

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

C.M No. _____/2022

In

Service Appeal No. 6876/2020

Zahid Ali.....V/S..... IGP KPK etc.

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Applicant/Respondent

DSP Javed Iqbal,

Special Branch

①

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

C.M No. _____/2022

In

Service Appeal No. 6876/2020

Zahid Ali.....V/S..... IGP KPK etc.

APPLICATION FOR PLACING ON RECORD
CERTAIN/ADDITIONAL DOCUMENTS IN
ABOVE NOTED SERVICE APPEAL.

Respectfully Sheweth;

A. That the above noted case is fixed for _____ before this Hon'ble Tribunal.

B. That as per directions of this Hon'ble Service Tribunal the Applicant wants to place on record the following documents;

- 1) Charge Sheet alongwith Better Copy
- 2) Reply of Charge Sheet alongwith Better Copy
- 3) Statement of Allegation alongwith Better Copy
- 4) Final Show Cause Notice alongwith Better Copy
- 5) Reply of Final Show Cause Notice alongwith Better Copy
- 6) Denovo/Departmental Inquiry
- 7) Conditionally/ Provisionally Re-instated Order
- 8) Dismissal Order alongwith Better Copy

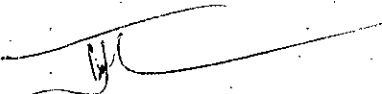
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(Copies are Ann- A, B, C, D, E, F, G & H).

- C. That the above referred documents are essential/ necessary for the just and proper decision of the above noted Service Appeal.
- D. That there is no legal bar in placing on record the above referred documents.

It is, therefore, most humbly prayed that on acceptance of this application, the above referred documents may be allowed to be placed on record and may be considered part and parcel of the main Service Appeal No. 6876/2020.

Applicant/Respondent


DSP Javed Iqbal,
Special Branch

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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

C.M No. _____/2022

In

Service Appeal No. 6876/2020

Zahid Ali.....V/S..... IGP KPK etc.

AFFIDAVIT

I, **DSP Javed Iqbal**, Special Branch, do hereby solemnly affirm and declare on Oath that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.


Deponent

Identified by:

Advocate General



CHARGE SHEET

5- (14)

I, Qazi Jamil ur Rehman, DIG Special Branch, Khyber Pakhtunkhwa Peshawar, as a competent authority under Rule 5(b) of Khyber Pakhtunkhwa, (Efficiency & Disciplinary) Rules, hereby charge you Senior Clerk Zaid Ali as follows:-

- 1) That you have been found involved in Case FIR No.436, dated 24.05.2017, U/s 457/302 PPC, PS, Madhra Peshawar.
- 2) Your conduct amounts to gross misconduct and this speaks highly adverse on your part warranting stern disciplinary action against you under Khyber Pakhtunkhwa Government Civil Servants (Efficiency and Discipline) Rules, 2011.
- 3) By reasons of above, you appear to be guilty of misconduct under Rule 4 of Khyber Pakhtunkhwa Govt Servants Efficiency and Disciplinary Rules, 2011 and it has rendered you liable to all or any of the penalties specified in the Rules ibid.
- 4) You are, therefore required to submit your written defense within Seven days of the receipt of this charge sheet to the Enquiry Committee/Enquiry Officer as the case may be.
- 5) Your written defense, if any, should reach the Enquiry Officer / Enquiry committee within the specified period, failing which it shall be presumed that you have no defense to put forward in that case an ex-parte action shall follow against you.
- 6) Inform me whether you desire to be heard in person.
- 7) A statement of allegations is enclosed.

S. Illu
(Qazi Jamil ur Rehman)
Dy: Inspector General of Police
Special Branch Khyber Pakhtunkhwa,
Peshawar

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Better Copy

CHARGE SHEET

1, Gul Arzal Khan Afridi, SSP/Admin, Special Branch, Khyber Pakhtunkhwa Peshawar, as a competent authority, under Rule 5(b) of Khyber Pakhtunkhwa, (Efficiency & Discipline) Rules hereby charge you Senior Clerk Zahid Ali as follows:-

- 2) That you have involved in Case FIR No.436, dated 24.05.2017, U/s 457/302 PPC, PS/Mathra Peshawar.
- 3) Your this act amounts to gross misconduct and this speaks highly adverse on your part warranting stern disciplinary action against you under the relevant Rules of Khyber Pakhtunkhwa, Government Civil Servants Efficiency and Discipline Rules- 2011.
- 4) By reasons of the above, you appear to be guilty of misconduct under Rule 4 of Khyber Pakhtunkhwa Govt. Servants Efficiency and Discipline Rules, 1973 (amended in 2011) and has rendered you liable to all or any of the penalties specified in the Rules *ibid*.
- 5) You are, therefore required to submit your written defense within **Seven days** of the receipt of this charge sheet to the Enquiry Committee/Enquiry Officer as the case may be.
- 6) Your written defense, if any, should reach the Enquiry Officer / Enquiry committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case and ex-parte action shall follow against you.
- 7) Intimate whether you desire to be heard in person.
- 8) A statement of allegations is enclosed.

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To,

The Worthy Deputy Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa, Peshawar.

Subject: REPLY TO THE CHARGE SHEET ISSUED BY YOUR GOOD
SELF TO THE UNDERSIGNED ON 22.11.2019.

Respected Sir,

In compliance with the Charge sheet received to me on 22.11.2019 No. 9453-55/EB, dated 22.11.2019.

It is submitted that I am a low paid Govt. Servant and have no male member in my house except my 7-daughters all is minor and school going.

The charge regarding committing of murder is not correct. In fact I was sleeping in my house notice unusual movement at the main gate, I voiced the movement when in the meanwhile. In myself defence also made firing to know the matter, I called for SHO of the Police Station Mathra for help.

He reached the spot found dead body of one Shahid, later on I was charged for the same due suspicion as the occurrence was of midnight.

Sir, I am innocent and have no concern with the same. It is further added that I am the father of 7 daughters and belong to a respectable family.

It is therefore. I may very kindly be exonerated from the charges leveled against me.

Obediently Yours

[Signature]

(Zahid Ali)
Senior Clerk, Special Branch
Peshawar

ATTESTED

[Handwritten mark]

To,

The Worthy Deputy Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa, Peshawar.

Subject: **REPLY TO THE CHARGE SHEET ISSUED BY YOUR GOOD SELF
TO THE UNDERSIGNED ON 22.11.2019.**

Respected Sir,

In compliance with the charge sheet received to me on 22.11.2019 vide No. 9453-55/EB, dated 22.11.2019.

It is submitted that I am low paid Govt: Servant and have no male member in my house except my 7-daughters all is minor and school going.

The charge regarding committing of murder is not correct. In fact I was sleeping in my house notice unusual movement at the main gate, I voiced the movement when in the meanwhile. In myself defence also made firing to know the matter, I called for SHO of the Police Station Mathra for help.

He reached the spot found dead body of one Shahid, later on I was charged for the same due suspicion as the occurrence was of midnight.

Sir, I am innocent and have no concern with the same. It is further added that I am the father of 7 daughters and belong to a respectable family.

It is therefore, I may very kindly be exonerated from the charges leveled against me.

Obediently Your's

Sd/-
(Zahid Ali)
Senior Clerk, Special Branch
Peshawar

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FINAL SHOW CAUSE NOTICE.

I, Qazi Jamil-ur-Rehman, DIG/Special Branch KP, Peshawar being competent authority under Rule 5(b) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, issue this final show cause notice to you **Senior Clerk Zahid Ali** on the following grounds:-

"That you while posted at SB/HQrs Peshawar were charged for committing murder vide case FIR No.436, dated 24.05.2017, u/s 457/302-PPc, Police station Mathra, District Peshawar".

After going through the findings of the de-novo proceedings, Enquiry Officer, the material available on record and other connected papers, I am satisfied that you have committed the misconduct being defined under Rule 2(l) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011. As a result thereof, I Qazi Jamil-ur-Rehman DIG/Special Branch Khyber Pakhtunkhwa Peshawar as competent authority have tentatively decided to impose major punishment upon you under Rule 4 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011.

You are therefore, directed through this Final Show Cause to reply **within 07 days** as to why the aforesaid penalty should not be imposed upon you.

In case your reply is not received with in stipulated period, it shall be presumed that you have no defense to put. In that case an ex-parte action shall be taken against you.

Also state as to whether you desire to be heard in person.

(QAZI JAMIL-UR-REHMAN)PSP
Dy: Inspector General of Police,
Special Branch KP, Peshawar.

No. 10191 /EB, Dated Peshawar, the 24 / 12 / 2019.

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FINAL SHOW CAUSE NOTICE.

I, Qazi Jamil-ur-Rehman, DIG/Special Branch KP, Peshawar being competent authority under Rule 5(b) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, issue this final show cause notice to you **Senior Clerk Zahid Ali** on the following grounds:-


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After going through the findings of the de-novo proceedings, Enquiry Officer, the material available on record and other connected papers, I am satisfied that you have committed the misconduct being defined under Rule 2(l) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011. As a result thereof, I Qazi Jameel-ur-Rehman DIG/Special Branch Khyber Pakhtunkhwa Peshawar as competent authority have tentatively decided to impose major punishment upon you under Rule 4 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011.

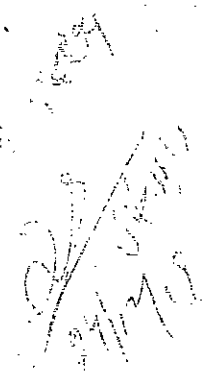
You are therefore, directed through this Final Show Cause to reply **within 07 days** as to why the aforesaid penalty should not be imposed upon you.

In case your reply is not received within stipulated period, it shall be presumed that you have no defense to put. In that case an ex-parte action shall be taken against you.

Also state as to whether you desire to be heard in person.


(QAZI JAMIL-UR-REHMAN)PSP
Dy: Inspector General of Police,
Special Branch KP, Peshawar.

No. 10191 /EB, Dated Peshawar, the 24 / 12 / 2019.



DISCIPLINARY ACTION.

1. Qazi Jamil ur Rehman, DIG Special Branch, Khyber Pakhtunkhwa Peshawar, am of the opinion that Mr. Clerk Zahid Ali of this Unit has rendered himself liable to be proceeded against departmentally, as he has committed the following acts / omissions within the meaning of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

2. He has been found involved in Case FIR No.436, dated 24.05.2017, U/s 457/302 PPC, PS Mathra Peshawar
3. He has acted amounts to gross misconduct and this speaks highly adverse on his part warranting stern disciplinary action against him under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.
4. For the purpose of enquiry against the said accused with the reference to the above allegation an enquiry Committee consisting of Mr. Irshad Khan, SP/Security, Special Branch & Mr. Fazal Hanif DSP/Alien, Special Branch is constituted to conduct Denovo departmental enquiry in the light of CPO letter No.3426-29/CPO/IAB, dated 14-11-2017 on the direction of KP Service Tribunal Peshawar in Service Appeal No.590/2018 dated Zahid Ali ver. vs IGP & others.
5. The Enquiry Committee shall, in accordance with the provisions of the said Rules, provide reasonable opportunity of hearing to the accused, record and submit its findings and recommendations within 30-days of the receipt of this order.
6. The defaulting official shall be present during the proceedings.

(Qazi Jamil ur Rehman)
Dy: Inspector General of Police
Special Branch Khyber Pakhtunkhwa,
Peshawar.

9453-55
FB: dated Peshawar the 22/11/2019.
Copy to:-

1. Mr. Irshad Khan, SP Security/SB with the direction to initiate departmental proceedings against the accused under the Rules and submit his findings in shortest possible time.
2. Mr. Fazal Hanif DSP/Alien/SB.
3. Sent - Clerk, Zahid Ali with the direction to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceedings.

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DISCIPLINARY ACTION

I, Qazi Jamil ur Rehman, DIG Special Branch, Khyber Pakhtunkhwa Peshawar, am of the opinion that Sr. Clerk Zahid Ali of this Unit has rendered himself liable to be proceeded against departmentally, as he has committed following acts / omissions within the meaning of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

- 2) He has been found involved in Case FIR No.436, dated 24.05.2017, UIs 457/302 PFC, PS/Mathra Peshawar.
- 3) His this act amounts to gross misconduct and this speaks highly adverse on his part warranting stern disciplinary action against him under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.
- 4) For the purpose of enquiry against the said accused with the reference to the above allegation, an enquiry Committee consisting of **Mr. Irshad Khan, SP/Security Special Branch & Mr. Fazal Hanif DSP/Alien, Special Branch** is constituted to conduct Denovo departmental enquiry in the light of CPO letter No.3426-29/CPO/IAB. dated 14-11-2019 on the direction of KP Service Tribunal Peshawar in Service Appeal No.590/2018 titled Zahid Ali versus IGP & others.
- 5) The Enquiry Committee shall, in accordance with the provisions of the said Rules, provide reasonable opportunity of hearing to the accused, record and submit its findings and recommendations within **30-days** of the receipt of this order.
- 6) The defaulter official shall be present during the proceedings.

Sd/-

(Qazi Jamil ur Rehman)
Dy: Inspector General of Police
Special Branch Khyber Pakhtunkhwa,
Peshawar.

No. 9453-55 /EB: dated Peshawar the, 22/11/2019.

Copy to:-

1. Mr. Irshad Khan. SP/Security/SB with the direction initiate departmental proceedings against the accused under the Rules and submit his findings in shortest possible time.
2. Mr. Fazal Hanif DSP/Alien/SB.
3. Senior Clerk Zahid Ali with the direction to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceedings.

FINAL SHOW CAUSE NOTICE

I, Quzi Jamil-ur-Relunan, DIG/Special Branch KP, Peshawar being competent authority under Rule 5(b) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, issue this final show cause notice to you **Senior Clerk Zahid Ali** on the following grounds:-

“That you while posted at SB/HQrs Peshawar were charged for committing murder vide case FIR No.436, dated 24.05.2017, u/s 457/302-PPc, Police station Mathra, District Peshawar”.

After going through the findings of the de-novo proceedings, Enquiry Officer, the material available on record and other connected papers, I am satisfied that you have committed the misconduct being defined under Rule 2(1) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011. As a result thereof, I Qazi Jameel-ur-Rehman DIG/Special Branch Khyber Pakhtunkhwa Peshawar as competent authority have tentatively decided to impose major punishment upon you under Rule 4 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011.

You are therefore, directed through this Final Show Cause to reply **within 07 days** as to why the aforesaid penalty should not be imposed upon you.

In case your reply is not received within stipulated period, it shall be presumed that you have no defense to put. In that case an ex-parte action shall be taken against you.

Also state as to whether you desire to be heard in person.

Sd/-
(QAZI JAMIL-UR-REHMAN)PSP
Dy: Inspector General of Police,
Special Branch K.P, Peshawar.

No.10191/EB, Dated Peshawar, the 24/12 / 2019.

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To,

The Worthy Deputy Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa, Peshawar.

Subject: REPLY TO THE FINAL SHOW CAUSE NOTICE ISSUED BY YOUR
GOODSELF TO THE UNDERSIGNED ON 24-12-2019

Respected Sir,

In compliance with the Final Show Cause Notice received on 24-12-19
vide No: 10191/EB, dated 24-12-2019, I am submitting the following few lines for
your honour's consideration.

1. That I am a low paid employee and have no male member in my family
except having seven minor daughters who are school going.
2. That the charge of committing murder is baseless and malafide. Actually on
that very night I was sleeping and suddenly I heard some noise near the
main entrance gate of my house and at that time firing also started. So, in
self-defense, I also made firing to get knowledge of this rapid firing and also
called the SHO of PS Mathra for help.
3. That the SHO reached to the spot and found a dead body of one Shahid in
my house and I was charged for the same on suspicion as the occurrence
was of midnight.
4. That I am innocent and have no concern with the same and I am father of
seven daughters and belong to a respectable family.

It is, therefore, most humbly requested that I may very kindly be
exonerated from the charges leveled against me and I may also called for personal
hearing please

RECEIVED

Yours obediently,

[Zahid Ali]
Senior Clerk

Better Copy

To,

The Worthy Deputy Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa, Peshawar.

Subject: **REPLY TO THE FINAL SHOW CAUSE NOTICE ISSUED BY YOUR
GOODSELF TO THE UNDERSIGNED ON 24-12-2019.**

Respected Sir,

In compliance with the Final Show Cause Notice received on 24-12-19 vide No: 10191/EB, dated 24.12.2019, I am submitting the following few lines for your honour's consideration.

1. That I am a low paid employee and have no male member in my family except having seven minor daughters who are school going.
2. That the charge of committing murder is baseless and malafide. Actually on that very night I was sleeping and suddenly I heard some noise near the main entrance gate of my house and at that time firing also started. So, in self-defense, I also made firing to get knowledge of this rapid firing and also called the SHO of PS Mathra for help.
3. That the SHO reached to the spot and found a dead body of one Shahid in my house and I was charged for the same on suspicion as the occurrence was of midnight.
4. That I am innocent and have no concern with the same and I am father of seven daughters and belong to a respectable family.

It is therefore, most humbly requested that I may very kindly be exonerated from the charges leveled against me and I may also called for personal hearing please.

Yours Obediently

Sd/-
(Zahid Ali)
Senior Clerk, Special Branch
Peshawar

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No. 4013/PA-SB-S

12-12-2019

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Subject; Denovo Departmental Inquiry against Senior Clerk Zahid Ali

Brief Facts:-

That on 24.05.2017 at midnight, Zahid Ali Senior Clerk r/o Rehan Town Aslam Dheri called SI Maiang Jan SHO PS Mathra and reported that he along with other family members was sleeping in his house, woke up on hearing some noise and saw that an unknown person had trespassed into his house for committing theft. On his shouting, the suspect tried to escape. The accused further stated that he opened firing upon the suspect on self-defence, due to which he was hit and expired on the spot. Later on identified as Shahid S/O Yousaf Ali R/O Aslam Dherai. SHO took into his possession one pistol 9 mm recovered from Zahid Ali and on his report drafted murasala, hence a case vide FIR No; 436 dated 24.05.2017 U/S 460 PPC, PS Mathra was registered. After registration of the FIR, the case was sent to investigation staff for further probe. SI Imtiaz Khan OII prepared site plan, recorded the statements of eye witnesses as well as statement of Mst. Bakht Taja mother of the deceased U/S 164 CrPC. Arrested the accused. The section of law was altered from 460 PPC to 302/457 PPC/ 15 AA. Later on, the accused Zahid Ali was released on bail by the honourable Peshawar High Court Peshawar.

Initially departmental inquiry was conducted by Mr. Sarfaraz Ali Shah the then SP R&A Special Branch by declaring the accused as guilty in the said murder case and the accused official was dismissed. The said order was challenged by the accused official in court. The court of honourable service tribunal Peshawar set aside the said order on the ground that the charge sheet was issued to the accused official by the SSP Admin, while his termination order passed by the W/DIG Special Branch and ordered for De-novo inquiry against the accused official.

In pursuance to the court decisions dated 04.10.2019, the competent authority has reinstated the accused official vide no.9007-12/EB dated 05.11.2019 and served him with the charge sheet vide No.9453-55/EB, dated 22.11.2019 wherein enquiry committee of the undersigned were nominated for conducting the De-novo departmental inquiry against the accused.

Allegations as per Statement of Allegation against Senior Clerk Zahid Ali

"That the accused has been involved in case FIR No. 436 dated 24.5.2017, U/s 457/302 PPC, PS Mathra Peshawar".

Proceedings:-

Reply to the charge sheet was submitted by the accused official, which was not satisfactory. During the course of inquiry Mst; Bakhtaj Bibi and the following officials/officers concerned were summoned, recorded their statements & gone through the relevant record and placed their statements on file for reference:

- i. Mst; Bakhtaj bibi w/o Yousaf Ali and mother of the deceased attached as F/A.
- ii. SI Malang Jan the then SHO PS Mathra attached as F/B
- iii. SI Imtiaz Khan the then incharge Investigation PS Mathra. As F/C
- iv. SI Farhad Hussain the then O-II PS Mathra. As F/D
- v. Accused Zahid Ali the then Senior Clerk attached as F/E

1. Statement of Mst; Bakhtaj bibi the mother of deceased.

Mst; Bakhtaj w/o of Yousaf Ali (mother of deceased Shahid) stated in her statement that her son namely Shahid of 17 year old was sleeping in his Drawing/guest room. At mid-night between 23 & 24.5.2017 at 00:15 am the door of drawing room was knocked when Shahid opened the door, Zahid Ali alongwith 03 unknown persons were present, Zahid Ali along with others took her son for a distance wherein the Zahid Ali R/O Tehsil Tangi District Charsadda at present residing in Aslam Dheri Pajagi Road Peshawar opened fire on her son in an open plot, he was hit and became injured. After firing Zahid Ali dragged him to his house and on his call the local Police arrived and took the injured to Police Station, she further added that SI Malang Jan the then SHO PS Mathra did not carry the injured for medico legal treatment to Hospital and till morning he was kept lying in Police Station, while after the death of her son the dead body was sent for Post mortem and handed her over after post mortem. She added that in the instant case SI Malang Jan has played a negative role against her favour.

2. Statement of SI Malang Jan Khan the then SHO PS Mathra

Malang Jan SI, who was posted as SHO PS Mathra stated that on the day of occurrence Senior Clerk Zahid Ali contacted him on phone at about 2400 hrs and asked him to reach his house because he had shot an unknown person who trespassed in his house. When he reached the spot and saw a body which was lying uphill in the stairs inside the house. He checked the body and found him dead, while on the spot he contacted his Circle DSP and informed him about the situation. He recorded the report of the said Senior Clerk and drafted murasla on the spot and the dead body was dispatched to mortuary for post mortem.

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3. Statement of SI Imtiaz Khan the then incharge Investigation PS Mathra

Imtiaz Khan SI, stated that he was posted as O-II PS Mathra received murasla from SI Malang Jan acting SHO PS Mathra wherein FIR.No.436 dated 24.5.2017 u/s 460 PPC was registered on the report of Zahid Ali Senior Clerk Special Branch. On perusal of the case file he came to know that the complainant/accused Zahid Ali was sleeping in his house and heard some noise and saw that an unknown person trying to escape from his house, he opened fire in self-defence through his 9mm pistol(without licence) which was recovered by SI Malang Jan from Zahid Ali. He further investigated that the deceased Shahid was a neighbour of the accused Zahid Ali, and dressed in a white vest, Shalwar and barefooted as well as without arms was killed. He further added that he gone through section 100 PPC to check whether act of the accused falls in the domain of 100 PPC or otherwise, but his act was not covered by section 100 PPC therefore, he altered the section of law from 460 PPC to 302, 457 PPCs & 15 AA and arrested him. He also recorded statements of the mother of deceased u/s 164 Crpc before the competent court. He further opined that deceased Shahid was not went for any theft but for some other purpose and during investigation he checked the CDR but no result found in this regard. Later on he was transferred from PS Mathra and further investigation made by SI Farhad Hussain.

4. Statement of SI Farhad Hussain the then O-II PS Mathra

Farhad Hussain SI, while posted O-II PS Mathra, at present CTD Peshawar, stated that he had made full efforts in case and interrogated Fatima daughter of the accused but no connection regarding their relationship found. He further stated that the deceased Shahid was entered the house illegally but his purpose of entrance the house not cleared to why he entered the house.

During cross examination he admitted that the deceased Shahid was entered the house illegally and was killed inside the house.

5. Statement of the accused Zahid Ali Senior Clerk Special Branch

Zahid Ali Senior Clerk Special Branch, stated that on 24.5.2017 he along with his family members was sleeping in his house. heard some suspicious voices, he woke up and found that an unknown person was trying to escape, he shout him but no response received so he opened fire through his 9mm pistol in self-defence. As a result an unknown person was shot dead. After identification it found that the deceased was Shahid s/o Yousaf Ali r/o village Aslam Dherai. He further stated that he had no enmity with Shahid.

Finding:-


I have gone through the case file as well as afcresaid statements and found that:-

1. On 24.5.2017 midnight the deceased Shahid was not entered the house for any theft but entered the house for other illegal activity, as the deceased Shahid had no weapon on the spot neither any objectionable material was found with him. The deceased Shahid went the said house without Shirt and footwear. He dressed only a vest and Shalwar and found killed on the stairs uphill position which did not falls in the right of self-defence to exercise in that situation.
2. According to post mortem report an entry wound on chest and exit wound on back found on the deceased body but according to the statement of the accused official, the deceased Shahid was trying to escape, so he opened fire and hit him on back side, so there is contradiction in the post-mortem report and the statement of accused.
3. According to the statement of the accused Zahid Ali that he has no concern (friendship/enmity) with Shahid but the investigation officer specified their friendship as well as their enmity in case Dairy No.6, wherein they have close relation since long.
4. In the light of PM report, site plan and recovery from the spot the allegations levelled by the mother of the deceased that her son was killed at an open plot and then dragged to his house is not correct but the incident has taken place inside the house of accused.

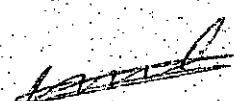
Recommendation:-

In view of the above circumstances the following is recommended if approved:-

1. That the accused official Zahid Ali Senior Clerk of Special Branch is found to be guilty in the said murder case, but it is worth to mention that the murder was occurred inside the house premises.
Submitted for your kind perusal and further orders please.


Fazal Hanif
DSP Alien Special Branch

18/12/19


Muhammad Irshad
SP Security Special Branch;

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13

ORDER

As per the judgement of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 04-10-2019, passed in Service Appeal No.590/2018 duly approved by the Competent Authority and duly intimated by AIG/Legal CPO vide letter No.5244/Legal, dated 30-10-2019, Ex-Senior Clerk Zahid Ali of Special Branch, is hereby conditionally/provisionally re-instated in service for the purpose of denovo enquiry with immediate effect. The issue of back benefits will be subject to the outcome of the denovo enquiry.

(Qazi Jamil-ur-Rehman)
Deputy Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa
Peshawar

5907-12 /EB, dated Peshawar the, 05 / 11 /2019.

Copy to all concerned for information and necessary action.

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ORDER

As per the judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 04-10-2019, passed in Service Tribunal Appeal No. 590/2018 duly approved by the Competent Authority and duly intimated by AIG/Legal CPO vide letter No. 5244/Legal, dated 30-10-2019, Ex-Senior Clerk Zahid Ali of Special Branch, is hereby conditionally/provisionally re-instated in service for the purpose of denovo enquiry with immediate effect. The issue of back benefits will be subject to the outcome of the denovo enquiry.

Sd/-
(Qazi Jamil-ur-Rehman)
Deputy Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa,
Peshawar

No. 9007-12/EB dated, the Peshawar 05/11 /2019.

Copies to all concerned for information and necessary action.

(14)

ORDER

This order will dispose of denovo departmental proceedings against defaulter Senior Clerk Zahid Ali of this establishment. Facts forming the background of the denovo departmental proceedings are as under:-

That Senior Clerk Zahid Ali (hereinafter only referred as accused) was involved in a criminal case vide FIR No. 436 dated 24.05.2017 u/s 457/302 PPC, PS Mathra, District Peshawar wherein he was charged for culpable homicide/ murder of one Shahid s/o Yousaf Ali r/o Aslam Dheri, Peshawar by using his Pistol at his abode.

Proper departmental proceedings were initiated against the accused after his suspension under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 and was found to be guilty of misconduct by the enquiry officer hence dismissed from service vide this office Order No. 530-35/EB dated 19.01.2018. He after exhausting departmental remedies, filed Service Appeal No. 590/2018 which was accepted by the Hon'ble Khyber Pakhtunkhwa Service Tribunal vide Order dated 04.10.2019 wherein impugned Orders dated 19.01.2018 and 09.04.2018 were set-aside and he was reinstated in service and the case was remitted to respondent department for denovo enquiry proceedings strictly in accordance with the law and rules within a period of 90 days from the date of receipt of this judgment.

On receipt of the judgment, accused was reinstated in service vide Order No. 9007-12/EB dated 05.11.2019 for the purpose of denovo enquiry and Enquiry Committee comprising SP Security Irshad Khan and DSP Alien Fazal Hanif was also constituted for scrutinizing his conduct with reference to the charge leveled against him.

Proper Charge Sheet and statement of allegations were served upon the accused. The Enquiry Committee, after conducting detailed enquiry, once again, found the accused guilty of misconduct in their finding/ conclusion. Hence final show cause notice was issued to him vide letter No. 10191/EB dated 24.12.2019 wherein he submitted reply on 30.12.2019. He was summoned for personal hearing on 17.01.2020 and was heard in person. His reply to final show cause notice was not satisfactory/ convincing, therefore, I, Qazi Jamil-ur-Rehman Deputy Inspector General of Police, Special Branch, KP, Peshawar being competent authority impose upon him major penalty of dismissal from service under Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules 2011.



(Qazi Jamil-ur-Rehman)
Deputy Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa,
Peshawar

No. 540-41 /EB dated, the Peshawar 27 / 01 /2020

Copies of the above are forwarded to the:-

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to his letter No. 1801/ST dated 17.10.2019.
2. DIG Internal Accountability Branch Khyber Pakhtunkhwa Peshawar with reference to their letters No. 3597 & 3683/CPO/IAB dated 10.12.2019 & dated 24.12.2019.

ORDER

This order will dispose of denovo departmental proceedings against defaulter Senior Clerk Zahid Ali of this establishment. Facts forming the background of the denovo departmental proceedings are as under:-

That Senior Clerk Zahid Ali (hereinafter only referred as accused) was involved in a criminal case vide FIR No. 436 dated 24.05.2017 u/s 457/302 PPC, PS Mathra, District Peshawar wherein he was charged for culpable homicide/ murder of one Shahid s/o Yousaf Ali r/o Aslam Dheri, Peshawar by using his Pistol at his abode.

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Sd/-

(Qazi Jamil-ur-Rehman)
Deputy Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa,
Peshawar

No. **540-41**/EB dated, the Peshawar **27 / 01 / 2020**

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