departmental enquiry against him and submit his finding report.

The enquiry officer, during the course of enquiry recorded the statements of all concerned as well as the official concerned. The enquiry officers in his finding report recommended him for appropriate punishment.

On the receipt of finding report along-with other relevant documents, the alleged official was issued, Final Show Cause Notice No.11968/EB dated 21-09-2020 through RI Police Line Timergara, the reply of which was received on 22-09-2020.

He was called in Orderly Room on 04-01-2021 for personal hearing and found unsatisfactory. Full opportunity was given to him to explain his position, but he failed to produce any cogent reason in his self defense to satisfy the undersigned.

Therefore, I **CAPT @ Laiqat Ali Malik (PSP/PPM)**, District Police Officer, Dir Lower in exercise of power vested under (E & D) Rules 1975 with amendment 2014, "agreed with the finding report of enquiry officer and awarded him a Major punishment of "Dismissal from service" with immediate effect.

ORDER ANNOUNCED

OB No. 13 /EB

Dated 04/01/2021

No. 133-36 /EB,

Copies submitted to the: -

- 1- Regional Police Officer, Malakand at Saidu Sharif, Swat.
- 2- Pay Officer Local Office.
- 3- OASI Local Office
- 4- RI Police Line Timergara

CAPT @ LAIQAT ALI MALIK
(PSP/PPM)

District Police Officer

Dir Lower

04/01/21

(19) 23/2/2021
Annex (123)

**OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND**

SAIDU SHARIF SWAT.
Ph: 0946-9240381-88 & Fax No. 0946-9240390
Email: digmalakand@yahoo.com

ORDER:

This order will dispose off appeal of Ex-Constable Irshad Khan No. 2862 of Dir Lower District for reinstatement in service.

Brief facts of the case are that Ex-Constable Irshad Khan No. 2862 while posted at Police Station Talash, he along with other three persons entered into the house of one Mst: Amina bibi wife Bakht Zaman r/o Katan Payeen Talash, at night hostage/ held their family at gunpoint in their room and snatch Rs. 110,000/- from the box laying in the house. A proper Case vide FIR No. 75 dated 14/08/2020 u/s 382/457/34 PPC Police Station Talash was registered. He has earned a bad name for Police Department and DSP Hqrs Dir Lower was appointed as Enquiry Officer to conduct proper departmental enquiry against him and submit his finding report. The Enquiry Officer, during the course of enquiry recorded the statement of all concerned as well as the official concerned. The Enquiry Officer in his finding report recommended him for appropriate punishment. On the receipt of finding report along with other relevant documents the alleged official was issued Final Show Cause Notice No. 11968/EB, dated 21/09/2020 through RJ Police Line Timergara, the reply of which was received on 22/09/2020. He was called in orderly room for personal hearing and found unsatisfactory. Full opportunity was given to him to explain his position but he failed to produce any cogent reason in his self defense. Therefore, the District Police Officer, Dir Lower in exercise of power vested to him under (E&D) Rules 1975 with amendment 2014 agreed with the finding report of Enquiry Officer and awarded him a major punishment of Dismissal from service with immediate effect vide OB No. 13, dated 04/01/2021.

He was called in Orderly Room on 17/02/2021 and heard him in person. The appellant could not produce any cogent reason in his defence. The duty of Police Force is to protect the lives and properties of civilian not to be a robber themselves. He has earned a very bad name for Police Force. He used the uniform of Police for his personal illegal, ugly and unlawful business. He does not deserve any leniency. Besides, his service record also show that there are 6 bad entries in his service, which also indicate his disinterest in Police Job. Therefore, I agreed with the decision of District Police Officer, Dir Lower and uphold the order passed by him and his appeal is hereby filed.

Order announced.

Regional Police Officer,
Malakand Region, Saidu Sharif Swat
Naqi
7/2/21

AQAT ALI MALIK
PSP/PPM,
District Police Officer,
Dir Lower

No. 2280 /E,
Dated 22-02-2021.

Copy of above for information and necessary action to District Police Officer, Dir Lower with reference to his office Memo: No. 799/E dated 14/01/2021. Service Roll, Fauji Missal and enquiry file of the above named officer is returned herewith for record in your office.

OB No 202

27-2021

Handwritten signature and notes in Urdu script.



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Irshad Khan No. 2862. The petitioner was dismissed from service by District Police Officer, Dir Lower vide OB No. 13, dated 04.01.2021 on the allegations that he while posted at Police Station Talash, he along-with other three persons entered into the house of one Mst: Amina Bibi w/o Bakht Zaman r/o Katan Payeen Talash, at night hostage/held their family at gunpoint in their room and snatch Rs.110,000/- from the box laying in the house. A proper case vide FIR No. 75 dated 14.08.2020 u/s 382/457/34 PPC of Police Station Talash was registered against him. His appeal was filed by Regional Police Officer, Malakand vide order Endst: No. 2280/E, dated 22.02.2021.

Meeting of Appellate Board was held on 15.07.2021 wherein petitioner was heard in person.

During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charges. Petitioner was acquitted u/s 249-A of Cr.P.C on compromise basis by the court of Judicial Magistrate/IQ-I, Dir Lower vide judgment dated 21.01.2021. The acquittal from the court does not absolve the petitioner from the liability. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-

KASHIF ALAM, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 3311-20 dt: 06/08/2021

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat. One Service Roll, one Service Book and one Fauji Missal containing departmental enquiry file of the above named Ex-FC received vide your office Memo: No. 4581-82/WPC, dated 08.04.2021 is returned herewith for your office record.
2. District Police Officer, Dir Lower.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

No 9421/E
Date 17-8-2021

EC/OPD Dir Lower

Encls: S. Roll
S. Book
F. Missal

Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.

(IRFAN ULLAH KHAN) PSP
AIG Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

OB/EC/DHC

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 7647/2021

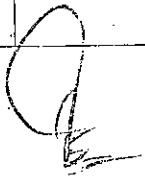
Irshad Khan s/o Sher Muhammad (Ex Constable Belt No. 2862) r/o Dushkhel
Talash Tehsil Timergara District Dir Lower.....Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.....Respondents.

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6.	Copies of charge sheet, statement of allegation, finding report and dismissal order	"H" to "K"	14-18
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(ZAHIR SHAH)
SI Legal Dir Lower

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 7647/2021

Irshad Khan s/o Sher Muhammad (Ex Constable Belt No. 2862) r/o Dushkhel
Talash Tehsil Timergara District Dir Lower.....Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.Respondents.

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the service appeal is not maintainable in its present form.
- 2) That the appellant has not come to this honourable Service Tribunal with clean hands.
- 3) That the present Service appeal is badly barred by law and limitation.
- 4) That this honorable Service Tribunal has got no jurisdiction to entertain the present service appeal.
- 5) That the appellant has suppressed the material facts from this honorable service tribunal.

ON FACTS:

1. Needs no comments.
2. Pertains to record.
3. Correct, to the extent, that the appellant initially appointed as SPO on contract basis with fixed pay in the year 2014 and later on regularized in the year 2020 as constable BPS-7, while his short service record is tainted with bad entries (Copies of bad entries enclosed as annexure "A" to "E").
4. Incorrect, the appellant was directly charged in a theft case vide FIR No75 dated 14.08.2020 u/s 382/457/34PPC PS Talsah by complaint Amina Bibi for stolen away cash worth Rs 1,10000/- from her house at night time. Resultantly he was

Suspended and closed to police line vide order OB No. 579, dated 18.08.2020. (Copy of FIR and suspension order enclosed as annexure "F" to "G").

5. The appellant was issued charge sheet plus statement of allegation and DSP/HQ was appointed as enquiry officer to conduct departmental enquiry against him. The enquiry officer in his findings report found guilty the appellant for his immoral act of stealing amount from the house of complainant and recommended for appropriate punishment (Copy of charge sheet plus statements of allegation finding report and dismissal order enclosed as annexure "H" to "K").
6. Incorrect as evident from record, that the appellant has effected compromise with complainant which means that the appellant has confessed the guilt. The offences in FIR are non compoundable in nature and the court has taken into consideration the compromise and acquitted the accused/ appellant on the said grounds.
7. Incorrect, the respondent No. 02 (Regional Police Officer) called the appellant in Orderly Room and he was heard in detail. The appellant failed to advance any solid reasons in his defence. The respondent No. 02 passed the order after observance of all the codal formalities under the rules. (Copy of order enclosed as annexure "L").
8. Incorrect, the Review board meeting was held and the appellant was heard in person. The appellant was acquitted u/s 249-A CrPc on the basis of compromise, therefore the acquittal of appellant by court does not absolve the appellant from the liability. Therefore the the review board rightly rejected the petition on solid grounds. Copy enclosed as annexure "M").
9. Incorrect, all the orders, passed by the respondents, are legal, in accordance with law/rules and no discrimination has been done in all the process. This honorable Service Tribunal has got no Jurisdiction to entertain the present appeal.

GROUNDS

- A) Incorrect, the order of dismissal in respect of complainant is based on facts and no violation of any provision of the Constitution of Islamic Republic of Pakistan has been committed by the respondents.

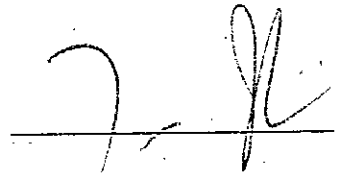
- B) Incorrect, the orders of dismissal of appellant passed by the respondents are legal, lawful and no violation of the rights of appellant is committed.
- C) Incorrect, final show cause notice was issued to the appellant and detailed inquiry was carried out by DSP/HQ. The competent authority, after scrutiny of the whole record in respect of appellant, and perusal of inquiry passed the dismissal order. No malafide exist on the part of respondents and the orders were passed in accordance with law/rules.
- D) Incorrect, the order of dismissal, passed by the competent authority, is lawful and no violation of the law/rules and policy has been made by the respondents.
- E) Incorrect, the appellant has been treated in accordance with law/rules and no discrimination has been done with appellant in overall process of inquiry.
- F) Incorrect, the appellant was directly charged in theft case being member of disciplined force and the court acquitted the accused on the basis of compromise. This state of affairs means that the appellant admitted the guilt by effecting compromise with complainant.
- G) Incorrect, no violation of the law/rules have been committed by the respondents. The dismissal order was passed, after observing all the codal formalities by touching deeply the service laws. The order of dismissal is legal and in accordance with facts and law/rules.
- H) Incorrect, the orders passed by the respondents is based on principles of natural Justice and equity.
- I) Incorrect, the case of the appellant has been examined thoroughly by the respondents before passing the orders and after fulfillment of the codal formalities. No malafide exist on the part of respondents. Moreover each and every case has its own facts and merit.
- J) Incorrect, no violation of the rules/policy has been made by the respondents and the competent authority exercising their powers as per law based on facts and merits.
- K) The respondents also seek leave of this honorable Tribunal to rely on additional grounds at the time of arguments/ hearing.

4


PRAYER:

It is therefore humbly prayed that on acceptance of this Para-wise reply, the appeal may graciously be dismissed with cost.

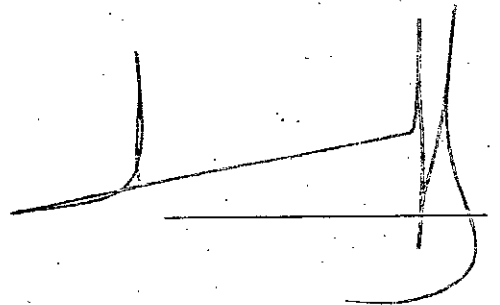
Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.



Regional Police Officer,
Malakand at Saidu Sharif Swat.


Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.

District Police Officer,
Dir Lower.



5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 7647/2021

Irshad Khan s/o Sher Muhammad (Ex Constable Belt No. 2862) r/o Dushkhel
Talash Tehsil Timergara District Dir Lower.....Appellant.

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
2. Regional Police Officer Malakand at Saidu Sharif, Swat.
3. District Police Officer Dir Lower.Respondents.

AFFIDAVIT.

I, Zahir Shah SI Legal Dir Lower, do hereby solemnly affirm on oath, that the contents of accompanying comments on behalf of Respondents is correct to the best of my knowledge and belief. Nothing has been concealed from this honourable Service Tribunal.



(DEPONENT)
SI Legal Dir lower.

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 764/2021

Irshad Khan s/o Sher Muhammad (Ex Constable Belt No. 2862) r/o Dushkhel Talash
Tehsil Timergara District Dir Lower.....Appellant.

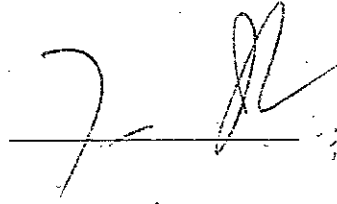
VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.Respondents.

POWER OF ATTORNEY

Mr. Muqadar Khan DSP Legal Dir Lower is hereby authorized to
appear on our behalf and submit all the relevant documents as required by the
Honorable Service Tribunal in the above Service Appeal.

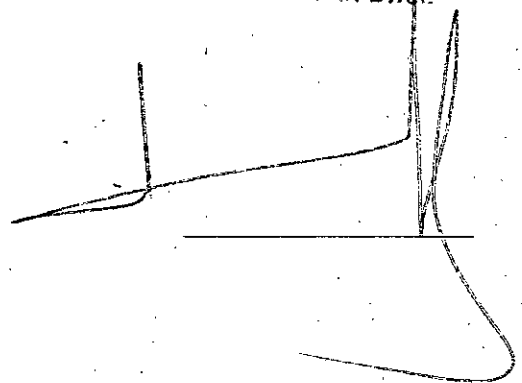
Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.



Regional Police Officer,
Malakand at Saidu Sharif Swat.

Regional Police Officer,
Malakand Region
Saidu Sharif, Swat.

District Police Officer,
Dir Lower.



صلح دسر لور

7

سین لائن مرکز

تعداد 08 روزانہ 23/10/2022

Amex 1AY

08 رپورٹ میجر حاضری میا ورخ 23/10/2022 وقت 10:00 بج اس وقت کنسل
محمد ارشد خان میجر 2862 بارک کھنڈن میں چمک کر کے عدم موجود
پاکر جن کے خلاف رپورٹ میجر حاضری در 7 روزانہ چمک گئی۔

حباب عالی!

نقل بطریق اہل ہے
M.H. P. M. G.
27-10-22

تعداد 04 روزانہ 27/10/2022

04 حاضری میا ورخ 27/10/2022 وقت 08:15 بج اس وقت کنسل محمد ارشد خان 2862
میجر حاضری میا ورخ 23/10/2022 سے حاضری میا ورخ 27/10/2022
بیماری سے ہٹا کر الوداعی اردو میں درج ذیل کی حاضری در 7 روزانہ چمک گئی۔

حباب عالی!

نقل بطریق اہل ہے
M.H. P. M. G.
27-10-22

Sir,
Forwarded,
Lo-DIR (L) M.G.
27-10-2022

OAS
For injection

DEPT/PP/12
02-11-20

Sir, Forwarded

RI P
29-10

ORDER

Four days absence
L-w/o pay.

25-11-2022

DP. Dir (L)

فاتح آباد

نمبر 14 روزنامہ 12/9

صاحب دہلی

Annex 'B'

فردی صاحبی ای صورت 12/9 وقت 13:15 سے اس وقت تک تھیل ارشاد 12/9 صاحبی
شہرہ جو ارشد 33 روزنامہ 12/9 سے صاحبی قائد آر میانی دیکھ لو دھرم
عام غیر صاحبی ہو گیا تھا اسے صاحبی آ رہے ہیں۔ صاحبی صاحبی کھاریں
دیکھ لائی ہیں عزیزوں کا صاحبی ارشد روزنامہ 12/9

صاحب دہلی
نقل دہلی
12-9-19

جنا علی

تھیل ارشد 12/9 سے 13/9 تک
صاحبی صاحبی کھاریں

12-9-19

Sir:

Forwarded

Find

SNO ps. MASH
20-9-19

ORDER

Two days absent
warned

صاحبی
آر میانی دیکھ لو دھرم
صاحبی کھاریں

DPO-Dit-Lower

24-09-19

25-09-19

25-09-19

Asmer "C"

نمبر 2 روزنامہ 16/01/2020

عمر حاجری

— 2 —

کتابخانه

عمر حاجری / 16/01/2020
14/01/2020 سے 16/01/2020 تک اس وقت
عمر حاجری کی طرف سے 14/01/2020 سے 16/01/2020 تک
عمر حاجری کی طرف سے 14/01/2020 سے 16/01/2020 تک
عمر حاجری کی طرف سے 14/01/2020 سے 16/01/2020 تک
عمر حاجری کی طرف سے 14/01/2020 سے 16/01/2020 تک

عمر حاجری

MHC PS Talash

16-01-2020

14/01/2020 سے 16/01/2020 تک

عمر حاجری کی طرف سے

عمر حاجری کی طرف سے

MHC PS Talash

16-01-2020

عمر حاجری کی طرف سے

Sir

Forwarded

Handwritten signature

MJP SHe-Talash

17-01-2020

SDPO-Talash
27-01-2020

ORDER

Two days absence

L. & pay

Handwritten signature

(10)

Ammer (D)

دفعہ دیوانہ

تقلید کا نمبر 14/6/19

500

بقاوت مہینہ

(3)

روز 16 تا عمری 15/11/19 صرف 14/6/19 وقت 09:40 اس وقت کسٹل ارشد اور 17/11/19 صرف

شہرہ بحوالہ روز 33 روزہ 14/6/19 سے کام چکانا کہ میان دیکر ہونے پر
صرف کا کام غیر ہائپر ہو چکا۔ اس کے بعد آج بھی ان میں اور عمری کے بارے میں
دیکھنا اور ان میں مقررہ کسٹل کی عمری میں اور ان کے بارے میں

کتاب دستی

نقل پوائنٹ

J. M. Postellsh

14-8-19

حاجہ عالی

کسٹل مقررہ مورخ 14/6/19 سے مورخ
14/6/19 سے کام چکانا کہ میان دیکر ہونے پر

کے ساتھ فرمادیں

AMHE ps Talash

14-6-019

Sir

Forwarded

(Signature)

SHO ps Talash

27-6-019

ORDER

~~Five days absent~~

~~without leave without~~

~~pay~~

DPO-DIT

ماہانہ کیلکولیشن کے لئے
مقررہ وقت پر کام چکانا کہ میان دیکر ہونے پر

(Circular Stamp)

(Signature)

27-6-019

ملیہ ادارہ

۱۱

پولیس لائن

تقدیر ۰۹ روزانہ ۲۸/۱۰/۰۲۰

۰۹ روزانہ ۲۸/۱۰/۰۲۰ حور علیہ وقت ۱۱:۵۵ اس وقت
بھلا کیشنل خمدار شہاد 2862، سکار سرکار دفتر محمد لائن طلب
کرتے پر عدم جو جو یہ اگر جن کے خلاف ریپورٹ غیر حاضری درج
روزانہ کی گئی۔ حساب عالی

نقل عطا لیا اصل ہے۔

31-10-020

تقدیر ۰۴ روزانہ ۲۹/۱۰/۰۲۰

۰۴ حاضری ۲۹/۱۰/۰۲۰ حور علیہ وقت ۰۵:۵۵ اس وقت
بھلا کیشنل خمدار شہاد 2862 غیر حاضری بجوالہ ۰۹ روزانہ
۲۸/۱۰/۰۲۰ سے حاضری پر حاضری ضروری کام بیان کی دستخط اردو
یہ مذکورہ کی حاضری درج روزانہ کی گئی حساب عالی

نقل عطا لیا اصل ہے۔

31-10-020

Sr.
Ferozabad,
Lo-DIR (L) 194
31-10-020

OAS
For-n-action

ORDER
One day absence

DSP/HO/15
9-11-020

L.w.c pay.

CD No- 927

DPO Dir (L)



AMMA

CCG

13

OFFICE OF THE
DISTRICT POLICE OFFICER
DIR LOWER

No. _____ /EC, dated _____ /2020

ORDER

As per report vide DD No.29 dated 14-08-2020 of Police Station Talash Constable Irshad Khan No.2862, is here by suspended and closed to Police Lines Timergara with immediate effect, due to his involvement in vide Case FIR No.75 u/s 382-457/34, PPC dated 14-08-2020 Police Station Talash.

OB No. 579

Dated 18/08 /2020

District Police Officer,
Dir Lower

No. 9953-54 /EC, Dated 18/08 /2020

17/08/2020

Copies submitted to the: -

- 1- Mr. Muhammad Zaman Acting DSP Hqrs Dir Lower to conduct inquiry in the said matter within 07 days positively.
- 2- OASI Local Office.

Enquiry No. 161 /EB,

Dated 31-8-2020

CHARGE SHEET

I, **Abdur Rashid (PSP)** District Police Officer, Dir Lower at Timergara as competent authority, hereby charge you **FC/SPO Irshad Khan No.2862** committed as follows: -

- a. That while you posted at Police Station Talash you along with other three persons entered into the house of one Mst: Amina Bibi w/o Bakht Zaman r/o Katan Payeen Talash at night, hostage/held their family at gunpoint in their room and snatch Rs.110,000/- from the box laying in the house. A proper Case vide FIR No.75 dated 14-08-2020 u/s 382/457/34 PPC PS Talash was registered. You have earned a bad name for Police department, which shows gross misconduct, misbehavior, and inefficiency on your part.
2. By the reason of above you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the disciplinary Rules, 1975.
3. You are: therefore, require to submit your written reply within 25 days of the receipt of this charge sheet to the enquiry officer.
4. Your written reply, if any, should reach the enquiry officer **Mr. Muhammad Zaman DS HQrs (look after charge of SDPO Circle Timergara)**, within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-part action shall follow against you.
5. Intimate to whether you desire to be heard in person or not.
6. A statement of allegation is enclosed.

No. 10776-77 JEC,

Copies for to the:-

- 3- Mr, Muhammad Zaman DSP HQrs (look after charge of SDPO Circle Timergara) Dir Lower to initiate departmental enquiry against above named FC/SPF in the light of attached documents, with in stipulated period.
- 4- Accused FC/SPO Irshad Khan No. 2862 through RI Police Line Timergara for further necessary action.

Abdur Rashid
District Police Officer

Dir Lower
24/8/2020

Enquiry No. 161 /EB,

Dated Timergara the 31-8-2020 *Amal*

DISCIPLINARY ACTION

I, **Abdur Rashid (PSP)**, District Police Officer, Dir Lower at Timergara as competent authority as of the opinion that **FC/SPO Irshad Khan No.2862** have rendered yourself liable to be proceeded against departmentally as you have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

b. That while he posted at Police Station Talash he along with other three persons entered into the house of one Mst: Amina Bibi w/o Bakht Zaman r/o Katan Payeen Talash at night, hostage/held their family at gunpoint in their room and snatch Rs.110,000/- from the box laying in the house. A proper Case vide FIR No.75 dated 14-08-2020 u/s 382/457/34 PPC PS Talash was registered. He has earned a bad name for Police department, which shows gross misconduct, misbehavior, and inefficiency on his part.

2- For the purpose of scrutinizing the conduct of said office, with reference to the above allegation **Mr, Muhammad Zaman DSP HQrs (look after charge of SDPO Circle Timergara) Dir Lower** is appointed as enquiry officer.

3- The enquiry officer shall conducted proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its findings and make within 25 days of the receipt of his order, recommendation as to punishment or other appropriate action against the accused officer.

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

No. 10775-76 /EC,

Copies for to the:-

Amal
District Police Officer
Dir Lower

26/08/2020

- ✓ 1- Mr, Muhammad Zaman DSP HQrs (look after charge of SDPO Circle Timergara) Dir Lower to initiate departmental enquiry against above named FC in the light of attached documents, with in stipulated period.
- 2- Accused FC/SPO Irshad Khan No. 2862 through RI Police Line Timergara for further necessary action.



Annex

فائنڈنگ رپورٹ بسلسلہ انکوائری برخلاف کنسٹیبل SPO ارشاد خان نمبر 2862 متعینہ تھانہ تالاش حال پولیس لائن ٹیمپل گروہ جناب عالی!

بجوالہ مشمولہ انکوائری کاغذات عرض گزار ہوں کہ (سپیشل فورس) کنسٹیبل ارشاد خان نمبر 2862 متعینہ تھانہ تالاش کھلاف الزام ہے کہ وہ مدد 3 دیگر کسان اسم و مسکن نام معلوم مسماة آمنہ بی بی بیویہ بخت زمان سکنہ کاشن پائین کی مکان میں رات کے وقت داخل ہو کر اسلحہ کی نوک پر اہل خانہ کمرے میں بند کر کے کمرے میں پڑے ایک آہنی بکس سے مبلغ -/110000 روپیہ لے گئے ہیں۔ مسماة آمنہ بی بی مدعیت میں مقدمہ عدلت 75 مورخہ 14.08.2020 بجرم 382/457/34PPC تھانہ تالاش قائم ہونے پر جناب DPO صاحب نے اسے چارج شیٹ کر کے من DSP ایڈ کورٹرز کو انکوائری کرنے کا حکم صادر فرمایا۔ انکوائری کاغذات اور مذکورہ (سپیشل فورس) کنسٹیبل ارشاد خان نمبر 2862 کا تحریری جواب موصول ہونے پر باقاعدہ انکوائری کرتے ہوئے متعلقین مدعیہ مقدمہ مسماة آمنہ بی بی، اسپیکر تھانہ خان (SHO)، شاہنواز خان (ASI)، انورزادہ (IHC) وغیرہ طلب کئے۔ بعد ازاں الزام الیہ انکے بیانات لئے گئے اور اسکو باقاعدہ ان پر تہمت کرنے کا موقع دیا گیا۔

مسماة آمنہ بی بی بیویہ بخت زمان سکنہ کاشن پائین نے اپنی تفصیلی بیان ابتدائی اطلاعی رپورٹ کے تائید میں مزید بتلایا کہ اسکی مکان بوسیدہ ہونے، غربت اور لاچارگی کی وجہ سے میڈیا کے ذریعہ، تشہیر ہونے کی وجہ سے مختلف لوگوں، تنظیموں نے اس کو رقم کے علاوہ ایک راس گائے دے کر مائی امداد کی ہے۔ بقول مذکورہ مورخہ 14.08.2020 کو مہینہ (سپیشل فورس) کنسٹیبل ارشاد خان نمبر 2862 اپنے آپ کو میڈیا سے وابستہ اور پشاور سے، ظاہر کر کے سہ پہر کے وقت اس کی گھر آیا۔ مزید امداد، مکان کی تعمیر کے بہانے موبائیل کے ذریعے اسکی مکان کی ویڈیوز بنائے اور ان کو اپنا موبائیل نمبر دے کر چلا گیا۔ راستے میں مدعیہ کے بھائی وکیل زادہ جو اسکی گھر آ رہا تھا نے خود کچھ کرجب مدعیہ نے تذکرہ کی تو اس نے کہا کہ یہ تو ارشاد ہے۔ پھر بوقت عشاء جب وہ گھر میں اپنی بچوں سمیت موجود تھی مذکورہ ارشاد مسلح بہ پستول اس کے گھر کے اندر، جبکہ 3 دیگر کسان اسم و مسکن نام معلوم گھر کے باہر آ کر ارشاد نے انکو ایک کمرے میں کنڈی لگا کر بند کیا اور دوسرے کمرے میں پڑے ایک آہنی صندوق سے مبلغ -/110000 روپیہ چھین کر لے گئے۔ مذکورہ نے بھائی وکیل زادہ کو فون کی اور والد، بھائی کے ہمراہ تھانہ تالاش جا کر رپورٹ کی۔ مذکورہ کو جب پولیس نے گرفتار کر کے جیل چلا گیا تو اس کی ماں، بیوی اور دیگر رشتہ دار اسکی گھر بطور جرگہ آئے اور اس کو (مسماة آمنہ) کو متذکرہ رقم مبلغ -/110000 روپیہ ادا کئے۔ اسے اپنا رقم مل کر راضی نامہ کیا۔ یوں وہ (مدعیہ) حسب طلبی عدالت جا کر بتلایا کہ بوقت وقوع وہ شدید پریشانی کی عالم میں تھی اسلئے ملزم کنسٹیبل ارشاد خان نمبر 2862 اور 3 دیگر کسان نام معلوم کھلاف دعویداری کی تھی مگر ارشاد اکیلے اس کے مکان کے اندر آیا تھا۔ جواب اس نے ملزم ارشاد کیساتھ راضی نامہ کیا ہے اور راضی نامہ کی رو سے اس نے ملزم کو فی سبیل اللہ بخش دیا ہے اس وجہ سے اسکی رہائی یا بری ہونے پر اسے کوئی اعتراض نہیں ہے۔ بیان مذکورہ لف انکوائری ہذا قابل ملاحظہ ہے۔

اس کے علاوہ مقامی پولیس تھانہ تالاش نے اس کو مقدمہ ہذا میں جب گرفتار کیا، بغرض حصول حراست پولیس عدالت میں پیش کر کے بجائے حراست کے حوالات جوڈیشل بھیج دیا۔ تو ملزم ارشاد کے رشتہ داروں نے مدعیہ مقدمہ کے گھر جا کر مبلغ -/110000 (ایک لاکھ دس ہزار) روپیہ دے کے مدعیہ کیساتھ راضی نامہ کیا۔ یوں مدعیہ مقدمہ مسماة آمنہ کی بیانات 164/161 ض ف قلمبند کر کے عدالت میں دیگر ملزمان اسم و مسکن نام معلوم کو چھوڑ کر صرف ارشاد ملزم کو گھر کے اندر آ کر رقم لیجانے کی بیان دی، لیکن اس کو رقم حوالگی کی وجہ سے بخش دیا تو اس راضی نامہ کی رو سے اس کا ضمانت بعدالت ایڈیشنل سیشن جج صاحب ٹیمپل گروہ نے بجوالہ حکم مورخہ 19.08.2020 منظور کر کے ضمانت پر رہا ہوا ہے۔ نقل راضی نامہ اور حکم عدالت اور بیانات SHO, ASI, IHC لف انکوائری ہذا قابل ملاحظہ ہیں۔

لو سے لکھنے کی سہولت

نتیجہ تحقیق :- کنسٹیبل ارشاد خان نمبر 2862 جو مورخہ 16.08.2014 کو محکمہ پولیس سپیشل فورس میں بحیثیت کنسٹیبل بھرتی ہوا تھا۔ اب بشمول دیگر ریگولر ہو کر پولیس لائن میں تعینات ہے کے خلاف مدعیہ مقدمہ مسماة آمنہ بی بی بیوہ بخت زمان ساکن کائن پائین کی باقاعدہ دعویداری پر مقدمہ علت 75 مورخہ 14.08.2020 جرم 382/457/34PPC تھانہ تلاش قائم ہوئی۔ اس کی تفتیش ہوئی، گواہان چشم دید کے بیانات قلمبند ہوئے، موبائل ڈاٹا سے کوئی روابط تو نہ ملے، مگر مدعیہ کیساتھ رقم ادائیگی کے بعد راضی نامہ کرنا اس پر لگاتے ہوئے الزامات کی تائید کر رہا ہے۔ ایک ڈسپلن فورس میں رہتے ہوئے اس قسم کی افعال، حرکات ایک طرف ایک پولیس افسر کیلئے درست نہیں ہیں تو دوسری طرف محکمہ پولیس کیلئے باعث بدنامی بن سکتا ہے۔ اس کے علاوہ ایک بیوہ عورت ذات کیساتھ اس قسم دھوکہ کرنا، بات حراساں کر کے رقم لیجانا ایک ناقابل معافی بلکہ ایک قابل مواخذہ فعل ہے۔ چونکہ معاملہ عدالت میں زیر سماعت ہے اسلئے تالیفیلہ عدالت اعلاویٰ بزننگ رکھنے کی سفارش کیجاتی ہے۔

Hammad
محمد زمان

ڈی ایس پی گیز کو ارٹرز تیرگرہ
دیر نور

Dismissed
Sumit
4/11/21
perused
ISSUE

F.S.O
District Police Officer
D.P.O. D/L

Faisal Anjum

جناب عالی!
سپیشل مذکورہ نے مدعیہ کیساتھ رقم ادائیگی راضی نامہ کیا ہے۔
مناسب سرانجامی سفارش کیجاتی ہے۔
Hammad
D.P.O. D/L



Anna K

Sir
Embry made in S.Poll
and enquiry register
Pls file F.M.C

AEC
H.S.1-221

ORDER

This order will dispose of the departmental enquiry conducted against **Constable Irshad Khan No.2862**, that while he posted at Police Station Talash, he along with other three persons entered into the house of one Mst: Amina Bibi w/o Bakht Zaman r/o Katan Payeen Talash, at night hostage/held their family at gunpoint in their room and snatch Rs.110, 000/- from the box laying in the house. A proper Case vide FIR No.75 dated 14-08-2020 u/s 382/457/34 PPC of Police Station Talash was registered. He has earned a bad name for Police Department & Muhammad Zaman DSP HQrs: Dir lower was appointed as enquiry officer, to conduct proper departmental enquiry against him and submit his finding report.

The enquiry officer, during the course of enquiry recorded the statements of all concerned as well as the official concerned. The enquiry officers in his finding report recommended him for appropriate punishment.

On the receipt of finding report along-with other relevant documents, the alleged official was issued, Final Show Cause Notice No.11968/EB dated 21-09-2020 through RI Police Line Timergara, the reply of which was received on 22-09-2020.

He was called in Orderly Room on 04-01-2021 for personal hearing and found unsatisfactory. Full opportunity was given to him to explain his position, but he failed to produce any cogent reason in his self defense to satisfy the undersigned

Therefore, I **CAPT @ Laiqat Ali Malik (PSP/PPM)**, District Police Officer, Dir Lower in exercise of power vested under (E & D) Rules 1975 with amendment 2014, "agreed with the finding report of enquiry officer and awarded him a Major punishment of "Dismissal from service" with immediate effect.

ORDER ANNOUNCED

OB No. 13 /EB

Dated 04/01/2021

No. 133-36 /EB,

Copies submitted to the: -

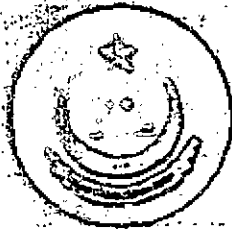
- 1- Regional Police Officer, Malakand at Saidu Sharif, Swat.
- 2- Pay Officer Local Office.
- 3- OASI Local Office
- 4- RI Police Line Timergara

CAPT @ LAIQAT ALI MALIK
(PSP/PPM)

District Police Officer

Dir Lower

04/01/2021



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND

SAIDU SHARIF SWAT.

Ph: 0946-9240381-88 & Fax No. 0946-9240390

Email: digmalakand@yahoo.com

ORDER:

This order will dispose off appeal of Ex-Constable Irshad Khan No. 2862 of Dir Lower District for reinstatement in service.

Brief facts of the case are that Ex-Constable Irshad Khan No. 2862 while posted at Police Station Talash, he along with other three persons entered into the house of one Mst: Amina bibi wife Bakht Zaman r/o Katan Payeen Talash, at night hostage/ held their family at gunpoint in their room and snatch Rs. 110,000/- from the box laying in the house. A proper Case vide FIR No. 75 dated 14/08/2020 u/s 382/457/34 PPC Police Station Talash was registered. He has earned a bad name for Police Department and DSP Hqrs Dir Lower was appointed as Enquiry Officer to conduct proper departmental enquiry against him and submit his finding report. The Enquiry Officer, during the course of enquiry recorded the statement of all concerned as well as the official concerned. The Enquiry Officer in his finding report recommended him for appropriate punishment. On the receipt of finding report along with other relevant documents the alleged official was issued Final Show Cause Notice No. 11968/EB, dated 21/09/2020 through RJ Police Line Timergara, the reply of which was received on 22/09/2020. He was called in orderly room for personal hearing and found unsatisfactory. Full opportunity was given to him to explain his position but he failed to produce any cogent reason in his self defence. Therefore, the District Police Officer, Dir Lower in exercise of power vested to him under (E&D) Rules 1975 with amendment 2014 agreed with the finding report of Enquiry Officer and awarded him a major punishment of Dismissal from service with immediate effect vide OB No. 13, dated 04/01/2021

He was called in Orderly Room on 17/02/2021 and heard him in person. The appellant could not produce any cogent reason in his defence. The duty of Police Force is to protect the lives and properties of civilian not to be a robber themselves. He has earned a very bad name for Police Force. He used the uniform of Police for his personal illegal, ugly and unlawful business. He ^{does} not deserve any leniency. Besides, his service record also show that there are 6 bad entries in his service, which also indicate his disinterest in Police Job. Therefore, I agreed with the decision of District Police Officer, Dir Lower and uphold the order passed by him and his appeal is hereby filed.

Order announced.

Regional Police Officer,
Malakand Region, Saidu Sharif Swat

[Signature]
Naqi
19/2/21

[Signature]
AQAT ALI MALIK
PSP/PPM,
Police Officer,
Dir Lower

No. 2280 /E,
Dated 22-02 /2021.

Copy of above for information and necessary action to District Police Officer, Dir Lower with reference to his office Memo: No. 799/E dated 14/01/2021. Service Roll, Fauji Missal and enquiry file of the above named officer is returned herewith for record in your office.

OB No 202

19-2-2021

[Handwritten signature]
محمد عسکری
19/2/21



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Irshad Khan No. 2862. The petitioner was dismissed from service by District Police Officer, Dir Lower vide OB No. 13, dated 04.01.2021 on the allegations that he while posted at Police Station Talash, he along-with other three persons entered into the house of one Mst: Amina Bibi w/o Bakht Zaman r/o Katan Payeen Talash, at night hostage/held their family at gunpoint in their room and snatch Rs.110,000/- from the box laying in the house. A proper case vide FIR No. 75 dated 14.08.2020 u/s 382/457/34 PPC of Police Station Talash was registered against him. His appeal was filed by Regional Police Officer, Malakand vide order Endst: No. 2280/E, dated 22.02.2021.

Meeting of Appellate Board was held on 15.07.2021 wherein petitioner was heard in person.

During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charges. Petitioner was acquitted u/s 249-A of Cr.P.C on compromise basis by the court of Judicial Magistrate/IQ-I, Dir Lower vide judgment dated 21.01.2021. The acquittal from the court does not absolve the petitioner from the liability. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-

KASHIF ALAM, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 3311-20 dt: 06/08/2021

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat. One Service Roll, one Service Book and one Fauji Missal containing departmental enquiry file of the above named Ex-FC received vide your office Memo: No. 4581-82/WPC, dated 08.04.2021 is returned herewith for your office record.
2. District Police Officer, Dir Lower.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

No 9421/E
Date 17-8-2021

EC/OPD Dir Lower

Ershad S. Rall
S. Book
F. Missal

F. O. Nagai

Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.

(IRFAN ULLAH KHAN) PSP
AIG Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

OB/EC/DHC

①

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No.7647...../2021

Irshad Khan S/O Sher Muhammad (Ex-Constable belt No.2862)
Resident of Dushkhel Talash Tehsil Timergara Dir Lower

Khyber Pakhtunkhwa
Service Tribunal

.....Appellant

Versus

Diary No. 7707

Dated 07-10-2021

- 1) Inspector General Police, Khyber Pakhtunkhwa,
- 2) Regional Police Officer, Malakand
- 3) District Police Officer, Dir Lower

Saidu Sharif Swat

..... Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED OFFICE ORDER NO.133-36/EB DATED
04/01/2020 OF RESPONDENT NO.3/DISTRICT POLICE
OFFICER DIR LOWER WHEREBY APPELLANT WAS
DISMISSED FROM SERVICE AND HIS
DEPARTMENTAL APPEAL AS WELL AS REVISION
PETITION OF THE APPELLANT HAS BEEN DISMISSED

PRAYER

On acceptance of this service appeal, the impugned dismissal order No.133-36/ EB dated 04/01/2021 of the Respondent No.3/District Police Officer Dir Lower and Impugned Officer Order dated 22/02/2021 of Respondent No. 2/ Regional Police Officer Malakand coupled with impugned Officer Order dated 26/08/2021 respectively may kindly set aside and by doing so the Appellant may graciously be re-instated into service with all back benefits.

Any other relief which this Hon'ble Tribunal deems appropriate in law, equity, and justice may also be granted to the appellant in the best interest of justice.

Respectfully Submitted as under,

Relevant facts for disposal of the Appeal are briefly enumerated as under:

BRIEF FACTS OF THE CASE

1. That the addresses of the parties has correctly been given in the heading of the appeal, which is sufficient for service of summons and notice or any other process that might be required by this Hon'ble Court from time to time

Filed to-day
Registrar
07/10/2021
Re-submitted to-day
and filed.
Registrar
07/10/2021

2

2. That Appellant is a naturally born bonafied citizen of Islamic Republic of Pakistan and hails from respectable family of Dir Lower.
3. That the Appellant got inducted on the rolls of Respondents Department 7 years back and have always performed his duties with full fanaticism, zest and devotion & have never left any stone unturned in performance of his duties and have always won felicitations and appreciations of the high-up at certain junctures.
4. That it was in this backdrop that the Appellant was falsely charged in case FIR No.75 dated 14/04/2020 under section 382/457/34 PPC at police station Talash and in pursuance of the above mentioned false implication, the service of the Appellant was suspended from the rolls of the Respondent Department.

Copy of FIR No.75 dated 14/04/2020 is annexed as annexure A

5. That in pursuance of aforementioned suspension order, Respondent No.3 being competent authority, upon recommendation of the inquiry officer vide impugned Office order No.133-36/EB dated 04/01/2021 awarded major penalty of dismissal of service to the Appellant.

Copy of impugned Dismissal Order dated 04/01/2021 is annexed as annexure B)

6. That as per the supra-mentioned certainties coupled with the vivid fact of his dismissal, it would appropriate to mention here that the Appellant was acquitted under section 249-A Cr P C vide order dated 21/01/2021 by Learned Judicial Magistrate/IQ Dir Lower.

Copy of Acquittal Order dated 21/01/2021 of the learned Judicial Magistrate/IQ Dir Lower is annexed as annexure C

7. That feeling aggrieved from the impugned dismissal order dated 21/01/2021 of Respondent No.3, the Appellant preferred Departmental Appeal to the Respondent No.2/Regional Police Officer Malakand which was decided vide impugned officer order dated 22/2/2021 whereby departmental appeal of the Appellant was rejected in classical cursory and whimsical manner.

Copy of Departmental Appeal and impugned office order dated 22/2/2021 is annexed as annexure D

8. That feeling aggrieved the Appellant preferred Revision under section 11-A of Police Rules 1975 to Respondent No.1/Inspector General of Police Khyber Pakhtunkhwa which also meet the same fate and was rejected vide impugned officer order dated 26/08/2021.

Copy of Impugned officer order dated 26/08/2021 of Respondent No.1 is annexed as annexure E

9. That the impugned orders dated 04/01/2021, 22/02/2021 and 26/08/2021 respectively of Respondents are wrong, illegal, discriminatory, un-warranted, colorable exercise of power, not in accordance with law and rules applicable, hence, Appellant approaches this Hon'ble Tribunal inter alia on the following grounds.

GROUND OF APPEAL:

- A. That the impugned dismissal from service order of Respondents is against the fundamental rights of the Appellant guaranteed under the Constitution of Islamic Republic of Pakistan.
- B. That the impugned dismissal order of Respondents regarding the dismissal order of the Appellant from the service is arbitrary, illegal, unlawful and void abinitio having no legal effect against the accrued right of the Appellant.
- C. That no final show cause notice was given to the Appellant and as well as no fair inquiry was ever conducted and the Respondent passed the impugned dismissal order No.133-36/EB dated 04/01/2021 which clearly proves malafide and mal intention as well as mal practices of the Respondents against the Appellant, hence, the impugned order is not justified in any cannon of law.
- D. That the impugned dismissal from service order is un lawful, illogical and is liable to be cancelled because the Respondents utterly violated the service laws, rules, regulations & policy of the Government for Civil Servant while passing the impugned dismissal order.
- E. That under the mandate of Article 4 of the Constitution of Islamic Republic of Pakistan, no one should be treated otherwise than in accordance with law, but here the case of the Appellant is volta-facie and a totally different yardstick has been used to treat the Appellant.
- F. That the case in which the Appellant was charged in FIR No. 75 dated 14/08/2020 Police Station Talash, the Appellant was acquitted under section 249-A Cr P C which clearly show that the Appellant is innocent.
- G. That the Respondent has clearly violated the basic ingredient of law and has deprived themselves from service laws in case of the Appellant and due to this deprivation and not following the codal formalities, the impugned dismissal order is illegal and void.
- H. That the impugned order of the Respondent is against the basic principle of natural justice, fair play and equity.

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- I. That it is axiomatic that the matters related to term and condition of service should always be examined and decided objectively, rationally and without any prejudice so that fair reasonable and judicious conclusions/decision being free from any unfair inclination or bias could be emerged. Justice verily should not only be done but also seen to be done in any case, the available facts and underline reference suffice to indicate that the impugned dismissal order is against law, justice and dictum laid down by Apex Courts. The discretion has to be exercised fairly, justly and reasonably. Reliance placed on **1995 SMCR 650**
- J. That the impugned act and omission on the part of the Respondents is in sheer violation of Section 24-A of General Clauses Act, 1987, which provides that an authority vested with power, is bound to exercise the same justly, fairly, reasonably and for the advancement of the purpose being vest there in.
- K. That Appellant may kindly be allowed to raise any other ground at the time of arguments with prior permission of this Hon'ble Court.

In wake of above submission, it is, therefore, most humbly prayed, that On acceptance of this service appeal, the impugned dismissal order No.133-36/ EB dated 04/01/2021 of the Respondent No.3/District Police Officer Dir Lower and Impugned Officer Order dated 22/02/2021 of Respondent No. 2/ Regional Police Officer Malakand coupled with impugned Officer Order dated 26/08/2021 respectively may kindly set aside and by doing so the Appellant may graciously be re-instated into service with all back benefits.

Or

Any other relief which this Hon'ble Tribunal deems appropriate in law, equity, and justice may also be granted to the appellant in the best interest of justice.

Through

Appellant

Jehan Dastagir

&

M.Ashfaq Khan Akhunkhail

Advocates,

High Court, Peshawar

CERTIFICATE

As per instruction of my client prior to the present one, no such like appeal has been filed by the Appellant before this Hon'ble Court.

Advocate

5

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No...../2021

Irshad Khan (Ex-Constable belt No.2862)
Versus

Inspector General Police, Khyber Pakhtunkhwa & Others

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA BEFORE

AFFIDAVIT

I, Irshad Khan S/O Sher Muhammad (Ex-Constable belt No.2862) Resident of Dushkhel Talash Tehsil Timergara Dir Lower, do hereby solemnly affirm and declare on oath that the contents of accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Deponent
ارشد خان

Identified By



M. Ashfaq Khan Akhunkhail

Advocate,

High Court, Peshawar



6

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No...../2021

Irshad Khan (Ex-Constable belt No.2862)

Versus

Inspector General Police, Khyber Pakhtunkhwa & Others

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA BEFORE

ADDRESSES OF PARTIES

Petitioners:

Irshad Khan S/O Sher Muhammad (Ex-Constable belt No.2862)
Resident of Dushkhel Talash Tehsil Timergara Dir Lower

Respondents

1. Inspector General Police, Khyber Pakhtunkhwa,
2. Regional Police Officer, Malakand
3. District Police Officer, Dir Lower

Appellant

Through

Jehan Dastagir

&

M.Ashfaq Khan Akhunkhail

Advocates,

High Court, Peshawar

ابتدائی اطلاعی رپورٹ

7

تاریخ

ظلم دیوبند

(75)

وقت وقوع 14-7-20 وقت 21:00

6

عنوان واقعہ	تاریخ وقوع	وقت وقوع
حادثہ گھونٹہ پورہ میں شاہ جہاں کیمینڈو ٹیم کی طرف سے بم دھماکا	11-7-20	14:30 بجے
پتہ: جہلم سڑک، پورہ، تحصیل اٹک	11-7-20	14:30 بجے
واقعہ: شاہ جہاں کیمینڈو ٹیم کے ایک رکن کی ہلاکت	11-7-20	14:30 بجے
پتہ: جہلم سڑک، پورہ، تحصیل اٹک	11-7-20	14:30 بجے
واقعہ: شاہ جہاں کیمینڈو ٹیم کے ایک رکن کی ہلاکت	11-7-20	14:30 بجے
پتہ: جہلم سڑک، پورہ، تحصیل اٹک	11-7-20	14:30 بجے
واقعہ: شاہ جہاں کیمینڈو ٹیم کے ایک رکن کی ہلاکت	11-7-20	14:30 بجے
پتہ: جہلم سڑک، پورہ، تحصیل اٹک	11-7-20	14:30 بجے
واقعہ: شاہ جہاں کیمینڈو ٹیم کے ایک رکن کی ہلاکت	11-7-20	14:30 بجے
پتہ: جہلم سڑک، پورہ، تحصیل اٹک	11-7-20	14:30 بجے

مذکورہ واقعہ کے متعلق دریافت کیا گیا ہے کہ شاہ جہاں کیمینڈو ٹیم کے ایک رکن کی ہلاکت ہوئی ہے۔

واقعہ: شاہ جہاں کیمینڈو ٹیم کے ایک رکن کی ہلاکت

پتہ: جہلم سڑک، پورہ، تحصیل اٹک

واقعہ: شاہ جہاں کیمینڈو ٹیم کے ایک رکن کی ہلاکت

پتہ: جہلم سڑک، پورہ، تحصیل اٹک

واقعہ: شاہ جہاں کیمینڈو ٹیم کے ایک رکن کی ہلاکت

پتہ: جہلم سڑک، پورہ، تحصیل اٹک

75



OFFICE OF THE
DISTRICT POLICE OFFICER
DIR LOWER

8
Annex B

ORDER

This order will dispose of the departmental enquiry conducted against **Constable Irshad Khan No.2862**, that while he posted at Police Station Talash, he along with other three persons entered into the house of one Mst: Amina Bibi w/o Bakht Zaman r/o Katan Payeen Talash, at night hostage/held their family at gunpoint in their room and snatch Rs.110, 000/- from the box laying in the house. A proper Case vide FIR No.75 dated 14-08-2020 u/s 382/457/34 PPC of Police Station Talash was registered. He has earned a bad name for Police Department & Muhammad Zaman DSP HQrs: Dir lower was appointed as enquiry officer, to conduct proper departmental enquiry against him and submit his finding report.

The enquiry officer, during the course of enquiry recorded the statements of all concerned as well as the official concerned. The enquiry officers in his finding report recommended him for appropriate punishment.

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He was called in Orderly Room on 04-01-2021 for personal hearing and found unsatisfactory. Full opportunity was given to him to explain his position, but he failed to produce any cogent reason in his self defense to satisfy the undersigned

Therefore, I CAPT @ Laiqat Ali Malik (PSP/PPM), District Police Officer, Dir Lower in exercise of power vested under (E & D) Rules 1975 with amendment 2014, "agreed with the finding report of enquiry officer and awarded him a Major punishment of "Dismissal from service" with immediate effect.

ORDER ANNOUNCED

OB No. 13 /EB

Dated 04/01/2021

CAPT @ LAIQAT ALI MALIK
(PSP/PPM)
District Police Officer
Dir Lower

No. 133-36 /EB,

Copies submitted to the: -

1- Regional Police Officer, Malakand at Saidu Sharif, Swat.

2- Pay Officer, Local Office

CTE
04/01/2021

LA29951

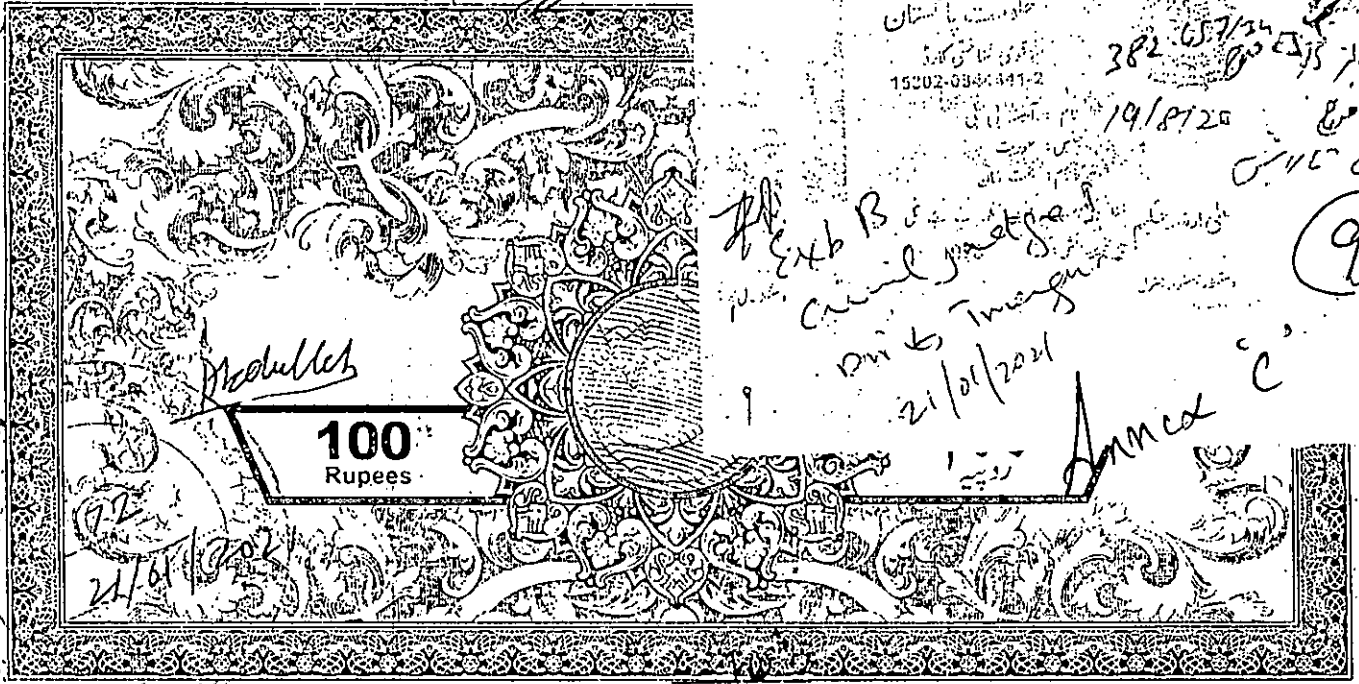
حکومت پاکستان
قانونی سیکشن
15302-084441-2

بیلنگ ڈیوٹی
382/457/34
19/8/20
فوج
ڈیپارٹمنٹ

9

Ex B
مستند
21/01/2021

Annex C



بعدالت جناب سول جج صاحب اجوڈیشل مجسٹریٹ بمقام تیسرا گره ضلع دیرپائین۔

سرکار بذریعہ آئینہ بی بی (مستعدیہ) بنام ارشادخان (مملوکہ مستند) 21/01/2021
مقدمہ عدلت نمبر 75 مورخہ 14/08/2020 جرم زیر دفعات PPC 382/457/34 تھانہ تالاش۔

مکہ مسماة آئینہ بی بی نے بخت زمان ساکن کاشن پائین تحصیل تیسرا گره ضلع دیرپائین مستعدیہ مقدمہ عنوان بالا از روئے تحریر ہذا اقرار کر کے لکھ دی ہیں۔ کہ میں نے مقدمہ عنوان بالا میں برخلاف مملوکہ ارشادخان ولد شیر محمد ساکن باغ دو شیل تحصیل تیسرا گره ضلع دیرپائین کے خلاف مہربان دستا عیویداری کی تھی۔ اب مملوکہ مذکورہ بالائے من مقرر کی تسلی کر لی ہے۔ اور میں مملوکہ مذکورہ کیساتھ خانگی طور پر راضی نامہ کر کے راضی نامہ فریقین کے بہتر مفاد میں ہے۔ نیز راضی نامہ ہذا سے من مستعدیہ کی خوب تسلی ہوئی۔ اور میں برخلاف مملوکہ بالا مزید مقدمہ چلانے کی خواہاں نہ ہوں۔ لہذا اگر عدالت حضور مملوکہ مذکورہ بالا کو مقدمہ ہذا سے بری فرمادیں تو من مستعدیہ کو دوبارہ کوئی عذریا اعتراض نہ ہے۔

مورخہ 21/01/2021

گواہ شناخت: العبد نسرین زارہ
نسرین زارہ ولدہ عمر اصرح ساکن محلہ ماغزی کاشن پائین تحصیل تیسرا گره۔

شناختی کارڈ نمبر۔ 15302-6980206-5

العبد
مسماة آئینہ بی بی (مستعدیہ)

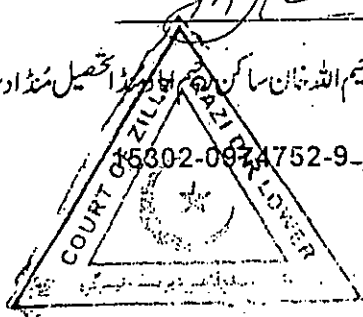
شناختی کارڈ نمبر۔ 15302-0844441-2

گواہ شد محمد سعید

گواہ شد محمد سعید
محمود جان ولد رحیم اللہ خان ساکن محلہ ماغزی کاشن پائین تحصیل منڈا دیرو پور۔

شناختی کارڈ نمبر۔ 15302-0974752-9

شفیع اللہ ولد فیض اللہ خان ساکن کنڈرو تحصیل بلا مہرک دیرپائین۔
شناختی کارڈ نمبر۔ 15302-0983044-1



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DATE

23-1-21

etc
[Signature]


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FORM "A" FORM OF ORDER SHEET

IN THE COURT OF MUHAMMAD ZEESHAN UD DIN, JUDICIAL MAGISTRATE/IQ-I, DIR (L) AT TIMERGARA

Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
1	2	3
Order N ^o . 03	21/01/2021	<p style="text-align: center;">Case No. 114/II of 2020 State Vs Irshad Khan FIR No. 75, dated 14/08/2020, U/S 382 and 457 of PPC, PS Talash</p> <hr/> <p>SPP Mr. Rahat Ullah Advocate for the state present. Complainant present. Complainant namely Amina Bibi of Bakht Zaman R/O Katan, Talash, Dir Lower, submitted a compromise deed dated 21/01/2021, to the effect that she has effected compromise with the accused, in case FIR mentioned-above and if the accused is acquitted of the charges leveled against him, she would have got no objection over it. To this effect, statement of complainant was recorded in the Court, in the overleaf of compromise deed, after proper identification. Compromise deed and copy of CNIC of complainant, are ExPA and B, respectively. Per the compromise deed and statement, complainant has got no objection if the accused is acquitted of the charges. Although, the sections 382 and 457 of PPC are not compoundable yet the factum of above mentioned compromise has rendered the conviction of the accused improbable in due course of trial even if all the PWs are</p>

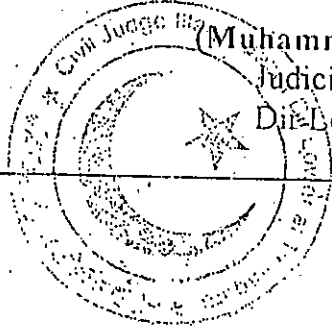
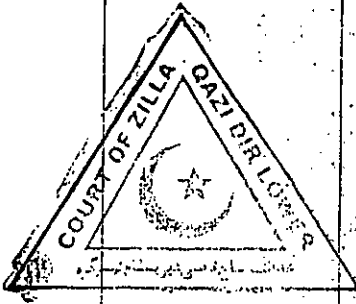
21-01-2021

 GAZI ULLAH
 JUDICIAL MAGISTRATE
 TIMERGARA
 COURT OF DIR (L)
 DIR LOWER

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 20-1-21

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4

Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
<p>116</p> <p>Date of Application 23-1-21</p> <p>Urgent Fee: _____</p> <p>Revenue Fee: _____</p> <p>No of Pages: 03</p> <p>No of Word: _____</p> <p>Copying Fee: _____</p> <p>Total Fee: _____</p> <p>Date of Preparation 23-1-21</p> <p>Date of Delivery 11-11</p> <p>Signature: _____</p>	<p>CHECKED</p> <p>COPYIST</p> <p>ATTESTED</p> <p>DATE</p> <p>23-1-21</p>	<p>examined.</p> <p>Moreover, Honourable Peshawar High Court in PLD 2016 Peshawar 26, allowed the compromise to be accepted even in non compoundable offences. The relevant portion is reproduced as under:</p> <p><i>"However, non-compoundability of a section of law should not be read in isolation but it should be read in the background of each criminal case and a beneficial interpretation should be given to it. When the parties in the instant case have earnestly decided to live in peace by forgetting all their differences then it will be a need of the hour to acquit the petitioners in the instant case on the basis of compromise despite the non-compoundability of section."</i></p> <p>Therefore, on acceptance of the compromise, the accused namely Irshad Khan S/O Sher Muhammad R/O Dushkhel, Talash, Dir Lower, is hereby acquitted u/s 249-A of Cr.P.C of the charges leveled against him. Sureties are exonerated of the liabilities of their bail bonds.</p> <p>Case property (if any) shall be dealt with, in accordance with law. File be consigned to record room after necessary completion and compilation.</p> <p>Announced 21/01/2021</p> <p>(Muhammad Zeeshan Ud Din) Judicial Magistrate/IQ-I Dir-Lower at Timergara</p>





پولیس فارم نمبر ۱۵۴-۲۵ (۱) پولیس فارم نمبر ۳
حصہ اول (بیرونی)

تھانہ _____ تالوٹنہ _____ ضلع _____ ڈسٹرکٹ _____

بتدائی اطلاعی رپورٹ نمبر _____ 75 _____

تھانہ میں موصول ہونے کا وقت و تاریخ _____ ۵۸ _____

تھانہ سے روانگی کا وقت و تاریخ _____ 2020 _____

مزم _____ 382/4571 _____

تاریخ معدوث جس پر کاروائی کی گئی	رپورٹ کا نمبر شمار سلسلہ وار	از مقام حالات تفتیش
<p>18/08/2020</p> <p>9.11.30</p> <p>12.00</p> <p>Sir, Fotowala</p> <p>Cio ps Tale 18-08-20</p>	<p>آئینہ کی جی بیوہ سمیت زمانہ سندھ فائین تالاس بنام (1) ایشیا ڈھان ولہ سمیت سندھ ڈسٹریکٹ تالاس ڈسٹریکٹ تالاس اسم، سمن نامہ لوم ضابط عالی مقدمہ ہذا کے مفصل حالات ہذا پر گزشتہ تفتیش عملہ سے ہیں۔ مختصر حالات مقدمہ لول ہیکل مقدمہ ہذا تالاس الیور رازہ کے ساتھ زیر تفتیش تھا۔ اس روز مقدمہ ہذا حسب الحکم آفسر ڈی جی میں ASI حوالہ ہو کر ملا خطہ ہو گیا ہے۔ اس کے علاوہ بالائے ملزم مال کے مال کے دیگر ملزم بیان اسم کے نام سے ملزم کے خلاف مذکورہ کے ملزم بالی حسب ضابطہ تفتیش ہو کر حوالہ تالاس کے ملزم اور مدعیہ کے آنکو فی سبیل الترتیب دینے ہیں۔ مدعیہ کے بار میں جو ملزم ہیں وہ وہ انتہائی بدنام زمانہ عورت ہے۔ وہ لولا کے خلاف چھوٹے اور بے بنیاد الزامات لگاتے ہیں۔ اور جو اقوام کے میں سے معاف کرتے ہیں۔ اس کے خلاف اس کے خلاف اس کے خلاف ہو رہا ہے۔ ملزم مدعیہ اور سرکار اس کے مدعیہ کے مو بائیل نمبر کے تعلق سے اس کے متعلق ہیں۔ اس سے مقدمہ ہذا میں ملزم اور ملزم کے اس میں ہوئے کے امکانات ہیں۔ تفتیش مدعیہ سے ہوا ہے تھا ہے۔ اس کے نتیجے میں مقدمہ میں دلچسپی نہیں لیتے ہیں۔ اس کے دلچسپی سے مقدمہ کی کوئی حثیت نہیں ہوتا ہے۔ اس کے نتیجے میں تفتیش جاری ہے۔ اس کے خلاف اس کے خلاف اس کے خلاف ملا خطہ کے ساتھ ہے۔</p>	<p>آئینہ کی جی بیوہ سمیت زمانہ سندھ فائین تالاس بنام (1) ایشیا ڈھان ولہ سمیت سندھ ڈسٹریکٹ تالاس ڈسٹریکٹ تالاس اسم، سمن نامہ لوم</p>

ASi - W.V. P. Talega
18-08-2020

(13)

The Worth Regional Police Officer,
Malakand Saidu Sharif Swat

Annex 'D'

SUBJECT: DEPARTMENTAL REPRESENTATION/ APPEAL AGAINST THE OFFICE ORDER DATED 04/01/2021 OF DISTRICT POLICE OFFICER DIR LOWER WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE

Esteemed Sir,

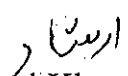
With due respect, the undersigned namely Irshad Khan (ex-Constable belt no.2862) was serving as constable under your kind supervision and was lastly posted at Police Station Talash District Dir Lower, humbly submit as under,

1. That the undersigned was appointed as Constable in Police Department 7 years back and have always performed his duties with full fanaticism, zest and devotion & have never left any stone unturned in performance of his duties and have always won felicitations and appreciations of the high-up at certain junctures.
2. That it was in this backdrop that the undersigned was falsely charged in case FIR No.75 dated 14/04/2020 under section 382/457/34 PPC at police station Talash and in pursuance of the above mentioned false implication, and in pursuance thereof, the worth District Police Officer vide order dated 04/01/2021 dismissed me from service.
- ✓ 3. That prior to the present the undersigned has already submitted an appeal against the same impugned order but till date no action has been taken, hence, the undersigned was constrained the file instant appeal as reminder.
4. That the as stated above, the undersigned was charge in false, fabricated case just to harass, black mail and defame in the society as well as in the police department. By the grace of All Mighty Allah, the undersigned has been acquitted against the charges by Hon'ble Judicial Magistrate Dir Lower.
5. That the undersigned has blemished service record and want to serve the police department with zeal and zest. Above all the undersigned is the only means of source and have large family to support.
6. That the undersigned has been deprived from his fundamental right, which in no canon of law is a legal act on part of Department.

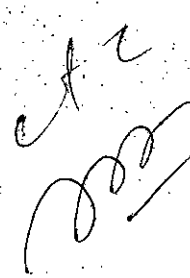
It is, therefore, most humbly requested that the undersigned may kindly be re-instated in service with all back benefits for ends of justice.

You're sincerely

Dated 11/02/2021


Irshad Khan

(Ex-Constable belt No.2862)





Annex E (74)

23/12/2021

OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND SAIDU SHARIF SWAT.

Ph: 0946-9240381-88 & Fax No. 0946-9240390 Email: drmalakand@yahoo.com

ORDER:

This order will dispose off appeal of Ex-Constable Irshad Khan No. 2862 of Dir Lower District for reinstatement in service.

Brief facts of the case are that Ex-Constable Irshad Khan No. 2862 while posted at Police Station Talash, he along with other three persons entered into the house of one Mst: Amina bibi w/o Bakht Zaman r/o Katan Payeen Talash, at night, hostage/ held their family at gunpoint in their room and snatch Rs. 110,000/- from the box laying in the house. A proper Case vide FIR No. 75 dated 14/08/2020 u/s 382/457/34 PPC Police Station Talash was registered. He has earned a bad name for Police Department and DSP Hqrs Dir Lower was appointed as Enquiry Officer to conduct proper departmental enquiry against him and submit his finding report. The Enquiry Officer, during the course of enquiry recorded the statement of all concerned as well as the official concerned. The Enquiry Officer in his finding report recommended him for appropriate punishment. On the receipt of finding report along with other relevant documents the alleged official was issued Final Show Cause Notice No. 11968/EB, dated 21/09/2020 through RI Police Line Timergara, the reply of which was received on 22/09/2020. He was called in orderly room for personal hearing and found unsatisfactory. Full opportunity was given to him to explain his position but he failed to produce any cogent reason in his self defence. Therefore, the District Police Officer, Dir Lower in exercise of power vested to him under (E&D) Rules 1975 with amendment 2014 agreed with the finding report of Enquiry Officer and awarded him a major punishment of Dismissal from service with immediate effect vide OB No. 13, dated 04/01/2021

He was called in orderly room on 17/02/2021 and heard him in person. The appellant could not produce any cogent reason in his defence. The duty of Police Force is to protect the lives and properties of civilian not to be a robber themselves. He has earned a very bad name for Police Force. He used the uniform of Police for his personal illegal, ugly and unlawful business. He does not deserve any leniency. Besides, his service record also show that there are 6 bad entries in his service, which also indicate his disinterest in Police Job. Therefore, I agreed with the decision of District Police Officer, Dir Lower and uphold the order passed by him and his appeal is hereby filed.

Order announced.

ALI AQAT ALI MALIK PSP/PPM District Police Officer Dir Lower

Regional Police Officer, Malakand Region, Saidu Sharif Swat *Naqi* 19/12/21

No. 2280/E, Dated 22-02-2021.

Copy of above for information and necessary action to District Police Officer, Dir Lower with reference to his office Memo: No. 799/E dated 14/01/2021. Service Roll, Fauji Missal and enquiry file of the above named officer is returned herewith for record in your office.

B No 202

Handwritten signature and initials

15

Better Copy
Annex E

OFFICE OF THE INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA PESHAWAR.

ORDER

This Order is hereby passed to dispose of Revision petition under Rule 11-A Of Khyber Pakhtunkhwa police Rule -1975 (amended 2014) submitted by Ex-FC Irshad Khan No.2862. The petitioner was dismissed from service by District police Officer, Dir Lower vide OB No .13. dated 04.01.2021 on the allegation that he while posted at police station Talash. He along with Other three person entered into the house of one Mst: Amina Bibi W/o Bakht zaman r/o Katan Payeen Talash . at night hostage/held their family at gunpoint in their room and snatch Rs.110.000/- from the box laying in the house . A proper Case vide FIR No. 75 dated 14.08.2020 u/s 382/457/34 PPC Of police station Talash was registered against him. His appeal was filed by Regional police Officer. Malakand vide order Endst: No. 2280/E. Dated 22.02.2021.

Meeting of Appellate Board was held on 15.07.2021 wherein petitioner was heard in person. During hearing petitioner failed to advance any plausible explanation in rebuttal of the charges , Petitioner was acquitted u/s 249-A of Cr.P.C on compromise basis by the court of judicial Magistrate /IQ-I, Dir Lower vide judgment dated 21.01.2021. The acquittal from the court does not absolve the petitioner from liability. The Board see no ground and reason for acceptance of his petition.

Therefore , the Board decide that his petition is hereby rejected.

Sd/
Kashif Aslam,PSF
Additional Inspector General of Police
II Qrs:Khyber Pakhtunkhwa ,Peshawar

Copy of the above is forwarded to the:

- 1) Regional Police Officer, Malakand at Swat One Service Ref,one Service Book and one Fauji Missal containing departmental enquiry file of the above named Ex-FO received vide your office Meme No.4581-82/WPC dated 08.04.2021 is returned herewith for your office record.
- 2) District Police Officer, Dir Lower
- 3) PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar
- 4) AIG/Legal, Khyber Pakhtunkhwa Peshawar
- 5) PA to Addl:IGP/IIQrs Khyber Pakhtunkhwa Peshawar
- 6) PA to DIG HQrs Khyber Pakhtunkhwa Peshawar
- 7) Office Supdl IV CPO Peshawar

(IRFAN ULLAH KHAN) PSP
AIG Establishment,
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar



15

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

5436
25/8/21

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Irshad Khan No. 2862. The petitioner was dismissed from service by District Police Officer, Dir Lower vide OB No. 13, dated 04.01.2021 on the allegations that he while posted at Police Station Talash, he along-with other three persons entered into the house of one Mst. Amina Bibi w/o Bakht Zaman r/o Katan Payeen Talash; at night hostage/held their family at gunpoint in their room and snatch Rs.110,000/- from the box laying in the house. A proper case vide FIR No. 75 dated 14.08.2020 u/s 382/457/34 PPC of Police Station Talash was registered against him. His appeal was filed by Regional Police Officer, Malakand vide order Indst: No. 2280/E, dated 22.02.2021.

Meeting of Appellate Board was held on 15.07.2021 wherein petitioner was heard in person.

During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charges. Petitioner was acquitted u/s 249-A of Cr.P.C on compromise basis by the court of Judicial Magistrate IQ-I, Dir Lower vide judgment dated 21.01.2021. The acquittal from the court does not absolve the petitioner from the liability. The Board see no ground and reasons for acceptance of his petition.

therefore, the Board decided that his petition is hereby rejected.

Sd/-

KASHIF ALAM, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar

3311-20 m. dt. 26/08/2021

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat. One Service Roll, one Service Book and one Fauji Missal containing departmental enquiry file of the above named Ex-FC received vide your office Memo No. 4581-82/WPC, dated 08.04.2021 is returned herewith for your office record.
2. District Police Officer, Dir Lower.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: I-IV CPO Peshawar.

OB/EC

District Police Officer
Dir Lower at Timergarh
20/8

(IRSHAD KHAN) PSP
Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Regional Police Officer

OR NO 931

No. 12356 dt. 25-08-21

Copy to Ex-Constable Irshad Khan No. 2862
S/o Sher Muhammad Ho Bugh Dostkhail
Talash for information, p.s. Talash

No. 9421/E
Date 17-8-2021

Encl: S. Roll
S. Book
Missal

CTC
[Signature]



بعدالت جناب جج سروس ٹریبیونل تیمرگرہ ضلع کٹواہ
مرشدان بنام انسٹیٹیوٹ ٹریبیونل ضلع کٹواہ دہترہ
 دعویٰ / اپیل / نگرانی / درخواست: سروس مخانب: انسٹیٹیوٹ
 مقدمہ علت نمبر: ط مورخہ: ح جرم: ج تھانہ: ج

باعث تحریر انکہ

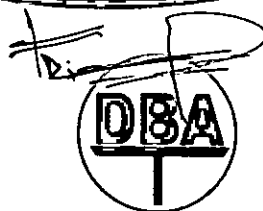
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام عدالت عالیہ ہنگورہ بیچ / تیمرگرہ / چکدرہ / اعل قلعہ / شرباغ کیلئے حسین کوکیل / وکلاء
 مقرر کر کے قرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وہیں صاحب کو راجحی نامہ کرنے و تقریرات و
 فیصلہ بر حلف دینے، جواب دعویٰ، اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا
 ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے
 کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ
 اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخست منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل
 موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام دور یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں لہذا
 وکالت نامہ لکھ دیا تاکہ سند ہے۔

المقوم:

العبد مرشدان العبد العبد العبد العبد

مقام عدالت عالیہ ہنگورہ بیچ / تیمرگرہ / چکدرہ / اعل قلعہ / شرباغ کیلئے منظور ہے۔



ایڈوکیٹ / دستخط:

رابطہ نمبر: 0344 9225 666

نوٹ: فوٹو کاپی ناقابل قبول ہوگی

"B"

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

Regel

TB Swat

Appeal No. *7647* of 20 ..

21

Appellant/Petitioner

Irshad Khan versus

Respondent

IGP Peshawar

Respondent No.

2

Notice to: -

Regional Police officer Malakand

WHEREAS an ~~appeal~~ *Special Application* 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.

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.....

Day of.....20 ..

10

5 22

at camp Court Swat

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 Swat
of 2021

Appeal No. 7647

Ishad Khan Appellant/Petitioner

Versus

IGP Pesh Respondent

Respondent No. /

Notice to: - Inspector General of Police
KPK 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 7-6-2021 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 10

Day of 5 2021

at camp court

Swat
17/6

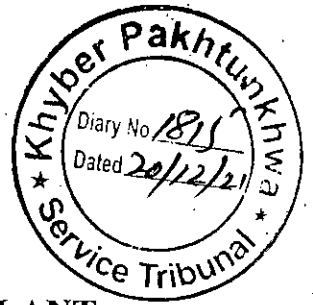
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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.

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No.7647/2021

1. Irshad Khan (Ex-Constable)



APPELLANT

VERSUS

1. The Inspector General of Police, Khyber Pakhtunkhwa & others.

RESPONDENTS

**APPLICATION FOR TRANSFER OF
ABOVE CAPTIONED APPEAL FROM
SWAT TO PESHAWAR ON THE
GROUNDS MENTIONED THEREIN.**

RESPECTFULLY SHEWETH,

1. That the above captioned appeal is fixed for preliminary hearing before this Hon'ble Tribunal at Swat on 05/01/2022.
2. That the appellant engaged me as his counsel to conduct the said case.
3. That the undersigned was seriously ill in the past and confined to bed for a longtime. After recovery of health, I have resumed my legal practice. However, the doctor advised me not to take long journey.
4. That appellant belongs to District Dir Lower who also instructed me to make a request before this Hon'ble Tribunal for transfer of his case from Swat to Peshawar.

*Metal to the
Court by the
agent of the
Sooomni
20/12/21*

Recd

*Allowed. Fix in Feb, 2022.
20/12/2021*

07/02

- J.** That the impugned orders were passed as a "law of jungle" without fulfilling legal and codal formalities, thus the same are not tenable in law.
- K.** That the respondent No. 2 & 3 have passed the impugned orders in mechanical manner and the same are perfunctory as well as non-speaking and also against the basic principle of administration of justice. Thus, the impugned orders are bad in law.
- L.** That the impugned orders are based on conjectures and surmises. Hence, the same are against the legal norms of justice.
- M.** That the appellant would like to seek the permission of this Hon'ble Tribunal to advance some more grounds at the time of arguments.

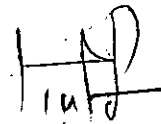
In view of the above narrated facts and grounds, it is, therefore, humbly prayed that the impugned orders dated 10-11-2021 alongwith order dated 29-12-2020 & 13-12-2021 may very graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits.

Any other relief deemed proper and just in the circumstances of the case, may also be granted.

Dated: 20-12-2021

Through

ارشد خان
Appellant



Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar.

Before the Honorable Chairman KPK Service Tribunal, Peshawar

بجدرالت

Service Appeal No. 7647/2021

(Appellant) 2، پنجاب

بنام Arshad Khan (Ex-Constable) --- موزخہ
VS --- مقدمہ
19P and Others --- دعویٰ
جرم

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام Peshawar کیلئے Rizwanullah Advocates

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حدیب سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ مندر ہے۔

المقوم 20th December 2021

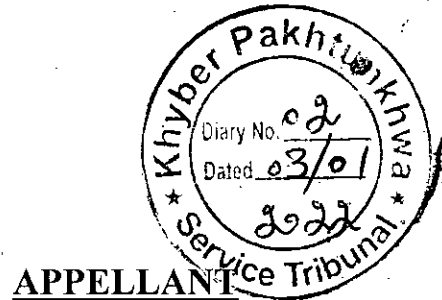
بمقام Peshawar only کے لئے منظور ہے۔

Appellant
Arshad Khan
Attested & accepted
Adv

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No.7647/2021

1. Irshad Khan, Ex-Constable.



APPELLANT

VERSUS

1. The Inspector General of Police, Khyber Pakhtunkhwa & others.

RESPONDENTS

**APPLICATION FOR PLACING COPY OF
DEPARTMENTAL APPEAL AND
REVISION PETITION ON THE ABOVE
CAPTIONED APPEAL ON THE GROUNDS
MENTIONED THEREIN.**

RESPECTFULLY SHEWETH,

1. That the above captioned appeal is fixed before this Hon'ble Tribunal for preliminary hearing on 07-02-2021.
2. That a copy of departmental appeal and revision petition were not available with the appellant at the time of filing of said appeal. Nonetheless, his previous counsel has inadvertently treated the "reminder" as departmental appeal.
3. That the appellant has now succeeded to obtain these documents from the concerned office through personal efforts.
4. That the said documents are indispensable to be placed on the above captioned appeal in order to enable this Hon'ble Tribunal to arrive at correct and just conclusion on the point of limitation.

**(Documents are appended
as Annex-A1 and A2)**

Put up to the court with relevant appeal

31/01/2022

Allowed

03/01/2022

In view of the above mentioned facts, it is, therefore, humbly prayed that the said two documents may graciously be allowed to be placed on Service Appeal so as to secure the ends of justice.

ارشاد خان
Applicant/Appellant



Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar
(Counsel for appellant)

Dated: 03/02/2021

AFFIDAVIT

I, Irshad Khan, ex-Constable do hereby solemnly affirm and declare that the contents of this application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.



ارشاد خان
DEPONENT

Annex-A1

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

ذکر صاحب ڈی پو ایف ڈی کے لئے درخواست کی جا رہی ہے۔

EC Form 121

270
12/1/21

درخواست برادری کے لئے کی گئی ہے۔

CAPT. (R) LIAQAT ALI M
PSP/PPF
District Police Officer
Dir Lower

121
3 ربیع الثانی 1443ھ میں درخواست کی گئی تھی۔
14 سال کے
معاذ سہیل احمد نے درخواست کی تھی۔

382
457/39
7.14.10
020
75
میں روپے کے ساتھ درخواست کی گئی تھی۔

Attested
Appellant
درخواست کی گئی تھی۔

ECF DPO Dir Lower
درخواست کی گئی تھی۔

1626
درخواست کی گئی تھی۔

For detailed comments,
alongwith enquiry file
and Service record.

03421918454
No. 594 1E
Date 12-1-2021

Registrar
Police Officer
Main Office

بخدمت جناب انسپٹر جنرل آف پولیس نجیبر پختونخواہ ایف پیٹاور

درخواست ہوواد بھالی پولیس بحیثیت ملازمت کا نشیمل

جناب عالی!

موردہ پانہ گزارش ہے کہ سائل محکمہ پولیس ضلع دیر لورڈز میں بحیثیت کا نشیمل ملازم تھا۔ علاقائی تنازعات کی بنا پر من سائل کے خلاف تھانہ تالاش میں رپورٹ ہو کر من سائل کے خلاف مقدمہ علت 75 مورہ 08/2020 / 14 جرم 457 / 382 PPC تھانہ تالاش میں درج رجسٹر ہو کر سائل کو عدالت نے بروہی راضی نامہ بری کیا ہے۔

دوران تفتیش سائل بے گناہ پایا گیا ہے۔ جو میرے ساتھ نہایت نا انصافی اور من سائل کو حکمہ پولیس سے برخاست کیا گیا ہے۔ جناب DIG صاحب ملاکنڈ ڈویژن کی خدمت میں آجیل دائر کر کے مناسب موصوف نے آجیل فائل کیا ہے۔

جناب والا شان سائل نہایت غریب اور شریف خاندان کے ساتھ تعلق رکھتا ہے۔ اور گھر خود کا سرپرست ہے۔ بذریعہ درخواست ہذا آن جناب والا شان کی خدمت عالیہ میں عرض ہے۔ کہ سائل کو محکمہ پولیس میں بحال کرنے کا حکم صادر فرمائیے تو سائل کے بچے ادا گور ہنگے۔

العارض آپ کا تعہد سائل سابقہ کا نشیمل ارشاد خان نمبر 2862 ضلع دیر لورڈز ولد شیر محمد (مرحوم) سکنہ باغ دو شخیل علاقہ تھانہ تالاش ملاکنڈ ڈویژن دیر لورڈز۔

Attested

مورہ 26/02/2021

موبائل نمبر: 03421218454

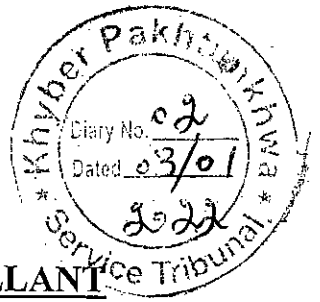
ارشاد خان
Appellant

العبد ارشاد خان

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 7647/2021

1. Irshad Khan, Ex-Constable.



APPELLANT

Put up to the court with relevant appeal.

VERSUS

1. The Inspector General of Police, Khyber Pakhtunkhwa & others.

3/01/2022

RESPONDENTS

Danda

**APPLICATION FOR PLACING COPY OF
DEPARTMENTAL APPEAL AND
REVISION PETITION ON THE ABOVE
CAPTIONED APPEAL ON THE GROUNDS
MENTIONED THEREIN.**

RESPECTFULLY SHEWETH,

1. That the above captioned appeal is fixed before this Hon'ble Tribunal for preliminary hearing on 07-02-2021.
2. That a copy of departmental appeal and revision petition were not available with the appellant at the time of filing of said appeal. Nonetheless, his previous counsel has inadvertently treated the "reminder" as departmental appeal.
3. That the appellant has now succeeded to obtain these documents from the concerned office through personal efforts.
4. That the said documents are indispensable to be placed on the above captioned appeal in order to enable this Hon'ble Tribunal to arrive at correct and just conclusion on the point of limitation.

**(Documents are appended
as Annex-A1 and A2)**

Annex-A1

بسم اللہ الرحمن الرحیم

میرا نام محمد علی ہے۔ میں نے 14 سال تک
پولیس میں سروس کیا۔

EC Form A. Act 1

270
12/1/21

CAPT. (R) LIAQAT ALIM
PSP/PE
District Police Office
Dir Lower

میں نے 2014 میں پولیس میں سروس کیا۔
میں نے 14 سال تک سروس کیا۔
میں نے 2020 میں پولیس میں سروس کیا۔

382
457/39

میں نے 75 سال تک سروس کیا۔
میں نے 10 سال تک سروس کیا۔
میں نے 7.14 سال تک سروس کیا۔
میں نے 020 سال تک سروس کیا۔

Attested
Appellant

میں نے 10 سال تک سروس کیا۔
میں نے 7.14 سال تک سروس کیا۔
میں نے 020 سال تک سروس کیا۔

EC/DPO Dir Lower

For detailed comments,
along with enquiry file
and Service record.

میں نے 10 سال تک سروس کیا۔
میں نے 7.14 سال تک سروس کیا۔
میں نے 020 سال تک سروس کیا۔

03421318456
No 594 1E
Date 12-1-2021

Registrar
Muzaffargarh Region

بخدمت جناب انسپکٹر جنرل آف پولیس ٹھیکر پنٹو نخواستہ ایف اے پشاور

درخواست ہمواد بحالی پولیس بحیثیت ملازمت کا نشیمل

جناب عالی!

مودبانہ گزارش ہے کہ سائل محکمہ پولیس ضلع دیر لور میں بحیثیت کا نشیمل ملازم تھا۔ علاقائی تنازعات کی بنا پر من سائل کے خلاف تھانہ تالاش میں رپورٹ ہو کر من سائل کے خلاف مقدمہ علت 75 مورسہ 2020/08/14 جرم 457 / 382 PPC تھانہ تالاش میں درج رجسٹر ہو کر سائل کو عدالت نے بروہی راضی نامہ بری کیا ہے۔

34

دوران تفتیش سائل بے گناہ پایا گیا ہے۔ جو میرے ساتھ نہایت ناانسانیانہ طور من سائل کو محکمہ پولیس سے برخاست کیا گیا ہے۔
جناب DIG صاحب ملاکنڈ ڈویژن کی خدمت میں آجیل دائر کر کے مناسب موصوف نے آجیل فائل کیا ہے۔

جناب والا شان سائل نہایت غریب اور شریف خاندان کے۔ ساتھ تعلق رکھتا ہے۔ اور گھر خود کا سرپرست ہے۔ بذریعہ درخواست ہذا آن جناب والا شان کی خدمت عالیہ میں عرض ہے۔ کہ سائل کو محکمہ پولیس میں بحال کرنے کا حکم صادر فرمائیے تو سائل کے بچے ڈھاگور ہنگے۔

العارض آپ کا تعبد اس سائل سابقہ کا نشیمل ارشاد خان نمبر 2862 ضلع دیر لور ولد شیر محمد (مرحوم) سکشنہ باغ دو شخیل علاقہ تھانہ تالاش ملاکنڈ ڈویژن دیر لور۔

Attested

مورسہ 26/02/2021

موبائل نمبر: 03421218454

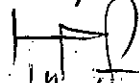
ارشاد خان

Appellant

العبد ارشاد خان

In view of the above mentioned facts, it is, therefore, humbly prayed that the said two documents may graciously be allowed to be placed on Service Appeal so as to secure the ends of justice.

ارشد خان
Applicant/Appellant

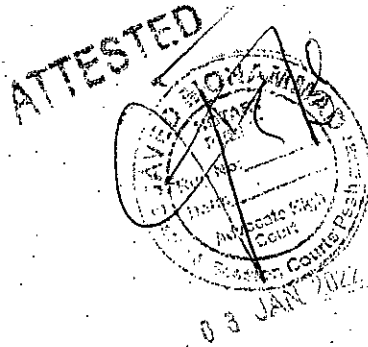

Rizwanullah
M.A. LL.B

Dated: 03/02/2021

Advocate High Court, Peshawar
(Counsel for appellant)

AFFIDAVIT

I, Irshad Khan, ex-Constable do hereby solemnly affirm and declare that the contents of this application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.



ارشد خان
DEPONENT