

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.8282/2020

Date of Institution ... 23.04.2020
Date of Decision ... 26.07.2021

Shahid Shah Lance Head Constable No.1996 District Bannu Police
S/O Akhtar Ali Shah R/O Village Sadat Madak Shah Surrani Tehsil &
District Bannu.

... (Appellant)

VERSUS

Inspector General of Police Khyber Pakhtunkhwa, Peshawar and
three others.

... (Respondents)

Bashir Khan Wazir,
Advocate

... For appellant.

Kabir Ullah Khattak,
Additional Advocate General

... For respondents.

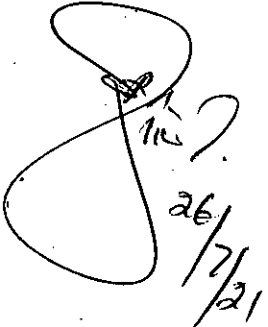
AHMAD SULTAN TAREEN
ROZINA REHMAN

... CHAIRMAN
... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): Appellant has filed the instant service
appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974
against the order dated 26.08.2019 whereby he was dismissed from
service.

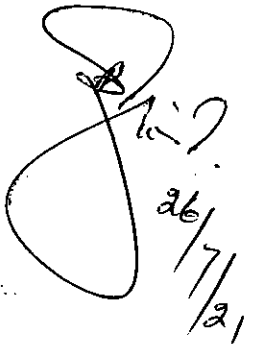
2. Brief facts of the case are that appellant was enlisted as
Constable in the Police Department. A complaint was filed by a private


26/7/21

person in respect of theft of his car. His report was entered in shape of Naqal Mad, which was culminated into F.I.R No.805 dated 01.10.2018. During investigation, statement of one Sakhi Jan was recorded who nominated the appellant for the alleged occurrence. He was issued a letter in this regard in respect of initiation of departmental proceedings and accordingly, his services were suspended. He was served with charge sheet and statement of allegations and lastly was dismissed from service.

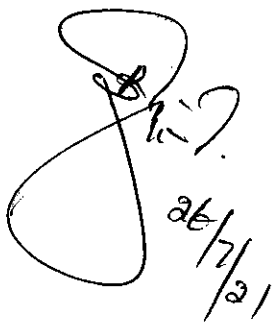
3. Learned counsel for the appellant contends that appellant was proceeded against departmentally twice on the same set of charges and he was not held guilty by the Inquiry Officer but even then, the competent authority terminated the services of the appellant with a single stroke of pen which act of the respondents is against law, facts and contrary to the norms of justice. Learned counsel submitted that no proper opportunity of defense was provided to the appellant and he was condemned unheard. Lastly, he submitted that he was not charged directly in the case F.I.R No.805 rather he was implicated by one Sakhi Jan in his statement before Police recorded U/S 161 Cr.PC which statement is inadmissible in evidence but even then, he was proceeded against departmentally.

4. Conversely, learned A.A.G submitted that during the course of investigation, complainant of case F.I.R No.805 charged one Kamran alongwith two other unknown accused for theft of his car. He submitted that statement of one Sakhi Jan was recorded U/S 161 Cr.PC and during investigation, he charged the present appellant for the commission of offence. He contended that the appellant was found

A handwritten signature in black ink, followed by the date '26/7/21' written vertically.

actively involved in car lifting criminal case, therefore, he was treated according to law and no illegality or irregularity was committed by the respondents. He submitted that D.S.P Saddar, Bannu was appointed as Inquiry Officer who probed the matter under the cover of specified rules and after observing all codal formalities, proper order of dismissal from service was issued.

5. From the record it is evident that one Sakheem Ullah alias Sakhat was arrested in case F.I.R No.44 dated 11.02.2017 at Police Station Basya Khel who during interrogation nominated the appellant as accomplice. The accused further disclosed that the appellant was involved in sale/purchase of stolen vehicles, therefore, appellant was proceeded against departmentally. He was issued with charge sheet and statement of allegation and D.S.P Cantt; Bannu was appointed as Inquiry Officer to scrutinize the conduct of the official. The Inquiry Officer submitted his report wherein, he requested for filing of the inquiry proceedings as there was no evidence against L.H.C Shahid Shah, the present appellant. Again, he was proceeded against departmentally when allegedly the present appellant was found guilty and was charged in case F.I.R No.805 dated 01.10.2018 registered at Police Station Saddar when during the course of investigation, co-accused nominated him for the commission of offence. Charge sheet and statement of allegations were issued to him once again and D.S.P, Saddar was appointed as Inquiry Officer to scrutinize the conduct of the official. The Inquiry Officer submitted his report and he recommended that the inquiry may be deferred till the outcome of the criminal case but his aspect of the issue was not taken care of and the competent authority passed the impugned


26/7/21

order dated 27.08.2019, whereby, the appellant was awarded major punishment of dismissal from service. Record further shows that complete Challan in case F.I.R No.805 dated 01.10.2018 was submitted in the court of learned Judicial Magistrate, Bannu and vide order dated 14.12.2019 of the learned Magistrate in view of an application submitted under Section 4-C(II) of the Prosecution Act, 2005, accused was discharged from the allegations leveled against him. Similarly, Challan in case F.I.R No. 44 dated 11.02.2017 was also submitted in the competent court of Law and vide order of the learned Additional Sessions Judge-III Bannu, application under Section 4-C(II) of the Prosecution Act, 2005 was allowed and the present appellant was discharged U/S 265-D of Cr.PC. The involvement of the appellant in case F.I.R No.805 dated 01.10.2018 was the only ground on which he had been dismissed from service and the said ground had subsequently disappeared through his discharge making him ^Q ~~which~~ re-emerge as a fit and proper person entitled to continue with his service.

6. It is established from the record that charges of involvement in the theft of motorcar ultimately culminated in his discharge by the competent court of Law in the above-mentioned criminal case and prosecution had conceded before the competent court of Law regarding the weakness of the case from the evidentiary point of view as there was no probability of the accused being convicted of any offence. In this respect, we have sought guidance from 1988 PLC (C.S) 179; 2003 SCMR 215 and PLD 2010 Supreme Court 695.

7. In view of the above discussion, instant service appeal is accepted and impugned order dated 26.08.2019 is set aside alongwith other order

J. I. 2.
26/7/21

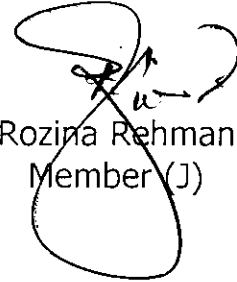
on appeal of the appellant and the appellant is reinstated in service with all back benefits from the date of his dismissal from service. Parties are left to bear their own costs: File be consigned to the record room.

ANNOUNCED.


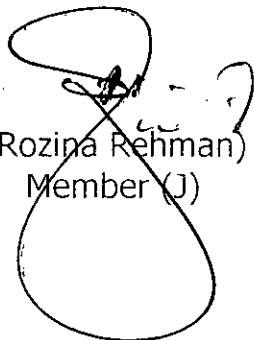
26.07.2021



(Ahmad Sultan Tareen)
Chairman



(Rozina Rehman)
Member (J)


S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	26.07.2021	<p><u>Present:</u></p> <p>Roeeda Khan, Advocate ... For Appellant</p> <p>Javid Ullah, Assistant Advocate General ... For respondents</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, instant service appeal is accepted and impugned order dated 26.08.2019 is set aside alongwith other order on appeal of the appellant and the appellant is reinstated in service with all back benefits from the date of his dismissal from service. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 26.07.2021</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  (Ahmad Sultan Tareen) Chairman </div> <div style="text-align: center;">  (Rozina Rehman) Member (J) </div> </div>

13.07.2021

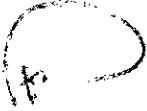
Appellant present in person.

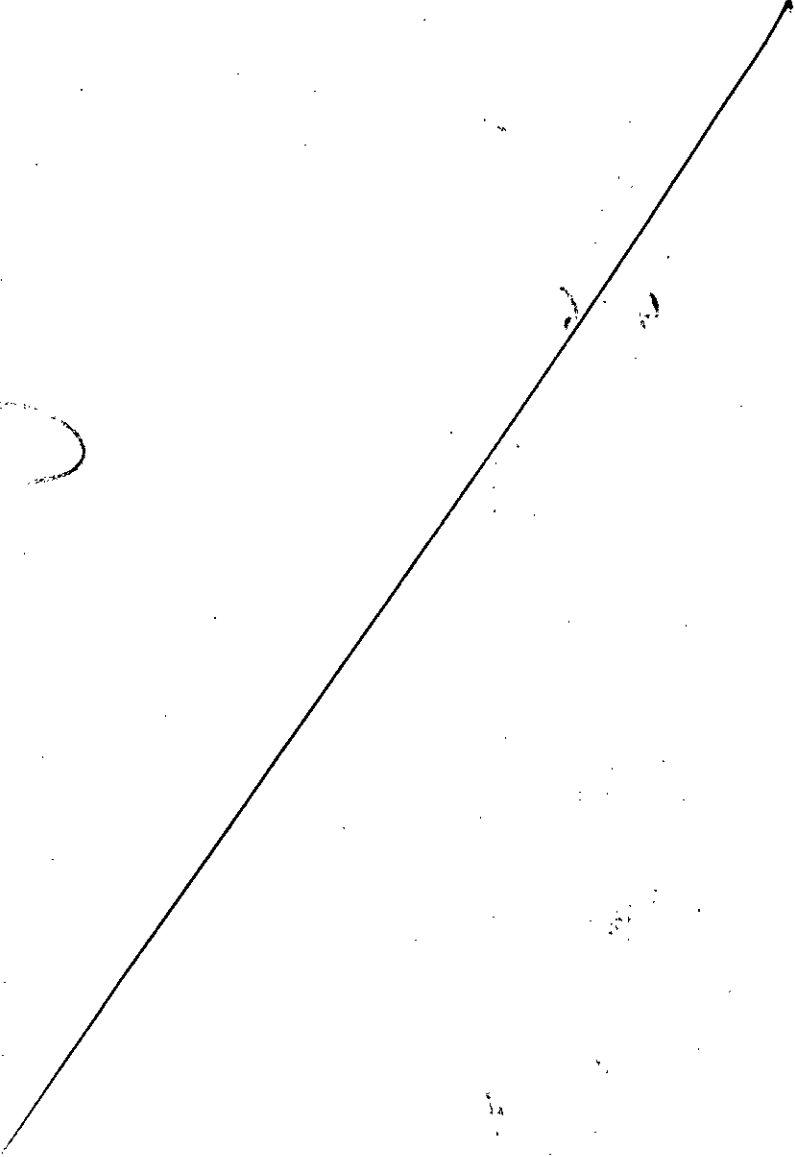
Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 26.07.1021 for hearing before D.B.


(Rozina Rehman)
Member (J)


Chairman





8282/20

24.12.2020

Appellant in person and Asstt. AG alongwith Farooq Khan, Inspector for the respondents present.

Respondents No. 1 to 4 have furnished parawise comments/reply. Placed on record. The appeal is assigned to D.B for hearing on 31.03.2021. The appellant may furnish rejoinder, within one month, if so desires.

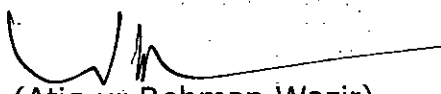

Chairman

31.03.2021

Appellant present in person.

Muhammad Rasheed learned Deputy District Attorney for respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant case is adjourned to 4/6/2021 before D.B.


(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

04.06.2021

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Due to paucity of time, arguments could not be heard, therefore, case is adjourned. To come up for arguments on 13.07.2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

07.09.2020

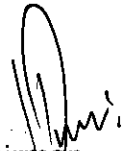
Counsel for the appellant present.

Contends that the appellant was duly discharged by a court of competent jurisdiction in criminal cases, wherein, he was implicated. The factum of discharge was before the filing of revision petition of the appellant, however, it was neither considered nor the petition was decided by the competent authority.

Subject to all just exceptions, instant appeal is admitted to regular 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/comments on 02.11.2020 before S.B.

Appellant Deposited
Sec. & Process Fee

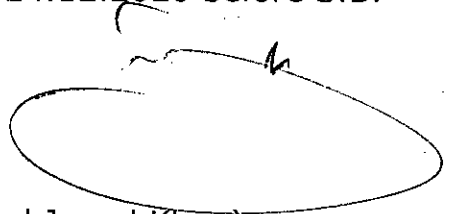
15/9/20


Chairman

02.11.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Muhammad Farooq, Inspector (Legal), for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Time granted. File to come up for written reply/comments on 24.12.2020 before S.B.

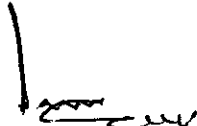


(Muhammad Jamal Khan)
Member (Judicial)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 8282 /2020


1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/07/2020	<p>The appeal of Mr. Shahid Shah resubmitted today by Mr. Bashir Khan Wazir 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 S. Bench for preliminary hearing to be put up there on <u>07/09/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Shahid Shah received today i.e. 23.04.2020 by Mr. Bashir Khan Wazir, Advocate is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

- 1- Copy of annexures -C page 16, copy of page 21 and copy of order dated 29.11.2019 at page 44 are illegible which may be replaced by legible/better one.
- 2- Copy of amended Writ Petition mentioned in para-7 of the facts is not attached with the appeal which may be placed.
- 3- Copy of impugned order dated 26.08.2019 is not attached with the appeal which may be placed.
- 4- Copy of order of departmental appeal is neither properly flagged nor motioned in the index.

No. 1030 /S.T,

Dt. 23-04 /2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Bashir Khan Wazir Adv, Peshawar.

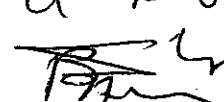
Note
24/6/2020

Re. Submitted after removal
add the objections


24/6

as per the objection no 3 it is
worth to mention here that the
impugned order is issued on dated
26-5-2019, while in para 7 of
the appeal the said date is
mentioned 26-8-2019 which is
incorrect and inadvertently been
mentioned, the same has
been corrected as 26-5-2019.
PLZ be fixed at before the bench.

Re-submitted again



15/7/2020

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

Appeal No. 8282/2020

Shahid ShahAppellant

V E R S U S

IGP, KPK & others Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1- 11
2.	Affidavit		12
3.	Copy of the CNIC	A	13.
4.	Copy of FIR # 805 dated 01.10.2018	B	14-15
5.	Copy of Statement of Sakhi Jan	C	16-
6.	Copy of letter # 2256/Inv dated 21.05.2019, OB # 565 dated 24.05.2019, charge sheet and statement of allegations	D	17- 23
7.	Copy of Reply of Appellant	E	24-
8.	Copies of impugned order and Writ Petition and order	F	25-32
9.	Copies of the inquiry proceedings and discharge orders	G	33-40
10.	Copy of the Departmental Appeal	H	41- 52
11.	Wakalat Nama		53.


Appellant

Through

Dated: 22.04.2020


Am

BASHIR KHAN WAZIR
Advocate, High Court
Peshawar

1

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 8282/2020

Diary No. 2648

Dated 23/4/2020

Shahid Shah Lance Head Constable # 1996 District
Bannu Police S/o Akhtar Ali Shah R/o Village Sadat
Madak Shah Surrani Tehsil & district Bannu

..... Appellant

V E R S U S

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar
2. Regional Police Officer, District Bannu.
3. District Police Officer, District Bannu.
4. The Superintendent of Police Investigation Bannu.

..... Respondents

Filed to-day

23/4/2020
Registrar

APPEAL UNDER SECTION 4 OF THE

KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL ACT, 1974, AGAINST THE

IMPUGNED ORDER DATED 29.11.2019,

WHEREBY DEPARTMENTAL APPEAL OF

Re-submitted to -day
and filed.

21/2/2020
Registrar

(3)

THE APPELLANT AGAINST THE ORDER
DATED 26.08.2019 OF DPO BANNU /
RESPONDENT NO 3 WHEREBY THE
APPELLANT WAS DISMISSED FROM
SERVICE AND THE DEPARTMENTAL
APPEAL HAS BEEN DISMISSED BY THE
RESPONDENT NO 2 AND THE
DEPARTMENTAL APPEAL AGAINST THE
SAID ORDER TO RESPONDENT NO 1 HAS
NOT BEEN DECIDED AFTER THE
COMPLETION OF MANDATORY PERIOD.

Prayer in Appeal:

On acceptance of the instant Appeal, the impugned order dated 26.08.2019 passed by the Respondent No 3 may kindly be set aside and the Respondents be directed to restore the Services of the Appellant with all back benefits.

Respectfully Sheweth:

The Appellant humbly submits as under:-

1. That the Appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973. **(Copy of the CNIC is attached as Annex "A")**

2. That the Appellant was appointed as constable in the Police Department and presently he has served for about 11 years and 8 months bravely and dedicatedly. During this period the Appellant had to face very critical situation while discharging the obligatory duties of the Appellant but each time the Appellant have preferred the interest of force / department upon the personal interest of the Appellant even at the risk of the life of the Appellant.

3. That on 21.09.2018, the private person submitted written Application to SHO Police station Saddar Bannu that on date at night time his XLI Motorcar # 8009-LWM was parked in Baittak adjacent to his house and at unknown time somebody has stolen the same. In this respect report of Private person was entered in shape of Naqal Mad # 39 dated 24.09.2018 at Police Station Saddar Bannu which was culminate into FIR # 805 dated 01.10.2018 under section 381-A PPC P.S Saddar. **(Copy of FIR # 805 dated 01.10.2018 is attached annexure B)**

9

4. That as per record statement of one Sakhi Jan was allegedly recorded under section 161 Cr.PC wherein name of the Petitioner has been alleged which is not only inadmissible but also has no legal sanctity and even no judicial confiscation of said person was recorded rather he refuted the allegations so leveled against the Petitioner and as such pre-arrest bail Application of Petitioner was confirmed. **(Copy of Statement of Sakhi Jan is attached as annexure C)**

5. That on such allegations the Respondent No 4 issued letter # 2256/Inv dated 21.05.2019 to Respondent No 3 for initiation of Departmental proceedings against the Petitioner and as such vide OB# 565 dated 24.05.2019 service of the Petitioner were suspended and he was issued charge sheet and statement of allegations. **(Copy of letter # 2256/Inv dated 21.05.2019, OB # 565 dated 24.05.2019, charge sheet and statement of allegations are annexure D)**

6. That the Appellant plausibly clarified his position in his reply and justified that he has no nexus with the alleged motorcar, Private person or its theft and as such he may be exonerated from charges leveled against him, nonetheless, no heed

5

was paid. **(Copy of Reply of Appellant is annexure E)**

7. That after the submission of reply the Appellant was having apprehensions of being dismissal from service in arbitrary manner, impugned the acts and omissions of the Respondents before the Hon'ble Peshawar High court Peshawar in Writ Petition and during the pendency of the said writ Petition the Respondents No 3 has been passed the impugned order on dated 26.08.2019, whereby the Appellant was removed from service and the Appellant confronted the said order to the Hon'ble Peshawar High Court Peshawar and the Hon'ble Court has directed to the Appellant to file amended Writ petition and impugned the said order. **(Copies of impugned order and Writ Petition and order are attached as annexure F)**

8. That it is pertinent to mention here that the Respondent previously involved the Appellant in another case FIR No 44 dated 11.02.2017 with malafide intention by the concerned SHO of the said police station, in which the Appellant was also charge sheeted and thereafter the Appellant has submitted a detailed reply to the inquiry officer, the inquiry officer has exonerated the Appellant from the said charges and the suspension order has been set aside, since then

the Appellant was performing his duties and the subsequently in the above mentioned FIR No 805 has again involved with the connivance of SHO concerned, in the subsequent case the inquiry officer has submitted his detailed inquiry proceedings before the Respondent No 3, whereby the inquiry officer after conducting thorough probe into the allegations, concluded that the Appellant pre-arrest bail had been confirmed by ASJ-II on 23.05.2019 and the case was under trial, hence it is impossible to form any opinion before the decision of the court and in the last it was recommended that the inquiry may be kept pending till the decision of the court but here again, the competent authority acted totally in disregard to the finding of the Inquiry Officer and imposed major punishment of dismissal from service upon the Appellant vide DPO office OB No 904 dated 26.08.2019 which is against the law, discretionary, arbitrary both in law and in fact the allegations which were leveled against the present Appellant in above mentioned two FIRs cases in which the present Appellant was charge under the supplementary statement of co-accused and later on the Appellant had been discharged from the charges and even no offence is pending against the present Appellant. **(Copies of the inquiry**

(2)

proceedings and discharge orders are attached as annexure G)

9. That it is pertinent to mention here that once the Appellant has been exonerated from the criminal charges on the basis of which he was dismissed from service, now the Appellant is entitled to be restored on his service with all back benefit, the Appellant submitted Departmental Appeal before the Respondent No 1 & 2 for restoration into service but no fruitful result has been came out, now being aggrieved from the conducts of the Respondents approaches this Hon'ble Tribunal inter alia on the following grounds: **(Copy of the Departmental Appeal is attached as annexure G)**

GROUND S:

- A.** That the Appellant is peaceful and law abiding citizen of Islamic Republic of Pakistan and is fully entitled to all the basic and fundamental rights as enshrined in the fundamental law of the state, interpreted and guaranteed by the law of the land.
- B.** That the acts of the Respondents of not following the relevant rules, regulations and well known the facts of regarding the Appellant being performed

8

his duty with full devotion is entitled of the treatment which are provided by law and rules, as guaranteed by the fundamental rights, however the Respondents are having been refused to treat the Appellant as per rules and criteria, is illegal, unlawful, unnatural, ab-initio, null and void in the eye of law, hence liable to be declared so.

- C. That the Appellant has proceeded departmentally twice on the same set of charges but in each proceedings, the Appellant has not been held guilty by the inquiry officer thus without proving the charges, the competent authority has slashed the service of the Appellant with a single stroke of pen and the act of the competent authority is totally biased and contrary to the norms of justice.
- D. That the story of prosecution is unbelievable and the same has been rebutted by independent evidence during the course of departmental proceedings.
- E. That according to police rules 1975, Police Rule 1934, decision of the courts and fundamental rights, the competent authority will provide a reasonable opportunity of personal hearing and showing cause but no such opportunity of personal hearing and showing cause has been provided to the Appellant.

F. That according to the police Rule, punishment of dismissal shall be awarded only for the gravest acts of misconduct but in making such an award, regard shall be had to the length of service of offender and his claim to pension but the Appellant was dealt with in contrary to the said laid down rules without looking into 11 years 8 months meritorious services for the police Department.

G. That as per police rule, when investigation establishes a prima facie case against a police officer involved in criminal case a judicial prosecution shall normally follow however, the matter shall be disposed of departmentally only if the District Magistrate so orders for reason to be recorded, but the Appellant has been proceeded departmentally without adopting the said prescribed procedure by the authority, thus the instant proceedings and order passed on the same proceedings is against the spirit of law as well as justice.

H. That similarly, police rules stipulates that when a police officer has been tried and acquitted by a criminal court, he shall not be punished departmentally on the same charge or on a different charge based upon the evidence cited in

the criminal case, unless the criminal charge has been failed on technical ground etc. The purport of this rules is that a police officer involved in a criminal case, will be proceeded departmentally after the decision criminal court of but strange enough, the Appellant has been proceeded departmentally as well as dismissed from service prior to the decision of the court which is contrary to the essence of the police rule 16-3 which clearly stipulate that a police officer tried and acquitted by a court shall not be punished departmentally on the same charge, thus the competent authority was required to kept pending the departmental proceeding till the decision of the court as recommended by the inquiry officer in his finding. Hence, the order passed by the competent authority is liable to be set aside because the court has not held the Appellant guilty of the charges but even the learned Court has released the Appellant on bail which somewhat testify the innocence of the Appellant.

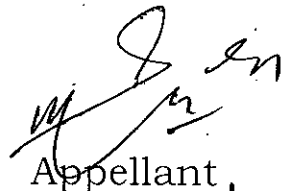
- I. That in nutshell, since the initiation of the departmental proceeding till its end, the competent authority has taken each and every action against the Appellant on bias and thus the order of the competent authority is liable to be set aside. Moreover the Appellant will tell the real

(11)

facts / motive behind these one sided proceedings during perusal hearing but something are secrets and the Appellant cannot bring it into black and white because of its acute sensitivity.

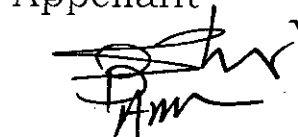
J. That any other ground not raised here specifically may graciously be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that On acceptance of the instant Appeal, the impugned order dated 26.08.2019 passed by the Respondent No 3 may kindly be set aside and the Respondents be directed to restore the Services of the Appellant with all back benefits.


Appellant

Through

Dated: 22.04.2020



BASHIR KHAN WAZIR
Advocate, High Court
Peshawar

12

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

Appeal No. _____/2020

Shahid ShahAppellant

V E R S U S

IGP, KPK & others Respondents

AFFIDAVIT

I, Shahid Shah Lance Head Constable # 1996 District Bannu Police S/o Akhtar Ali Shah R/o Village Sadat Madak Shah Surrani Tehsil & district Bannu, do hereby solemnly affirm and declare on oath that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.



[Handwritten Signature]
DEPONENT



PAKISTAN National Identity Card
ISLAMIC REPUBLIC OF PAKISTAN



Name
Shahid Shah

Father Name
Akhtar Ali Shah



Gender: **M** Country of Stay: **Pakistan**

Identity Number: **11101-8339042-3** Date of Birth: **01.04.1986**

Date of Issue: **17.09.2019** Date of Expiry: **17.09.2029**




Holder's Signature

A

13

11101-8339042-3



101101293528

Registrar General of Pakistan

گمشدہ کارڈ ملنے پر قریبی لیڈ بکس میں ڈال دیں

ATTESTED

(10A)

مذکورہ ذریعہ سے رقم حاصل ہو کر اس کا استعمال مذکورہ عوامی بنکاری قومی ادارے
کا کاروبار کے لیے کیا جائے۔ اس کے لیے رقم 775070.506 جو پاکستان کے کرنسی کے تحت 334916727 روپے کے طور پر
حاصل ہوئی ہے۔ اس رقم کو مذکورہ ادارے کے ذریعے صرف درج بالا بنکاری
قومی ادارے کے لیے صرف کیا جائے گا۔ قومی ادارے کے ذریعے اس رقم کو
مذکورہ بنکاری قومی ادارے کے ذریعے صرف کیا جائے گا۔

15

صاحبزادہ
نقل و حرکت
A-57/PS-Edin
e/10-078

دستخط

فہرہ

اطلاع کے لیے اطلاع دہندہ کا دستخط، درگیا اس کی مہر یا نشان لگایا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ صرف الفیاب سرزج روشناسی۔
ایک لازم یا شہر علی الترتیب دائرے یا باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں سوزوں، ہوں، لکھنا چاہیے۔

11

Handwritten notes and stamps at the top right corner.

زبورہ صفحہ ۵۵۵

۳۳۳-۹۶۹۰۹۰۰
۷۱۱۰۱-۶۱۶۳۶۳۰۰

بدریاضت لوتیں زبورہ دفعہ ہیکر عکاف ہیکر لوتیں لوتیں لوتیں
۸۰۰۰

۸۰۰۰

۸۰۰۰

۸۰۰۰

۸۰۰۰

۸۰۰۰

۸۰۰۰

۸۰۰۰

بیان ملزم سخی جان والد منیر رحمان کوٹی سعادت
0333-9740907
11101-7153530-1

بدریافت پولیس آفیسر بیان ارمن کیا کہ کامران والد حمزہ علی بیگ شیرازہ

خان میرا دست عرصہ قریب $10\frac{8}{9}$ ماہ قبل کامران ایک موٹر کار

2009 رنگ سفید LAM میرے کو لاکر کہا کہ موٹر کار آپ خرید لائے

LWM

میں نے کہا کہ میرے پاس اتنا رقم وہ تو کامران نے کہا کہ - 1940000/- روپے

پر فروخت کرتا ہوں۔ میں نے کامران کو موٹر کار - 1940000/- روپے

پر ~~فروخت~~ خرید کر اپنے دوست پولیس سپاہی شاہد خان

کو اطلاع کیا۔ شاہد خان خود میرے پاس کوٹی سعادت اگر

مجھے کہا کہ موٹر کار ان کو نکال دے ان کو نکال دیا۔ شاہد

خان موٹر کار چکی کر رہا تھا اور کہا میں - 160000/- روپے دے

کر موٹر کار کو کاغذ بقایا ہے۔ شاہد خان نے کہا کہ کاغذات

خود دے اور مجھے - 160000/- روپے دیئے۔ اب تک موٹر کار

پولیس آفیسر شاہد خان کے پاس ہے۔

شاہد خان کا خود میرے دوست تھا۔ اور سب کا دوبار کرنا تھا

شاہد منگور کو میرے ساتھ اس موٹر کار میں ماہ اور حفر دود

بیان نکلیں کیا ہو کہ دوست تھا۔

Amrae (F)

(10)

ATTESTED



OFFICE OF THE
SUPERINTENDENT OF POLICE
INVESTIGATION BAHAWALPUR

5132
2005

Phone No. 0920 9270170

D 17

No. 22/5/05 Date: 22/05/05

To: The District Police Officer
Bahawalpur

Subject: INITIATION OF DEPARTMENTAL PROCEEDINGS
AGAINST ACCUSED LHC SHAHID SHAH NO. 1996 AT
POLICE POST DARAY PUL POLICE STATION
GHORWALA DISTRICT BAHAWALPUR.

Memo:

As submitted for favour of information and further
appropriate action that accused LHC Shahid Shah No. 1996 of police post Daray
and posted at police post Daray, Ghorwala Station Ghorwala District Bahawalpur
been charged with case No. 1996 of 2005 at Police Post Daray, Ghorwala
Station.
Application of Investigation Officer PS Saddat along with
copy of FIR and Recognition are submitted herewith for proper departmental
action against the accused of (a) legal arrest and recovery of (b) Motorcar,
please.

Superintendent of Police,
Investigation, Bahawalpur.

No. 22/5/05

Copy to C. C. Investigation PS Saddat for information
w/ his application dated 20/05/05.



Superintendent of Police,
Investigation Bahawalpur.

SRC
For further
Process.

District Police Officer
BAHAWALPUR

22/5

OFFICE OF THE
SUPERINTENDENT OF POLICE
INVESTIGATION BANNU

No/ 2256/

Dated 26.05.2019

To,

The District Police Officer
Bannu

**Subject:- INITIALLY OF DEPARTMENT PROCEEDINGS AGAINST
ACCUSED THE LHC SHAHID SHAH NO 1996 AT POLICE
POST DARAY PUL POLICE STATION GHORIWALA
DISTRICT BANNU**

Memo:-

It is submitted for favour of information and further appropriate action that accused LHC Shahid Shah No 1996 of Operational staff and posted at Police Post Dairy Police Station Ghoriwala district Bannu has been charged in case FIR No 805 dated 01.10.2018 u/s 481-A PPC PS Saddar.

Application of investigation officer PS Saddar along with copy of FIR and Report Zimm are submitted herewith for proper departmental action against the accused official legal arrest and recovery of their Motorcar.

Please.

Superintended of Police
Investigation Bannu

No. _____/Inv

Copy to Incharge investigation PS Saddar for information w/r to his Application dated 26.05.2019

Superintended of Police
Investigation Bannu

ATTESTED

BETTER COPY

ORDER:

LHC Shahid Shah No 1996 Posted to PP Daray Pul, who was charged vide in case FIR No. 805 dated 01.10.2018 U/s 381-A PPC Police Station Saddar. Therefore, he is hereby suspended and close to Police Lines with immediate effect.

OB No. 565
Dated 24.05.2019

District Police Officer
Bannu

No. 3129-33/dated 24.052019

ATTESTED

Copy for necessary action to:

1. Reader, Pay Officer, SRC, OHC, Lines Officer

CHARGE SHEET

I, YASIR AFRIDI, District Police Officer, Bannu,
as competent authority, hereby charge you,
LHC Shahid Shah No: 1996 PP Darey Pul
(suspended) as follows.

That as reported SP Investigation, Bannu
vide letter No: 2256/Inv: dated 21.05.2019,
during the course of investigation
vide in case FIR No: 805: Dated 01.10.2018
v/s 381-A PPC PS Saddar, you

LHC Shahid Shah No: 1996 was
found guilty and was charged in a
The above mentioned criminal case.

Such act on your part is against
service discipline and amounts to
gross misconduct.

1. By reason of the above you appear to be
guilty of misconduct under the Police
Rules 1975 (As amended vide Khyber
Pukhtunkhwa gazette Notification No 27th of
August 2014) and have rendered yourself
liable to all or any of the penalties
specified in the said rules.

- 2: You are therefore, directed to submit your defense within 07 days of the receipt of this charge sheet to the enquiry committee.
- 3: Your written defense, if any should reach to the Enquiry Committee within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
- 4: You are directed to intimate whether you desire to be heard in person.
- 5: A statement of allegation is enclosed.

(YASIR AFRIDI) PSP
District Police Officer
Bannu

STATEMENT OF ALLEGATIONS:

I, Yasir Afridi, District Police Officer Bannu, is competent authority, and of the opinion that LHC Shahid Shah o 1996 PP Darey Pul (Suspended) has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (As amended vide Khyber Pakhtunkhwa Gazette Notification No 27th of August 2014)

SUMMARY OF ALLEGATIONS

- That as reported SP. Investigation Bannu vide letter No 2256/ Inv dated 21.05.2019, during the course of investigation vide in case FIR No 805, dated 01.10.2018 u/s 381-A PPC PS Saddar, LHC Shahid Shah No 1996 was found guilty and was charged in the above mentioned criminal case.
- Such act on his part is against service discipline and amounts to gross misconduct.

1. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations OSP Saddar is appointed as Enquiry Officer.
2. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within the targeted days after the receipt of this order.
3. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(YASIR AFRIDI) PST
District Police Officer
Bannu

No. 240-41/SRL

Dated 27.05.2019

Copies to:

1. The Enquiry Officer
2. The accused Officer / Official

ATTESTED

بجوالہ مشمولہ چارج شیٹ اسٹیٹمنٹ اف الیکشن نمبر 240-41/SRC مورخہ 27.05.2019 بجاریہ جناب DPO صاحب ضلع بنوں معروض خدمت ہوں کہ من سائل کو بجوالہ لیٹر نمبر 2256/Inv مورخہ 21.05.2019 بجاریہ جناب SP انوسٹی گیشن صاحب بنوں، بدوران انوسٹی گیشن بجوالہ مقدمہ علت 805 مورخہ 01.10.2018 جرم 381A تھانہ صدر ضلع بنوں میں ملوث کیا گیا ہے۔ اندر میں سلسلہ ذیل جواب عرض ہے۔

(۱): یہ کہ چارج شیٹ میں لگائے گئے الزامات مکمل بے بنیاد ہیں۔ جس کا حقیقت سے نہ کوئی تعلق ہے اور نہ ہی من سائل ایسا سوچ سکتا ہے۔
 (۲): یہ کہ من سائل ایک معزز خاندان سے تعلق رکھتا ہے اور سروس ریکارڈ مکمل صاف اور شفاف ہے۔ یہاں یہ امر قابل ذکر سمجھتا ہوں کہ سائل کا وہیہہ کوئٹہ سادات مدک شاہ پیران سورانی میں کئی ایک دیرینہ قتل مقاملہ کی دشمنی چلی آرہی ہیں۔ جس کی بناء پر من سائل نے یہاں سے رہائش ترک کر کے وہیہہ نار عبدالکریم ڈاکا نہ نار شکر اللہ میں رہائش اختیار کی ہے۔ چونکہ سائل کی فیملی کے زیادہ تر ممبر پولیس فورس میں ڈیوٹی سرانجام دے رہے ہیں۔ جبکہ میرا چچا بھی اپنے فرائض منصبی کی بجاوری میں شہید ہو چکا ہے۔ پولیس فورس سے گہری وابستگی کی بناء پر جرائم پیشہ افراد من سائل تنازعات کا شکار چلا آ رہا ہے۔ حالانکہ سائل ہر قسم کی فتنہ فتنور سے بالکل صاف ہے۔ جس کے متعلق مخفیہ طور پر بھی پتہ براری کی جاسکتی ہے۔

(۳): یہ کہ سائل کو ایک ایسے ملزم کی بیان پر ملزم ٹھہرایا گیا ہے۔ جس کو نہ تو سائل جانتا ہے اور نہ کبھی دیکھا ہے اور نہ اس کے ساتھ کوئی تعلق اور لین دین رہا ہے۔ مذکورہ شخص نے درخواست ضمانت کے فقرہ نمبر 4 میں لکھا ہے کہ وہ ایک باعزت خاندان سے تعلق رکھتا ہے اور ایسے جرم کے بارے میں سوچ بھی نہیں سکتا ہے۔ درخواست ضمانت کی Attested کاپی ہمراہ لف ہے۔ سائل ایک فرض شناس پولیس آفیسر ہے اور ایسا اقدام خلاف قانون ہے۔ مذید یہ کہ بیان زیر دفعہ 162/161 ضابطہ فوجداری کی رو سے قطعی ناقابل ادخال شہادت ہے۔ اس طرح قانون شہادت کی آرٹیکل 39/38 بھی Relevant ہیں۔

(۴): یہ کہ سائل کے خلاف کسی بھی قسم کی قانونی مواد موجود نہیں ہے۔ جو کہ من سائل کو باعث ملوث کر سکیں۔ چونکہ سائل نے اپنے بے قصوری کو ظاہر کرنے کیلئے BBA کی تھی۔ جو مورخہ 11.06.2019 کو کنفرم ہو چکی ہے۔ جو کو میری بے گناہی کی منہ بولتا ثبوت ہے۔ نقل ہمراہ لف ہذا ہے۔

لہذا استدعا ہے کہ سائل کی روشن مستقبل کو مد نظر رکھتے ہوئے محکمانہ انکوائری کو تا حکم عدالت تک پنڈنگ رکھنے کا حکم صادر فرما کر ماتحت پروزی کا ثبوت دیکر مشکور فرماویں۔ تاکہ سائل عدالت کی حکم کی روشنی میں خود کو بے گناہ ثابت کر سکیں۔

سائل: شاہد شاہ نمبر 1996/LHC حال معطل پولیس لائن ضلع بنوں۔

ATTESTED

(12) F 25

BEFORE THE HON'BLE PESHAWAR HIGH COURT,
PESHAWAR

Writ Petition # 4551 /2019

Shahid Shah Lance Head Constable #1996 District Bannu Police Station
Akhtar Ali Shah R/o Village Sadat Madak Shah Surrani Tehsil & District
Bannu ~~~~~ (Petitioner)

--- VERSUS ---

- 1- The Inspector General of Police Khyber Pakhtunkhwa Peshawar.
- 2- The Deputy Inspector General of Police Bannu Range, Bannu.
- 3- The District Police Officer, Bannu.
- 4- The Superintendent of Police Investigation, Bannu.
- 5- The Deputy Superintendent of Police Rural Circle, Bannu.
- 6- SHO Police Station Saddar Bannu.
- 7- Mr. Sakhi Jan S/o Syed Marjan R/o Village Koti Sadat Surrani
Tehsil & District Bannu.

~~~~~ (Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE**  
**ISLAMIC REPUBLIC OF PAKISTAN, 1973.**

**PRAYER:**

1. ON ACCEPTANCE OF THE INSTANT WRIT PETITION, THIS HON'BLE COURT MAY VERY GRACIOUSLY BE PLEASED TO DECLARE DEPARTMENTAL PROCEEDINGS INITIATED VIDE LETTER #2256 DATED 21/5/2019 OF RESPONDENT #4 AGAINST THE PETITIONER, AS ARBITRARY, ILLEGAL AGAINST THE FACTS, BASED ON MALAFIDE INTENTION, DISCRIMINATORY AND VOID-AB-INITIO.
2. THIS HON'BLE COURT MAY ALSO BE PLEASED TO DIRECT THE RESPONDENTS TO FORTHWITH RESTORE SERVICES OF

**ATTESTED**

**EXAMINER**  
Peshawar High Court

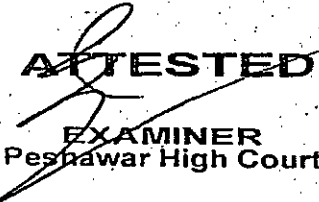
THE PETITIONER SUSPENDED VIDE O.B #565 DATED 24/5/2019.

- 3. THIS HON'BLE COURT MAY ALSO BE PLEASED TO DIRECT THE RESPONDENTS THAT NO ENTRY REGARDING ALLEGATIONS LEVELED AGAINST THE PETITIONER IN STATEMENT OF ALLEGATIONS #240-41/SRC DATED 27/5/2019 MAY BE MADE IN THE SERVICE RECORD OF PETITIONER.
- 4. ANY OTHER RELIEF DEEMED APPROPRIATE BY THIS HON'BLE COURT AND NOT SPECIFICALLY PRAYED FOR MAY KINDLY BE ALSO GRANTED.

INTERIM RELIEF:

Since this writ petition might take some time in disposal and the respondents are going to finalize departmental proceedings against the petitioner, therefore, interim relief in shape of directions to respondents to suspend departmental proceedings against the petitioner and to restore services of petitioner may kindly be granted till the final disposal of this writ petition.

=====  
*Notice: Addresses of parties given above are correct and sufficient for the purpose of service.*  
 =====

**ATTESTED**  
  
**EXAMINER**  
**Peshawar High Court**

15

28

petitioner and as such pre-arrest bail application of petitioner was confirmed. (Copy of statement of accused Sakhi Jan recorded u/sec. 161 Cr.PC is annexed "D").

5. That, on such allegations, the respondent #4 issued letter #2256/Inv dated 21/5/2019 to respondent #3 for initiation of departmental proceedings against the petitioner and as such vide OB #565 dated 24/5/2019 service of the petitioner were suspended and he was issued charge sheet and statement of allegations. (Copy of letter #2256/Inv dated 21/5/2019, OB #565 dated 24/5/2019, charge sheet and statement of allegations are annexed "E" "F" "G" & "H").
6. That, the petitioner plausibly clarified his position in his reply and justified that he has no nexus with the alleged motorcar, respondent #8 or its theft and as such he may be exonerated from charges leveled against him, nonetheless, no heed was paid. (Copy of reply of petitioner is annexed "I").
7. Feeling aggrieved, the petitioner having no other remedy but to invoke the writ jurisdiction of this Hon'ble Court, *inter-alia* on the following grounds:

GROUNDS:

- (1) That, the allegations against the petitioner leveled by respondent #8, are false, concocted, baseless and against the facts and as such the departmental proceedings so initiated against the petitioner are also illegal and have no legal



CL

14

27

Respectfully Sheweth:

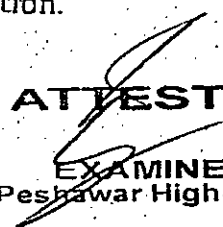
1. This writ petition is submitted before this Hon'ble Court as the Hon'ble Peshawar High Court Bannu Bench is closed due to summer vacations and the matter being an urgent one needs to be heard as early as possible.
2. The petitioner is permanent resident of District Bannu, educated person, peaceful citizen and public servant as LHC in District Police Bannu. (Copy of NIC and service card of petitioner are annexed "A" & "B").
3. That, on 21/9/2018, the respondent #8 submitted written application to SHO Police Station Saddar Bannu that on same date at night time his XLI motorcar #8009-LWM was parked in Baittak adjacent to his house and at unknown time somebody has stolen the same. In this respect report of complainant/ respondent #8 was entered in shape of Naqal Mad #39 dated 24/9/2018 at Police Station Saddar Bannu which was culminated into FIR #805 dated 01/10/2018 u/sec. 381-A PPC P.S Saddar. (Copy of FIR #805 dated 01/10/2018 u/sec. 381-A PPC is annexed "C").
4. That, as per record statement of one Sakhi Jan was allegedly recorded u/sec. 161 Cr.PC wherein name of petitioner has been alleged which is not only inadmissible but also has no legal sanctity and even no judicial confiscation of said person was recorded rather he refuted the allegations so leveled against the

**ATTESTED**

**EXAMINER**  
Peshawar High Court

sanctity and rather the same are encroachment upon the fundamental rights of petitioner; hence, such act is not sustainable in the eye of law.

- (2) That, the petitioner is public servant as Lance Head Constable in Police Department and his service record is without stigma and clean.
- (3) That, finding malafide, ulterior motive and false implication on the face of record, the learned lower court has confirmed pre-arrest bail petition of the petitioner vide order dated 11/6/2019, as such the proceedings so initiated against the petitioner are also liable to be set at naught. (Copy of pre-arrest bail petition and order dated 11/6/2019 are annexed "J" & "K").
- (4) That, the petitioner has been made scapegoat in this case on superficial grounds which act of respondents is *prima-facie* encroachment upon the fundamental and constitutional rights of petitioner and against the law.
- (5) That, in light of above, the act of respondents is totally unwarranted and against the law and as such the same is liable to be set at naught.
- (6) That, the petitioner's counsel respectfully seeks permission of this Hon'ble Court to advance and rely on additional grounds at the time of hearing of instant writ petition.

**ATTESTED**  
  
**EXAMINER**  
 Peshawar High Court

(17)

30

For the above mentioned reasons, it is therefore, respectfully  
prayed that this writ petition may graciously be accepted as prayed for  
just to meet the ends of justice.

Dated: 07/8/2019

Petitioner through counsel:

IMRAN KHAN DIRMA KHEL  
Advocate High Court Bannu

CERTIFICATE

It is to certify that no such petition has earlier been filed before this  
Hon'ble Court as per information conveyed to me by my client.

IMRAN KHAN DIRMA KHEL  
Advocate High Court Bannu

LIST OF BOOKS

- 1- The Constitution of Islamic Republic of Pakistan 1973.
- 2- Case law accordingly.
- 3- The precedents of Hon'ble Superior Courts.

IMRAN KHAN DIRMA KHEL  
Advocate High Court Bannu

**ATTESTED**  
  
**EXAMINER**  
Peshawar High Court

18

31

BEFORE THE HON'BLE PESHAWAR HIGH COURT  
PESHAWAR

W.P.No. \_\_\_\_\_/2019

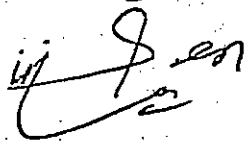
Shahid Shah .....Petitioner

**VERSUS**

The IGP & others ..... Respondents

AFFIDAVIT

I, Shahid Shah Lance Head Constable # 1996 Distict Bannu Police S/o Akhatr Ali Shah R/o Village Sadat Madak Shah Surranni Tehsil & District Bannu, do hereby solemnly affirm and declare on oath that the contents of the accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

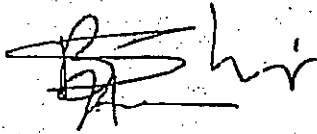


DEPONENT


CNIC # 11101-8339042-3

Cell # 0332-9290416

Identified by:



**BASHIR KHAN WAZIR**  
Advocate, Peshawar

|                                                                                                                                   |             |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------|
| No. ....                                                                                                                          | 5640        |
| Certified that the above was verified on solemnly affirmation before me in office this 9 <sup>th</sup> Aug 19 Shahid Shah Bannu   |             |
| at                                                                                                                                | C.HO        |
| Who was identified by                                                                                                             | Bashir Khan |
| Who is personally known to me                                                                                                     |             |
| <br>Examiner<br>Peshawar High Court, Peshawar |             |

CERTIFIED TO BE TRUE COPY

Examiner  
Peshawar High Court, Peshawar  
Authorized Under Article 8, 7 of  
The Qanun-e-Shahadat Ordinance 1988

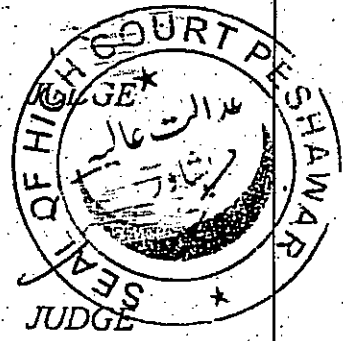
19

32

IN THE PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

| Date of order or proceedings. | Order or other proceedings with signature (s) of Judges                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)                           | (2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 05.09.2019                    | <p><u>W.P.No.4551-P/2019</u></p> <p><u>Present:</u> Mr. Imran Khan Dirma Khel, Advocate for the petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG for the respondents.</p> <p>***</p> <p>As the learned counsel for the petitioner at the very outset of his arguments stated at the bar that the petitioner has already been dismissed from his service as a result of conclusion of inquiry conducted against him, as such, requests for amendment in order to further ask for relief in respect of dismissal of the petitioner. As this petition is in initial stage and the ground agitated in the petition is genuine and in order to save complication in future, the prayer is allowed and petitioner is directed to file amended the writ petition.</p> |



SCANNED

CERTIFIED TO BE TRUE COPY

Examiner  
 Peshawar High Court, Peshawar  
 Authorised Under Article 8.7.01  
 The Qanun-e-Shahadat Order 1988

Shahid Ali, Court Secretary.

(D.F.) Hon'ble Mr. Justice Ikromullah Khan and Hon'ble Mr. Justice Sahibzada Asad Ullah

ORDER

32A

This order of the undersigned will dispose of the departmental proceedings against accused LHC Shahid Shah No. 1996 PP Darey Pul (Suspended) under Police Rule -1975 (As amended vide Khyber Pakhtunkhwa gazette Notification, No.27<sup>th</sup> of August 2014) by issuing charge sheets and statement of allegations to him for committing the various types of misconduct/allegations from time to time and separate departmental proceedings were initiated against him on each misconduct/allegations with the following details:-

ALLEGATIONS /DEPARTMENTAL PROCEEDINGS NO.1

- One accused namely Sakheemullah alias Sakhat s/o Zahair Khan r/o Kam, Turkhuba Domel was arrested in case FIR No.44 dated 11.02.2017 u/s 419/420/468/471/472/474 PPC PS Basya Khel, who during the interrogation has nominated him as an accomplice. He further disclosed that he (LHC Shahid Ullah) was involved in sale/purchase of stolen vehicles. His this act has not only brought a bad name to the Police Department but also abetted the crime in this District.

Charge sheet and statement of allegation were issued to him and DSP/Cantt, Bannu was appointed as Enquiry Officer to scrutinize the conduct of the official. The Enquiry Officer submitted finding report that there is no evidence available against the said LHC Shahid Shah. Therefore, the enquiry papers may please be filed, placed at file.

On the instant enquiry, the then DPO, Bannu issued directions to SP Investigation, Bannu on dated 13.06.2017 that "as per statement of the Principal accused, charge/include LHC Shahid Shah as co-accused, arrest him and submit challan as per law. The enquiry file was marked by SP Investigation, Bannu to I.O PS Basya Khel for similar action on 13.06.2017.

Later on, he was released on bail vide Judicial Magistrate-VI, Bannu judgment dated 16.06.2017 and his enquiry was kept pending till the decision of the Court.

ALLEGATIONS /DEPARTMENTAL PROCEEDINGS NO.2

- That as reported SP Investigation, Bannu vide letter No. 2256/Inv: dated 21.05.2019, during the course of investigation vide in case FIR No. 805, dated 01.10.2018 u/s 381-A PPC PS Saddar, LHC Shahid Shah No. 1996 was found guilty and was charged in a the above mentioned criminal case.

Charge sheet and statement of allegation were issued to him once again and DSP/Saddar, Bannu was appointed as Enquiry Officer to scrutinize the conduct of the official. The Enquiry Officer submitted finding report vide letter No. 201/Sdr, dated 07.08.2019 and reported that during the course of Interrogation vide in case FIR No. 805, dated 01.10.2018 u/s 381/A PPC PS Saddar accused namely Sakhi Marjan s/o Said Marjan stated that he sold the stolen car to LHC Shahid for Rs. 160,000/-. Therefore, he has been charged in this case. On dated 23.05.2019 the accused LHC has been released on bail by ASJ-III, Bannu. Furthermore, the case is under trial in the Court, therefore, the enquiry papers may be pending till the decision of the Court, placed at file.

32B

Keeping in view the position explained above. Record perused. In the light of the departmental enquiry proceedings Statements of SHO, I.O and Accused namely Sakhi Marjan s/o Said Marjan in proceedings-2, the accused LHC Shahid Shah has been found guilty of the charges. He is involved in 02 criminal cases of theft which is gross misconduct on his part and as a member of discipline Force his action is not acceptable. There is no place for Criminal in a discipline Force. He is a habitual accused. The undersigned does not agree with the recommendations of the enquiry officer. Hence, I, YASIR AFRIDI, District Police Officer, Bannu, in exercise of the power vested in me under Police Rule 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification, No.27<sup>th</sup> of August 2014), he is hereby awarded Major Punishment of "Dismissal from Service" with immediate effect.

OB No.

904

Dated:

26-08/2019.

2 ✓  
(YASIR AFRIDI)PSP  
District Police Officer,  
Bannu.

No. 13952-56/SRC dated Bannu, the 27/8/2019.

Copy of above for necessary action to:

1. Reader, Pay officer, SRC, OHC
2. Fauji Misal Clerk along with enquiry file for placing it in the Fauji Missal of the concerned official.

ATTESTED

فائل رپورٹ

مورخہ: 07/08/19

نمبر: 805/19

بجوالہ: چارج شیٹ نمبر 240-41/SRC مورخہ 27.06.2019

بیلے: FIR نمبر 805 مورخہ 01.10.2018 مزم PPC381A تھانہ صدر

برخلاف: شاہد خان نمبر 1996/LHC متعینہ حال معطل پولیس لائن ہوں۔

جناب عالی!

بجوالہ چارج شیٹ متذکرہ بالا میں آپ کا ٹیپیل بالا پر ذیل الزامات ہیں۔ کہ

- (1) جناب ISP انوسٹی گیشن صاحب ضلع بنوں لیٹر انگریزی نمبر 2256/Inv مورخہ 21.05.2019 بجوالہ مقدمہ علت 805 مورخہ 01.10.2018 مجرم PPC 381-A تھانہ صدر بدوران انبارد گیشن لازم تھی جان نے وضاحت کی۔ کہ اُس نے مذکورہ موٹر کار بعوض 160000 روپے آپ کا ٹیپیل پر فروخت کی ہے۔
- (2) اندریں بارے آپ کا یہ فعل خلاف ڈسپلن ہے وغیرہ۔ بسلسلہ چارج شیٹ کی گئی کارروائی کی تفصیل ذیل ہے۔

تفصیل کارروائی!

(i) اندریں بارے الزام علیہ کا ٹیپیل شاہد شاہ نمبر 1996/LHC کو طلب کیا گیا۔ جس نے اپنا تحریری بیان میں وضاحت کی۔ کہ چارج شیٹ میں لگائے گئے الزامات کا حقیقت سے کوئی تعلق ہے۔ اور نہ ہی من مسائل ایسا سوچ سکتا ہے۔ یہ کہ من مسائل ایک معزز خاندان سے تعلق رکھتا ہے۔ اور سروس ریکارڈ صاف اور شفاف ہے۔ یہاں یہ امر قابل ذکر سمجھتا ہوں کہ مسائل کا دیرینہ کوئیک سادات مذک شاہ پیران سورانہ میں کئی ایک دیرینہ قتل مقابلہ کی دشمنی چلی اور ہی ہے۔ جس کی بناء پر من مسائل نے یہاں سے رہائش ترک کر کے دیہہ نار عبدالکریم ڈاکا خانہ نار شکر اللہ میں رہائش اختیار کی ہے۔ چونکہ مسائل کی ٹیپلی کے زیادہ تر ممبر پولیس فورس میں ڈیوٹی سرانجام دے رہے ہیں۔ جبکہ میرا چچا بھی اپنے فرائض منصبی کی بجاوری میں شہید ہو چکا ہے۔ پولیس فورس کی گہری دانشگری کی بناء پر جرائم پیشہ افراد من مسائل تنازعات کا شکار چلا آ رہا ہے۔ حالانکہ مسائل ہر قسم کی فتنہ فطرت بااقل ساف ہے۔ بس کے متعلق خفیہ طور پر بھی پتہ برابری کی جاسکتی ہے۔

(ii) یہ کہ مسائل کو ایک ایسے لازم کے بیان پر لازم ٹھہرایا گیا ہے۔ جس کو نہ مسائل جانتا ہے۔ اور نہ کبھی دیکھا ہے۔ اور نہ اس کے ساتھ کوئی تعلق اور لین دین رہا ہے۔ مذکورہ شخص نے درخواست ضمانت کے فقرہ نمبر 4 میں لکھا ہے۔ کہ وہ ایک باعزت خاندان سے تعلق رکھتا ہے۔ اور ایسے جرم کے بارے میں سوچ بھی نہیں سکتا ہے۔ درخواست ضمانت کی Atessted کاپی ہمراہ لف ہے۔ مسائل ایک فرض شناس پولیس آفیسر ہے۔

(iii) یہ مسائل کے خلاف کسی بھی قسم کی قانونی مواد موجود نہیں ہے۔ جو کہ من مسائل کو باعث ملوث کر سکیں۔ چونکہ مسائل نے اپنے بے قصوری کو ظاہر کرنے کیلئے BBA کی تھی۔ جو کہ مورخہ 11.06.19 کو کنفرم ہو چکی ہے۔ جو کہ میری بے گناہی کا منہ بولتا ثبوت ہے، بیان ازاں کا ٹیپیل شاہد خان متعلقہ کاغذات مارک "A" پر لف قابل ملاحظہ ہے۔

(2) انکوٹری میں مزید پیش رفت کی خاطر SHO تھانہ صدر شرم عباس کو طلب کیا گیا۔ جس نے اپنے بیان کا بیان وضاحت کی۔ کہ بجوالہ مقدمہ نمبر 805 مورخہ 01.10.2018 مزم PPC 381-A تھانہ صدر میں نامزد کامران ولد حمزہ علی سکنہ پیک دولت خان سورانہ کو گرفتار کر کے انبارو گیت کیا گیا۔ مذکورہ لازم نے موٹر کار نمبر 8009/LWM سرڈ کر کے سکی تھی جان ولد سید مرجان سکنہ کوئی سعادت پر فروخت کی تھی۔ موٹر کار کی برادگی تھی جان کی گرفتاری کیلئے چھاپہ زنی عمل میں لائی گئی۔ لازم تھی جان کو حسب ضابطہ گرفتار کیا گیا۔ موٹر کار متذکرہ دستیاب نہ ہوئی۔ لازم تھی جان کو انبارو گیت کرنے پر مذکورہ نے بتلایا۔ کہ اُس نے یہی موٹر کار بعوض 160000 روپے پر سکی شاہد خان پر فروخت کی ہے۔ جو کہ پولیس کا ٹیپیل ہے۔ جب موٹر کار فروخت کی تھی۔ مذکورہ اس وقت تھانہ سٹی میں تعینات تھا۔ جس پر من SHO نے مذکورہ شاہد خان نمبر 1996 متعینہ PP ڈاڑے پل سے رابطہ کیا۔ تو وہ انکاری ہو گیا۔ بعدہ مذکورہ کو باقاعدہ مقدمہ میں چارج کیا گیا۔ جملہ حالات، واقعات بروقت انفران بالا کے نوٹس میں لائے گئے۔ مذکورہ شاہد خان نمبر 1996/LHC کے متعلق خفیہ طور پر بھی معلومات کی گئی ہیں۔ مذکورہ شاہد خان واقعی ملوث ہے۔

بیان ازاں شرم عباس خان SHO تھانہ صدر لف مارک "B" قابل ملاحظہ ہے۔

(3) علاوہ ازیں اصل حقائق کو منظر عام پر لانے کیلئے نور اسلام خان انچارج انوسٹی گیشن تھانہ صدر کا بیان لیا جا کر جس نے اپنے بیان میں وضاحت کی۔ کہ کا ٹیپیل شاہد خان مذکورہ

ATTESTED



ATTESTED

(56)

34

موجودگی DSP/Hqrs معہ ملزم نجی جان ولد سید مرجان سکنہ کوئی سعادت نے دوران انٹرویو میں بیان کیا تھا کہ مال سرودہ موٹر کار کل 160,000 روپے پر 8009/LWM بحوالہ مقدمہ علت 805 مورخہ 01.10.2018 جرم PPC381-A تھا صدر میں بیان کیا تھا کہ مال سرودہ موٹر کار کل 160,000 روپے پر پولیس کانسٹیبل شاہد خان پر فروخت کیا۔ جو دستورانہ کے پاس موجود ہے۔ اور موٹر کار وہاں کینڈیل ملزم کا مران کی والدہ کنیہ شاہد خان کے پاس ہے۔ چنانچہ بیان کیا۔ اور عدلی مقدمہ عزیز الرحمن نے ابتدائی رپورٹ برخلاف ملزم کا مران بمسودہ دوسان نامعلوم دعویداری کی تھی۔ اب مورخہ 19.05.2019 کو زیر دفعہ 161 ض ف میں باقاعدہ دعویداری کر چکی تھی۔ شاہد خان مذکورہ عدلی کا تہمہ بیان اور ملزم نجی جان کی پائٹری بیان ملزم ظہیرا کو جو بعد میں مذکور نے بعدالت جناب ASJ-III صاحب سے BBA کروا کر جو بعد سماعت کنفرم ہو چکا ہے۔

بیان ازالہ نور اسلم خان SI/Inv تھا صدر لٹ مارک "C" قابل ملاحظہ ہے۔

عالیجاہ!

بمسلسلہ چارج شیٹ انکوآٹری کی گئی کارروائی درج بالا مفصل قابل ملاحظہ ہے۔ کیلی انکوآٹری اور تفصیلی ریکارڈ سے واضح ہوتا ہے۔ کہ بحوالہ مقدمہ علت 805 مورخہ 01.10.2018 جرم PPC381-A تھا صدر میں بدوران انٹرویو میں ملزم نجی جان ولد سید مرجان سکنہ کوئی سعادت نے بیان کیا۔ کہ مال سرودہ موٹر کار کل 160,000 روپے پر پولیس کانسٹیبل شاہد خان پر فروخت کیا۔ کانسٹیبل شاہد خان نمبر 1996/LHC کو بدیں وجہ مقدمہ متذکرہ میں ملزم گردانہ گیا۔ جس نے بعدالت جناب ASJ-iii صاحب سے ضمانت قبل از گرفتاری کروا کر جو مورخہ 01.10.2019 کو کنفرم ہوئی۔ مقدمہ میں چالان مکمل دیا گیا ہے اور مقدمہ چونکہ عدالت میں زیر سماعت ہے۔ بدیں وجہ کانسٹیبل مذکور کی بابت حتمی رائے عدالتی فیصلہ سے پہلے ناممکن ہے۔ انکوآٹری ہذا کو تا حکم عدالت پنڈنگ رکھنے کی استدعا کی جاتی ہے۔ مزید حکم افسران بالا افضل ہے۔

ایس پی صدر سرکل بنوں

ڈی ایس پی صدر سرکل بنوں

16

ATTESTED

(38)

35

پولیس کی ایس پی کینٹ ضلع بنوں  
خدمت جناب ڈسٹرکٹ پولیس آفیسر، بنوں

نمبر: 147/106/2017 مورخہ 02-11-2017

**فائنل رپورٹ**

**عنوان:** انکوائری بر خلاف شاہد شاہ نمبر 1996/LHC متعلقہ پولیس لائن بنوں۔

**الزام:** "ملزم سہیم اللہ عرف ساجد بحوالہ مقدمہ 44 مورخہ 02-11-2017 جرم 419/420/468/472/474PPC تھانہ سیہ خیل نے

بدوران انٹارویکشن یہ وضاحت کی کہ آپ مذکورہ کانسٹیبل چوری شدہ گاڑیوں کے کاروبار میں ان کے ساتھ ملوث رہے ہیں"

☆ انکوائری ہذا کے سلسلے میں کانسٹیبل شاہد شاہ نمبر 1996/LHC کو دفتر ہذا طلب کیا گیا۔ جس نے اپنے بیان میں یہ وضاحت کی کہ میں ایک معزز خاندان سے تعلق رکھتا ہوں میرا سرورس ریکارڈ صاف و شفاف اور قابل رشک ہے۔ کہ مسائل کے خاندان کے اکثر افراد جگہ پولیس میں فراخس سرانجام دے رہے ہیں۔ یہاں تک کے مسائل کو حقیقی پتہ چو کہ پولیس میں انکسپکٹ تھا وہ بھی مفردوں کیساتھ لڑائی میں شہید ہوا اور اسی تعلق کی بنیاد پر جگہ پولیس کیساتھ ہر وقت تعاون میں رہتے ہیں۔ مسائل کی ناندانی دشمنیاں ہیں۔ مذکورہ بالا الزام مسائل اور مسائل کی ناندان کی پولیس کے ساتھ لہری دانتی کی بنیاد پر کسی بدخواہ کا شاخسانہ ہے۔ یہ کہ سہیم اللہ عرف ساجد مذکورہ میں جانتا ہوں اور نہ کبھی دیکھا ہے۔ پتہ نہیں کہ اس نے کس کے اشارے پر من مسائل کے خلاف زہر افشانی کی ہے۔ مسائل ہر جگہ اپنی بے گناہی کے بارے میں ہر قسم کی صفائی دینے کو تیار ہے۔ الزام سن گھڑت اور بے بنیاد ہے۔ جس کا حقیقت سے کوئی تعلق نہیں۔

☆ انکوائری ہذا کے سلسلے میں سابقہ SHO صدر اسد علی شاہ حال SHO/CTD بنوں ریجن کو دفتر ہذا طلب کر کے جس نے اپنے یہ وضاحت کی کہ میری تعیناتی کے دوران شاہد شاہ نمبر 1996/LHC کے متعلق جانکر کردہ الزامات کی بات کسی قسم کی کوئی شکایت / شواہد موصول نہیں ہوئی اور نہ ہی اس نے بدوران ڈیوٹی شکایت کا موقع دیا ہے۔ انہوں نے میرے ساتھ احسن طریقے سے ڈیوٹی سرانجام دی ہے۔

☆ انکوائری ہذا کے سلسلے میں سابقہ SHO کینٹ نصیب الزمین حال ریڈر جناب RPO صاحب بنوں ریجن، بنوں کو دفتر ہذا طلب کیا گیا۔ جس نے اپنے بیان میں یہ وضاحت کی کہ شاہد شاہ نمبر 1996/LHC میرے ساتھ دفتر تھانہ کینٹ میں رہ چکا ہے اس پر عائد شاہ الزامات کی بابت کسی قسم کی شکایت / شواہد موصول نہیں ہوئی ہے۔ کبھی بھی سرورس کے دوران انفران بالا کو شکایت کا موقع نہیں دیا ہے۔ بلکہ اپنی ڈیوٹی نہایت ایمانداری سے سرانجام دی ہے۔

☆ انکوائری ہذا کے سلسلے میں سابقہ محرم تھانہ صدر ظفر خان حال محرم تھانہ سٹی کو دفتر ہذا طلب کر کے جس کا بیان تلمبہ کیا گیا۔ جس نے اپنے بیان میں یہ وضاحت کی کہ میں تھانہ صدر میں محرم تعینات تھا اور شاہد شاہ نمبر 1996/LHC میرے ساتھ دفتر تھانہ کینٹ میں رہتا تھا۔ لیکن شاہد شاہ نمبر 1996/LHC کے متعلق جانکر کردہ الزامات کی بابت مجھے کسی قسم کی شکایت موصول نہیں ہوئی ہے اور نہ ہی اندر میں بارے میں ذکر و مذکورہ کے خلاف نہ کسی نے کسپلٹ کی ہے۔ اور نہ ہی بدوران ڈیوٹی شکایت کا موقع دیا ہے۔ مذکورہ کانسٹیبل نہایت قابل، بختی اور قابل بھروسہ اور قابل اعتماد دفتر میرے ساتھ رہ چکا ہے۔

*(Handwritten signature)*

ATTESTED

(37)

36

☆ انکوائری ہذا کے سلسلے میں SHO تھانہ سیہ خیل کو دفتر ہذا طلب کر کے جبکہ بیان قلمبند کیا گیا۔ جس نے اپنے بیان میں یہ وضاحت کی کہ شاہد شاہ نمبر 1996/LHC کے بارے میں ریکارڈ تھانہ چیک کیا گیا۔ تھانہ کے ریکارڈ پر اسکے خلاف کسی قسم کا مقدمہ درج نہیں ہے مذکورہ LHC عدم مزایا نٹ ہے شریف گھرانے سے تعلق رکھتا ہے۔ نیک چلن ہے اور نہ ہی NCP یا چوری شدہ گاڑیوں کے متعلق کوئی مقدمہ درج ہے۔

☆ انکوائری ہذا کے سلسلے میں AGO کیشل برانچ کو دفتر ہذا طلب کیا گیا۔ جس نے اپنے بیان میں یہ وضاحت کی کہ کاشیبل شاہد شاہ 1996/LHC کے متعلق خفیہ پتہ براری کی گئی۔ نیک چلن ہے۔ کسی قسم کے کیشن اپوری شدہ گاڑیوں کی لین دین میں ملوث بیان نہ دے اور نہ ہی کیشل برانچ میں آنس کے ریکارڈ پر مذکورہ کے خلاف کسی قسم کی کوئی شکایت ہے۔

☆ انکوائری ہذا کے سلسلے میں سہیم اللہ عرف سمانٹ ولد ملاہر نمان سمانٹ اسپر کہ تروہ تھانہ ڈویل اوہڈر ایہ مقامی پولیس بفرس قلمبند کرنے بیان دفتر ہذا طلب کیا۔ لیکن مقامی پولیس نے رپورٹ کی کہ سہیم اللہ عرف سمانٹ بفرس مزدوری کراچی گیا ہوا ہے۔ عنقریب آنے کی کوئی امید نہیں ہے۔

### دائے انکوائری آفیسر:

☆ کردہ انکوائری، بیانات، خفیہ معلومات اور دستیاب ریکارڈ سے یہ امر عیاں ہوا کہ LHC شاہد شاہ نمبر 1996 کے خلاف قائم شدہ الزام عرف الزام ہی ثابت ہوا اور کسی بھی ذرائع سے مذکورہ کے خلاف کوئی زبانی یا دستاویزی ثبوت دربارہ چوری شدہ گاڑیوں کے متعلق کوئی فرد پیش نہ کر سکا۔

☆ لہذا انکوائری ہذا بلاخرید کارروائی داخل دفتر کرنے کی سفارش کی جاتی ہے۔  
مزید حکم افسران بالا افضل ہے۔

ڈی ایس پی کینٹ بنوں

ATTESTED

14-12-19 No 14-12-19-1368  
1368  
ADC

(37)

In the Court of  
**MUHAMMAD TARIQ KHAN, JUDICIAL MAGISTRATE-II,**  
Bannu

State Versus Kamran etc

| FIR No. | Dated      | Under Section | Police Station |
|---------|------------|---------------|----------------|
| 805     | 01-10-2018 | 381A          | Saddar         |

Or-----01  
14.12.2019

Complete Challan put in Court by the prosecution branch, Bannu. Be registered. APP (Kamran Aamir) for State, whereas, accused absent.

Arguments heard and Record perused.

Perusal of record shows that Prosecution has conceded in the application Under Section 4-C (II) of the Prosecution Act, 2005, that case in hand is very much weak from evidentiary point of view against the accused and there is no probability of conviction of accused in the long run.

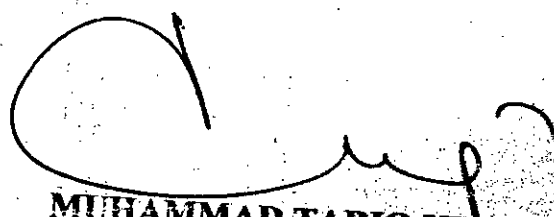
In the light of application under section 4-C (II) of Prosecution Act, 2005, there is no need to summon the accused or his presence before the Court is not required. As there is no possibility of conviction of accused in the long run and proceedings in the case would be wastage of precious time of the Court, therefore, keeping in view the above, accused is hereby **DISCHARGED** from the allegations leveled against him. His sureties be discharged from their liability of bail bonds. Case property, if any, be dealt in-accordance with law.

File be consigned to record room after its completion and compilation.

ANNOUNCED  
14.12.2019

ATTESTED

30 JAN 2020

  
**MUHAMMAD TARIQ KHAN**  
Judicial Magistrate-II, Bannu

Handwritten notes at the top of the page, including a signature and the number 73.

38

Handwritten notes on the left side of the page, including a signature and the number 18/11/19.

meaning of Section 265-C Cr.PC. Today, the case was fixed for framing of charge, however, prosecution has already prayed for discharge of accused vide letter No.1323/DPP Bannu, available on the file.

7. Perusal of the record prima facie reflects that accused Shahid Ullah is not directly charged in the FIR. He was implicated by co-accused Sakhimullah in his statement before the police, however, he has not made any confession before a competent court of law and as such statement of an accused recorded during police custody is inadmissible in evidence. Except, statement of co-accused there is nothing to connect accused Shahid Ullah with the alleged offence. The story developed by the prosecution is neither probable nor does it appear to a prudent mind. The present accused after his arrest has remained in police custody, however, neither has he made any confession nor anything incrimination has been recovered either from his possession or upon his pointation. There is nothing on the file which could show involvement of present accused in such like cases previously.

Amir

8. As per Section 265-D Cr.PC charge can only be framed if after perusing the police report, statements of PWs and all other documents and statements filed by the prosecution, the Court is of opinion that there is ground for proceeding with the trial of accused. Whereas in the present case after perusing and taking into consideration the facts and available record, no charge can be framed as no substantial allegations are available on file against the accused facing trial for proceeding further with the case in hand.

ATTESTED  
District & Sessions Judge  
Bannu  
18/11/19

39

01155-21

1. Accused Shahid Ullah on bail alongwith counsel and Mr. Latif Khan, learned APP for the State present.
2. Through this order, I intend to dispose of an application filed by the prosecution u/s 4 C(2) of KPK Prosecution Act 2005 for the discharge of accused Shahid Khan in the instant case.
3. Arguments heard and available record perused.
4. Facts of the case in brief necessary for disposal of instant application are that on 11.02.2017 at about 14.00 hours, at Abshar Chowk, the local police of PS Basia Khel, Bannu apprehended absconding accused Sakhim Ullah and Farman Ullah travelling in motorcar bearing No. KS-634 Islamabad. The chassis number of motorcar was found tempered and refitted which <sup>was</sup> taken into custody vide recovery memo dated 11/02/2017. Murasila was drafted and was transmitted to the PS. On the strength of which FIR was registered.
5. Absconding accused Sakhim Ullah during his interrogation, nominated present petitioner Shahid Ullah as accomplice. Hence, the present case.
6. After registration of case and completion of investigation, the prosecution submitted complete challan against accused facing trial. Accused was on bail, he was summoned and on his appearance before the Court, copies were handed over to him within the

Amko

Attested  
12/02/17

40

9. In these circumstances, the application submitted by the prosecution is just and based on plausible explanation. Hence, while allowing application u/s 4 C-2 of the prosecution Act-2005, accused Shahid Ullah is hereby discharge u/s 265-D Cr.PC. Accused Shahid Ullah is on bail, therefore, his bail bonds stand cancelled and his sureties are absolved from their liabilities. (order announced).

10. As proceedings under Section 512 Cr.PC have already been initiated against absconding co-accused Sakhimullah and Farmanullah vide order No.18 dated 08/7/2019, therefore, PWs be summoned for

12-  
15/11/19

*Amjad*  
(AMJAD HUSSAIN)  
ADDITIONAL SESSIONS JUDGE-III,  
BANNU.

ATTESTED  
District & Sessions Judge  
BANNU  
18/10

- 1- Registration No. 9456
- 2- Date of Presentation of Application 16/10/19
- 3- Date of Receipt of the file 18/10/19
- 4- Date of Preparation of copy 18/10/19
- 5- Date of Delivery of copy 18/10/19
- 6- No. of copies / words 3/2
- 7- Ordinary Fee \_\_\_\_\_
- 8- Urgent Fee \_\_\_\_\_
- 9- Total Fee \_\_\_\_\_
- 10- Signature of Copyist \_\_\_\_\_

BEFORE THE REGIONAL POLICE OFFICER, BANNU REGION, BANNU

Subject: APPEAL OF EX-LHC SHAHID SHAH NO. 1996 AGAINST THE ORDER OF DISMISSAL VIDE OB NO904 DATED 26-08-2018.

Prayer:-

On acceptance of this appeal, the impugned order of dismissal dated 26-08-2019 may kindly be set aside by reinstating the appellant with all back benefits.

Respected Sir,

The appellant most respectfully and humbly submit as under:-

- That the appellant has served in police force for about 11 years and 08 months bravely and dedicatedly. During this period, the appellant had to face very critical situation while discharging my obligatory duties but each time I have preferred the interest of force/department upon my personal interest even at the risk of my life.
- That during the course of service, one Sakheem Ullah alias Sakhat S/O Zahair Khan r/o Kam tarkhoba PS Domel was arrested in case FIR No. 44 dated 11.02.2017 u/s 419/420/468/471/472/474 PPC PS Basya Khel and during the interrogation, he was compelled, under a planned scheme, to nominate the appellant as a accomplice as well as running the business of stolen vehicle. After recording his statement, the appellant was served with charge sheet based upon summary of allegations on that very grounds vide DPO Office endst No. 136-37/SRC dated 02.5.2019 and the inquiry papers were entrusted to DSP/Cantt.
- That in response to the charge sheet, the appellant submitted detailed reply on 10.05.2017 and after recording the statements of independent evidence/person including SI Nasib Rehman, the then reader RPO Bannu, the then SHOs of PS Cantt., PS Basya Khel and HC Zafer Khan, the then MHC PS City as well as AGO Special Branch Bannu, the inquiry officer concluded that nothing was found to support the charges, leveled against the appellant and further recommended that the inquiry may be filed vide DSP/Cantt dy: No. 147/C dated 03.06.2017.
- That the competent authority was required either to agree with the findings of the E.O or Denovo the same but in contrary, he directed SP investigation that the appellant be charged/included as a co-accused following arrest as well as submit challan on the basis of statement of principle accused.
- That subsequently, the appellant was charged in case FIR No. 805 dated 21.05.2019 u/s 381-A PPC PS Saddar and SP Investigation addressed DPO Bannu, vide letter No. 2256/inv dated 21.05.2019 to take proper departmental action against the appellant even prior to this, departmental proceedings were completed against the appellant on the same set of charges, wherein, the appellant was held exonerated from the charges but the competent authority instead of adopting due course of law, again charge sheeted the

ATTESTED



appellant on the same set of charges as well suspended vide OB No. 565 dated 24.05.2019 and the inquiry was entrusted to DSP/Saddar Circle, Bannu. The enquiry officer, after conducting through probe into the allegations, concluded that the appellant pre-arrest bail had been confirmed by ASJ-iii on 23.5.2019 and the case was under trial hence it is impossible to form any opinion before the decision of the court and in the last it was recommended that the inquiry may be kept pending till the decision of the court but here again, the competent authority acted totally in disregard to the finding of the Inquiry officer and imposed major punishment of dismissal from service upon the appellant vide DPO Office OB No. 904 dated 26.08.2019 which is against the law, discretionary, arbitrary both in law and in fact, therefore, not tenable in the eyes of law and that is why, the appellant most respectfully and humbly preferring this appeal against the impugned order of DPO, inter alia on the following grounds.

**GROUNDS:**

- That the appellant has proceeded departmentally twice on the same set of charges but in each proceedings, the appellant has not been held guilty by the inquiry officer thus without proving the charges, the competent authority has slashed the service of the appellant with a single stroke of pen and the act of the competent authority is totally biased and contrary to the norms of justice.
- That the story of prosecution is unbelievable and the same has been rebutted by independent evidence during the course of departmental proceedings.
- That according to police rules 1975, Police rule, 1934, decision of the Courts and fundamental rights, the competent authority will provide a reasonable opportunity of personal hearing and showing cause but no such opportunity of personal hearing and showing cause has been provided to me.
- That according to police rule, punishment of dismissal shall be awarded only for the gravest acts of misconduct but in making such an award, regard shall be had to the length of service of offender and his claim to pension but the appellant was dealt with in contrary to the said laid down rules without looking into my 11 years & month meritorious services for the police department.
- That as per police rule, when investigation establishes a prima facie case against a police officer involved in criminal case, a judicial prosecution shall normally follow however, the matter shall be disposed of departmentally only if the District Magistrate so orders for reason to be recorded, but the appellant has been proceeded departmentally without adopting the said prescribed procedure by the authority, thus the instant proceedings and order passed on the same proceeding is against the spirit of law as well as justice.
- That similarly, Police rule stipulates that when a police officer has been tried and acquitted by a criminal court, he shall not be punished departmentally on the same charge or on a

42  
**ATTACHED**

L  
different charge based upon the evidence cited in the criminal case, unless the criminal charge has been failed on technical ground etc. The purport of this rule is, that a police officer, involved in a criminal case, will be proceeded departmentally after the decision of criminal court but strange enough, the appellant has been proceeded departmentally as well as dismissed from service prior to the decision of the court which is contrary to the essence of the police rule 16-3 which clearly stipulate that a police officer tried and acquitted by a court shall not be punished departmentally on the same charge, thus the competent authority was required to kept pending the departmental proceeding till the decision of the court as recommended by the inquiry officer in his finding. Hence, the order passed by the competent authority is liable to be set aside because the court has not held the appellant guilty of the charges but even the learned court has released the appellant on bail which somewhat testify the innocence of the appellant.

43

- In nutshell, since the initiation of the departmental proceedings till its end, the competent authority has taken each and every action against the appellant on bias and thus the order of the competent authority is liable to be set aside. Moreover, the appellant will tell the real facts/motive behind these one sided proceedings during personal hearing but something are secrets and the appellant can not bring it into black and white because of its acute sensitivity

Keeping in view the above it is, therefore, requested that the impugned order passed by DPO may graciously be set aside and the appellant may be reinstated into service with all back benefit please.

Appellant.

(Shahid No. 1996)  
EX- LHC Constable.

ATTESTED

44

POLICE DEPARTMENT

BANNU REGION

ORDER

By this order will dispose off departmental appeal, preferred by Ex-I No. 1996 of district police Bannu, wherein, he has prayed for setting aside the punishment of "dismissal from service", imposed upon him by DPO Bannu, vide Order dated 26.08.2019.

Service record and inquiry file of the appellant was perused. The appellant was also afforded opportunity of personal hearing in orderly room today on 28.11.2019 in connection with his instant departmental appeal but he did not substantiate his case.

Therefore, I, Abdul Ghafoor Afridi, Regional Police Officer, Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Act (enacted in 2014) hereby file his appeal and endorse the punishment awarded to him.

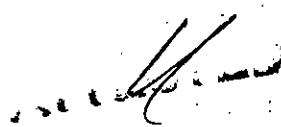
FORWARDED

(ABDUL GHAFUOR AFRIDI)  
Regional Police Officer  
Bannu Region, Bannu

No. 1431 /EC, dated Bannu the 29 /11/2019

For information and action w/r to the above mentioned order dated 05.09.2019 along with departmental inquiry file of the appellant which may be acknowledged please.

(ABDUL GHAFUOR AFRIDI)  
Regional Police Officer  
Bannu Region, Bannu



ORDER

My this order will dispose off departmental appeal, preferred by Ex-LHC Shahid Shah No: 1996 of District Police Bannu, wherein, he has prayed for setting aside the punishment of "dismissal from service," imposed upon him by DPO Bannu, vide Order No Dated 26.08.2019.

Service record and enquiry file of the appellant was perused. The appellant also afforded opportunity of personal hearing in orderly room today on Dated 28.11.2019 connection with his instant departmental appeal but he did not substantiate his

Therefore, I, Abdul Ghafoor Afridi, Regional Police Officer, Bannu, in exercise of the powers vested in me under Khyber Pukhtunkhwa Police (Amended in 2014) hereby file his appeal and endorse the punishment awarded to him.

ORDER ANNOUNCED

No: 4431/EC, dated Bannu 29/11/2019

District Police Officer Bannu for information and action w/r to be BRC dated 05.09.2019 along with departmental enquiry file of the in office which may be acknowledged please.

(ABDUL GHAFUOR AFRIDI)  
Regional Police Officer  
Bannu Region Bannu.

ABDUL GHAFUOR AFRIDI  
Regional Police Officer  
Bannu Region Bannu.

457

To:  
**The Inspector General of Police**  
Khyber Pakhtunkhwa Peshawar

**Subject:- APPEAL AGAINST ORDER DATED  
29.11.2019 WHICH WAS CONVEYED TO  
THE APPELLANT ON DATED 16.12.2019  
AND PROPERTY RECEIVED THE ORDER  
AFTER FEW DAYS OF RPO BANNU,  
WHEREBY DEPARTMENTAL APPEAL OF  
APPLICANT AGAINST ORDER DATED  
26.08.2019 OF DPO BANNU WHEREBY  
APPLICANT WAS REMOVED FROM SERVICE**

Respectfully Sheweth:

1. That Applicant was appointed as constable in the Police Department and presently he has served for about 11 years and 8 months bravely and dedicatedly. During this period the Appellant had to face very critical situation while discharging my obligatory duties but each time I have preferred the interest of force / department upon my personal interest even at the risk of the life of the Appellant.
2. That during the course of service, one Sakheem Ullah alias Sakkat S/o Zahir Khan R/o Kam tarkhoba PS Domel was arrested in case FIR No 44 dated 11.02.2017 U/S 419/420/468/471/472/474

**ATTESTED**

46

PPC PS BAsya Khel and during the interrogation, he was compelled under a planned scheme, to nominate the Appellant as a accomplice as well as running the business of stolen vehicle. After recording his statement, the Appellant was served with charge sheet based upon summary of allegations on that very grounds vide DPO Office endst No 136-37/SRC dated 02.05.2019 and inquiry papers were entrusted to DSP / Cantt.

3. That in the response to the charge sheet, the Appellant submitted detailed reply on 10.05.2017 and after recording the statements of independent evidence / person including SI Nasib Rehman, the then reader RPO Bannu; the then SHOs of PS Cantt; PS Basya khel and HC Zafer Khan, the then MHC PS city as well as AGO Special Branch Bannu, the inquiry officer concluded that nothing was found to support the charges, leveled against the Appellant and further recommended that the inquiry may be filed vide DSP/Cantt dy: No. 147/C dated 03.06.2017.

4. That the competent authority was required either to agree with the findings of the E.O or Denevo the same but in contrary, he directed SP investigation that the Appellant be charged / included as a co-accused following arrest as well as submit challan on the basis of statement of principle accused.

ATTACHED

U7

5. That subsequently, the Appellant charged in case FIR No 805 dated 21.05.2019 U/S 381-A PPC PS Saddar and SP Investigation addressed DPO Bannu, vide letter No 2256/inv dated 21.05.2019 to take proper departmental action against the Appellant even prior to this, departmental proceedings were completed against the Appellant on the same set of charges, wherein the Appellant was held exonerated from the charges but the competent authority instead of adopting due course of law, against charge sheeted the Appellant on the same set of charges as well suspended vide OB No 565 dated 24.05.2019 and the inquiry was entrusted to DSP/ Saddar circle, Bannu. The enquiry officer, after conducting through probe into the allegations, concluded that the Appellant pre-arrest bail had been confirmed by ASJ-III on 23.05.2019 and the case was under trial, hence it is impossible to form any opinion before the decision of the court and in the last it was recommended that the inquiry may be kept pending till the decision of the court but here again, the competent authority acted totally in disregard to the finding of the Inquiry Officer and imposed major punishment of dismissal from service upon the Appellant vide DPO Office OB No. 904 dated 26.08.2019 which is against the law, discretionary, arbitrary both in law and in fact the allegations which were leveled against the present Appellant in above mentioned two FIRs cases in

~~ATTACHED~~

which the present Appellant was charge under the supplementary statement of co-accused and later on the Appellant had been discharged from the charges and even no offence is pending against the present Appellant.

6. That it is pertinent to mention here that once the Appellant has been exonerated from the criminal charges on the basis of which he was dismissed from service, now the Appellant is entitled to be restored on his service with all back benefit. However the Appellant aggrieved from the above mentioned orders and did not restore on service with the following grounds inter alia:

**GROUND:**

- A. That the Appellant has proceeded departmentally twice on the same set of charges but in each proceedings, the Appellant has not been held guilty by the inquiry officer thus without proving the charges, the competent authority has slashed the service of the Appellant with a single stork of pen and the act of the competent authority is totally biased and contrary to the norms of justice.
- B. That the story of prosecution is unbelievable and the same has been rebutted by independent evidence during the course of departmental proceedings.

ATTESTED



C. That according to police Rules 1975, Police Rule 1934, decision of the courts and fundamental rights, the competent authority will provide a reasonable opportunity of personal hearing and showing cause but no such opportunity of personal hearing and showing cause has been provided to me.

D. That according to police Rule, punishment of dismissal shall be awarded only for the gravest acts of misconduct but in making such an award, regard shall be had to the length of service of offender and his claim to pension but the Appellant was dealt with in contrary to the said laid down rules without looking into 11 years 8 months meritorious services for the police department.

E. That as per police rule, when investigation establishes a prima facie case against a police officer involved in criminal case a judicial prosecution shall normally follow however, the matter shall be disposed of departmentally only if the District Magistrate so orders for reason to be recorded, but the Appellant has been proceeded departmentally without adopting the said prescribed procedure by the authority, thus the instant proceedings and order passed on the same proceedings is against the spirit of law as well as justice.

ATTACHED

F. That similarly, Police Rules stipulates that when a police officer has been tried and acquitted by a criminal court, he shall not be punished departmentally on the same charge or on a different charge based upon the evidence cited in the criminal case, unless the criminal charge has been failed on technical ground etc. The purport of this rules is that a police officer involved in a criminal case, will be proceeded departmentally after the decision criminal court of but strange enough, the Appellant has been proceeded departmentally as well as dismissed from service prior to the decision of the court which is contrary to the essence of the police rule 16-3 which clearly stipulate that a police officer tried and acquitted by a court shall not be punished departmentally on the same charge, thus the competent authority was required to kept pending the departmental proceeding till the decision of the court as recommended by the inquiry officer in his finding. Hence, the order passed by the competent authority is liable to be set aside because the court has not held the Appellant guilty of the charges but even the learned court has released the Appellant on bail which somewhat testify the innocence of the Appellant.

G. That in nutshell, since the initiation of the departmental proceedings till its end, the competent authority has taken each and every action against

~~ATTESTED~~

57

the Appellant on bias and thus the order of the competent authority is liable to be set aside. Moreover the Appellant will tell the real facts / motive behind these one sided proceedings during perusal hearing but something are secrets and the Appellant cannot bring it into black and white because of its acute sensitivity.

Keeping in view the above, it is, therefore, requested that the impugned order passed by DPO and RPO may graciously be set aside and the Appellant may graciously be reinstated into service with all back benefit.

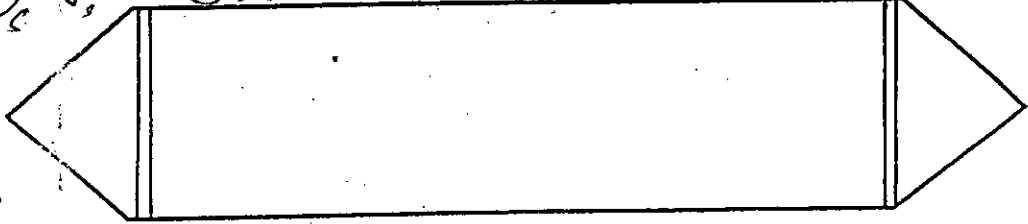
Appellant

Dated: 24.12.2019

**Shahid Shah**  
Ex-LHC Constable  
Constable No 1996  
Cell # 0332-9290416



## بعدالت جناب سر جسٹریجیوں کے پاس



2022ء منجانب ریٹائرمنٹ

مشاہدہ شاہ بنام حکومت

موزخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ  
آن مقام کے لیے سیّد جان وزیر

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثنالت فیصلہ برحلف دیئے 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 یا یکطرفہ یا اپیل کی برادگی 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 کارروائی 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 بالا اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکورہ کریں۔ لہذا اوکالت نامہ لکھد یا کہ سندر ہے۔

المرقوم 22 \_\_\_\_\_ ماہ \_\_\_\_\_ 2022ء

واہ العبد

کے لئے منظور ہے۔

بمقام

\_\_\_\_\_

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.8282/2020

Shahid Shah Lance Head Constable No. 1996, District Bannu Police s/o Akhtar Ali Shah r/o  
Village Sadat madak Shah Surrani Tehsil & District Bannu ..... Appellant

Versus

The Inspector General of Police Khyber Pakhtunkhwa Peshawar.

..... Respondents

PARA WISE COMMENTS/REPLY BYRESPONDENTS NO.1 to 4.

Respectfully Sheweth

Preliminary Objections

1. That the appeal of the appellant is bad by law and limitation.
2. That the appeal is not maintainable in its present form.
3. That the appellant has concealed the actual facts from thisHonorable Tribunal.
4. That the appeal is bad due to mis-joinder and non-joinder of necessary parties.
5. That the appellant has not approached the Honourable Tribunal with clean hands.
6. That the appellant has got no cause of action and locus-standi to file the instant appeal.
7. That the appellant has been estopped by his own conduct.

OBJECTIONS ON FACTS:

1. Pertains to personal record of appellant, hence, needs no comments.
2. Correct to the extent that the appellant was employee of Police Department and during service he performed routine duty.
3. Pertains to record of police station Saddar, needs no comments.
4. Correct to the extent that statement of Sakhi Jan was recoded u/s 161 Cr.P.C. During course of investigation. Complainant charged accused namely Kamran s/o Hamza Ali r/o HaibakDaulat Khan Surani along with two other unknown accused for the offense of car lifting. The accused Kamran did not surrender himself before the local police and was absconding, challan u/s 512 Cr.P.C was submitted to court. Later on, the local police of PS Faqir Abad District Peshawar arrested the accused Kamran in other cases vide FIR No.683 dated 02.05.2019

u/s 381-A PS Faqir Abad Peshawar and FIR No.157 dated 19.02.2019 u/s 392 PPC PS Vehari Punjab and was also arrested in Case vide FIR No.805 dated 01.10.2018 u/s 381-A PPC PS Saddar District Bannu u/s 54 Cr.PC.

During interrogation, the accused Kamran disclosed the facts that he sold the case property (vehicle in question) to Sakhi Jan s/o Syed Marjan r/o Kotki Sadat at Rs.1,40,000/- which was further sold by Sakhi Jan to petitioner Shahid Shah No.1496/LHC at Rs.1,60,000/-. The accused further disclosed that SakhiJan and Shahid Shah are partners in this episode. In light of the statement of the main accused Kamran, Shahid Shah (petitioner) and SakhiJan were properly charged by complainant on 17.05.2019.

Sakhi Jan was arrested by SHO PS Saddar, during the course of investigation he also testified that he sold the vehicle to Shahid Shah (appellant).

5. Correct. The petitioner was found actively involved in car lifting criminal case, therefore, he was charge sheeted and inquiry proceeding was initiated.
6. Incorrect. During the course of investigation, accused Sakhi Jan testified that he sold the stolen vehicle to Shahid Shah.
7. Incorrect. After proper inquiry conducted by DSP Rural Circle Bannu, LHC Shahid Shah No.1996 was found responsible for the charges and after observing all codal formalities, legal order of removal from service was issued in accordance with rules.
8. Pertain to record, hence needs no comments.
9. Incorrect. The appellant submitted appeal before the Worthy RPO Bannu Region Bannu, (Respondent No.2). The appeal of the appellant was thoroughly checked but no clue was found to interfere in the order of Respondent No.3. (DPO Bannu). Furthermore, criminal proceeding has no effects on departmental proceeding. Both are parallel and can be decided on its own facts findings report. The charges have been established against the appellant during departmental probe.

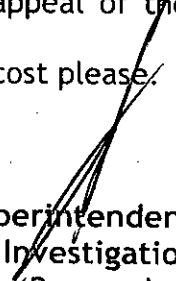
#### **OBJECTIONS ON GROUNDS**

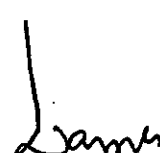
- A. Pertains to record, but the appellant has actively participated in dealing of stolen property which is highly objectionable.
- B. Incorrect. The appellant has been treated according to law/rules and no illegality/ irregularity was committed by Respondents Department nor violated any fundamental rights of appellant.
- C. Incorrect. The DSP Rural Circle Bannu was appointed as Inquiry Officer. He probed the matter under the cover of specified rules i.e. Police Rules 1975 wherein the charges were established and recommended for appropriate punishment to the competent authority.


- D. Incorrect. The appellant was associated in the subject criminal case by the co-accused namely Sakhi Jan. Investigating officer declared the appellant responsible for the charges. The said charges were properly probed in departmental proceedings which were established and after observing all codal formalities, appellant was awarded punishment commensurate to the proved charges.
- E. Incorrect. Proper opportunity of personal hearing was provided to the appellant but he badly failed to explain the charges and substantiate his innocence.
- F. Incorrect. The petitioner was treated in accordance with facts and rules, however, the punishment is concerned, it was awarded after establishment of the charges and recommendations of the inquiry officer.
- G. Incorrect. According to ESTA Code, it is established principle/law that inquiry proceedings/ trial of the case are two different things, it can be initiated at the same time and the proceedings/trial make conduct parallel.
- H. Pertains to record. Hence, needs no comments.
- I. Incorrect. There is no mala-fide on the part of Respondents Department. All actions taken by the Department are based on bona-fide, and there is no bias against the appellant on the part of high ups. The punishment awarded to the appellant after proper proceedings of inquiry and after establishment of the charges, the impugned order of dismissal was issued.
- J. The Respondents department may kindly be allowed to advance any other grounds & material as evidence in the time of arguments.


**PRAYER:**

In view of the above stated facts, it is most humbly prayed that the appeal of the appellant being not maintainable, may kindly be dismissed with cost please.

  
Superintendent of Police,  
Investigation Bannu  
(Respondent No.4)

  
District Police Officer,  
Bannu  
(Respondent No.3)

  
Regional Police Officer,  
Bannu Region, Bannu  
(Respondent No.2)

  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)

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

**Appeal No.8282/2020**

Shahid Shah Lance Head Constable No. 1996, District Bannu Police s/o Akhtar Ali Shah r/o  
Village Sâdat madak Shah Surrani Tehsil & District Bannu ..... **Appellant**

**Versus**

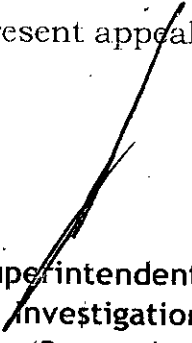
The Inspector General of Police Khyber Pakhtunkhwa Peshawar.


..... **Respondents**

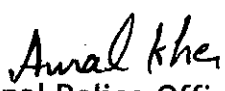
**AUTHORITY LETTER.**


**Mr. Muhammad Farooq Khan**, Inspector Legal is hereby authorized to appear before The Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited case.

He is authorized to submit and sign all documents pertaining to the present appeal.

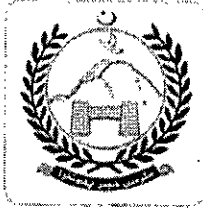
  
Superintendent of Police,  
Investigation Bannu  
(Respondent No.4)

  
District Police Officer,  
Bannu  
(Respondent No.3)

  
Regional Police Officer,  
Bannu Region, Bannu  
(Respondent No.2)

  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)





**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 1750 /ST

Dated: 03/09 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262


To

The District Police Officer,  
Government of Khyber Pakhtunkhwa,  
Bannu.

Subject: JUDGMENT IN APPEAL NO. 8282/2020, MR. SHAHID SHAH.

I am directed to forward herewith a certified copy of Judgement dated 26.07.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR,  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR