

15th Nov, 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Muhammad Zahid, Assistant for the respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. To come up for arguments on 13.12.2022 before the D.B at Camp Court Abbottabad.



(Salah Ud Din)
Member (Judicial)
Camp Court Abbottabad



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

19th July, 2022

Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Zahid Khan, ASI for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 20.09.2022 before the D.B at Camp Court Abbottabad.



(Salah-ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

20.09.2022

Appellant present through counsel.

Muhammad Jan, learned District Attorney alongwith Shamraiz Khan, S.I (Legal) for respondents present.

Former requested for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 15.11.2022 before D.B at Camp Court, Abbottabad.



(Fareeha Paul)
Member (E)
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

17.11.2021

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Gul Shahzad, SI (Legal) for the respondents present.

Representative of the respondents has furnished reply/comments. Placed on file. To come up for arguments on 14.03.2022 before the D.B at Camp Court, Abbottabad.


Chairman
Camp Court, A/Abad

14.03.2022


Due to retirement of the Hon'ble Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same on 19.05.2022.



Reader

19.05.2022

Learned counsel for the appellant present. Syed Naseer Ud Din, Assistant Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. To come up for arguments before D.B on 19.07.2022 at camp court Abbottabad.


(Fareeha Paul)
Member(E)

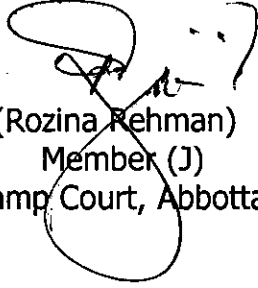

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

18.02.2020

Learned counsel for the appellant present. Preliminary arguments heard. File perused.

Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for written reply/comments. To come up for written reply/comments on 15.06.2021 before S.B at Camp Court, Abbottabad.

Appellant Deposited
Security & Process Fee


(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

15.06.2021

Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 30.09.2021.


Reader

30.09.2021

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Zahid Assistant for the respondents present.

Written reply of the respondents is still awaited. Respondents are directed to furnish reply/comments on the next date positively, failing which their right for submission of written reply/comments shall be deemed as struck off and the appeal will be heard on the basis of available record without reply of the respondents. Case to come up on 17.11.2021 before the S.B at camp court, Abbottabad.



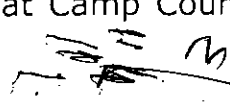

Chairman
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 9400 /2020

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 17 /08/2020 | <p>The appeal of Mr. Faisal Zaman presented today by Mr. Muhammad Aslam Tanoli 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 ABBOTABAD.</p> |
| 2- | | <p>This case is entrusted to Touring S. Bench for preliminary hearing to be put up there on <u>20/11/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> |
| | 20.11.2020 | <p>Mr. Muhammad Aslam Tanoli, Advocate, for appellant is present. Arguments to some extent heard. Learned counsel desired to address the remaining arguments on the next date of hearing and requested for adjournment. The appeal is adjourned to 18.02.2020 on which date file to come up for remaining preliminary arguments before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER CAMP COURT ABBOTTABAD</p> |

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....*9400/2020*

Faisal Zaman Constable No. 764, Police Line Mansehra.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.

Respondents

SERVICE APPEAL

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Through

[Signature]
Appellant

[Signature]
(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: *17*-08-2020

1

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....9.400/2020

Khyber Pakhtunkhwa
Ser. Tribunal

Diary No. 8761

Dated 17.8.2020

Faisal Zaman Constable No. 764, Police Line Mansehra.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.

Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 07-01-2020 OF THE DISTRICT POLICE OFFICER MANSEHRA WHEREBY APPELLANT HAS BEEN AWARDED PENALTY OF "FORFITURE OF 02 YEARS APPROVED SERVICE AND PERIOD FROM 2010 TO 2019 CONSIDERED AS OUT OF SERVICE" AND THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD ORDER DATED 20-07-2020 (DELIVERED ON 04-08-2020) WHEREBY HIS DEPARTMENTAL APPEAL HAS BEEN REJECTED.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH THE ORDERS DATED 07-01-2020 AND 20-07-2020 OF RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE RESTORED HIS 02 YEARS FORFIETED APPROVED SERVICE AND THE PERIOD REMAINED OUT OF SERVICE AS ON DUTY WITH GRANT OF ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully Sheweth:

1. That the appellant was enrolled in the police department as Constable on 28-01-2002. He always performed his duties with devotion and honesty and never provided a chance of reprimand. He had meritorious service record at his credit.
2. That on 02-02-2008 while posted as Maddad Moharrir Police Station **Phulra** District Mansehra the appellant on

Filed to-day

Registrar
17/8/2020

spy information got arrested narcotics paddlers "Shamshair and Yasir" R/O Shaikh-ul-Bandi Abbottabad while trafficking huge quantity of Charras in a Carry Suzuki. A case FIR No. 21 dated 02-02-2008 U/S-9C CNSA was registered against them in **PS Phulra** District Mansehra. These narcotics peddlers were very influential and forceful persons. They became inimical and started hostility against appellant. **(Copy of FIR dated 02-02-2008 is attached as Annex-"A")**.

3. That due to enmity and as a retaliation measures, these narcotics paddlers by joining hands with CIA staff at Abbottabad got falsely involved the appellant in a narcotics case U/S-9C CNSA by planting "Charas" against him when on 09-04-2009 he went to Abbottabad for purchasing some articles required for use during training at PTC Hungu as he was proceeding on Lower Class Course. **(Copy of Daily Diary No.11 dated 08-04-2009 showing departure of appellant is attached as Annex-"B")**.
4. That Honourable Peshawar High Court Peshawar Circuit Bench Abbottabad in the year 2012 acquitted the appellant in case FIR No. 435 dated 09-04-2009 vide its judgment and order dated 25-01-2012. **(Copy of Judgment and Order dated 25-01-2012 is attached as Annex-"C")**.
5. That during the pendency of said criminal case, the departmental authorities dismissed the appellant from his service and also rejected departmental appeal.

Aggrieved of orders the appellant approached the Honourable KPK Service Tribunal Peshawar and while accepting the service appeal vide order dated 21-11-2017 the appellant was re-instated in service leaving the department at liberty to conduct de-novo inquiry. **(Copy of Service Tribunal Order dated 21-11-2017 is attached as Annexure-“D”).**

6. That during the course of de-novo inquiry, the respondents again dismissed the appellant from service and his departmental appeal was rejected vide order dated 04-05-2018 and dated 05-09-2018 respectively. **(Copies of orders dated 04-05-2018 and 05-09-2018 are attached as Annexure- “E & F”).**

7. That aggrieved of aforementioned orders of the respondents, the appellant filed service appeal No. 1221/2018 before the Honorable KPK Service Tribunal Peshawar which was accepted vide order dated 17-09-2019 and department authorities were directed to conduct de-novo inquiry. **(Copy of Service Tribunal Order dated 17-09-2019 is attached as Annexure-“G”).**

8. That in the light of decision dated 17-09-2019 of the Honorable KPK Service Tribunal Peshawar, Mr. Mukhtiar Ahmed Addl. SP Mansehra was appointed as Inquiry Officer, who directed the appellant to submit written statement in his defense which appellant submitted on 21-11-2019. **(Copy of statement dated 21-11-2019 is attached as Annexure- “H”).**

9. That on receipt of inquiry report, the District Police Officer Mansehra served upon the appellant with a Final Show Cause Notice dated 01-01-2020 which was replied by him on 03-01-2020. **(Copies of Show Cause Notice and its reply are attached as Annexure-“I & J”)**.

10. That thereafter the District Police Officer Mansehra vide his order dated 07-01-2020 awarded the appellant with minor penalty of “Forfeiture of 02 years approved service” and for period from 2010 to 2019 appellant does not deserve any pay, this entire period is considered as “period out of service”. **(Copy of order dated 07-01-2020 is attached as Annexure- “K”)**.

11. That order dated 07-01-2020 of the District Police Officer Mansehra was appealed against before the Regional Police Officer, Hazara Range, Abbottabad, which appeal was filed vide dated 20-07-2020 which was delivered to the appellant on 04-08-2020 and that too on his written request. **(Copies of departmental appeal dated 06-02-2020 and order dated 20-07-2020 and application dated 20-07-2020 are attached as Annexure-“L, M & N”)**. Hence instant service appeal, inter alia, on the following amongst others:-

GROUND:

- a) That impugned orders dated 07-01-2020 and dated 20-07-2020 of the respondents No.2 & 3 are illegal, unlawful against the facts, departmental rules and regulations and principle of natural justice hence are liable to be set aside.

- b) That no proper departmental inquiry was conducted. Copy of inquiry report, if any, was never provided to appellant. Even opportunity of personal hearing was not afforded to the appellant rather he was condemned unheard.
- c) That respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.
- d) That appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken by appellant in the memo of appeal and has awarded forfeiture of 02 years approved service. Thus act of respondents is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clause Act 1897 and Article 10-A of Constitution of Islamic Republic of Pakistan 1973.
- e) That appellant was totally innocent and had been involved in criminal case by the influential narcotics peddlers whom he had got arrested with huge quantity of "contraband charas" during the discharge of his official duty but this point was never brought into consideration by departmental authorities while awarding penalties through impugned orders hence liable to be set aside.

- f) That the appellant's acquittal in criminal case was the proof of his innocence, therefore, during the pendency of criminal case the appellant dismissed from service time and again illegally, unlawfully and in cursory manner.
- g) That despite twice re-instatement of the appellant in service by the Honorable KPK Service Tribunal Peshawar the appellant had been dismissed by the departmental authorities by conducting improper departmental inquiries and the appellant time and again had to approach the Honorable KPK Service Tribunal Peshawar protracted litigation over more than 07 years hence the appellant was forcibly kept out of service by departmental authorities.
- h) That as the appellant remained jobless for about 09 years and suffered manifold physical, mental and financial problems which also damaged the educational career of his innocent children besides financial hardships in routine life.
- i) That appellant had 08 years service at his credit when dismissed from service on 14-04-2010. The instant punishment of "Forfeiture of 02 years approved service" vide impugned order dated 07-01-2020 will further reduce appellant's service to 06 years to ultimate tremendous loss in service, pay, pension and gratuity.

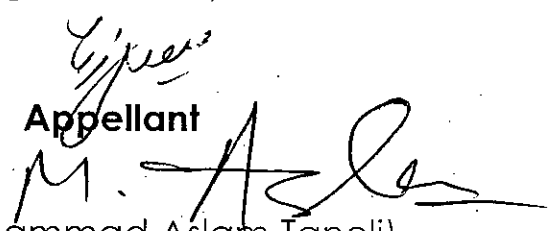
- j) That appellant has discharged his assigned duties with devotion, dedication and honesty always fighting against the forces of criminals. He left no stone un-turned in discharge of his official duties and responsibilities and he is innocent.

- k) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal order dated 07-01-2020 and 20-07-2020 of the respondents may graciously be set aside and appellant be restored his 20 years forfeited approved service and the period remained out service be treated as on duty with all consequential service back benefits. Any other relief which this Honorable Service Tribunal deems fit and proper in circumstances of the case may also be granted.

Through:


Appellant
 (Mohammad Aslam Tanoli)
 Advocate High Court
 At Haripur

Dated 17-08-2020

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated 17-08-2020


Appellant

8

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Faisal Zaman Constable No. 764, Police Line Mansehra.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.

Respondents

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been filed in this Honorable Service Tribunal or any other court prior to instant one.


APPELLANT

Dated: 17-08-2020

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Faisal Zaman Constable No. 764, Police Line Mansehra.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.

Respondents

SERVICE APPEAL


AFFIDAVIT:

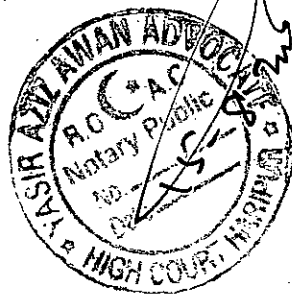
I, Faisal Zaman appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Service Tribunal.


Deponent/Appellant

Dated: 7-08-2020

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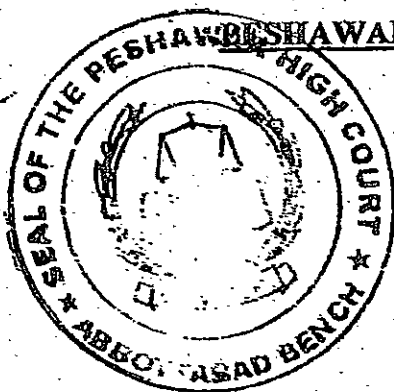

Mohammad Aslam Tanoli
Advocate High Court
At Haripur




Appellant

(12) Annex - C

JUDGMENT SHEET



PESHAWAR HIGH COURT ABBOTTABAD BENCH

JUDGMENT

Cr. A. No. 172 of 2010

Date of hearing:

Petitioner (Faisal Zaman) by Mr. Saad Nighat Khan, A.C.W.
Respondents State by Mr. M. Nawaz Khan Sialvi, A.C.W.

KHALID MAHMOOD J. Convict – appellant Faisal

Zaman was tried by learned Additional Sessions Judge-II / Judge Special Court, Abbottabad under Section 9 (C) CNSA and on conclusion of trial, he was convicted and sentenced to suffer 15 years R.I. with a fine of Rs.1,00,000/- or in default of fine to further undergo one year S.I. Benefit of section 382-B / Cr.P.C. was, however, extended to him.

2- Briefly stated facts of prosecution case are that on 09.04.2009, Malik Ijaz, Inspector CIA Abbottabad alongwith police personnel were present at Fawara Chowk near street Kunj Jadeed in connection with nakabandi/ In the meantime, a person holding a black colour bag in his hand came from Adda side, he was moving fastly and was going towards street Kunj Jadeed. On seeing police party he tried to decamp from the spot but was chased and overpowered. He disclosed his name as Faisal Zaman s/o Shah Zaman and on search ten slabs of chars

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06.2.11
Peshawar High Court
Abbottabad Bench
Authorized Under Seal & Signatures

Alone
U. J.
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(13)

were recovered from the bag. All the ten packets were opened and each packet was having 14/14 slabs of chars. Recovered chars was weighed and found to be 9500 grams.

3- In the instant case after completion of investigation challan was put in Court and trial commenced. At trial, charge was framed against the accused. The prosecution in support of its case examined six witnesses. Statement of accused under Section 342 Cr.P.C. was recorded wherein he refuted the charges leveled against them, however, he neither opted to be examined on Oath nor produced defence evidence. On assessment of evidence, in the first round of litigation, the appellant was found guilty and was convicted and sentenced to seven years R.I. and a fine of Rs.40,000/- vide judgment and order dated 16.03.2010. The convict - appellant preferred appeal in this Court against his abovesaid conviction and sentence and learned Division Bench of this Court on acceptance of appeal, set-aside the conviction and sentence of convict - appellant and remanded the case with the direction that learned trial court has not awarded an appropriate sentence

according to law and necessary documents Ex.PK and Ex.PM were not produced in original before the trial Court.

4- After remand, the learned trial Court requisitioned the original inquiry file of Ex.PM and original of daily diary of Ex.PK and after hearing the parties the convict - appellant was found guilty of the offence and convicted and sentenced as mentioned in para-1 above. Hence, this appeal.

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Peshawar Court
Abbottabad Bench
Authorized Under Section 123 of Cr.P.C.

O. Akbar
G. Jaffer

- 11

Learned counsel for appellant contended that

5-

prosecution has failed to prove its case against appellant beyond any shadow of doubt and trial court did not consider

contradictions in the statements of PWs. It was argued that

convict - appellant was allegedly apprehended from a thickly

populated area but no one from public was associated to

witness the alleged recovery. It was argued that there is no

recovery memo for 9.5 kg, which is the basis of case and police

has prepared recovery of memo of 10 Kg, which is against facts

on record. It was also contended that CIA staff is neither

competent to conduct the investigation nor to arrest the accused

or to seized the contraband. It was also argued that there is a

delay in dispatching the alleged sample to FSL and, as such,

possibility of tampering cannot be ruled out. It was further

argued that the local police has falsely involved the accused in

the instant case and that without bringing substantive evidence

on record qua ownership of the contraband and positive report

of FSL would not warrant conviction of appellant. Learned

counsel while concluding his arguments submitted that

appellant is entitled to be acquitted by giving him benefit of

doubt.

6- On the contrary, learned State counsel while

opposing arguments of appellant contended that it has been

established on record that accused being peddler of narcotics

was caught red handed with huge quantity of chars by the local

police and trial court has considered the entire evidence in its

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true perspective where no material discrepancies or contradictions were noticed. The prosecution story is supported by statements of PWs. He concluded that accused has committed heinous crime of moral turpitude and deserves no leniency. He also argued that in the previous order of this Court, it has been held that the alleged chars has been recovered from the appellant. It was prayed that sentence awarded by the trial court meets the ends of justice, which may be maintained.

7- Arguments heard and record perused.

8- As per contents of Murasila and the FIR, it appears that 9500 grams chars was allegedly recovered from the bag, which the convict - appellant was carrying at the time of occurrence but it is clearly mentioned in the recovery memo, which was weighed by the complainant that chars recovered was 10 kg. There is overwriting on the dates of occurrence and report. There is no evidence as to how the whole recovered contraband was weighed and 5/5 grams samples were separated for the purpose of analysis when there is nothing on record to show as to type of weights and scales the police personnel had at the time of occurrence as it was odd hours of night and all the shops were reportedly closed. According to PW-1 Malik Ejaz Inspector CIA Abbottabad the convict - appellant holding a black colour bag in his hand came from Adda side and on seeing police party tried to go fastly towards street Kunj Jadeed, chased and overpowered and chars contraband was recovered whereas PW-3 Tariq Mehmood ASI in cross-examination

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Peshawar Bench
Abbottabad Bench
Appointed Under Section 5 Act 19 of 1912

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stated that contraband chars was recovered from the convict — appellant at Lahore Laries Adda. In the instant case allegedly the samples were sent to Chemical Examiner for analysis on 11.4.2009 but due to objection these were returned and same were again submitted on 17.04.2009 but there is nothing on record as to why the samples submitted first were returned. Prosecution failed to produce the application dated 11.04.2009, on the basis of which, samples were sent to FSL. The trial Court also overlooked the important feature of the case that first challan was submitted on 09.05.2009 and after scrutiny by the Prosecutor, it was pointed out for the first time that entry of 10 Kg of Chars in the recovery memo and that of entry of 9500 grams in Murasila is fatal for the prosecution case, so the lacunae was asked to be filled up. After that case file was sent back to I.O., who on 27.06.2009 recorded the statement of PW-1 under Section 161 Cr.P.C. and only rectified the entry to the effect that the entry of 9500 grams of chars written in the Murasila is correct. But no where it has been brought on record that whether after preparation of recovery memo the chars was ever weighed before any one and to this effect other recovery memo has ever been prepared. It is also pertinent to note that prosecution during the trial has exhibited the same recovery memo and site plan as Ex.PW1/1 and Ex.PWB wherein recovery of 10 Kg chars has been shown.

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 of
 Peshawar Court
 Abbottabad Bench
 Peshawar Bench - Ordus

9- Similarly, the written objection dated 17.04.2009 vide which samples were sent back to the prosecution also has

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not been produced before the trial Court. The said important documentary record has been concealed by the prosecution, hence, adverse inference under Article 129(g) of Qanun-e-Shahadat can easily be drawn as the same record was against the prosecution that is why prosecution has not produced the same. There is also over writing on the recovery memo with different ink and different hand writing wherein, it is entered that as no public witness is available, hence, are not cited as marginal witness to the recovery. This addition clearly shows malafide, unfairness and guilty conscious of prosecution. It is admitted fact that it was pitch dark at the time of occurrence. Complainant has stated that he alongwith other police party was standing under the street light whereas appellant was present in dark from some distance of their nakabandi. The important questions arise from this story at the time of arrest and recovery from the accused, which have not been properly dealt by the trial Court. Those important points, which created doubt are,

(i). *The light has not been mentioned in the site plan.*

(ii). *The source of light has not been taken into custody to ascertain its power of lightening whether same was tube light, bulb, flood light or was energy saver and that of what power.*

(iii). *Distance of appellant from complainant and other PWs have also not been mentioned.*

(iv). *When for the first time appellant was seen by the complainant and other PWs.*

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 Ex. 106-7-12
 Peshawar High Court
 Abbottabad Bench
 Authorized Under Sec 5 of Act 19 of 1973

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(v). At what point appellant was overpowered.

PWs had admitted in their statements that appellant was present in the dark. How it is possible that he being present in the light was able to see the accused / appellant and differentiate the colour of alleged bag, which appellant was allegedly holding.

PW-2 Mushtaq Hussain Shah has admitted that recovery memo, site plan and murasila was prepared by the complainant. But he too could not detect the difference of 500 grams chars mentioned in the recovery memo, site plan and that of murasila.

10- PW-3 Tariq Mehmood has also stated that after scribing the murasila, he remained on the spot for about two hours. The site plan bears FIR number which was prepared by the complainant having same ink and handwriting. It has been admitted by the Investigating Officer (PW-2) that recovery memo, murasila and site plan were already prepared when after chalking of FIR investigation was handed over to him. Then question arises that before chalking of FIR, how number of FIR was inserted in the site plan by the complainant PW-1 Malik Ijaz. It can easily be gathered from the record produced before the Court that site plan was prepared after chalking of the FIR. As the place of recovery and preparing of recovery memo and site plan has been contradicted by PWs 1 and 3, hence, preparation of the said document in Police Station or some

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Peshawar High Court
Abbottabad Bench
Sd/- Judge Secy's Acts Orders

Ali Akbar
Uk's P

(19) 8

where else cannot be ruled out.

9- There is no explanation forthcoming whatsoever on the record as to what quantity of contraband chars was allegedly recovered from the possession of convict - appellant. This creates doubt as to the quantity of contraband chars. In the facts and circumstances of the case, the prosecution has not been able to prove its case against appellant beyond any shadow of doubt and by extending such benefit the convict - appellant deserves acquittal from the charge.

*all acquitted
Honorable
acquittal.*

10- Consequently, this appeal is allowed. Conviction and sentence of appellant recorded by the trial court is set-aside and he is acquitted of the charge. He shall be released forthwith if not required in any other case.

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2063-12
Peshawar High Court
Abbottabad Bench
Authorized Under Section 53 Acts Ordinance

Announced:
25.01.2012.

SO: YAHYA AKRIDI

SO: KHALID MEHMOOD

JUDGES

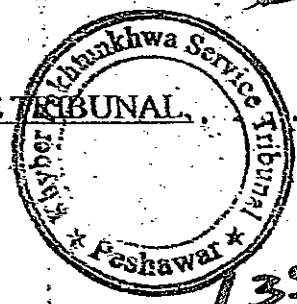
*Hajir
Liker*

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1 (20)

Annex-D

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT ABBOTTABAD



Service Appeal No. 521/2012

Date of Institution... 08.05.2012

Date of decision... 21.11.2017

Faisal Zaman son of Shah Zaman Caste Awan R/O Tehsil and District Mansehra
Ex-Constable No. 544. ... (Appellant)

Versus

1. District Police Officer, Mansehra and another. (Respondents)

MR. SHAD MUHAMMAD KHAN,
Advocate

... For appellant.

MR. KABEERULLAH KHATTAK,
Deputy District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN,

... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant was dismissed from service on 14.11.2010 against which he
filed departmental appeal on 11.2.2012 which was rejected on 24.4.2012 being
time barred. Thereafter, the appellant filed the present appeal on 08.05.2012. The
appellant was charged due to his involvement in a narcotics case.

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant was not
communicated his order of dismissal because he was in jail. That he was acquitted

ATTORNEY GENERAL
Khyber Pakhtunkhwa
Camp Court Abbottabad

Attested
Ubj/psr

in the criminal case on 25.01.2012 and thereafter he obtained the copy of order on 08.02.2012 and then filed the departmental appeal on 11.2.2012. That his departmental appeal is within time for the reason that he was not informed and he was in jail as well. On merits he argued that the enquiry officer conducted the whole proceedings in the absence of the appellant much less the opportunity of cross examination to the appellant.

4. On the other hand, the learned Addl. Advocate General argued that the present appeal is time barred because the departmental appeal is also time barred. In support of his this arguments he referred to reply submitted by the appellant to the charge sheet. He further argued that while rejecting the departmental appeal the appellate authority did mention the appeal being time barred. He next conducted that the appellant was caught red handed. That the recovery was effected from his person. That it is a proved case against the appellant. That if the appeal of the appellant is accepted then it would open a Pandora box and would encourage the police officials to involve in such like activities.

CONCLUSION.

5. Admittedly, the appellant was in jail in the criminal case. His statement was recorded by the enquiry officer in jail. It is also an admitted position that he was released from jail on 25.1.2012. That the respondents have failed to show whether the impugned order was communicated to the appellant in jail. Secondly being behind the bar itself is sufficient cause for non running of limitation and if limitation runs against the appellant then incarceration is sufficient reason for condonation. This Tribunal is therefore, of the view that the departmental appeal was not time barred. The decision of the appellate authority in this regard is incorrect.

ATTESTED
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MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Camp Commandant

Attested
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6. Coming to the merits of the appeal, admittedly the whole proceedings were conducted by the enquiry officer at the back of the appellant much less opportunity of cross examination or right of defence to the appellant. No law permits such proceedings to be valid proceedings. So far as the reservations of the learned AAG regarding Pandora box is concerned, this Tribunal has got no power to deviate from law under the fear of future violations by the civil servants. It is well known legal maxim "*Fiat Justitia ruat caelum*" (let justice be done though the heaven fall).

7. Consequently, this appeal is accepted and the appellant is reinstated in service. The department is at liberty to hold de-novo proceedings in accordance with the law within a period of 90 days of the receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

sd-
(Ahmad Hassan)
Member

sd-
(Niaz Muhammad Khan)
Chairman
Camp Court, A/Abad

ANNOUNCED
21.11.2017

پہلے 6 کاپی منی میں۔ عدالت کی آگے بڑھائی ہوگی۔
Back of the appellant
دفعہ 3

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Camp Court, Abbottabad

24
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Law
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22-11-17
Date of Delivery of Copy 22-11-17

Accepted
26/11/17

This office order will dispose off denovo enquiry against Constable Faisal Zaman No. 44 of this district with the allegation that he was dismissed from service on the charges that he while posted as MM PS Phulra has involved himself in case FIR No. 435 dated 09.04.2009 u/s 9C-CNSA PS Cant Abbottabad vide OB No. 56, dated 14.04.2010. After dismissal from service the delinquent Constable Faisal Zaman No. 44 had preferred an appeal before the Regional Police Officer, Hazara Region, Abbottabad and his appeal was filed by the Regional Police Chief. Later on he filed a service appeal before the Service Tribunal Khyber Pakhtunkhwa Abbottabad Bench Peshawar. The Service Tribunal Khyber Pakhtunkhwa accepted the appeal of Constable Faisal Zaman No. 44 and set-aside the impugned order and re-instated the appellant in service and directed the respondent-department to conduct denovo enquiry. In compliance of the order of Service Tribunal Khyber Pakhtunkhwa & worthy Inspector General of Police Khyber Pakhtunkhwa Peshawar vide letter No. 187/E&I, dated 29.01.2018, a denovo enquiry was conducted through Mr. Muhammad Suleman Superintendent Police Investigation Mansehra. After conducting denovo enquiry the enquiry officer has submitted his report that the punishment of dismissal from service awarded earlier to the accused official was genuine and recommended him for major punishment. Similarly the case file of case FIR No. 435 dated 09.04.2009 u/s 9C-CNSA PS Cant Abbottabad has also been thoroughly perused and found that huge quantity of narcotics i.e. 9500 grams was recovered from the possession of accused official and trial court convicted the accused for the term of 15 years imprisonment with fine of Rs. 100,000/- or in default of fine to further undergo one year simple imprisonment. The accused official preferred appeal against his conviction before the Peshawar High Court Abbottabad Bench. The honorable court wide order dated 25.01.2012 acquitted the accused by extending him benefit of doubt as to quantity of contraband chars. The Service Tribunal Abbottabad Bench reinstated the accused official on the ground of lacunas in the department proceedings i.e. not giving the opportunity of cross examination to the accused official. The service Tribunal Abbottabad Bench reinstated the accused official without discussing the merits of the case as the acquittal of the accused in criminal case does not absolve the accused official from the act of moral turpitude. On 02 May, 2018, the delinquent Constable Faisal Zaman No. 44 was heard in person in orderly room but he could not convince the undersigned in his defense. Hence the punishment awarded earlier to the accused official was genuine, therefore the enquiry officer recommended for major punishment.

I, the District Police Officer, Mansehra, therefore award him major punishment of "Dismissal from service" to the delinquent Constable Faisal Zaman No. 44 under Khyber Pakhtunkhwa Police, Disciplinary Rules 1975 (amended in 2014). The period he remained out of service is to be treated as without pay.

ORDER

DISTRICT MANSEHRA

DEPARTMENT



Annex-1

District Police Officer
Mansehra

[Signature]

OB-05-18
04-05-18

District Police Officer
Mansehra

07-5-18

[Signature]

[Handwritten notes]

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Amel-R

7971
11-9-18

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by Ex-Constable Faisal Zaman No: 44 of Mansehra District against the order of punishment i.e. Dismissal from service awarded by the DPO Mansehra vide his OB No.85 dated 04.05.2018.

Facts leading to his punishment are that he while posted as MM PS Phulra involved in case FIR No.435 dated 09/04/2009 u/s 9C-CNSA PS Cantt Abbottabad. He was dismissed from service vide OB No: 56 dated 14.04.2010. After dismissal from service he had preferred an appeal before the Regional Police Officer, Hazara Region, Abbottabad and his appeal was rejected being grave allegations and also a badly time barred case vide Endst: No: 2460/PA, dated 24.04.2012. Later on he filed a service appeal before the Service Tribunal Khyber Pakhtunkhwa Abbottabad Bench. The Service Tribunal accepted his appeal and set-aside the impugned order and re-instated the appellant into service and directed the respondent department to conduct de-novo enquiry. In compliance of the order of Service Tribunal Khyber Pakhtunkhwa & Worthy Inspector General of Police, Khyber Pakhtunkhwa vide letter No: 187/E&I, dated 29.01.2018, a de-novo enquiry was conducted through Mr. Muhammad Suleman, SP Investigation, Mansehra. After conducting de-novo enquiry the enquiry officer has submitted his findings that the punishment of dismissal from service awarded earlier to the accused official was genuine and recommended him for major punishment. Similarly the case file of case FIR No: 435/2009 u/s 9C-CNSA PS Cantt Abbottabad has also been thoroughly perused and found that huge quantity of contraband/Chars i.e 9500 gram was recovered from the possession of accused official and trial court convicted the accused to undergo 15 years imprisonment with fine of Rs: 100,000/- or in default of fine to further undergo one year simple imprisonment. The accused official preferred appeal against his conviction before the Peshawar High Court Abbottabad Bench. The honorable Court vide order dated 25.01.2012 acquitted the accused by extending him benefit of doubt. The Service Tribunal Abbottabad Bench re-instated the accused official on the ground of technicalities in the departmental proceedings i.e not giving the opportunity of cross examination to the accused official. The Service Tribunal Abbottabad Bench re-instated the accused official without discussing the merits of the case as the acquittal of the accused in criminal case does not absolve the accused official from the act of moral turpitude and violation of discipline. On 02 May, 2018 the delinquent constable Faisal Zaman No: 44 was heard in person in orderly room but he failed convince the DPO Mansehra. Hence the punishment awarded earlier to the accused official was genuine, therefore the enquiry officer recommended him for major punishment.

The appellant was awarded major punishment of Dismissal from service vide O.B No. 85 dated 04/05/2018 by DPO Mansehra.

After receiving his appeal, comments of DPO were obtained which were examined /perused. The undersigned called him in OR on 29.08.2018 and heard in person where he failed to furnish any plausible explanation in his defence. Therefore the punishment awarded to him by the DPO Mansehra i.e Dismissed from service seems to be genuine, hence his appeal is filed.

REGIONAL POLICE OFFICER
Hazara Region Abbottabad
/2018.

No. 4487 /PA Dated Abbottabad the 05/9

Copy of above is forwarded to the DPO Mansehra w/r to his Memo: No: 7838/GB, dated 20.06.2018 for information and necessary action.

Service Roll and Enq. Roll are returned for per off.

*SP/PA
for MA
Amel-R*

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

*Alleded
06/10/18*

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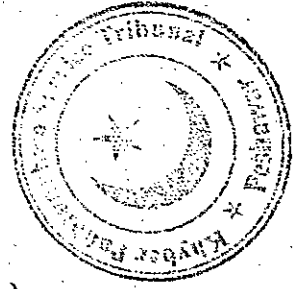
Annex G

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
AT CAMP COURT ABBOTTABAD

SERVICE APPEAL NO. 1221/2018

Date of institution ... 05.10.2018

Date of judgment ... 17.09.2019



Faisal Zaman Son of Shah Zaman, Caste Awan
R/o Village Malhoo Afzal Abad Tehsil & District Manshehra
(Ex-Constable Old No. 544 and New No. 44 District Police Manshehra).

... (Appellant)

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Manshehra.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST ORDER OB NO. 85 DATED 04.05.2018 OF THE DISTRICT POLICE OFFICER MANSEHRA WHEREBY THE APPELLANT HAS BEEN AWARDED MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE AND ORDER DATED 05.09.2018 (DELIVERED ON 17.09.2018) OF THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD WHEREBY APPELLANT DEPARTMENTAL APPEAL HAS BEEN REJECTED.

Mr. Mohammad Aslam Tanoli, Advocate.

.. For appellant.

Mr. Muhammad Bilal Khan, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD. AMIN KHAN KUNDI, MEMBER: - Appellant

alongwith his counsel and Mr. Muhammad Bilal, Deputy District Attorney
alongwith Mr. Haq Nawaz, ASI for the respondents present. Arguments heard
and record perused.

2. Brief facts of the case as per present service appeal are that the appellant
was serving in Police Department. He was imposed major penalty of dismissal
from service vide order dated 14.04.2010 on the allegation that he was involved

*Attest
Officer*

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

*M. Amin
17.9.2019*

in Narcotic case vide FIR No. 435 dated 09.04.2009 under section 9CNS, PS Cantt Abbottabad. After availing of remedy of departmental appeal, the appellant filed service appeal in this Tribunal which was accepted, the appellant was reinstated in service and the Tribunal held that the inquiry proceeding was not conducted in accordance with law therefore, the department was held at liberty to hold de-novo inquiry in accordance with law within a period of 90 days of the receipt of copy of judgment vide detailed judgment dated 21.11.2017. On receipt of copy of judgment, the Inspector General of Police Khyber Pakhtunkhwa Peshawar issued direction to District Police Officer Mansehra for proceeding de-novo inquiry against the appellant through Muhammad Suleman SP Investigation Mansehra and it was also ordered that final outcome be communicated to the office on or before 12.02.2018 before issuance of final order for perusal of the worthy Inspector General of Police vide letter No. 187 dated 29.01.2018 and in compliance of the aforesaid order, the District Police Officer Mansehra directed Mr. Suleman SP Investigation Mansehra to conduct de-novo inquiry vide order dated 30.01.2018. The said SP Mr. Suleman summoned the appellant and asked him to submit reply of charge sheet already served in the previous inquiry and in this regard statement of the appellant was recorded by the said SP wherein he stated that he rely on the reply of charge sheet already submitted in the previous inquiry proceeding and on the basis of charge sheet, statement of allegation already framed and served on the appellant in the previous regular inquiry as well as the reply of the appellant to the charge sheet already submitted in the previous regular inquiry undated, the de-novo inquiry report was submitted by the inquiry committee namely Muhammad Suleman SP Mansehra, Ashiq Hussain DSP, Syed Ikhlq Hussain Inspector (Legal) Mansehra and ASI Muhammad Iqbal Reader SP Investigation and on the basis of said undated inquiry report, the competent authority again imposed major penalty of dismissal from service without any show-cause notice

M. Suleman
17.9.2019

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Inspector (Legal)
Service Tribunal,
Peshawar

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after de-novo inquiry vide order dated 04.05.2018. The appellant filed departmental appeal on 21.05.2018 but the same was rejected on 05.09.2018 hence, the present service appeal on 05.10.2018.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for appellant contended that the appellant was imposed major penalty of dismissal from service vide order dated 14.04.2010 on the allegation that during inquiry proceeding he was proved guilty by the inquiry officer in the aforesaid narcotic case and he was also convicted by the Trial Court in the said criminal narcotic case. It was further contended that after availing remedy of departmental appeal, the appellant filed service appeal which was partially accepted, the appellant was reinstated in service and it was held by this Tribunal that the regular inquiry was not conducted in accordance with law therefore, the respondent-department was held at liberty to conduct de-novo inquiry strictly in accordance with law. It was further contended that on appeal, the worthy High Court has acquitted the appellant in the aforesaid narcotic case vide detailed judgment dated 25.01.2012. It was further contended that the respondent-department was required to conduct de-novo inquiry strictly in accordance with law as per direction of this Tribunal but the respondent-department has totally ignored the direction of this Tribunal, neither fresh charge sheet, statement of allegation was framed or served upon the appellant nor de-novo inquiry was conducted in accordance with law. It was further contended that during de-novo proceeding, the inquiry officer has recorded joint statement of Amjid Khan 702/HC, Zakir Rehman 336 and Riasat Khan 668 in two, three lines wherein they have stated that they rely on the statement already

M. Amin
17.9.2019

ATTESTED

recorded by Shakoor Khan. It was further contended that this method of recording of joint statement of the witnesses by the inquiry officer to the effect that they rely on the previous statement recorded in the previous inquiry is not

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Allied
U.S. Fare

in accordance with law and the inquiry officer did not bother to record their separate statements and provide opportunity of cross examination to the appellant. It was further contended that after submitting de-novo inquiry report (undated), the competent authority was also required to issue ~~copy~~ ^{the} of show-cause notice alongwith copy of inquiry report but the competent authority also did not bother to issue said show-cause notice therefore, it was vehemently contended that the de-novo inquiry was not conducted as per direction of this Tribunal which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was involved for having in possession of huge quantity of narcotic/Chars and the Trial Court has also convicted the appellant in the aforesaid criminal case but later on the worthy High Court acquitted the appellant by giving benefits of doubt. It was further contended that a proper de-novo inquiry was conducted and the appellant was proved guilty in the de-novo inquiry proceeding therefore, the appellant was rightly dismissed from service on the basis of de-novo inquiry report and prayed for dismissal of appeal.

M. Amin
17.9.2019

ATTESTED

[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Perusal of the record reveals that the appellant was imposed major penalty of dismissal from service vide order dated 14.04.2010 on the allegation that he was convicted by the Trial Court in narcotic case and was also proved guilty by the inquiry officer in the regular inquiry vide order dated 14.04.2010.

The record further reveals that after availing remedy of departmental appeal, the appellant filed service appeal which was accepted, the appellant was reinstated in service and it was held in the said judgment by this Tribunal that the regular inquiry was not conducted in accordance with law therefore, the respondent-department was held at liberty to conduct de-novo inquiry proceeding vide detailed judgment dated 21.11.2017. After the decision of the Tribunal, the

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respondent-department was bound to conduct de-novo inquiry strictly in accordance with law and as per direction of this Tribunal but the record reveals that neither fresh charge sheet, statement of allegation was framed or served upon the appellant in de-novo inquiry proceeding nor the de-novo inquiry was conducted by the inquiry officer in accordance with law as the inquiry officer has recorded some joint statements of Amjid Khan 702/HC, Zakir Rehman 336 and Riasat Khan to the effect that they rely on the statement recorded by one Shoukat Khan No. 480 in two three lines which is not the mode and manners of recording statement of witnesses. Moreover, the appellant was also not provided opportunity of cross examination on the aforesaid witnesses as the inquiry officer had not bothered to record their separate statements in accordance with law. Furthermore, after de-novo inquiry report, the competent authority was also bound to issue show-cause notice alongwith copy of de-novo inquiry report but the competent authority also did not bother to issued fresh show-cause notice alongwith copy of inquiry therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and reinstate the appellant into service with the direction to respondent-department to conduct de-novo inquiry strictly in accordance with law within a period of 90 days from the date of receipt of copy of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
17.09.2019

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT ABBOTTABAD

Hussain Shah
(HUSSAIN SHAH)
MEMBER
CAMP COURT ABBOTTABAD

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Ali
6/9/19

بیان زیر حکم انکوائری آفیسر صاحب آزان کانشیل فیصل زمان نمبر 764 متیعہ پولیس لائن مانسہرہ۔ میں اپنی ڈینوائری کے سلسلے میں حسب طلبی جناب ایڈیشنل SP صاحب مانسہرہ کے دفتر حاضر آیا ہوں۔

1- گزارش ہیکہ سائل محکمہ پولیس میں بطور کانشیل مورخہ 28-01-2002 کو بھرتی ہوا۔ اور ضلع مانسہرہ کے مختلف چوکیات، تھانہ جات، اور پولیس لائن مانسہرہ میں اپنی ڈیوٹی سرانجام دیتا رہا۔

2 مورخہ 02-02-2008 کو میں بطور مدد محرر تھانہ پھلڑہ میں تعینات تھا چونکہ تھانہ پھلڑہ پورے ہزارہ ریجن میں جرائم خصوصاً منشیات کے حوالے سرفہرست رہا ہے۔ اس لیے میں افسران بالا کے حکم سے سوز سز کا استعمال کرتے ہوئے منشیات فروشوں اور دیگر جرائم پیشہ افراد کے متعلق انفارمیشن ان کو دیتا تھا۔ جس پر کوئی کامیاب کاروائیاں بھی ہوئی ہیں۔ اسی طرح ایک منشیات فروش سکنہ ایبٹ آباد جو کہ تھانہ پھلڑہ کی حدود سے منشیات لے جا رہا تھا۔ مجھے اپنے زرائع سے معلوم ہوا کہ شمشیر بھاری مقدار میں منشیات تھانہ پھلڑہ کی حدود سے لے جا رہا ہے۔ جب میں نے یہ اطلاع تھانہ SHO کو دی۔ جس پر ملزم شمشیر وغیرہ سے پانچ کلوگرام چرس کیری ڈبہ سے برآمد کر کے مقدمہ علت 21/08 جرم CNSA 9 تھانہ پھلڑہ میں رجسٹر کیا گیا۔ جس کی نقل ایف آئی آر لف ہے۔

3- ملزمان مذکور ان ضمانت پر رہا ہوئے تو انہوں نے پھلڑہ کی حدود میں یہ معلومات حاصل کر لی تھیں کہ یہ خفیہ اطلاع کس نے دی ہے۔

4- اپریل 2009ء میں میری اچھی کارکردگی اور B-1 کا امتحان پاس کرنے کے بعد لوہر کورس کیلئے انتخاب ہوا۔

5- بوجہ بیماری اور بیماری کی روانگی مورخہ 08-04-2009 درج روز نامہ مد نمبر 11 کر کے علاج معالجہ کیلئے مانسہرہ آیا اور 09-04-2009 کو بسلسلہ خریداری یونیفارم وغیرہ ایبٹ آباد آیا۔ ایک شخص نے کال کی کہ آپ سر بن چوک آئیں۔ میں خریداری چھوڑ کر سر بن چوک آیا تو دو اشخاص نامعلوم مجھے ملے۔ دونوں نے کہا آؤ ہمارے ساتھ لیکن ان کی نیت کو دیکھتے ہوئے میں سوزو کی میں بیٹھ گیا اور مانسہرہ جانے

AB
مجلس زمان

کیلئے جنرل بس سٹینڈ کی طرف گیا۔ اس دوران یہ دونوں اشخاص بھی سوزو کی نمبر نامعلوم میں بیٹھ گئے۔ جوں ہی میں فوارہ چوک میں اتر اس دوران کچھ اور اشخاص نے مجھے قابو کیا اور پھر مجھے CIA آفس لے گئے۔ اور کہا کہ ہم CIA کے اہلکار ہیں اور آپ سے دس کلو چرس برآمد کی ہے۔

6- میرے خلاف مقدمہ علت نمبر 435/09 جرم CNSA 9 تھانہ کینٹ رجسٹر ہوا۔ دو دن حراست پولیس لیکر جیل بکھوایا۔ اور بعد میں ٹرائل کورٹ میں مجھے سات سال قید اور جرمانہ مبلغ 40,000/- روپے کیا۔

7- اس سزا کے خلاف میں نے ہائیکورٹ میں اپیل کی جو کہ عدالت عالیہ کے دو جج صاحبان (DB) نے مجھے بری کر کے رہا کیا۔ ہائیکورٹ کا فیصلہ ہمراہ لف ہے۔

8- اس رہائی پر میں نے سروس ٹریبونل میں سروس کی بحالی کیلئے اپیل کی۔ جو کہ (DB) دور کئی بیٹج نے سروس پر بحال کرنے کا حکم کیا اور ساتھ ڈینوائٹو اٹری کا حکم کیا۔ جس پر مجھے جناب DPO صاحب مانسہرہ نے ملازمت پر بحال کیا۔

9- ڈینوائٹو اٹری جناب محمد سلیمان خان SP انویسٹیشن نے کی۔ اور مجھے دوبارہ ڈسمسل کیلئے ری کمٹ کیا گیا جس پر مجھے دوبارہ ملازمت سے برخاست کیا گیا۔

10- میں نے دوبارہ سروس ٹریبونل میں سروس بحالی کیلئے اپیل کی جس پر دور کئی بیٹج نے یہ فیصلہ کیا:

۱- کوئی شو کاز نوٹس نہیں دیا گیا۔

۲- اور نہ ہی قانون کے تحت Statment of Allegation فریم کیا گیا۔

۳- تمام گواہان کا ایک جوائنٹ سٹیٹمنٹ لیا گیا جبکہ قانون کے تحت ہر گواہ کا علیحدہ علیحدہ بیان ہونا چاہیے۔

۴- مجھے کراس ایگز امینیشن کا موقع نہیں دیا گیا۔

۵- انکوائری پر تاریخ نہیں ڈالی گئی۔

۶- سروس ٹریبونل نے تمام پروسیڈنگ کو غیر قانونی قرار دیا۔

11- سروس ٹریبونل کے دور کئی بیٹج نے دوبارہ ہدایت کی ہے کہ چونکہ ہائیکورٹ نے مجھے بری کر دیا ہے لہذا اس کو بحال کیا جائے۔ اور ڈینوائٹو اٹری کا بھی حکم دیا ہے۔

محمد طارق

جناب عالی!

انصاف کا تقاضا مجھے صوبہ کی بڑی عدالت (ہائیکورٹ) دور کئی بیچ نے بری کیا ہے جبکہ دور کئی سروس ٹریبونل کے جج صاحبان نے بھی میری بحالی کا حکم دیا ہے۔ میری سابقہ ملازمت آٹھ سال ہے جو اس دورانہ کے سروس ریکارڈ قابل ملاحظہ ہے کبھی میرے خلاف منجانب میرے افسران یا پبلک کی طرف سے کوئی شکایت نہ ہے۔ کبھی کوئی معمولی سی explanation تک نہیں ہوئی۔ اور ریکارڈ قابل ستائش ہے۔ میں کارسروکار میں دلچسپی لیتے ہوئے تھانہ پھلوہ میں منشیات فروشوں کے خلاف جاری مہم میں ایس ایچ او صاحب تھانہ کو ایبٹ آباد کے منشیات فروش کی پھلوہ آمد اور کامیاب کارروائی پر بروقت اطلاع دی۔ جو کہ جناب ایس ایچ او صاحب سلیم خان اس امر کے گواہ ہیں۔

مجھے ان منشیات فروشوں نے انتقام کا نشانہ بناتے ہوئے مجھے ایک جعلی مقدمہ میں گرفتار کیا۔ لیکن میں اس مقدمہ کی اصلیت اور جعلی ہونے پر کوئی سٹینڈ نہیں لینا چاہتا کیونکہ مجھے ہائیکورٹ دور کئی بیچ نے اور سروس ٹریبونل کے جج صاحبان نے انصاف فراہم کر کے مجھے بری الذمہ کیا ہے اور ملازمت پر بحالی کا دو دفعہ حکم صادر فرمایا ہے۔

لہذا استدعا ہے کہ انصاف کو مد نظر رکھتے ہوئے اور میری محکمہ کیلئے خدمات اور اس زہنی اور مالی پریشانی کو مد نظر رکھتے ہوئے مجھے ملازمت پر بحال کیا جائے تاکہ میں سکون کی زندگی بسر کر سکوں۔ اور اپنے محکمہ کی نیک نامی کیلئے جتنا مجھ سے ہو سکتا ہے میں اپنا مشن جاری رکھ سکوں۔ اور انکو آری ہذا کو میرے بے گناہ ہونے کی وجہ سے داخل دفتر کیے جانے کی سفارش فرمائی جائے۔

سائل آپ جناب کیلئے تاحیات دعا گورہے گا۔

المرقوم: 21-11-2019

الاحرار

فیصل زمان ولد شاہ زمان

سکنہ ملو افضل آباد، تحصیل و ضلع مانسہرہ حال پولیس لائن مانسہرہ

موبائل نمبر: 0333-5023544

مصطفیٰ زمان

33

Mansehra "J"



OFFICE OF THE DISTRICT POLICE OFFICER MANSEHRA
(Khyber Pakhtunkhwa Police)

No. 06 /PA, dated 01/01/2019

Tel: No. 0997-920102 and Fax No. 0997-920104

E-mail. dpomansehra@hotmail.com

FINAL SHOW CAUSE NOTICE

You Constable Faisal Zaman No. 44 were dismissed from service due to your involvement in case FIR No.435 dated 09-04-2009 U/S 9 CCNSA PS Cant Abbottabad. In this behalf you preferred a service appeal under section-4 before the Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court Abbottabad. The Service Tribunal in service appeal No.1221/208 accepted your appeal and directed to conduct denovo enquiry against you. On the direction Service Tribunal a denovo departmental enquiry was initiated against you.

Mr. Mukhtiar Ahmad Addl: SP Mansehra Enquiry Officer, after conducting denovo enquiry has submitted his finding report stating therein that although you were acquitted by the court but allegation of huge recovery of chars from your possession has maligned the whole department. Moreover you were reinstated by the service Tribunal Abbottabad Bench twice. The Enquiry officer further recommended you for punishment of two years approved service and it is also recommended that your intervening period may be treated as without pay. The undersigned is agreed with the report of Enquiry Officer and therefore, hereby finally call upon you to show cause as to why you should not be awarded major punishment under the Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014). In case your written reply is not received within 07 days after the receipt of this final show cause notice it shall be presumed that you have no defense to offer. You are also allowed to appear before the undersigned, if you so desire. (Copy of the finding of the Enquiry Officer is also enclosed).

District Police Officer,
Mansehra

[Handwritten signature]

جناب عالی!

بحوالہ فائل شوکاژ نوٹس مجاریہ جناب DPO صاحب ضلع مانسہرہ معروض ہوں کہ میں اللہ کو حاضر و ناظر جان کر بیان دیتا ہوں کہ میرا وہی بیان ہے جو کہ میں نے قبل ازیں جناب ایڈیشنل SP صاحب مانسہرہ (EO) کو دیا ہے جو کہ ہمراہ لف ہے۔ اور اس کی انکوائری سے میں مطمئن ہوں اور مجھے امید ہے کہ آپ بھی میری استدعا کو منظور کرتے ہوئے انصاف کو مدنظر رکھتے ہوئے جبکہ ہائی کورٹ نے مجھے بری کیا ہے۔ اور سروس ٹریبیونل نے بھی دو دفعہ بحال کرنے کا حکم دیا ہے۔ مجھے ملازمت پر بحال کیا جائے تاکہ میں ایک پرامن شہری کی حیثیت سے اپنے بچوں کے لئے پرامن زندگی گزار سکوں۔ اور اپنے محکمہ کی نیک نامی کے لئے جتنا مجھ سے ہو سکتا ہے ایمانداری اور محنت سے اپنا مشن جاری رکھ سکوں۔ سائل آپ جناب کے لئے تاحیات دعا گو رہیگا۔

المرقوم 03-01-2020

ارض

فیصل زمان بیلٹ نمبر 764 پولیس لائن مانسہرہ۔۔۔ سائل
کانشیل

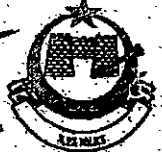
رابطہ نمبر:- 0333-5023544

دستخط

03-01-2020

فیصل زمان

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Amex - R

POLICE DEPARTMENT

MANSEHRA DISTRICT

ORDER

This office order will dispose off denovo enquiry proceeding against Constable Faisal Zaman No. 764 who was proceeded against departmentally with the allegation that he was dismissed from service due to his involvement in Case FIR No. 435 dated 09.04.2009 u/s 9C-CNSA PS Cant Abbottabad. In this behalf he preferred a service appeal under section-4 before the Khyber Pakhtunkhwa, Service Tribunal, and Peshawar at Camp Court Abbottabad. The service Tribunal in Service appeal No. 1221/2018 accepted his appeal and directed to conduct Denovo Enquiry against him. On the direction of Service Tribunal a denovo departmental enquiry was initiated against him.

Mr. Mukhtiar Ahmad Addl SP Mansehra was appointed as Enquiry Officer vide CPO Memo: No.3314-17/CPO/IAB dated 04-11-2019. The Enquiry Officer after conducting denovo departmental Enquiry has submitted his report stating therein that although he was acquitted by the court but allegation of huge recovery of chars from his possession has maligned the whole department. Moreover he was reinstated by the service Tribunal Abbottabad Bench twice. The Enquiry Officer further recommended him for punishment of forfeiture of 02 years approved service and it is also recommended that his intervening period may be treated as without pay. A final show cause notice was also issued to the delinquent Constable Faisal Zaman No. 764 but his reply was found unsatisfactory. On 08-01-2020 the delinquent constable was also heard in person in orderly room but he could not convince the undersigned in his defense.

I, the District Police Officer, Mansehra, therefore award him punishment of "forfeiture of 02 years approved service" to the delinquent Constable Faisal Zaman No. 764 under Khyber Pakhtunkhwa Police, Disciplinary Rules 1975 (amended in 2014). From 2010. to 2019, he was not in service. He was in Jail, then on bail and then dismissed. Therefore, from 2010 to 2019, he does not deserve any pay. This entire period is considered as " period out of service".

Ordered announced.

OB No 07
Dated 07-07 /2020

District Police Officer
Mansehra

District Police Officer
Mansehra

BEFORE HONOURABLE REGIONAL POLICE OFFICER,
HAZARA REGION, ABBOTTABAD.

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 07 DATED 07-01-2020 OF THE DISTRICT POLICE OFFICER MANSEHRA DELIVERED ON 17-01-2020 WHEREBY APPELLANT HAS BEEN AWARDED WITH THE PENALTY OF "FORFEITURE OF 02 YEARS APPROVED SERVICE" AND THE PERIOD FROM 2010 TO 2019 APPELLANT DOES NOT DESERVE ANY PAY AND THIS ENTIRE PERIOD IS CONSIDERED AS "PERIOD OUT OF SERVICE".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL IMPUGNED ORDER DATED 07-01-2020 MAY KINDLY BE SET ASID AND APPELLANT'S FORFEITED SERVICE OF 02 YEARS BE RESTORED TO HIM AND THE PERIOD APPELLANT KEPT OUT OF SERVICE BE TREATED AS ON DUTY WITH GRANT OF ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

With most reverence and humble submission it is stated:-

1. That the appellant was recruited in the police department as Constable on 28-01-2002. He always performed his duties with devotion and honesty and never provided a chance of reprimand. He had meritorious service record at his credit.
2. That on 02-02-2008 while appellant posted as Maddad Moharrir Police Station **Phulra** District Mansehra he on spy information got arrested narcotics paddlers "Shamshair and Yasir" R/O Shaikh-ul-Bandi Abbottabad when trafficking huge quantity of Charras in a Carry Suzuki. A case FIR No. 21 dated 02-02-2008 u/s-9C CNSA was registered against them in **PS Phulra** District Mansehra. These narcotics peddlers were very influential and forceful persons. They became inimical and started hostility against appellant. **(Copy of FIR dated 02-02-2008 is attached as Annex-"A")**.
3. That due to enmity and retaliation measures, these narcotics paddlers by joining hands with CIA staff at Abbottabad got falsely involved the appellant in a narcotics case u/s-9C CNSA by planting "Charas" against him when on 09-04-2009 he had

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come to Abbottabad for purchase of some articles required for use during training at PTC Hungu as he was proceeding on Lower Class Course. (Copy of Daily Diary No.11 dated 08-04-2009, showing departure of appellant is attached as Annex-"B").

- 4. That Honourable Peshawar High Court Peshawar Circuit Bench Abbottabad in the year 2012 acquitted the appellant of the charge FIR No. 435 dated 09-04- 2009 vide its judgment and order dated 25-01-2012. (Copy of Judgment and Order dated 25-01-2012 is attached as Annex-"C").
- 5. That during the pendency of said criminal case, the departmental authorities dismissed the appellant from his service and also rejected departmental appeal. Aggrieved of orders the appellant approached the Honourable KPK Service Tribunal Peshawar and on accepting the service appeal, the appellant was re-instated in service leaving the department at liberty to conduct de-novo inquiry.
- 6. That during the course of de-novo inquiry, the departmental authorities again dismissed the appellant from service and his departmental appeal was rejected vide order dated 04-05-2018 and 05-09-2018 respectively.
- 7. That aggrieved of aforementioned orders of the departmental authorities, the appellant filed service appeal No. 1221/2018 before the Honorable KPK Service Tribunal Peshawar which was accepted vide order dated 17-06-2019 and department authorities were directed to conduct de-novo inquiry.
- 8. That in the light of decision dated 17-06-2019 of the Honorable KPK Service Tribunal Peshawar, Mr. Mukhtiar Ahmed Addl. SP Mansehra was appointed as Inquiry Officer, who directed the appellant to submit written statement in his defense which

Mukhtiar Ahmed
6/6/19

appellant submitted on 21-11-2019. (Copy of statement dated 21-11-2019 is attached as "D").

9. That on receipt of inquiry report, the District Police Officer Mansehra served upon the appellant with a Final Show Cause Notice dated 01-01-2020 which was replied by him on 03-01-2020. (Copies of Show Cause Notice and its reply are attached as "E & F").
10. That thereafter the District Police Officer Manseh vide his order dated 07-01-2020 awarded the appellant with the penalty of "Forfeiture of 02 years approved service" and for period from 2010 to 2019 appellant does not deserve any pay, this entire period is considered as "period out of service". (Copy of order dated 07-01-2020 is attached as "G").

GROUND:

- A) That appellant was totally innocent and had been involved in criminal case by the influential narcotics peddlers whom he had got arrested with huge quantity of "contraband charas" during the discharge of his official duty but this point was never brought into consideration by departmental authorities while awarding the with penalties through impugned order dated 07-01-2020 hence liable to be set aside.
- B) That Honourable Peshawar High Court Peshawar Circuit Bench Abbottabad had acquitted the appellant of the criminal charge for which he has been awarded the instant penalty vide impugned order dated 07-01-2020. Similarly the Honourable KPK Service Tribunal had also re-instated him in service twice in the same case hence impugned order is liable to be set aside.

Ali Siddiqi

- C) That the appellant's acquittal in criminal case was the proof of his innocence, therefore, during the pendency of criminal case the appellant dismissed from service on 14-04-2010 by departmental authority was illegal, unlawful and in cursory manner without waiting the decision of criminal court.
- D) That despite twice re-instatement of the appellant in service by the Honorable KPK Service Tribunal Peshawar the appellant had been dismissed by the departmental authorities by conducting improper departmental inquiries and the appellant time and again had to approach the Honorable KPK Service Tribunal Peshawar protracted litigation over more than 07 years hence the appellant was forcibly kept out of service by departmental authorities.
- E) That as the appellant remained jobless for about 09 years and suffered manifold physical, mental and financial problems which also damaged the educational career of his innocent children besides financial hardships in routine life.
- F) That appellant had about only 08 years service at his credit when dismissed from service on 14-04-2010. The instant punishment of "Forfeiture of 02 years approved service" vide impugned order dated 07-01-2020 will further reduce appellant's service to 06 years to ultimate tremendous loss in service, pay, pension and gratuity.
- G) That the appellant belongs to a poor family and having a large family including his school going children. He along with his family is passing through financial distresses in these days.
- H) That in view of the above circumstances the appellant deserves to be exonerated of the charge and his punishment be set aside.

Ali Akbar
Wajid

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- 1) That the appellant is provided with the opportunity of personal hearing then he will try to prove his innocence.

In view of the aforementioned facts it is earnestly requested that kindly to look into the matter personally and set aside the impugned order dated 07-01-2020 of the DPO Mansehra and the appellant may kindly be restored his "forfeited two (02) years approved service and the period he was kept out of service be treated as on duty" with grant of all service back benefits. Appellant shall be very thankful to your Highness for this act of kindness.

Yours Obedient Servant

(Faisal Zaman) 06/02/2020

Constable No. 764

District Police Mansehra

Dated: 06-02-2020

Faisal Zaman
06/02/2020



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Ameez - M

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

☎ 0992-9310021-22

☎ 0992-9310023

✉ r.rpohazara@gmail.com

☎ 0345-9560687

NO: 17195 /PA DATED 20/07/2020

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Constable Faisal Zaman No.764 of District Manshara against the punishment order i.e. *forfeiture of 02 years approved service* awarded by DPO Manshara vide OB No.07 dated 07.01.2020.

Brief facts leading to the punishment are that the appellant while posted as MM PS Phulra involved himself in a criminal case FIR No.435 dated 09.04.2008 u/s 9C-CNSA PS Cant Abbottabad and 9500 gram *Chras* was recovered from his possession by CIA Abbottabad.

Learned court of AD&SJ-II Abbottabad convicted the appellant for the term of 07 years imprisonment and fine of Rs. 40000/- vide order dated 16-03-2010. On conviction and keeping in view the findings of enquiry officer, major punishment of dismissal from service was imposed against the appellant vide OB No. 56 dated 14-04-2010. The appellant preferred an appeal before PHC, Abbottabad Bench against order of the court. The Honorable Court remanded the case to the trail Court with the direction that the sentence awarded to the appellant was inappropriate. Consequently, the trail Court enhanced the sentence of imprisonment to 15 years and fine to Rs. one hundred thousand. The appellant again preferred an appeal before PHC and the honorable court acquitted the appellant extending benefit of doubt in his favor.

On the other hand, appellant preferred departmental appeal against the order of dismissal before Regional Police Officer, Hazara, however same was filed on 24-04-2012 being badly time barred. Resultantly, the appellant intuited Service Appeal before the Service Tribunal, KPK Abbottabad Bench. The Service Tribunal reinstated vide order dated 21.11.2017 the official and ordered denovo enquiry. In compliance of the order of the court, denovo enquiry was initiated and on the recommendation of EO again major punishment of dismissal from service was awarded vide OB No. 85 dated 04-05-2018. The appellant preferred appeal before RPO Hazara which was filed. He once again preferred appeal before Service Tribunal which was partially accepted, appellant was reinstated and denovo enquiry was ordered. After denovo enquiry DPO Manshara, awarded him minor punishment of "forfeiture of approved service for two years and period from 2010 to 2019 as out of service".

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329.
22-7-20

After receiving his appeal, comments of DPO Manshera were sought and examined/perused. The undersigned called the official in OR, heard him in person and went through the available record. However, the appellant failed to advance any plausible justification in his defence. Moreover, the misconduct perpetrated by the appellant is intolerable in a disciplined force as such acts tarnish the image of Police. The punishment awarded by DPO Manshera, seems genuine therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed* with immediate effect.

Qazi Jamil ur Rehman (PSP)
Regional Police Officer
Hazara Region, Abbottabad

No. 17196 /PA, dated Abbottabad the 20/07/2020.
CC.

1. The District Police Officer, Manshera for information and necessary action with reference to his office Memo No.5666/GB dated 03-03-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

SRL
for m/a
DPO Manshera
22/7

Attested
District Police Officer
Manshera
04/08/2020

Attested
563/pe

گزارش کے لئے سائل کی صورت 8/7/20 کو
 RPO - صاحب ہزارہ اردلی روم میں پیش کی گئی
 جس میں سائل کی درخواست اپیل فائل ہوئی تھی اب سائل
 سروس ٹریبونل کورٹ جانا چاہتا ہے۔
 استدعا ہے کہ سائل کو آرڈر کی حصدقہ نقل دینے
 کا حکم صادر فرما کر مشکور فرمائیں۔

عین گزارش ہوگی

الکارج

کالیشن فیصل زمان نمبر 764 متدینہ پولیس اسٹیشن مانسہرہ

20-7-2020

مقرر شدہ وقت
 09-08/2020

Sir,
 forwarded.

MSP/20 - Police - line MA
 20-7-2020

Respected Sir,

Applicant Const: is requesting for attested copy of
 order no. 17195/PA dated 20.07-2020 for submission of
 representation before worthy provincial police officer,
 Khyber Pakhtunkhwa Peshawar if approve by
 your Good self he may be provided attested
 or otherwise please.

BRC

DPO, Manshera Copy

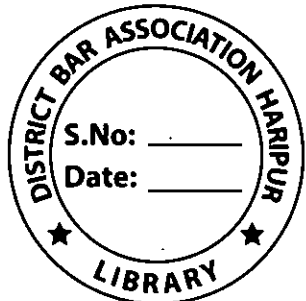
Attested
 SRC

BA No: 201
 BC No:
 Name of Advocate: محمد اسماعیل

S.No: 73930



وکالت نامہ



بعدالت: صبر حسین صاحب
 عنوان: فصل زمان
 منجانب: اساتذہ
 نوعیت مقدمہ: سرکاری
 باعث تحریر آئیکہ: _____

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیق مقدمہ بمقام ایڈیٹڈ ایڈووکیٹ کے لیے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مٹانے کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ساختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس کے تاشی و راضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیرونجات از کچہری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناع یا ترقی یا گرفتاری قبل از گرفتاری و اجراء ڈگری بھی صاحب موصوف کو بشرط ادا ایسی علیحدہ مٹانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مزکور یا اس کے کسی جزوی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشگی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں ہر کوئی حکم یا ترقی یا گرفتاری کا حکم صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔
 مورخہ: 17 / 05 / 2020
 دن / ماہ / سال

محمد اسماعیل

"B"

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

No.

TPB

Appeal No. 9400 of 20 20

Faisal Zaman Appellant/Petitioner

Versus

P.P.O. K.P.P. Pesh. Respondent

Respondent No. 2

Notice to:

Regional Police officer, Hazara
Region Abbottabad

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 15-6-2021 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 25/6

Day of Feb 20 21

at Camp Court A Alad

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

713

No.

Appeal No. 9400 of 20 20

Faisal Zaman Appellant/Petitioner

Versus

P.P.O. 12th P.S. Respondent

Respondent No. 3

Notice to:

Distt. Police Officer Manselwa

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 15-6-2021 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 25/11

Day of Feb 20 21

at Camp Court A Head

(Signature)

Registrar,
Khyber Pakhtunkhwa Service Trib
Peshawar.

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

"B"

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

TB

No.

Appeal No. 9400 of 20 20

Faisal Zaman Appellant/Petitioner

Versus

PPO, KP 15 Pesh: Respondent

Respondent No. I

Notice to:

Provincial Police Officer Genl. of
KP 15 Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 15-6-2021 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 25th

Day of Feb: 20 21

at Camp Court A. Akbar

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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