

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 4054/2020

Date of Institution ... 20.04.2020

Date of Decision ... 04.08.2021

Adil Badshah, Ex-Constable No.975, District Police Kohat.

... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others.

... (Respondents)

MUHAMMAD ASLAM KHAN TANOLI

Advocate

... For Appellant

MUHAMMAD RIAZ KHAN PAINDAKHEIL

Assistant Advocate General

... For Respondents

ROZINA REHMAN

...

MEMBER (JUDICIAL)

ATIQ-UR-REHMAN WAZIR

...

MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant while serving as constable in police department, was proceeded against on the charges of his involvement in a criminal case registered against him vide FIR No. 618 dated 02-05-2019 U/Ss 302/34/109 PPC in Police Station Cantt, Kohat. After registration of FIR against him, the appellant was suspended from service vide order dated 08-05-2019 and in the meanwhile the appellant obtained BBA from learned ADJ III Kohat on 22-05-2019 and joined his duty. On 29-06-2019, BBA of the appellant was cancelled and he was sent to District Jail Kohat on judicial remand. During confinement, the appellant was served with a show cause notice dated 15-07-2019, which was responded by the appellant from Jail vide superintendent Jail Kohat

letter dated 22-07-2019. The appellant remained in Jail from 29-06-2019 to 12-10-2019 until his release on bail, granted by Peshawar High Court vide judgment dated 11-10-2019. While in jail, the appellant was proceeded against and as a result of inquiry conducted against him, the District Police Officer, Kohat vide order dated 20-09-2019 filed the inquiry proceedings and treated his absence period as leave without pay and ordered for release of his pay with immediate effect. Since the appellant was in Jail from 20-06-2019 to 12-10-2019, hence because of ex-parte proceedings conducted against the appellant, he was awarded major punishment of Compulsory retirement from service vide order dated 27-11-2019. Feeling aggrieved, the appellant filed departmental appeal dated 19-12-2019, which was not responded to, hence the instant service appeal with prayers that the impugned order dated 27-11-2019 may be set aside and the appellant may be re-instated in service and the period remained out of service/jail, be treated as on duty instead of leave without pay OR he may be retired from service honorably with grant of LPR for 365 days or Encashment in lieu of 365 days out of his leave balance and his son be appointed against the reserved quota for the incapacitate/disabled/Ghazi Police officials along with all consequential benefits.

02. Written reply/comments were submitted by respondents.

03. Learned counsel for the appellant has contended that the appellant was enrolled in police force as constable in 1987, had rendered more than 31 years service; that the appellant was implicated in a false FIR, upon which the appellant was proceeded against and was awarded major punishment of compulsory retirement from service; that disciplinary proceedings were conducted at the back of the appellant, as the appellant was in jail at that particular time; that no proper inquiry was conducted, nor the appellant was associated with the proceedings of the inquiry; that neither a witness was called to record evidence against the appellant in his presence nor was he provided with the chance of cross-examination; that no chance of personal hearing was afforded to the appellant and he was condemned

unheard; that the respondents were legally bound to have waited for the decision of the criminal case by the trial court before passing the impugned order; that the appellant has been penalized in a cursory and arbitrary manner without adhering to rules and procedure, hence the impugned order is liable to be struck down; that during the investigation stage, the appellant was not found involved in the very criminal case, due to which he had been granted bail by the Honorable High Court vide judgment dated 11-10-2019; that the appellant already applied for his retirement from service in December, 2018, as he was declared incapacitated by the medical board, as the appellant had sustained severe injuries in a bomb blast, when he was on routine duty along with a police party, where other police officials were also injured and martyred in the said incident; that the absence period was treated as leave without pay, the appellant however was confined in jail for the period from 29-06-2019 to 12-10-2019 and this fact was known to the respondents that such absence was not willful, but was beyond control of the appellant and the punishment awarded to this effect was illegal and against rules and law.

04. Learned Assistant Advocate General appearing on behalf of respondents has contended that the appellant was declared as incapacitated due to an IED blast during the course of his official duty, hence he was assigned lighter duty as per his request; that the appellant requested for appointment of his son against the reserve quota, for which he was not entitled, as appointment of PASI is carried out under section 32 of the Khyber Pakhtunkhwa Police Act, 2017, which is basically meant for the sons of Shuhada; that the case of appellant also does not fall under the ambit of rule 10(4) of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; that the appellant was declared Ghazi, hence he was facilitated in grant of leave as and when he moved application in this regard; that upon registration of FIR against him, he was proceeded against under the relevant rule and law and taking a lenient view, he was awarded major penalty of compulsory retirement from service, keeping in view the length of his service and being declared as incapacitated; that since the

appellant committed a professional misconduct for which an inquiry was conducted against the appellant on the scores of charge of his involvement in a criminal/murder case and he was afforded opportunity of personal hearing but he deliberately avoided such opportunity; that the charges leveled against him were proved beyond any doubt, hence on completion of inquiry, he was awarded major punishment.

05. We have heard learned counsel for the parties and have perused the record. A perusal of record would reveal that the appellant was initially appointed as constable in 1987. During the course of his service, the appellant sustained severe injuries in an IED blast, while on night mobile duty, wherein a number of police officials embraced Shahadat and others went permanently incapacitated including the appellant, who were declared Ghazi. The available record suggests that the attitude of respondents was sympathetic with the appellant, so he was assigned lighter duty of a telephone operator. On 19-12-2018, the appellant filed an appeal before the Provincial Police Officer for retirement from service on account of permanent invalidation as well as requested for appointment of his son in police department against quota reserved for incapacitated employees son under rule 10(4) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with criteria for compensation of Death/incapacitation of civil servants. Rule 10(4) of the rules ibid provides as under:

"Where a civil servant dies or is rendered incapacitated/invalidated permanently during service then notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant, or if the child has not attained the age prescribed for appointment in Government Service, the widow/wife of such civil servant, to a post in any of the Basic Pay Scales 1-10: Provided that the child or the widow/wife as the case may be, possesses the minimum qualification prescribed for appointment to the post: Provided further that if there are two widows/wives of the deceased civil servant, preference shall be given to the elder widow/wife. Provided also that the appointment under this sub rule is subject to availability of a vacancy and if more than one vacancies in different pay scales are available at a time, and the child or the widow/wife, as the case may be, possesses the qualifications making him or her eligible for appointment in more than one post, he /she shall ordinarily be appointed to the post carrying higher pay scale. Provided further that this shall not apply to any post in BPS-1-10 falling in the purview of the [Khyber Pakhtunkhwa] Public Service Commission".

Record reveals that case of the appellant was under sympathetic consideration of the respondents for grant of such compensations and retirement, but in the meanwhile an FIR was lodged against him on 02-05-2019 by his opponents. The appellant preferred to adopt the legal course and obtained BBA from learned ADJ-III Kohat on 22-05-2019 and joined his duty. His BBA however, was cancelled on 29-06-2019 and the appellant was sent to jail on judicial remand, where he remained till 12-10-2019. The appellant succeeded in convincing the Court that the appellant along with family is residing in Wah Cantt due to enmity and he was falsely implicated as an accused in the said FIR, he however was on leave and was present at that particular time in Wah Cantt, which fact was confirmed by the investigation officer from the CCTV footage installed in the ATM machine of MCB Bank Ltd Wah Cantt, where the appellant used the ATM machine at the time of occurrence and based on such evidence, the appellant was granted post-arrest bail by the honorable High Court Peshawar on 11-10-2019 and the appellant again joined his duty, but in the meanwhile, the respondents had almost completed disciplinary proceedings against him in his absence.

06. We have noted that the appellant remained in jail from 29-06-2019 to 12-10-2019 and during the period, disciplinary proceedings were conducted against the appellant in a haphazard manner in his absence. Record shows that only show cause notice dated 15-07-2019 was served upon the appellant without aid of inquiry officer, through Superintendent Jail Kohat, to which the appellant responded, but not with concentration of mind; that the proceedings drawn against the appellant were not only in negation of justice, but also suffered from a huge irregularity by failing to hold a regular inquiry. Reliance is placed on PLJ 2005 Tr.C. (Services) 202. Later on, an inquiry was also conducted to this effect and the inquiry officer submitted his report on 20-08-2019, but again the appellant was not associated with the proceedings. Record reveals that no charge sheet/statement of allegations had been served upon the appellant and admittedly the appellant was not afforded opportunity

of personal hearing as the appellant was in jail during initiation and conclusion of the disciplinary proceedings, hence the appellant was condemned unheard, which however was not warranted. In a situation, principles of natural justice demands that respondents must have waited for decision of a criminal court, which is also supported by section 194-A of CSR. It is also settled law that imposing major penalty due to pendency of criminal case against him would be bad unless such official was found guilty by competent court of law. Contents of FIR would remain unsubstantiated allegations, and based on the same, maximum penalty could not be imposed upon a civil servant. Reliance is placed on PLJ 2015 Tr.C. (Services) 197, PLJ 2015 Tr.C. (Services) 208 and PLJ 2015 Tr.C. (Services) 152. As is evident from their comments, the respondents were well aware that FIR was lodged against the appellant on the basis of blood feud enmity and that his absence was not willful, but the respondents instead of taking lenient view, proceeded the appellant in haste and did not afford appropriate opportunity of defense as was required under the provisions of rule and law, rather conducted proceedings only to the extent of fulfillment of codal formalities. In PLJ 2016 Tr.C (Services) 326, it has been held that when a power is conferred on a public functionary and it is exercisable for benefit of any affected party then that party gets an implied right to move for exercise of such power. In case of imposing major penalty, principle of natural justice requires that a regular inquiry be conducted in matter and opportunity of defense may be provided to civil servant proceeded against.

07. We are also conscious of the fact that admittedly an FIR was lodged against the appellant, but the circumstances in the instant appeal are eccentric, which requires dealing in a distinguishable manner, as the appellant rendered 31 years of service as well as sustained severe injuries in a terrorist attack, which made him permanently incapacitated as well as he was declared Ghazi and his case was under process for a normal retirement as well as compensation, but his involvement in a criminal case hampered his whole case and the respondents ignored his

meritorious services and imposed major penalty of compulsory retirement in violation of rule and law. We are also mindful of the fact that case of the appellant is still pending adjudication, but it would now be futile to wait for decision of the trial court, as the respondents have already decided and made him guilty, which was illegal and contrary to the norms of natural justice.

08. In the circumstances, we are of the considered opinion that the appellant was not treated in accordance with law and he was condemned unheard. Moreover, keeping in view his long service and his sacrifices, the appellant deserve to be compensated in terms of rule 10(4) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with criteria for compensation of Death/incapacitation of civil servants. Besides the appellant had already opted for retirement from service, but in an honorable manner, which however was stigmatized by the respondents and which will travel along the appellant in his entire life.

09. In view of the foregoing discussion, the instant appeal is accepted and appellant is entitled to honorable retirement along with ancillary benefits. The appellant is also held entitled to the benefits accrued under rule 10(4) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with criteria for compensation of Death/incapacitation of civil servants. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
04.08.2021


(ROZINA REHMAN)
MEMBER (JUDICIAL)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


ORDER

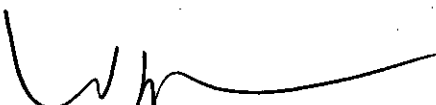
04.08.2021 Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil, Assistant Advocate General alongwith Mr. Arif Saleem, Stenographer for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted and appellant is entitled to honorable retirement along with ancillary benefits. The appellant is also held entitled to the benefits accrued under rule 10(4) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with criteria for compensation of Death/incapacitation of civil servants. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

04.08.2021


(ROZINA REHMAN)
MEMBER (JUDICIAL)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

28.01.2021

Nemo for the appellant. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Arif Saleem, Steno, for the respondents are also present.

Representative of the department submitted written reply on behalf of respondents which is placed on record. File come up for rejoinder and arguments on 14.04.2021 before D.B.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

14.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 02.08.2021 for the same as before.



READER

02.08.2021

Counsel for the appellant present.

Muhammad Riaz Khan Paindkaheil, Assistant Advocate General alongwith Mr. Arif Saleem Stenographer for respondents present.

Arguments heard. To come up for order on 04.08.2021 before D.B.

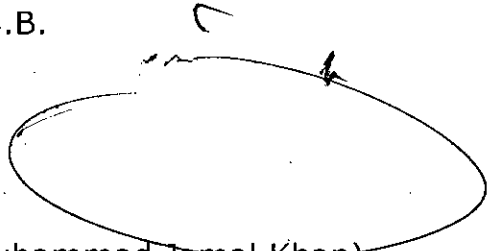

(Atiq Ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

19.10.2020

Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Arif Saleem, Steno, on behalf of respondents No. 1 & 3 are present.

Vide previous order sheet dated 11.08.2020 the respondents were issued notices for written reply/comments but the notice of respondent No. 2 is returned back vide letter No. 23376 dated 16.09.2020 and it was written in the letter that the notice belong to District Kohat and was erroneously sent to Regional Police Officer, Hazara Region, Abbottabad. Therefore, in the circumstance, learned counsel for appellant is required to assist the Tribunal on the aforesaid issue. As The legal fraternity is observing strike today, therefore, the case is adjourned to 08.12.2020 for further proceedings before S.B.



(Muhammad Jamal Khan)
Member (Judicial)

08.12.2020

Counsel for appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

As notices to the respondents had been erroneously sent to Regional Police Officer Hazara Region Abbottabad and learned counsel could not assist the Tribunal as legal fraternity was observing general strike on the preceding date. Concerned respondent has been properly noticed and today representative from Kohat Region attended the Tribunal and sought time for reply. Granted. To come up for written reply/comments on 28.01.2021 before S.B.


(Rozina Rehman)
Member (J)

11.08.2020

Counsel for the appellant present.

Contends that the appellant was awarded major penalty of compulsory retirement from service through order dated 27.11.2019 passed by respondent No. 3. Before passing of the impugned order, the respondents did not care to observe the obligatory procedure as the appellant was not issued any charge sheet, statement of allegations or show cause notice. The entire proceedings including the impugned order were void ab-initio, therefore, not sustainable in the eyes of law. Learned counsel also argued that the departmental appeal against the impugned order was preferred on 19.12.2019 which remained un-responded and instant Service Appeal was filed on 20.04.2020. Apparently the appeal in hand is within time but the delay, if any, would be attributable to the circumstances prevailing due to COVID, 19.

Subject to all just exceptions, the 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 19.10.2020 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

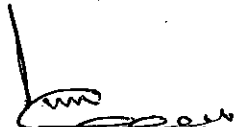


Form- A

FORM OF ORDER SHEET

Court of _____

Case No. -

~~6779~~ 4054 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/05/2020	<p>The appeal of Mr. Adil Badshah resubmitted today by Mr. Mohammad Aslam Tanoli Advocate, may be entered in the institution registrar and put up to the learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 5/5/2020.</p>
2-	03.06.2020	<p>This case is entrusted to S.B for preliminary hearing to be put up there on <u>03-06-20</u>.</p> <p style="text-align: right;"> MEMBER</p> <p>Nemo for the appellant.</p> <p>Notices be issued to appellant/counsel for preliminary hearing on 11.08.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>

Delay

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

4054 ~~3113~~ / 2020

Adil Badshah,.....VERSUS.....KPK PPO & Others
(Appellant) (Respondents)

To


The Registrar,
Service Tribunal,
Khyber Pakhtunkhwa,
Peshawar.

Subject:- **COMPLETION/RE-SUBMISSION OF TITLED THE APPEAL.**

Sir,

With reference to your letter No.1016/ST dated 20-04-2020 it is stated that the postal staff had delivered the titled file in the Library of District Bar Haripur which has been received from there today. After doing the needful the titled appeal is re-submitted as desired please.

Through:

Applicant/Appellant

(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated: 04-05-2020

The appeal of Mr. Adil Badshah received today by post 20.04.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal are placed loose in the file which may be tagged properly.
- 2- Annexures of the appeal may be flagged properly.
- 3- Wakalatnama is not attached with the appeal which may be placed on file.

No. 1016 /S.T,

Dt. 20-04 /2020

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Aslam Tanoli, Advocate, Haripur.

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Appeal No. 4054 / 2020

Adil Badshah, Ex-Constable No.975, District Police Kohat

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Kohat Region, Kohat.
3. District Police Officer, Kohat.

Respondents

SERVICE APPEAL

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Through

A. badshah
Appellant

M. Aslam Tanoli
(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: *20-4-2020*

(2)

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

4054
Appeal No. 312/2020



Adil Badshah, Ex-Constable No.975, District Police Kohat

Appellant

VERSUS

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

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER OB NO. 1553 DATED 27-11-2019 PASSED BY THE DISTRICT POLICE OFFICER KOHAT WHEREBY THE APPELLANT HAS BEEN AWARDED WITH THE PENALTY OF "COMPULSORY RETIREMENT FROM SERVICE".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL IMPUGNED ORDER DATED 27-11-2019 OF RESPONDENT NO.3/ DISTRICT POLICE OFFICER KOHAT MAY GRACIOUSLY BE SET ASID AND APPELLANT BE RE-INSTATED IN HIS SERVICE FROM THE DATE OF COMPULSORY RETIREMENT OR BE HONOURABLE RETIRED FROM SERVICE ON COMPLETION OF 32 YEARS SERVICE WITH GRANT OF L.P.R ETC., THE PERIOD REMAINED IN JAIL WITH GRANT OF LEAVE ON FULL PAY INSTEAD OF WITHOUT PAY AND BY APPONTING HIS ONE SON IN POLICE DEPARTMENT AGAINST THE QUOTA RESERVED FOR DISABLED/GHAZIS POLICE OFFICIAL'S SONS ALONGWITH ALL OTHER CONSEQUENTIAL SERVICE BENEFITS.

Respectfully sheweth,

Filed to-day

Registrar

That appellant was enrolled as Constable in Police Department in 1987 thus has rendered about 32 years service. Throughout his service the appellant always performed his assigned duties with devotion, dedication, efficiency, discipline, subordination and honesty, serving the nation & state at all Police Stations

Registrar
5/5/2020

Resubmitted to-day and filed.

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of District Kohat and outside the division in the best interest of public. He has meritorious service record at his credit.

2. That in June 2012, the appellant was severely wounded in an IED blast while on night mobile duty of Police Station Mohammad Riaz Shaheed wherein a number of police personnel were martyred and many went permanently incapacitated including the appellant **(as Ghazi)**. A Medical Board was constituted which declared the appellant as permanently incapacitated. All the documents are part of the police record and have also been provided to the authorities by appellant time and again. Due to his physical problems in December 2018, the appellant had applied to the worthy Provincial Police Officer KPK, Regional Police Officer and District Police Officer Kohat for his retirement from service and appointment of his son in his place against the quota reserved from disabled/ghazi police employees. But unfortunately his request was not accepted by his worthy officers. **(Copy of application is attached as Annexure-"A")**.

3. That it is in the knowledge of High-ups that due to enmity the appellant and all of his brothers alongwith their families have been residing in Wah Cantt, Tehsil Taxila, District Rawalpindi. Due to the reason the appellant was often allowed 3-4 days leave for delivering necessities of life to his family at Wah Cantt and on return to bring warrants of accused from Central Jail Haripur which fact is part of police record.

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4. That as usual on 27-04-2019, Head Constable Mohammad Younas Moharrir Police Line Kohat allowed appellant for 4/5 days to proceed to Wah Cantt and on return must bring warrants of accused from Central Jail Haripur and his departure was properly recorded in Daily Dairy on 27-04-2019. Appellant proceeded to and after staying at Wah Cantt with his family for 4-5 days, he collected warrants from Central Jail Haripur on 03-05-2019. **(Copies of warrants are as Annexure-"B")**.

5. That on 02-05-2019 while appellant was at Wah Cantt, due to enmity he was falsely involved as an accused in FIR No. 618 dated 02-05-2019 U/S-302/34/109-PPC registered with Police Station Kohat. On receiving the news of his involvement in criminal case, the appellant immediately contacted Police Lines Moharrir Head Constable Mohammad Younas and apprised him of the situation from Wah Cantt. CDR dated 02-05-2019 is the record and proof of conversation between Moharrir and Appellant. But thereafter on the same day the said Moharrir with malafide intention, immorally, illegally and with the connivance of RI & Lines Officer tempered the Daily Diary register and marked the appellant as absent just to save their skins. It is pertinent to mention here that before involvement in above cited FIR for the last few months the appellant visitation to his family at Wah Cantt and on return bringing warrants of accused from Central Jail Haripur had been in practice which fact is verifiable from the record of Central Jail Haripur and by enquiring his immediate supervisors on oath.

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6. That as the appellant was charged in FIR, he had to resort to legal remedy for proving his innocence as he was at Wah Cantt at the time of occurrence and was falsely involved. Appellant got BBA from Learned ADJ-III Kohat on 22-05-2019 and joined his duties. Appellant appeared before the District Police Officer Kohat and apprised him of the circumstances.

7. That on 29-06-2019, BBA of the appellant was cancelled and he was sent to District Jail Kohat on judicial remand. During his confinement in Jail the appellant was served upon with a Show Cause Notice No: 8498/PA dated 15-07-2019 which had to be replied by the appellant in a state of utter confusion without concentration of mind being behind the bars and he explained the facts of the matter and denied the allegations against him. The said reply was submitted to the District Police Officer Kohat through Superintendent Jail Kohat vide his letter No. 2670 dated 22-07-2019. **(Copies of Show Cause Notice and its reply are attached as Annexure "C&D")**.

8. That appellant remained in Jail from 29-06-2019 to 12-10-2019 till his release on Bail. It was not a willful/deliberate absence rather a very compelling circumstances beyond appellant's control being behind the bars. On the basis of Show Cause Notice served upon the appellant while in Jail, the District Police Officer Kohat treated this period as **Leave Without Pay** by holding it willful absence & leave

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without prior permission vide order OB No.1147 dated 20-09-2019 and that appellant was called in O.R. but he could not attend it deliberately hence ex-parte action. It is very astonishing as to how appellant could attend the O.R. when he was in Jail and no arrangement for his attendance was made by departmental authorities. **(Copy of order dated 20-09-2019 is as Annexure-"E").**

9. That on 11-10-2019, the appellant was granted bail by Honourable High Court Peshawar whereupon he immediately joined his duties and was also allowed 15 days medical leave by the District Police Officer Kohat. **(Copy of bail order dated 11-10-2019 is attached as Annexure-"F").**

10. That the appellant has been awarded with the penalty of compulsorily retired from service by the District Police Officer Kohat vide order OB No.1553 dated 27-11-2019. **(Copy of order dated 27-11-2019 is as Annexure-"G").**

11. That no proper departmental inquiry was conducted. No Charge Sheet was issued. Neither a witness was called for to record evidence against the appellant in his presence nor was he provided with the chance of cross examination. Copy of inquiry report, if any, was also not provided to him. Even opportunity of personal hearing was not provided to the appellant thus principle of natural justice was also violated in his case and he was condemned unheard.

12. That appellant aggrieved of the order dated 27-11-

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2019 passed by the District Police Officer Kohat preferred a departmental appeal dated 16-12-2019 before the Regional Police, Kohat Region, Kohat which despite passing of statutory period was not responded **(Copy of Departmental Appeal dated 16-12-2019 is attached as Annexure-"H")** hence instant service appeal, inter alia, on the following amongst other:-

GROUND:

- A) That order dated 27-11-2019 of respondent No.3/ District Police Officer Kohat whereby the appellant has been awarded with the penalty of compulsory retirement from service is illegal, unlawful, against the departmental rules & regulation, issued in a cursory, whimsical and arbitrary manner, hence is liable to be set aside.

- B) That no proper departmental inquiry was conducted. No Charge Sheet was issued. Neither a witness was called to record evidence against the appellant in his presence nor was he provided with the chance of cross examination. Copy of inquiry report, if any, was also not provided to him. Even opportunity of personal hearing was not provided to the appellant and he was condemned unheard.

- C) That according to law/verdicts of apex courts and departmental rules, the District Police Officer

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Kohat was legally bound to have waited the decision of criminal case by the Trial Court with regard to innocence or guiltiness of the appellant before passing punishment order of the appellant dated 27-11-2019 impugned here in this service appeal. But the appellant has been penalized in a cursory and arbitrary manner without adhering to rules & procedure laid down by law for dispensation of justice at preliminary stages of departmental inquiries; hence impugned order is liable to be turned down straightaway.

D) That as he was falsely roped in FIR due to enmity and during the course of investigation appellant was not found involved in the very criminal case by the Investigation Officer due to which he has been granted bail by the Honorable High Court Peshawar vide judgment/order dated 11-10-2019.

E) That appellant had applied for his retirement from service in December 2018 to the District Police Officer Kohat and copies of application were forwarded to the RPO Kohat and PPO KPK Peshawar vide letter No.1708/legal dated 29-03-2019 and the RPO vide letter No. 455/EC dated 17-01-2019 did consider the case but the District Police Officer Kohat did not accept retirement in violation of service rules which resulted into colossal financial loss to the appellant.

F) That the appellant remained confined in Central

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Jail Kohat from 29-06-2019 to 12-10-2019 due to which he was awarded major penalty of compulsory retirement from service by the DPO Kohat and this period was treated as leave without pay. The absence was not willful/deliberate rather circumstances beyond his control due to confinement in Jail. The punishment was, therefore, illegal and against the departmental rules.

- G) That respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.
- H) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken in the memo of appeal. Thus the impugned order of respondent-3 is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clause Act 1897 and Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- I) That appellant had become incapacitated due to IED blast during the course of his official duty and is a "**GHAZI**", therefore, according to law his one son deserves to be appointed in police

(10)

department against the quota reserved for the sons of disabled/ghazi police officials.

- J) That a leave balance of about 1488 days is available in his credit and the period during which appellant remained in jail deserve to be treated on duty instead of grant of leave out pay.
- K) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain & adjudicate upon the lis.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service appeal order dated 27-11-2019 of respondent No.3/District Police Officer Kohat may graciously be set aside and the appellant be reinstated in his service from the date of compulsory retirement and the period remained out of service/in jail be treated as on duty instead of leave without pay or he be retired from service honorably with grant of LPR for 365 days or Encashment in lieu of 365 days out of his leave balance and his one son be appointed in police department against the quota reserved for the incapacitated/disabled/Ghazi police officials along with all consequential service back benefits. Any other relief which this Honorable Tribunal deems fit and proper in circumstances of the case may also be granted.

Through:

A. Badshah
Appellant

M. Aslam

(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 20-4-2020

VERIFICATION

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

Dated 20-4-2020

A. Badshah
Appellant

11

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Adil Badshah, Ex-Constable No.975, District Police Kohat

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Kohat Region, Kohat.
3. District Police Officer, Kohat.

Respondents

SERVICE APPEAL

CERTIFICATE

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

A. bad Shah
APPELLANT

Dated: 20-4-2020

12

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Adil Badshah, Ex-Constable No.975, District Police Kohat.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Kohat Region, Kohat.
3. District Police Officer, Kohat.

Respondents

SERVICE APPEAL

AFFIDAVIT:

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

A. badshah

Deponent/Appellant

Dated: 20-4-2020

Identified By:

M. Aslam

Mohammad Aslam Tanoli
Advocate High Court
At Haripur

A. badshah

Appellant



20 APR 2020

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Adil Badshah, Ex-Constable No.975, District Police, Kohat.....(**Appellant**).

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Kohat Region, Kohat.
3. District Police Officer, Kohat.....(**Respondents**)

APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL BEFORE THIS HONOURABLE SERVICE TRIBUNAL.

Respectfully Sheweth:

5. That applicant/appellant has filed today Service Appeal, which may be considered as part and parcel of this application, against order dated 27-11-2019 passed by respondents No. 3, whereby respondent No. 3/competent authority awarded appellant the penalty of compulsory retirement from service and respondent No.2/appellate authority has failed to respond the appellant's departmental appeal within statutory period.
6. That as the orders of departmental authorities have been passed in violation and derogation of the statutory provisions governing the terms and condition of service of the appellant, therefore causing a recurring cause of action to the applicant/appellant can be challenged and questioned irrespective of a time frame.
7. That impugned order was passed by the respondent No. 3 on 27-11-2019 and departmental appeal was filed on 12-12-2019 which was never responded within statutory period. The applicant/appellant had prepared his service appeal well in time but there being complete lock-down in the country due corona virus, the same could not be filed earlier despite the fact that appellant has rigorously been pursuing his case. The delay, if any, in filing departmental as well as service appeal is due to the forgoing reason.
8. That instant application is being filed as an abundant caution for the condonation of delay, if any. The impugned order is liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of above titled appeal may graciously be condoned.

Through:

A. badshah
Applicant/Appellant
M. Aslam Tanoli
(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated: 20-04-2020

VERIFICATION:

It is verified that the contents of the instant application/appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated: 20-04-2020

A. badshah
Applicant/Appellant.

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3. That the applicant not only sustained serious body injuries but also lost his left eye and became permanently incapacitated because of said Terrorist Bomb Blast. **(Copy of report of Standing Medical Board is attached).**
4. That though the applicant still resolves to serve the Police Department with his usual curiosity, dexterity and emotion yet now he feels that he is losing the sight of right eye as well and will not be able to continue his services in future. In such a situation applicant desires to be retired from service on full pension benefits and injury compensation as permissible and notified.
5. That after applicant's retirement there will be no source of income for his family to live on. The only hope and support of applicant and his family is his young son "Mushahid Ali", (aged about 18 years having passed F.Sc Pre-Engineering from Cadet College Razmak). If he is appointed as A.S.I. in the police department against the quota reserved for Employee's sons as per Rule 10 (4) of the KPK (Appointment, promotion and Transfer) Rules 1989 read with Criteria/Modalities for classifying death/incapacitation of civil servants in the line of duty for the purpose of compensation, circulated vide letter No. SORVI (E&AD)1-10/2009 dated 01-10-2009, it will solve his financial problem.

In view of above mentioned facts and circumstances it is earnestly requested that on appointment of his son "Mushahid Ali" as ASI against the quota reserved for Employees and Incapacitated persons, the applicant may kindly be retired from service for which act of kindness the applicant shall pray for your good health and long life.

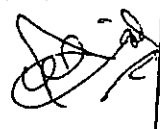

Thanking you sir in anticipation.

Attested
A. bad Shah

Yours obedient servant

A. bad Shah
(ADIL BADSHAH)
Constable No/975
District Police Kohat

Dated 19-12-2018

عدالت اقبال آباد	عدالت خاڑی		
سلطان ولد معونت (18/5)	سلطان ولد معونت (18/5)		
مظہر اقبال ولد اقبال (13/5)	مظہر اقبال ولد اقبال (13/5)		
2	2	①	①
			
دستخط	دستخط		
<p>عدالت اقبال آباد</p> <p>سلطان ولد معونت (20/5)</p> <p>مظہر اقبال ولد اقبال (20/5)</p> <p>3 3 5/11</p> <p>35</p> <p>0336 874876</p>		<p>عدالت اقبال آباد</p> <p>سلطان ولد معونت (20/5)</p> <p>مظہر اقبال ولد اقبال (20/5)</p> <p>3 3 5/11</p> <p>35</p> <p>0336 874876</p>	
<p>ATC</p>		<p>ATC</p>	

Attested
A. bad Shah

Haripur Jail attendance Record
01-03-5-2019

صلح پر کر رہا

درخواست برائے رہمانڈ فورٹیس

تھانہ کورٹ ٹیسا

مقدم عدالت 45 مورخہ 17/02/18 نمبر 3658 تھانہ کورٹ ٹیسا

نام: 1 ضیال وزیر بولنگ وزیر قوم ٹک ساکن عمران مکمل ٹیسا بائو ڈاؤن سٹاٹسٹیکس
2 احسان اسیا رید ضیال وزیر قوم

جناب عالی

مقدم عنوان میں ملزمان بالا کی مکمل مورخہ 15/02/18 کو پراسیجر درخواست پولیس حاصل کی گئی جو امر ذرا ختم ہے۔ بزور ملزمان کو رقم صلح کر کے اور کوریٹ کے سفارشات میں بندگیل کر پٹ کے صابہ الیم لبرٹ صابہ الیم صاحبہ کوریٹ ٹرانسفر کر کے لائے گئے ہیں عدالت سے ملزمان کو وعدہ لیتے ہیں صلح کوریٹ لائے گا حکم ہوا ہے۔ بزور ملزمان وزیر درخواست پولیس پیش عدالت میں

استعداد ہے کہ بزور ملزمان کا مقدم عنوان میں رہمانڈ فورٹیس منتقل کر دیا جائے گا۔ ملزمان کو کوریٹ لے جانے اور جیل میں رکھنے کی کسٹ حکم فرمایا جا رہا ہے۔

Placed by
AS/11/11/18
16/02/18

Sir,
Forwarded to
AS/11/11/18
16/02/18

Sir,
Forwarded to
AS/11/11/18
16/02/18

ordel
16/02/18

Articles produced in custody
of 100 and deposited
in accordance to judicial

Attested
A. bad shah

لہدالہ - ماہد کوہاٹ - Ast - ماہد کوہاٹ

مقدور غنیمت و کرمی
بیشی 18/06

عنوان: سرکار ونگ ضلع وزیر اوسپرہ

تاریخ: 19/08/2024
مقام: کوہاٹ

اصحا نام: جیل سہل ٹنڈیٹ

پدر اسم: حسین حسین

ضلع: "ب" نام: ضلع وزیر اوسپرہ

عنوان: ضلع وزیر اوسپرہ

واقع ہوئے: مقدور غنیمت بالا میں مذکورہ

بلا کوئی اور اس کے پتے پر نہ

بلا - کوہاٹ

مقدور غنیمت
251

6-2-18

پیر شہزاد

مقدور غنیمت

پاکستان

اصحا نام: 15/08/2024
18

Kohat - Ast

غیر 2/6/18
غیر 2/6/18

18/08/2024

18/08/2024
18/08/2024

Attested
A. bad shah

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT**SHOW CAUSE NOTICE****(Under Rule 5(3) KPK Police Rules, 1975)**

1. That You **Constable Adil Badshah No. 975** have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014) for following misconduct;
 - i. You while posted at Police Lines Kohat has absented yourself from official duty vide DD No. 04 dated 27.04.2019 and reported arrival vide DD No. 11 dated 30.05.2019 and again absented yourself from official duty vide DD No. 46 dated 14.06.2019 till date, without any leave or permission from your competent authority, which is a gross misconduct on your part.
2. That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer:
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the Police force will amount to encourage in efficient and unbecoming of good Police officers.
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) for the misconduct referred to above.
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

No. 8498 /PADated 25-7-2019

Attested

A. Badshah

DISTRICT POLICE OFFICER,
KOHAT

25/7/19

To

The District Police Officer,
Kohat.

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(2)
Annex-D

Subject: SHOW CAUSE NOTICE UNDER RULES 5(3) OF KPK POLICE RULES 1975.

Please refer to your Show Cause Notice No. 8498/PA dated: 15.07.2019 on the subject cited above.

In this regard, it is submitted that I Adil Bad Shah Police No. 975 Kohat Police was recruited in 1987 thus have rendered regular police service for the last 32 years in all type of circumstances and odd times with efficiency, discipline, dedication, subordination thoroughly abiding by the law and rules serving my nation and state in all Police Stations of District Kohat, Hangu and outside of my division in best public interest.

I have not behaved with ill-discipline or breaking the law. In June 2012, I was severely wounded in an IED blast during duty at night in the mobile van of PS Thana Muhammad Riaz Shaheed wherein a number of police personnel were martyred and many permanently incapacitated including me. A medical board was constituted which also declared me permanently incapacitated. All documents are part of police record and have also been provided by me time and again.

As, it is in your knowledge that due to enmity we all brothers are residing in Wah Cantt: Tehsil Taxila District Rawalpindi and I use to visit my family for delivering my salary etc once in a month. On 27.04.2019 as usually, I was ordered by Havaldar / Muharrar Police Lines Kohat to bring warrants of accused from Haripur Jail and also to spend some days with family and delivering my monthly salary. I came to my house at Wah Cantt: Tehsil Taxila District Rawalpindi and on 03.05.2019 received the warrants of accused from Haripur Central Jail (the proof is enclosed). On 02.05.2019 I was directly charged by my opponents in FIR No. 618 Police Station Kohat. I immediately informed my Muharrar Police Lines Havaldar Muhammad Younas who illegally, immorally and without any authority marked me absent on the same day which shows his malafide as he has close relations with my opponents. The CDRs of my Cell No is the proof with me when I talked with him on 02.05.2019 and informed him of the incident. Since he has not shown my Rawangi in Roznamcha therefore, he and RI also Line Officer marked me absent just to save their skins. It is pertinent to mention here that for the last few months this was my practice to bring warrants of accused from District Jail Haripur and to spend some days at Wah Cantt: as my monthly casual leaves. The record of jail can be verified and the same may also be enquired from my immediate supervisors on oath.

Dear Sir.

When I was charged in 302/34/109 I have to resort to legal remedy and to prove my innocency as I was in Wah Cantt: at the time of occurrence. On 22.05.2019 I got BBA from Learned ADJ-III Kohat and reported to my duty place and also met with your goodself in presence of my brother Additional Deputy Commissioner, Haripur.

It is also on record that I have submitted an application to the Inspector General of Police, Khyber Pakhtunkhwa, DIG Kohat and your goodself in December 2018 to retire me from service and recruit my son under APT Rules 1989 which was not acted upon hence authorities concerned are responsible for not sanctioning my pension under the rules.

Due to your kind intervention I re-submitted my application for retirement on 30.04.2019 which was also kept pending due to the incident occurred on 02.05.2019. I have been suspended and my BBA was also cancelled on 29.06.2019 and now I am confined in District Jail Kohat waiting for my regular bail and proving myself innocent, in the court of law.

It is also pertinent to mention that I am not involved in any abetment or murder of any person which shall be proved with the course of time IA. I am a disable person and Police

Attested
A. Bad Shah

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Ghazi cannot even think of such inhuman crime which is also now in the knowledge of Police Investigation Wing Kohat.

It is also pertinent to mention that technically I am not absent but am on LPR or retirement as upto 27.04.2019 I remained present at Police Line Kohat on my duty place and on 30.04.2019 again submitted my retirement / LPR application which is still to be sanctioned. Moreover, I was on casual leave upto 03.05.2019 when the unfortunate incident occurred and my life was threatened by my opponents hence, protection of life and legal add was mandatory under the law and religion. I have thoroughly informed my immediate supervisors verbally and in written.

It is also pertinent to mention that about 1488 earned leaves are available in my account and in case of my unavoidable leaves the same may also be sanctioned under the leave and other rules having rendered meritorious services to the nation. Marking me absent for 03 to 04 days is totally unjustified and I may please be exonerated of all such charges being Police Ghazi and a thorough gentleman and law abiding obedient servant as per my past career.

It is also pertinent to mention that a writ petition has also been filed by me in August Peshawar High Court Peshawar regarding the recruitment of my son, sending me on LPR / retirement and to stop the disciplinary proceedings against me being not guilty under the rules / regulations therefore, till the disposal of this petition and my release on bail no action may be initiated against me in order to safeguard my basic legal and service rights.

Sir, if allowed I may please be heard in person for explaining my position as and when released on bail.

In case of release on bail I shall directly report to my duty place as ever before Sir.

A. Bad Shah

Adil Bad Shah S/O Iran Bad Shah,
Police Belt No. 975
District Kohat

Dated: 20.07.2019

Attested
A. Bad Shah

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT, PESHAWAR

JUDICIAL DEPARTMENT

Cr.M/Bail No: 2289-P of 2019.

JUDGMENT

Date of hearing.....11.10.2019.....

Petitioner (s) (Adil Badshah)

By M/s. Abdul Latif Afridi, and Imad Azam, Advocates.

Respondents (State) By Mr. Mujahid Ali Khan, Addl: A.G.

(Muhammad Farooq complainant) By Syed Inayat Shah Bachah,
Advocate.

ISHTIAQ IBRAHIM-J:

Through this single order,

this Court shall decide the present bail petition filed by

petitioner Adil Badshah son of Iran Badshah, seeking his

post arrest bail and Bail Cancellation Petition No.1519-

P/2019 filed by Muhammad Farooq against Abdul Hassan

alias Jan Hassan, who was granted bail by the learned

Additional Sessions Judge-III, Kohat, vide order dated

5.4.2019, as both have arisen out of case FIR No. 618 dated

02.05.2019 under Sections-302/109/34 PPC, registered at

Police Station Cantt, District Kohat ("FIR")

Attested
A. badshah

TESTED
EXAMINER
Peshawar High Court

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OFFICE OF THE
SUPERINTENDENT
DISTRICT JAIL KOHAT
No: 2670 dt: 22/07/2019
Phone & Fax-0922554150

To,

The District Police Officer,
Kohat.

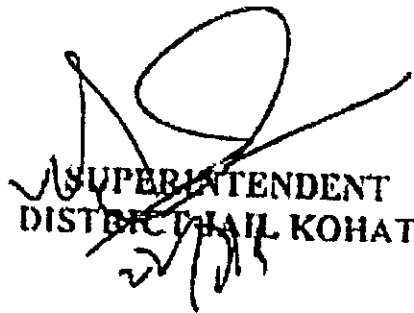
**Subject:- SHOW CAUSE NOTICE UNDER RULES 5(03) OF KPK
POLICE RULES 1975.**

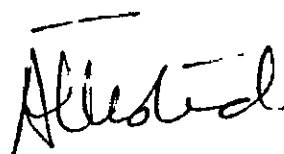
*Reference your office show cause notice No. 8498/PA dated: 15-07-2019
of accused Adil Badshah on the subject, please.*

Dear Sir;

Enclosed find herewith an application self explanatory of accused
Adil Badshah s/o Iran Badshah confined in this Jail in case FIR No. 618 dated: 02-
05-2019, u/s; 302/34/109 of Police Station: Cantt Kohat.

Submitted for information as desired, please.


SUPERINTENDENT
DISTRICT JAIL KOHAT



A. Badshah



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OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260117

Amex-E

ORDER

This order is passed on the departmental enquiry against Constable Adil Badshah No. 975 under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that he while posted he while posted at Police Lines Kohat has absented himself from official duty vide DD No. 04 dated 27.04.2019 and reported arrival vide DD No. 11 dated 30.05.2019 and again absented himself from official duty vide DD No. 46 dated 14.06.2019 till date, without any leave or permission from his competent authority, which is a gross misconduct on his part.

He was issued a Show Cause Notice, reply of the Show Cause Notice was received and found unsatisfactory. He was called in O.R but he could not attend the O.R deliberately, hence ex-parte action has been taken.

In view of above I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, the instant enquiry is hereby filed and the absence period is treated as leave without pay and pay is hereby released with immediate effect.

DISTRICT POLICE OFFICER,
KOHAT

OE No. 1147
Date 20-09-2019

No. 22023-25 SPA dated Kohat the 20-09-2019.
Copy of above to the Reader/Pay officer/SRC/OHC for necessary action.

Attested
A. Badshah

2. The brief facts of the prosecution case are that on 02.05.2019 Arif ASI on receiving information reached to Liaquat Memorial Hospital, Kohat, where in the Emergency Room he found the dead body of Malik Saeed Iqbal; that with the dead body Muhammad Farooq son of Idrees Khan was present and at 20.00 hours he reported the matter to him to the effect that on the day of occurrence at 19.10 hours he alongwith Hameedullah Khan son of Fanoos Khan and Malik Saeed son of Dawat Khan (deceased) were present near the "Karyana" shop; that in the meanwhile Adil Badshah son of Iran Badshah and Jan Hassan son of Ghulam Hassan duly armed with firearms came and started firing at Malik Saeed Iqbal; that with the firing of Adil Badshah, the deceased was hit and died on the spot; that after the commission of the offence, both the accused decamped from the spot. The report of the complainant was reduced into writing in the shape of murasila, and consequently the instant case FIR was registered against the accused.

3. Arguments of learned counsel for the parties heard and available record perused.

Attested
A. Badshah

ATTESTED
EXAMINER
Peshawar High Court

4. Lest this Court passes any findings on the merits of the case, which may prejudice the case of the parties during the trial, suffice it to state that the accused-petitioner Adil Badshah was granted pre-arrest bail, which was recalled vide order dated 29.06.2019. The accused-petitioner during the course of investigation has taken the plea of alibi that on the day of occurrence at the relevant time, he was in Wah Cantt Tehsil Taxila, District Rawalpindi, and has drawn cash through ATM installed in MCB Bank Limited Lala Rukh Branch, Wah Cantt. The Investigating Officer, visited the said branch and secured CCTV footage from the concerned branch. During the investigation, Zahid Mehmood and Abdullah were also impleaded as accused, and were arrested. They applied for post arrest bail and vide order dated 15.07.2019 rendered by the learned ASJ-III, Kohat, in BA No.355 & 357, they were granted bail on the ground that complainant Muhammad Farooq appeared before the Court and recorded his statement, wherein he stated that he is not charging the accused/petitioners and has got no objection upon the release of accused/petitioners on post arrest bail or

Admitted
A. Badshah

ADMITTED
EXAMINER
Peshawar High Court

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acquitted later on from the charges. Co-accused Abdul Hassan son of Ghulam Hassan was also granted bail on the ground that nothing incriminating was recovered from his possession during his custody, and that the effective role was not attributed to him. However, the Investigating Officer of the case has also taken images from CCTV camera installed inside the ATM and outside MCB Bank Wah Cantt, wherein the accused-petitioner was shown to be present there at the time of occurrence. The photograph placed on file also confirms that the accused-petitioner was present there at the relevant time. During the course of investigation, on 26.06.2018 the I.O has attributed the role of abetment to the accused-petitioner, co-accused Abdul Hassan alias Jan Hassan and Zahid Mehmood while co-accused namely Zulfiqar son of Gulzar resident of Marozai, and Sharaf alias Musharaf son of Ghulam, Afghan Refugee, have been ascribed the role of firing at the deceased. All these questions are to be determined by the trial Court after recording pro and contra evidence. It is settled law that while granting or refusing bail to an accused

*Abdul
A. Badshah*

TESTED
EXAMINED
by [Signature] N. S. J. S. J.

person, the Court is not required to see and consider the evidence/material collected in favour of the prosecution only, but also has to give proper attention or for that matter to consider the defence plea taken by the accused. Presently, the case against the accused-petitioner called for further inquiry within the ambit of section-497(2) Cr.PC. Reliance is placed upon the judgment of Hon'ble Supreme Court rendered in Zaigham Ashraf's case (2016 SCMR-18).

5. Before parting with this order, this Court finds it necessary that the observations rendered by the High Court while disposing bail applications are not to be considered during the trial of the accused. In this regard the august Supreme Court of Pakistan in Shuaib Mehmood Butt Vs. Iftekharul Haq (1996 SCMR 1845) has rendered clear guidance, which is to the effect that:-

"However we would like to point out in no certain terms that the observations made by the High Court in the orders granting bail and by us in this order are confined to tentative assessment made for the purpose of disposal of bail applications and not intended to influence the mind of the trial Court, which is free to appraise the evidence strictly according to its merits and the law of the time of disposal of the case, which of course it is needless to say, is the function of the trial Court".

A. Badshah

EXAMINED
Peshawar High Court

6. For the reasons stated hereinabove, the bail petition is allowed and the accused-petitioner Adil Badshah son of Iran Badshah is admitted to bail, provided he furnishes bail bonds in the sum of Rs.500,000/- with two sureties each in the like amount to the satisfaction of Illaqa/Duty Magistrate.

The bail cancellation application No.1519-P/2019 filed Muhammad Farooq for cancellation of bail granted to accused-respondent Abdul Hassan stands dismissed.

Announced:
11.10.2019

(S.B)
Hon'ble Mr. Justice Ishtiaq Ibrahim.

(Kausar Ali PS)

GE

No. 9523
Date of Presentation of Application 18/10/19
No of Pages 1
Copying fee 30/-
Total 30/-
Date of Preparation of Copy 18/10/19
Date of Delivery of copy 18/10/19
Received By [Signature]

Attested
A. Badshah

permanently incapacitated including the appellant (**as Ghazi**). A Medical Board was constituted which declared the appellant as permanently incapacitated. All the documents are part of the police record and have also been provided by appellant time and again. Due to his physical problems in December 2018, the appellant had applied to the worthy Provincial Police Officer KPK, Regional Police Officer and District Police Officer Kohat for his retirement from service and appointment of his son in his place. But unfortunately his request was not accepted by his worthy officers. **(Copy of application is attached as "A")**.

3. That it is in the knowledge of High-ups that due to enmity the appellant and all of his brothers are residing in Wah Cantt, Tehsil Taxila, District Rawalpindi. Due to the reason the appellant, once in a month, has to visit his family for delivering his salary and other necessities of life. Quite for a long time it has been in practice that often appellant was allowed 3-4 days leave to visit and live with his family at Wah Cantt and on return bring warrants of accused from Central Jail Haripur and he always did so which fact is part of the police record.
4. That as usual on 27-04-2019, Head Constable Mohammad Younas Moharrir Police Line Kohat allowed appellant 4/5 days leave to visit family at Wah Cantt and on return must bring warrants of accused from Central Jail Haripur and my departure was properly

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Annex-9

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

This order passed on the departmental enquiry against Constable Adil Badshah No. 975 (herein after called accused) under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendments 2014).

Brief facts of the case are that on 02.05.2019, one Muhammad Farooq s/o Muhammad Idrees r/o Nusrat Khel, Kohat lodged a vide FIR No. 618 dated 02.05.2019 u/s 302,34 PPC PS Cantt. The complainant charged the above named accused alongwith another accused for the murder of one Malak Saeed Iqbal.

The accused official was served with charge sheet & statement of allegations and Superintendent of Police Operations, Kohat was appointed as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer vide his finding / report held the accused official guilty of the charge to the extent of his role elaborated in enquiry report.

I have gone to the available record and have reached to the conclusion that the enquiry officer established the charge leveled against the accused official in particular manner. However, the accused official has rendered about 30 years service in his credit. Therefore, in view of his length of service, I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, award him a major punishment of Compulsory retirement from service with immediate effect, kit etc issued be collected and report.

DISTRICT POLICE OFFICER,
KOHAT 27/11/19

OB No. 1553
Date 27-11-2019

No 50024-24/PA dated Kohat the 27-11-2019.

Copy of above to the:-

1. DSP HQrs Kohat for necessary action and report
2. DSP HQrs Kohat for necessary action

Allested
A. Badshah

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recorded in Daily Dairy on 27-04-2019. Appellant proceeded and after staying with his family for 4-5 days, he collected warrants from Central Jail Haripur on 03-05-2019. **(Copies of warrants are attached "B" as a token of proof).**

5. That on 02-05-2019 while appellant was at Wah Cantt, due to enmity he was falsely involved as an accused in FIR No.618 dated 02-05-2019 U/S-302/34/109-PPC registered with Police Station Kohat. On receiving the news of his involvement in criminal case, the appellant immediately contacted Police Lines Moharrir Head Constable Mohammad Younas and apprised him of the situation from Wah Cantt. CDR dated 02-05-2019 is the record and proof of conversation between Moharrir and Appellant. But thereafter on the same day the said Moharrir with malafide intention, immorally, illegally and with the connivance of RI & Lines Officer tempered the Daily Diary register and marked the appellant as absent just to save their skins. It is pertinent to mention here that for the last few months the appellant visitation to his family at Wah Cantt and on return bringing warrants of accused had been in practice which fact can be verified from the record of Central Jail Haripur and by enquiring his immediate supervisors on oath.

6. That as the appellant was charged in FIR, he had to resort to legal remedy for proving his innocence as he

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was at Wah Cantt at the time of occurrence and was falsely involved. Appellant got BBA from Learned ADJ-III Kohat on 22-05-2019 and joined his duties. Appellant alongwith his brother Additional Deputy Commissioner Haripur and Mr. Mehmood Khan Tareen Advocate also appeared before the District Police Officer Kohat and apprised him of the circumstances.

7. That on 29-06-2019, BBA of the appellant was cancelled and he was sent to District Jail Kohat on judicial remand. During his confinement in Jail the appellant was served upon with a Show Cause Notice No. 8498/PA dated 15-07-2019 which had to be replied by the appellant in a state of utter confusion without concentration of mind being behind the bars and he explained the facts of the matter and denied the allegations against him. The said reply was submitted to the District Police Officer Kohat through Superintendent Jail Kohat vide his letter No. 2670 dated 22-07-2019. **(Copies of Show Cause Notice and its reply are attached herewith a "C&D")**.

8. That appellant remained in Jail from 29-06-2019 to 12-10-2019 till his release on Bail. It was not a willful/deliberate absence rather a very compelling situation being in Jail. On the basis of Show Cause Notice served upon the appellant while in Jail, the District Police Officer Kohat treated this period as Leave Without Pay by holding it willful absence & leave

Attested
A. beed Shah

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12. Hence; instant departmental appeal on the following grounds:

GROUND:

- A) That order dated 27-11-2019 whereby the appellant has been awarded with the penalty of compulsory retirement from service is illegal, unlawful, against the departmental rules & regulation, issued in a cursory, whimsical and arbitrary manner, hence is liable to be set aside.
- B) That no proper departmental inquiry was conducted. No Charge Sheet was issued. Neither a witness was called to record evidence against the appellant in his presence nor was he provided with the chance of cross examination. Copy of inquiry report, if any, was also not provided to him. Even opportunity of personal hearing was not provided to the appellant and he was condemned unheard.
- C) That according to law/verdicts of apex courts and departmental rules, the District Police Officer Kohat was legally bound to have waited the decision of criminal case by the Trial Court with regard to innocence or guiltiness of the appellant before passing punishment order of the appellant dated 27-11-2019 impugned herein the

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departmental appeal. But the appellant has been penalized in a cursory and arbitrary manner without adhering to rules & procedure advanced by law for dispensation of justice at preliminary stages of the departmental inquiries. Hence impugned order is liable to be turned down straightaway.

- D) That the DSP (Legal), PA to DPO Shoaib and Head Constable Mohammad Younas Moharrir Police Lines acted against the appellant in connivance with his enemies who misguided the High-ups and influenced his service case which resulted into imposing major penalty of compulsory retirement upon the appellant and that too without granting LPR by the District Police Officer Kohat through impugned order.
- E) That as he was falsely roped in FIR due to enmity, therefore, during the course of investigation the appellant has not been found involved in the very criminal case by the Investigation Officer due to which he has been granted bail by the Honourable High Court Peshawar vide its judgment/order dated 11-10-2019.
- F) That appellant had applied for his retirement from service in December 2018 to the District Police Officer Kohat and copies of application were

Alleted
A. badshah

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forwarded to the RPO Kohat and PPO KPK Peshawar vide letter No.1708/legal dated 29-03-2019 and the RPO vide letter No. 455/EC dated 17-01-2019 did consider the case but the District Police Officer Kohat did not accept retirement in violation of service rules which resulted into colossal financial loss to the appellant.

- G) That though, due to intervention of his high-ups, the appellant had once again applied for his retirement from service on 30-04-2019 yet his very application was also kept pending and not processed/decided till this day.
- H) That the appellant remained confined in Central Jail Kohat from 29-06-2019 to 12-10-2019 due to which he was awarded major penalty of compulsory retirement from service by the DPO Kohat and this period was treated as leave without pay. The absence was not "willful/deliberate rather circumstances beyond his control due to confinement in Jail. The punishment was, therefore, illegal and against the departmental rules.
- I) That appellant had become incapacitated due to IED blast during duty and is a "**GHAZI**" he is, therefore, unable to commit or indulge himself in such a crime. Appellant is a capacitated has

Attested
A. bad Shah

been falsely roped in a criminal case due to enmity which fact is on the record of police investigation.

- J) That a leave balance of about 1488 days is available in his credit and if the period during which the appellant remained in jail is not treated on duty due to circumstances beyond his control then he can be granted leave on full pay and also LPR for 365 days or encashment in lieu thereof.

In view of the facts and circumstances narrated here above, it is earnestly requested that on acceptance of instant departmental appeal order dated 27-11-2019 of the District Police Officer Kohat may kindly be set aside and the appellant be re-instated in service or he may be retired from service with grant of LPR/leave encashment with other service benefits and his son be appointed in his place against the quota reserved for **incapacitated/Ghazi employees**, as appellant already applied in 2018. I shall be very thankful to your highness.

Your Obedient Servant

A. badshah

(Adil Badshah)

Constable No.975

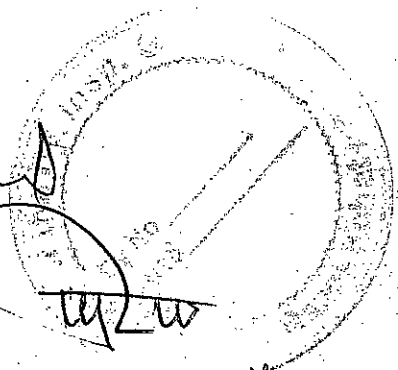
District Police Kohat

Dated 17-12-2019

Address:

C/O Nusrat Ali Shah (151)
9-Fort Road Peshawar Cantt.

Peshawar.
Cell: 03065201599
": 03325865566



Received
By
Region Officer
[Signature]

17-12-19

Attested

A. badshah

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

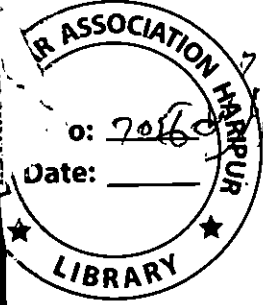
Service Appeal No. 4054/2020

DBA No: 205
 Name of Advocate: محمد اسلم تنوئی

S.No: 550



وکالت نامہ



بعد ازاں عدالت میں پیش کیا گیا اور عدالت نے فیصلہ سنایا کہ درخواست کو منظور کیا جائے اور درخواست گزار کو اپنی جگہ پر واپس لایا جائے۔
 عنوان: عادل بد شاہ
 نام: PPo p en th etc
 نوعیت مقدمہ: سروکار
 باعث تحریر آنگہ: _____
 تاریخ: 2016
 منجانب: اسلم تنوئی

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی کے لئے پیشی یا تصدیق مقدمہ بمقام ڈی ایچ او کے لئے

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

Accepted
M. Aslam

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: 2020 / 04 / 20
 دن / ماہ / سال

A. bad
(باری بد شاہ)

P-1

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 4054/2020
Adil Badshah Ex-Constable No. 975

..... Appellant

VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa & others

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS.

Respectively Sheweth:-

Preliminary Objections:-

- i. That the appellant has got no cause of action.
- ii. That the appellant has got no locus standi.
- iii. That the appeal is bad in eyes of law and not maintainable.
- iv. That the appellant has not approached the honorable Tribunal with clean hands.
- v. That the appeal is bad for misjoinder and non-joinder of necessary parties.
- vi. That the appellant is estopped to file the instant appeal for his own act.
- vii. That the appeal is barred by law & limitation.

Facts:-

1. The appellant's recruitment as constable pertains to record. During course of service his performance was not up to the mark. List of bad entries / punishments are enclosed as **annexure A**.
2. The appellant was posted and assigned light duty as per his request. Furthermore, he has requested for appointment of his son as Probationer ASI, against reserve quota, for which he was not entitled as appointment of PASI is carried out under section 32 of the Khyber Pakhtunkhwa, Police Act 2017. The case of appellant did not fall under the ambit rule 10 (4) of the Civil Servant (Appointment, Promotion and Transfer) Rules 1989. Copy of his application for light duty is **annexure B**.
3. Incorrect, during service the appellant was facilitated in grant of leave as and when he moved application in this regard.
4. Incorrect, the appellant has willfully absented from lawful duty vide Daily Diary No. 24 dated 27.04.2019, while posted at Police Lines. Copy is **annexure C**.

5. Incorrect, on 02.05.2020, one Muhammad Farooq lodged a report against the appellant and his co-accused vide FIR No. 618 dated 02.05.2019 u/s 302, 34 PPC Police station Cantt Kohat. The remaining para of the appeal pertains to investigation of a criminal case and irrelevant. Copy is **annexure D**.
6. Irrelevant, the para relates to investigation of criminal case registered against the appellant on the report of one Muhammad Farooq.
7. Besides criminal act appellant has also committed a professional misconduct for which a regular inquiry was initiated against him and the charge sheet with statement of allegation was served upon the appellant through Superintendent Central Prison Kohat.
8. The appellant was served with charge sheet and statement of allegations on involvement in criminal case instead of absence, in fact departmental proceedings were conducted against the appellant on the scores of charge of involvement in criminal / murder case. So far as order dated 20.09.2019 is concerned, it is not related to the instant appeal and the appellant did not question the said before the competent departmental appellate forum.
9. Pertains to record, need no comments.
10. The appellant was proceeded with departmentally and the charge leveled against him was established / proved. Hence, on completion of inquiry proceedings, he was awarded punishment of compulsory retirement from service by respondent No. 3, keeping in mind the length of service of the appellant.
11. Incorrect, the appellant was proceeded with departmentally by respondent No. 3 in accordance with rules and all codal formalities were fulfilled during the course of departmental inquiry. The appellant had approached honorable Peshawar High Court Peshawar in writ petition No. 3341-P/2019 which was dismissed as withdrawn on 23.09.2020. The departmental appeal of the appellant was processed by respondent No. 2. He was called time and again to appear before the respondent No. 2 for his personal hearing, but he did not appear on the one or other pretext. In the meanwhile, the appellant approached this honorable Tribunal in civil appeal. So the departmental appeal has become functus officio and kept pending till the decision of instant service appeal. Copies are **annexure E & F**.


Grounds:-

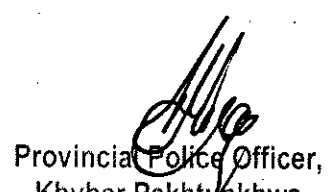
- A. Incorrect, the respondent No. 3 has acted against the appellant in accordance with law & rules and a legal and speaking order was passed.
- B. Incorrect, a regular inquiry was conducted against the appellant and the charge sheet with statement of allegations was served upon him to which he filed reply to the inquiry officer. Copy of reply is **annexure G**.

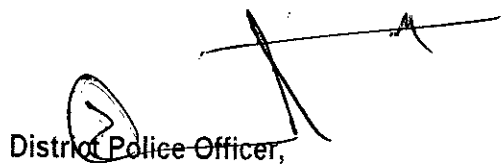
- C. Incorrect, departmental and criminal proceedings are distinct in nature and can run side by side. The department is not binding on the decision of criminal court.
- D. Incorrect, the appellant alongwith his co-accused was directly charged by complainant Muhammad Farooq in a murder case to which the respondents have no concern. Similarly, bail granted in criminal case to the appellant is not relevant to the instant appeal.
- E. Incorrect, the appellant had requested for his retirement and recruitment of his son as Probationer ASI, which was properly entertained and found unjustified. It is added that the appellant was assigned light duty as he requested and also accommodated in grant of leave time to time whenever he requested. The appellant was granted bail on 11.10.2019, he joined the departmental proceedings and keeping in mind his length of service, he was compulsory retired from service in the charges of murder leveled against him.
- F. Incorrect, the appellant has been compulsory retired from service. The prayer for appointment of his son as PASI beyond the jurisdiction of this honorable Tribunal. Furthermore, the aforesaid appointment is carried out u/s 32 of the Khyber Pakhtunkhwa, Police Act-2017, wherein no such quota is reserved as prayed for.

Prayer:-

In view of the above, it is prayed that the appeal contrary to facts, law & rules, devoid of merits and not maintainable, may graciously be dismissed with costs.


 Regional Police Officer
 Kohat
 (Respondent No. 2)


 Provincial Police Officer,
 Khyber Pakhtunkhwa,
 (Respondent No. 1)


 District Police Officer,
 Kohat
 (Respondent No. 3)

P-4

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 4054/2020
Adil Badshah Ex-Constable No. 975

..... Appellant


VERSUS

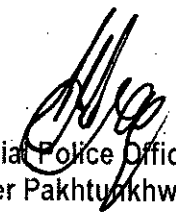
Provincial Police Officer,
Khyber Pakhtunkhwa & others

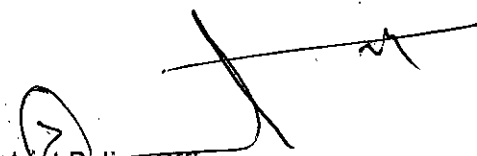
..... Respondents

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.


Regional Police Officer
Kohat
(Respondent No. 2)


Provincial Police Officer,
Khyber Pakhtunkhwa,
(Respondent No. 1)


District Police Officer,
Kohat
(Respondent No. 3)

Charge: - Absent from the duty on 10.12.88.
 Punishment: - Awarded 4 days C. Guard.
 OB No 9846

Date: - 14.12.88

S/S, Moha. C
2

Charge: Absent from 6 hours.

Punishment: - Awarded one day extra drill.
 2, fined Rs 10/-

OB No 2958

Date: 27.12.88

(1)

S/S, Moha. C
2

Charge: Absent from 12 hours

Punishment: Awarded one day extra drill and fined
 Rs 10/-

OB No 18

Date: 2-1-89

(2)

S/S, Moha. C
2

Charge: Absent for 3 days w/o pay on 17.5.89 & 18.5.89 & 19.5.89.
 Punishment: fined Rs 30/- and absent for 1 day w/o pay.

OB No 944

Date: 3-5-89

(3)

S/S, Moha. C
2

Charge: Absent for two days w/o pay on 20-5-89 to 31-5-89.
 Punishment: fined Rs 15/- and absent for 1 day w/o pay.

OB No 1432

Date: 25.6.89

(4)

S/S, Moha. C
2

Charge: Absent from 6 hours on 14-6-89.
 Punishment: fined Rs 15/-

OB No 7838

Date: 31-10-89

(5)

S/S, Moha. C
2

Charge: Absented him self for 3 hrs and 10 minutes on 30-5-97
 Punishment: Awarded one day E/Drill.

OB No 0572

Date: 20-6-97

S/P Moha. C
2

CHARACTER ROLL OF

(CONTINUED) ROLL OF

15-CENSURES AND PUNISHMENTS... contd.

Serial No.

Charge: Absented him self for ^P 8 - 19 - 05 from 10 ¹/₉₈ to 11 ¹/₉₈ 26 ²/₉₈ to 27 ³/₉₈ > 7 ⁴/₉₈ to 11 ⁴/₉₈.

Punishment: Awarded forefeiture of one year approved service and also absence period is treated as leave w/o pay.

OB/NO 435
21-4-98

(16)

SSP/Kohat

Charge: Absented him self for ^H 7 - 11 - 20 from 24 ¹¹/₂₀₀₀ to 25 ¹¹/₂₀₀₀

Punishment: Awarded fine of RS-30/- only and also absence period is counted as leave w/o pay.

OB/NO 2208
12-12-2000

(7)

SSP/Kohat

Charge: Absented him self for ^H 23 - 20 from 3 ²/₂₀₀₁ to 4 ²/₂₀₀₁

Punishment: Awarded fine of RS 50/- only.

OB/NO 888
12-7-2001

(3)

SSP/Kohat

Charge: Absented him self for 4 days from 14 ⁹/₂₀₀₁ to 18 ⁹/₂₀₀₁

Punishment: Awarded fine of RS 300/- and also leave w/o pay.

OB/NO 1431
20-10-2001

(9)

SSP/Kohat

Charge: Absented himself from duty w-e-f. 13-4-06 to 14-4-06 without any leave or permission.

Punishment: Awarded a minor punishment of "Quarter Guard" for one day.

OB: No. 529
Dated. 18.5.2006.

District Police Officer
Kohat

15- CENSURES AND PUNISHMENTS. - contd.

To 11 1/2
ad service
w/o pay
Kohat

Charge:- Absented himself from duty without any leave or permission

Punishment:- Awarded a minor punishment of extra drill for two days.

OB No. 878

dt. 01-8-06

[Signature]
District Police Officer
Kohat

To 25 1/2
absence
Kohat

Charge:- While posted at Police Station Biltiang he refused to perform duty with the SHO Biltiang.

Punishment:- He is warned to be careful in future.

OB No. 784

dt. 16-9-20/0.

[Signature]
District Police Officer
Kohat

To 4 1/2
Kohat
SP Kohat
8 1/2
w/o pay
Kohat

Charge & Punishment

one day Absence is treated as Leave w/o pay.

OB No 1367

12 12 18

[Signature]
District Police Officer
Kohat

ORDER

Suspended due to his involvement in case no. 618 dt 2-5-019 O/S 302, 34 Ps Cantt with immediate effect.

OB No. 517

dt 7-5-019.

[Signature]
District Police Officer
Kohat

leave
of

CHARACTER ROLL OF

15-CENSURES AND PUNISHMENTS.—concl.

Serial No.

ORDER

Brief facts are that while he posted at Police Jinn Kohat was absented himself from duty vide DD no 04 dated 27-04-19 and reported arrived DP no 11 dated 30-5-19 and again absented himself vide DD no 46 dt 14.6.19 that date.
Absence period is treated as leave w/o pay.

DR no 1147
20-7-19

[Signature]
District Officer

ORDER

Brief fact that on 2-5-019 one Muhammad Farooq s/o M. Idris R/o District Jail Lodged FIR No 615 dt 2/5/2019 U/s 302/34 PC Ps Contd. The complaint charges the said official.

Punished Compulsory retirement from DP No 1553 service with immediate effect 22-11-019.

[Signature]
District Officer
Kohat

From	To
6	11
6	1
30	1
1	6
24	9
10	1
26	2
7	4
25	7
18	10
24	11
1	12
14	9
10	10
	30

Phone No: 9260112.

Fax No: 9260114.

From: - The Regional Police Officer,
Kohat Region, Kohat.

To: - The District Police Officer, Kohat.

No. 18572 /EC, Dated Kohat the 11 /11 /2020.

Subject: - DEPARTMENTAL APPEAL.

MEMO:

Please refer to your office Letter No. 1057/LB, dated 21.01.2020 on the subject quoted above.

The W/Regional Police Officer, Kohat has recorded the following remarks:-

“Keep pending till decision of the Service Appeal No. 4054/2020 before KP Service Tribunal”.

His service record containing Service Roll and Fauji Missal / Enquiry File is returned herewith, which may be acknowledged please.

*File
Forwarded
11/11/20
10/11/20
11/11/20
11/11/20*

6832
11/11/20

[Signature]
Regional Police Officer,
Kohat Region
11/11

2/11

Office of the D.S.F.
Legal, Kohat.
Dy: No. 275
Dated 11-11-2020

*(2) Seen
put up record
12/11*

ابتدائی اطلاعی رپورٹ

فارم نمبر ۲۲-۱۵

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

کاؤنٹر فائل


تھانہ	کینیٹ	ضلع	کوٹاٹ
نمبر	5	618	تاریخ وقت وقوع :- 2/19/19 وقت 10:19 بجے
1-	تاریخ وقت رپورٹ 2-5-19 وقت 20:00 بجے	حاکمیت پرچہ 2/19/19 وقت 20:45 بجے	
2-	نام و سکونت اطلاع دہندہ مستغیث 14301-2058578-3 0333-4451988	محمد فاروق ولد ادیس خان مکتہ نصرت ضیل	
3-	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو۔	302/34	
4-	جائے وقوعہ فاصلہ تھانہ سے اور سمت	نزد دکان پر چون اذان حمید اللہ واقع نصرت ضیل	
5-	نام و سکونت ملزم	1- عادل بادشاہ ولد امیران بادشاہ، 2- جان حسن ولد غلام حسن ساکنان نصرت ضیل	
6-	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	ہر اسیدگی مراسلہ بطور پینل رپورٹ پر چہ دیا جاتا ہے۔	
7-	تھانہ سے روانگی کی تاریخ و وقت	بطور پینل رپورٹ	

ابتدائی اطلاع نیچے درج کرو۔ تمہیری مراسلہ بطور پینل رپورٹ پنجاب عارف ایک بدست عمران شیر 623 موصول ہو کر درج
 افسیر انچارج تھانہ حسب اطلاع ۱۱ کو پاٹ آیا۔ ایجنسی روم میں نفس اذان ملک سعید اقبال ولد دعوت
 خان بقر قریب 58/57 سال مکتہ نصرت ضیل موجود تاکہ جی مقتول محمد فاروق ولد ادیس خان بقر قریب 59 سال کے
 نصرت ضیل رپورٹ کرنا چھیکہ اندوز وقت بمقام بالا میں معہ حمید اللہ خان ولد فالووس خان، ملک سعید اقبال
 ولد دعوت خان ساکنان دریاہ ام موجود تھے کہ اسی اثناء میں میان عادل بادشاہ ولد امیران بادشاہ، جان
 حسن ولد غلام حسن ساکنان دریاہ ام باسلام علیہ التین آکر آتے ہی ہر اسی ام ملک سعید اقبال پر بار بار قہقہ
 قانیزگ شروع کی جو عادل کی فائزرنگ سے لگ کر موقع پر جان بچی ہوا۔ ہر ڈو کسان لود وقوعہ کے موقع
 نیارنگ لکھے۔ وجہ عداوت مقتول ملک سعید اقبال کیساتھ عادل کا سابقہ قتل قاتل کی دشمنی ہے جس میں ہر اسی
 ملک سعید اقبال کی جان بچی ہوئی کہ پرخد ہر میان عادل ولد امیران بادشاہ، جان حسن ولد غلام حسن
 ساکنان نصرت ضیل دعویہ آ رہے ہیں۔ وقوعہ ہذا میرٹھ عدوہ ہر اسی ام حمید اللہ خان کا چشم در ہے۔ رپورٹ
 لکھی جاوے۔ دستخط انگریزی ہر اسی ام حمید اللہ خان رپورٹ بالہ کی تائید کی۔ دستخط انگریزی 14301-7351045-5
 0335-3509606
 کارروائی پولیس حسب گفنتہ سائل رپورٹ درج یا ہو کر پھر حکمرنا یا سمجھایا گیا۔ درست تسلیم کر کے زیر رپورٹ خود دستخط
 انگریزی ثبت کی۔ جبکہ رپورٹ بالہ کی تائید کی خاطر ہر اسی ام حمید اللہ نے تائیدی دستخط ثبت کی۔ جبکہ میں
 تصدیق کرتا ہوں مقتول کے کاغذات تھک / خرد صورت حال مرتب کر کے زیر حفاظت کیشیل فورمل 086 حوالہ ڈاکہ
 صاحب ہوئی۔ مقہور رپورٹ سے صورت جرم بالہ کی پائی جا کر مراسلہ بطور پینل رپورٹ بدست کنٹیل عمران شیر 623
 تھانہ سے بعد کیا گیا پرچہ نقل FIR مع مراسلہ ریزرٹ تفتیش حوالہ KBI ملحق ہوئے دستخط انگریزی عارف ایک کینہ
 مرقہ 5 کارروائی تھانہ آمدہ مراسلہ حذف بحق درج یا ہو کر پرچہ یہ م باہر چیک ہو کر نقل پرچہ مراسلہ
 لغرض تفتیش حوالہ KBI ملحق کیا جاتا ہے پرچہ گزارش ہے۔
 5
 2/19
 SI-CANTH

نمبر 24 روزنامہ 27/4/19

سہ 24 گئی مہرمان صاحبہ مورخہ 27/4 وقت 19:30 بجے اس وقت گئی
 راجپوت قبیلہ کے مہرمان کی بیٹی خانم از ڈگری مہرمان گئی میں موجود
 ہے کہ گئی گئی میں موجود مہرمان کو سکھوڑی کے ساتھ
 صوبہ کے قریب کہ مہرمان ڈگری صحت بہت کا اہتمام
 ارضی کر رہا ہو مائیکل فون کا اہتمام سے گریز سے مہرمان
 وردی کا اہتمام سے گریز کریں اور ساتھ مہرمان کے تمام
 افسران باہر لگائی اور ساتھ ساتھ لائسنس اور کارڈ بارڈ
 975 گئی میں ملے موجود ہے بارڈ کے خلاف راجپوت قبیلہ
 4 مہرمان روزنامہ کی ہے۔

صاحبہ عالی
 نسل مطابق اصل ہے۔
 P
 23-5-19
 AMIR LIAQAT

Arrested

 Superintendent of Police
 Operations
 Kohat

NOTE SHEET

Ref: attached at PUC

R/Sir,

It is submitted that a letter No. 7379/F.6 dated 17.10.2018, received from MS, DHQ Hospital KDA Kohat regarding opinion of the Standing Medical Board in r/o of Const: Adil Badshah.(F/A)

It is worth mention here that as per your good order the said Constable was referred to DHQ Hospital KDA Kohat for opinion.

He preferred an application requesting there in for light duty due to he was injured in Bomb blast in case FIR No. 636 dated 16.06.2012 u/s 302/324/353 ¾ Exp; 7ATA PS MRS and posted at MT staff Police Line Kohat. On 28.08.2018 he was posted telephone operator in Police Line Kohat. The opinion of Standing Medical Board is attached herewith for favour of perusal please. (F/B)

Submitted for favour of perusal and further order please.

Sir,

OFFICE/SUPDT:

Submitted for perusal
for further order please.

[Signature]
S.R.C.
28/10/18

W/D.P/O KOHAT

[Large handwritten signature]

[Signature]
03 25/10/18

District Police Officer
Kohat

Light Duty
Line in unit

District Police Officer
Kohat

Ex CONSTABLE ADIL BADSHAH NO. 975

S#	Name & Number	D.O.B	D.O.E	Edu:	Bad		
					Major	Minor	Leave Without Pay
1	Constable Adil Badshah No. 975	02.09.1969	30.12.1987	10 th	01	08	07

Jamil
11/12
020

P-13



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 1650 /ST

Dated: 25/08 /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,
Kohat.

Subject: JUDGMENT IN APPEAL NO. 4056/2020, MR. ADIL BADSHAH.

I am directed to forward herewith a certified copy of Judgement dated 04.08.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

☎ 0992-9310021-22

☎ 0922-9310023

✉ r.rpohazara@gmail.com

☎ 0345-9560687

NO: 23376 / DATE 18/09/2020

To: The Registrar
Khyber Pakhtunkhwa, Service Tribunal
Peshawar Judicial Complex (OLD)
Khyber Road, Peshawar

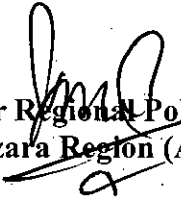
Subject: SERVICE APPEAL NO.4054/2020

Memo:

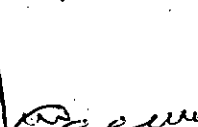
Enclosed please find herewith notice in Service Appeal No.4054/2020 titled Adil Badsha v/s RPO Kohat Region. The subject cited notice belongs to District Kohat and erroneously sent to this Region.

It is therefore requested that same may be sent RPO Kohat please.

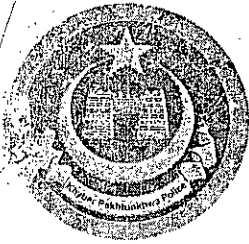



For Regional Police Officer
Hazara Region (Abbottabad)

Put up to the court with
relevant appeal


29/9/2020

Reader



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

This order passed on the departmental enquiry against Constable Adil Badshah No. 975 (**herein after called accused**) under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendments 2014).

Brief facts of the case are that on 02.05.2019, one Muhammad Farooq s/o Muhammad Idrees r/o Nusrat Khel, Kohat lodged a vide FIR No. 618 dated 02.05.2019 u/s 302,34 PPC PS Cantt. The complainant charged the above named accused alongwith another accused for the murder of one Malak Saeed Iqbal.

The accused official was served with charge sheet & statement of allegations and Superintendent of Police Operations, Kohat was appointed as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer vide his finding / report held the accused official guilty of the charge to the extent of his role elaborated in enquiry report.

I have gone to the available record and have reached to the conclusion that the enquiry officer established the charge leveled against the accused official in particular manner. However, the accused official has rendered about 30 years service in his credit. Therefore, in view of his length of service, I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, award him a major punishment of **Compulsory retirement from service** with immediate effect, kit etc issued be collected and report.

DISTRICT POLICE OFFICER,
KOHAT 27/11.

OB No. 1553
Date 27-11-2019

No. 50024-26/PA dated Kohat the 27-11-2019.

Copy of above to the:-

1. DSP HQrs Kohat for necessary action and report
2. Reader/Pay officer/SRC/OHC for necessary action.

مستوری
صحت
لاست
وکنی
کسٹ

INQUIRY REPORT AGAINST CONSTABLE ADIL BADSHAH No.975

No. 829 /PA-Ops Kohat, the dated 20 / 08 /2019

FINDINGS

This is in response of your good office Charge Sheet vide No.5822-23 Dated 07.05.2019.

Constable Adil Badshah was charge sheeted with the allegations below:-

Being involved in Criminal Case vide FIR No. 618 dated 02.05.2019 U/S 302, 34 PPC PS Cantt, which is a gross misconduct on your part.

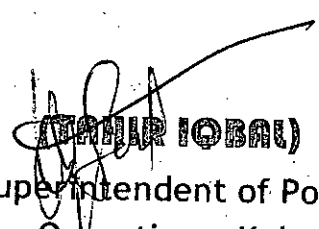
On the above allegation departmental Enquiry was initiated against the accused constable and the undersigned was appointed as enquiry officer.

For scrutinizing the conduct of enquiry he was summoned through proper Parwana but the Parwana came back with a remarks that he is absent from official Duty from 27.04.2019 vide DD No. 24 dated 27.04.2019. Although he send his written reply of charge Sheet through Adl: Deputy Commissioner Haripur to the Enquiry officer. In his written reply of charge sheet and summary of allegations, he defended himself pleading his innocence. He stated that at the date of incident he was present at his house in Wah Cantt. He further added that as per my cell No. 03365448716 CDR, I was present at Wah Cantt w.e.f 27.04.2019 till 03.05.2019. I did transaction at Muslim Commercial Bank Basti Lala Rukh Branch Wah Cantt during 09:00 to 11.00 am dated 02.05.2019 in the morning and drew my monthly salary and at the time of occurrence , I did another Transaction at 07.11 pm dated 02.05.2019 at MCB Basti Lala Rukh Wah Cantt and drew Rs. 5000/-. I was present at 5:00 pm with Mr. Ikram Khan a private Medical Technician near Barrier No. 04 Wah Cantt for the treatment of my daughter. He further added that my presence is evident at wah Cantt at the time of occurrence and I remained at Wah cantt during the whole day and night on 02.05.2019 where the video record can also be verified which has been collected from the security wing POF Wah Cantt.

In this regard the statement of OII of the case is also recorded. In his written statement he disclosed that the case was handed over to him when the former OII of the case Sajjad haider had been transferred to Elite Force Khyber Pakhtunkhwa, Peshawar. I start interrogation and went to the MCB bank Located in Basti Lala Rukh Wah Cantt, where I collected the CCTV footage which shows that the Constable Adil Badshah made Transaction two time from the said bank. He further addad that the said constable was involved in the murder of Malik Saeed Iqbal indirectly as he alongwith others namely Abdul Hassan alias Jan Hassan and Zahid Mehmood S/O Arshid Mehmood committed the murder of Malik Saeed Iqbal through assassin namely Musharraf Shahzad alias Zulfiqar R/O Merozai.

Keeping in view the above circumstances and available record and from the perusal of case file, I came to the conclusion that , the said constable Adil Badshah made 'Alibi' because he had already planned to murder Malik Saeed Iqbal , he has made it done through hired assassin namely Musharaf Shehzad. Hence the sequence of 'Alibi' and planning of 'Alibi' prove him guilty. Hence he is found guilty of planning murder of Malik Saeed Iqbal.

Submitted please.


(AMIR IQBAL)
Superintendent of Police,
Operations, Kohat



DO LETTER

Office of the Additional Deputy Commissioner, Haripur

Phone No. 0995-613391, 611823 Fax No. 0995-615412

No. 1(5)/**3167-68**/ADC(H)

Dated: **23/05/2019**

To,

The SP Operations (Enquiry Officer),
Kohat Police.

Subject:- STATEMENT OF ADIL BAD SHAH, POLICE BELT NO. 975 (ACCUSED).

Please find attached herewith a statement of Mr. Adil Bad Shah, Police Belt No. 975 Kohat Police who was charged in FIR No. 618 dated: 02.05.2019 for further necessary action as discussed, please.


Addl: Deputy Commissioner
Haripur.

23-5-19

Copy to:-

The District Police Officer, District Kohat for information, please.


Addl: Deputy Commissioner
Haripur.

3. The Deputy Inspector General of Police, Kohat Region, Kohat.
4. The District Police Officer, Kohat District.
5. The SP (Investigation) Kohat District.

To,

The SP Operations (Enquiry Officer),
Kohat Police.

Subject: **STATEMENT OF ADIL BAD SHAH, POLICE BELT NO. 975 (ACCUSED)**

I, Adil Bad Shah, Police Belt No. 975 Kohat Police has rendered about 32 years regular service till date. On 27.04.2019, I was verbally directed to spend few days at home at Wah Cantt: and to bring warrants of accused from Haripur Jail. I came to my house at Wah Cantt: and on 03.05.2019 I went to Haripur Jail and collected the warrants of accused, for further handing it over to Police Lines Kohat. In the meantime, I was charged in 302/34 under FIR No. 618 dated: 02.05.2019 Police Station Cantt: Kohat.

In the past five months I used to bring the same warrants from Haripur Jail where the record can be verified.

My cell No. is 03365448716 and as per CDR / Phone data, I was present at Wah Cantt: w.e.f 27.04.2019 till 03.05.2019. I did transaction at Muslim Commercial Bank Basti Lala Rukh Branch Wah Cantt during 09:00 to 11:00 am dated: 02.05.2019 in the morning and drew my monthly salary and at the time of occurrence, I did another transaction at 07:11 pm dated: 02.05.2019 at MCB Basti Lala Rukh Wah Cantt: and drew Rs. 5000/-.

I was present at 05:00 pm with Mr. Ikram Khan a private medical technician near Barrier No. 4 Wah Cantt: for the treatment of my daughter.

The Pakistan Ordinance Factory CCTV Camera's at Barrier No. 04 also supports the evidence and my entry at about 05:11 pm dated: 02.05.2019 in Carry Van LWJ 5949, driven by me.

My presence is evident at Wah Cantt: at the time of occurrence and I remained at Wah Cantt: during the whole day and night on 02.05.2019 where the video record can also be verified, which has been collected from the Security Wing POF Wah Cantt. My CDRs / phone data and location has been collected from ISI which are enclosed. Jail record is also enclosed.

I have also applied for proceeding on pension and the application has also been marked by Worthy DPO Kohat for proper order.

I was also declared medically unfit / permanently incapacitated by a Medical Board of DHQ Hospital Kohat after I got injured in a bomb blast on 16.06.2012 during duty at Police Station Muhammad Riaz Shaheed Kohat.

I am not involved in the murder case and have falsely been charged in FIR No. 618 dated: 02.05.2019. Under relevant section of CrPC, I may be discharged from this FIR being innocent and as plea for alibi.

The contentions of Farooq, the complainant and Hameedullah are totally malafide and they want to settle their old enmities with us and take revenge from me & my family. Farooq has also murdered his wife, however, he was released due to compromise.

It is therefore, requested to keep pending the enquiry proceedings against me till the judicial process / investigation process is completed.

A. Badshah

Yours obediently,

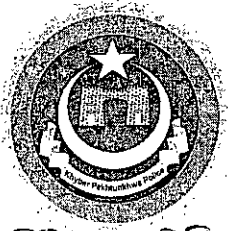
A. Badshah

Adil Bad Shah
Police Belt No. 975
Kohat Police

[Signature]
Superintendent of Police

Copy of the above is forwarded to:-

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Additional Inspector General of Police (Investigation), Khyber Pakhtunkhwa, Peshawar.
3. The Deputy Inspector General of Police, Kohat Region, Kohat.
4. The District Police Officer, Kohat District.
5. The SP (Investigation) Kohat District.



No 5822-23/PA

Office of the
District Police Officer,
Kohat

Dated 07-5-2019

CHARGE SHEET.

I, **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT,** as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **Constable Adil Badshah No. 975** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

Being involved in Criminal Case vide FIR No. 618 dated 02.05.2019 U/Ss 302,34 PPC PS Cantt, which is a gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

**DISTRICT POLICE OFFICER,
KOHAT** 7/5



Office of the
District Police Officer,
Kohat

No 5822-23/PA

Dated 07-5-2019

DISCIPLINARY ACTION

I, **CAPT ® WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **Constable Adil Badshah No. 975** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

Being involved in Criminal Case vide FIR No. 618 dated 02.05.2019 U/Ss 302,34 PPC PS Cantt, which is a gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations SP/OPS - Kohat is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,
KOHAT** *7/5*

No 5822-23/PA, dated 07-5- /2019.

Copy of above to:-

1. SP/OPS - Kohat :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused Official**:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

ایران اذان یوسف خان ۵۱۱ قاعدہ

کوالہ مقدمہ عدالت 618 مورخہ 19⁰⁵ 02 حرم 302/34 قاعدہ کنٹ

معرض خدمت ہوں کہ مدعی مقدمہ محمد فاروق ولد ادریس خان سکند
حضرت خیل نے ملک سعید اقبال کی قتل کی دعویٰ دار کا ملزمان عبدالحسن
عرف جان حسن عادل بادشاہ ولد ایران بادشاہ ساکنان حضرت
خیل پیر کے ملزمان بالا پر مقدمہ درج رجسٹر ہو کر سجاد حیدر آہ
نے تفتیش شروع کر کے مقدمہ میں حسب نشانہ کی مدعی مقدمہ نقشہ توجیح
بلا تکیل مرتب کیا ہے۔ دوران ملاحظہ توجیح جائے توجیح سے واقعاتی
شکافت اکٹھی کر کے گواہان فرار کے بیانات ملندے ہیں۔ مقدمہ
میں ملزم عبدالحسن عرف جان حسن گرفتار ہو کر برخلاف ملزم جان
حسن حراست پولیس حاصل کر کے ملزم جان حسن نے دوران حراست
پولیس انٹاروگیشن کر کے پیر اپنے آپ کو بے گناہ بتلایا مقدمہ میں ملزم
فریق نے جان حسن (ملزم) کی بے گناہی کے سلیح میں تفتیشی آفسر
سجاد حیدر کو لا تعلق گواہان پیش کر کے جن کے تحریر کا بیانات
لف مثل مقدمہ ہیں۔ ملزم جان حسن کو مقدمہ میں انٹاروگیشن کر کے ملزم
بدستور لے آئے کو بے گناہ بتلایا گیا۔ ملزم سے کسی قسم کی ریکورڈ نہ ہوئی
ہے۔ تفتیشی آفسر نے ملزم کو جوڈیشل زبائنڈری پیش کر کے ملزم جان حسن
بروئے جیل وارنٹ داخل جیل کیا گیا۔ اب ملزم جان حسن جیل سے ضمانت
پر رہا ہو چکا ہے۔ مقدمہ میں ملزم عادل بادشاہ کے خلاف کارروائی روکھی
سابقہ تفتیشی آفسر سجاد حیدر آہ نے شروع کر کے مقدمہ میں فقرہ چودہ
ایام جوڈیشل بالی کے تحت نوٹس ہونے پر عبوری جالان تفتیشی آفسر
نے مرتب کیا۔ دوران کارروائی روکھی ملزم عادل بادشاہ عدالت سے
عبوری ضمانت حاصل کر کے اور سابقہ ہی بنے گناہی کی درخواست افسران
بالا کو دے کر ملزم عادل بادشاہ نے اپنی موجودگی دوران

وقوعہ MCB براخ واقع لالہ رخ روڈ روالپنڈی میں
 بتلائی۔ سجاد حیدر آئیہ کا تیار رہ حسب الحکم افسران بالا قلم
 ہذا سے ایلیٹ فورس ہو کر تیس من آئیہ نے شروع کر کے
 ملزم عادل بادشاہ کی بے گناہی کی درخواست کے سلسلے میں
 حسب الحکم افسران بالا تذکرہ MCB براخ واہ کنٹ روالپنڈی
 حاکم MCB براخ میں نصب شدہ کمروں کی ریکارڈنگ جیک
 کر کے ملزم عادل بادشاہ جو محکمہ پولیس میں ملازم ہے اسے
 تنخواہ نکالنے کے سلسلے میں ATM/MCB میں آکر اپنی تنخواہ
 لینے کیلئے دو بار CCTV کمروں کی ویڈیو ریکارڈنگ میں
 نے آپ کو شو کیا ہے۔ علاوہ ازیں ملزم عادل بادشاہ پولیس
 اسٹیشن میں تیناٹ تھا۔ جو روز وقوعہ سے قبل ہی وہاں پر
 غیر حاضر ہے۔ ملزم عادل بادشاہ کا اپنے آپ کو دو بار
 کمروں کے سامنے لانا وقوعہ میں اس کو بے گناہ یعنی ملک
 سعید آقبال کی قتل سے بری الزمہ قرار نہیں دیا جا سکتا
 دوران تیس ملزم ہوا ہے کہ ملک سعید آقبال کو فلزبان
 عبدالحسن عرف جان حسن، عادل بادشاہ نے زاہد محمود و تارا سید محمود
 کے ساتھ مل کر بدرجہ اجرتی قاتلانہ ^{شیراز پور} زوالفقار ولد گلزار بکنہ
 سیرورٹی سٹیشن کیا ہے۔ کیونکہ مورخہ 20¹²/₁₈ کو جواہر مقدمہ
 عدت 808 مورخہ 20¹²/₁₈ جرم 324-353 PP منہ ملزم زاہد محمود
 کا عبائی فضل محمود اور ملزم زوالفقار کا عبائی و تارا سید محمود
 میں قتل ہو چکے ہیں۔ مقتول ملک سعید آقبال اس بابت پولیس کو
 انفارمیشن فراہم کرنا تھا۔ فلزبان جان حسن اور عادل بادشاہ کے ساتھ
 فلزبان زاہد محمود اور زوالفقار سرف سرف کنڈ انجان سہادر کو مقدمہ میں
 جارج کیے ہیں۔ یہ میرا بیان ہے۔

سیر ندی مقدر کے بلزمان عبدالرحمن عرف جان حسن عازل
بادشاہ ساکنان نصرت خیل پربراہ راست دعویٰ جاری کی ہے
ندی مقدر اور بلزمان ترقی کے مابین دیرانی دشتی موجود
ہے۔ جنہوں نے کہا حال آپس میں راضی نامہ نہ کیا ہے۔ مقدر سے
بلزمان عبدالرحمن عرف جان حسن عازل بادشاہ متذکرہ کی
ملک سعید آبنال کی نقل میں اگر سائل ہے۔ پیر بیدار

Attested

Superintendent of Police
Operation
Kohat

انفارمیشن

خارجی!

جگہ نمبر 618 (فون 2/18/5) حیرم 302/34 قضا چھانڈ
مدعی مقدم نے مقتول ملک سعید اقبال کے قتل کی دعویدار
میرجیلا ملزمان - لا عادل بادشاہ ولد ایران بادشاہ سہ لفظ جیل
جا جان حسن ولد علامہ حسن

پر کی ہے۔ مقدمہ میں ملزم سلسلے کے بدوران چھاپہ گرفتار
ہو چکا ہے، جبکہ ملزم عادل باویاہ ولد ایران بادشاہ
محکم پولیس میں ملازم ہے جو پولیس لاکس میں تعینات
ہے انفارمیشن رپورٹ گزارا ہے

24/5/19

3.05.2019

PA 1821 S.N and
Respectation order.

[Signature]


06-05-2019

پولیس آفیس

تقلیہ نو 26 روزنامہ 25/19

نو 26 اطلاع حاصل ہوئی کہ 25/19 وقت 21:30 بجے دروازہ کھلا گیا تھا اور تھانہ کھلیا
 شریف خان 140 نے فریڈی فون اطلاع دی کہ کنسٹیبل عادل بادشاہ 975
 جین ایف فور سٹیشن 618 کو 25/19 بجے 322/34 تھانہ کھلیا گیا
 (نو 2) ریسٹریوٹنگ کے اطلاع دروازہ روزنامہ کو کھلا گیا کنسٹیبل عادل
 بادشاہ 975 کو 11 بجے 24 روزنامہ 274/19 کے دستور میں جانچنے کے لئے
 وہ پوزیشن مناسب کا روٹی آفسر نے باہر مہمان اور مال فروخت ہوگی

آپ کا جواب
 نقل عطا ہے اصل ہے
 Liaqat
 2-5-19

Attested

 Superintendent of Police
 Operation
 Kohat


پولیس کواٹ

نمبر 24 روزنامہ 27/4

نمبر 24 گنتی ملیر زمان صا مور 27/4 وقت ص 19:30 ع اسوقت گ
 رجسٹرڈ ممبر ملیر زمان کنگ فارغ از ڈیوٹی ملیر زمان گنتی میں موجود
 ہاے گنتی میں موجود ملیر زمان نو سکورٹی کے منتقل
 صلاحتت سے ملیر زمان ڈیوٹی سمیت بہت کارخان
 ملیر زمان کو مائیکل فون کا اہتمام سے گنتی میں ملیر زمان
 وردی کا اہتمام سے گنتی میں ملیر زمان ملیر زمان ملیر زمان
 افسران باہر گنتی میں ملیر زمان ملیر زمان ملیر زمان
 975 گنتی میں ملیر زمان ملیر زمان ملیر زمان ملیر زمان
 ملیر زمان ملیر زمان ملیر زمان ملیر زمان ملیر زمان

فہرست
 نقل بطریقہ اعلیٰ ہے۔
 P
 103-5-19
 AMIR Liaqat

Attested


 Superintendent of Police
 Operation
 Kohat

پولیس آفیس

نقل شد 46 روز تا 14/19

46

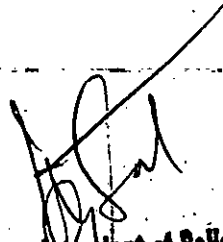
رپورٹ نمبر 46/19 کے مورخہ 14/19 وقت 7:30 بجے درج ذیل
کافیئر عادل بادشاہ 475 جو کہ بحال 12 روز تا 03/19 سے
10 بجے رخصت اتفاقاً قید میں تھا جس کا مورخہ 13/19 کو ہانڈی
مقرر تھا مگر بحال رہا۔ 12 روز تا 03/19 کے صدر رپورٹ
غذیر ہانڈی درجہ 2 روز تا 03/19 کے نقل شد۔ مناسب
کا روٹی اغیران باکہ صاحبین کو ارسال فرماتے ہوئے۔

ہا۔ عالی۔

نقل شد اتفاقاً حاصل شد۔

Amir
AP III Police
01-08-19

Arrested


Superintendent of Police
Operation
Kohat

ایڈیٹر ہا۔ اسپ آر ایس
مجلس اقبال

پولیس کاٹن

فصل کوٹ

تظلمہ ۱۱ روز نامہ ۵/۱۵ 30

صدر ایضاً فری از غیر صافری ۷۰۷ موقوف ۵/۱۵ 30 وقت 12:30

دبہ حیدر ٹیبل معادلی باو شاہ 475 جو بچہ عالم 24

روز نامہ 4/19 سے غیر صافری صافری جو بچہ عالم

618 جیم 302/34 حقانہ کینٹ اسٹریٹ خدو دلو برادری

بچہ عالم بچہ جو افسر و صافری آر جی بی نے اسپید پیش کی

جس میں ذکر ہے کہ بعد الٹ حساب AS III صاحب سے BBA

کی ہے ٹیبل مذکورہ بالا بچہ عالم 19-7-1951 سے حاصل

ہے صافری صافری دن روز نامہ پور SP اور ٹیبل صاحب

اور DSP/ME صاحب کے نوٹس میں لایا گیا تظلمہ بچہ عالم صاحب

کارروائی دفتر بالا صاحبان کی خدمت میں ارسال کیا گیا

حساب عالی

فصل عطا بقہ اعلیٰ

Ami

30-5-19

Sir
M. J. Khan

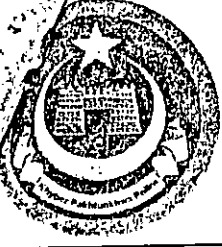
M. J. Khan

2-8-19

Attested

[Signature]

Department of ...
Kunjal



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

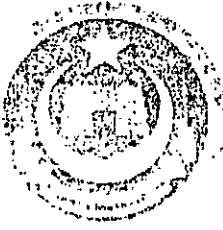
Constable Adil Badshah No. 975 of this district Police is hereby suspended due to his involvement in case FIR No. 618 dated 02.05.2019 U/Ss 302,34 PPC PS Cantt with immediate effect.

OB No. 519
Date 07-5-2019

DISTRICT POLICE OFFICER,
KOHAT 7/5

Noi 5848-50/PA dated Kohat the 08-5-2019.

Copy of above is forwarded to Reader/SRC/OHC for necessary action.



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

No 9300 /PA dated Kohat the 02/8 /2019


REMINDER

SP Operations Kohat

**Subject: DEPARTMENTAL ENQUIRY AGAINST
CONSTABLE ADIL BADSHAH NO. 975**

Memo: -

It is stated that a departmental enquiry in respect of Constable Adil Badshah No. 975, Charge Sheet No. 5822-23/PA dated 07.05.2019 was sent to your office for proper enquiry and sent to this office for further necessary action, but finding of the said enquiry is still pending which may be furnished to this office as early as possible.


**DISTRICT POLICE OFFICER,
KOHAT 02/8**

308 PA-Dps

15-50-2019

از دفتر جناب ایس پی آپریشنز صاحب

15.05.2019

عمران DFC حسب ضابطہ تہمیل کرے

پروانہ SHO تھانہ کینٹ

حسب احکم جناب ایس پی آپریشنز صاحب

SHO-ATY
15-50-19

تحریر کیا جاتا ہے کہ آپ SHO صاحب کو بذریعہ تحریری پروانہ آگاہ کیا جاتا ہے کہ آپ کے علاقہ حدود میں کانسٹیبل عادل بادشاہ 975 کو آگاہ کرے کہ بسلسلہ انکوائری دفتر ہذا حاضر ہو کر بیان کرے۔ بصورت دیگر پروانہ کی تہمیل کر کے واپس دفتر ارسال کرے۔

ریڈر جناب ایس پی آپریشنز

کوہاٹ

Serial No. of Order or Proceedings

Date of Order or Proceedings

Order or other Proceedings with Signature of Judge or Mag. and that of parson or counsel where necessary

0-3

18-07-2019

Counsel for accused/petitioner present. Complainant not present. Complainant be noticed for 20/07/2019. Recvd received.

ORDER: 20/07/2019



ADDITIONAL CHIEF MAGISTRATE

Present:

ATTY. At. Nour Ahmad for the State, Malik Amad Azam, Advocate, learned counsel for petitioner. Memo for complainant.

Case file received from the court of learned ASJ-III, Kohat. Notice upon the complainant has not been served.

As the undersigned is proceeding on summer vacations therefore, the case in hand be placed before the court of Hon'ble Sessions Judge Kohat for further appropriate order.

Counsel for accused/petitioner is directed to appear before the court of Hon'ble Sessions Kohat on 22-7-19.

Fresh notice to complainant be also issued through the concerned SHO for the date fixed.

(ABID ZAMAN) AD&S.I-I, Kohat ABID ZAMAN Additional District Sessions Judge Kohat

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COPING BEING MAINTAINED AT THE COURT

Handwritten notes in Urdu: 10/07/19 کو... 23/7/19... 19/7/19...

Handwritten notes in Urdu: 20/07/19 کو... 22/07/19 کو...

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Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
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05-

22.07.2019

The instant petition received from the court of learned ASJ-I, Kohat. Be retained in this court and entered in the relevant register.

Present: Tauseer Ali Mehdi, APP for state, counsel for accused/petitioner. Complainant in person with counsel.

Mr. Qazi Sajid ud Din submitted Vakalatnama on behalf of complainant, placed on file. File for arguments on 23.07.2019.

(SHOAB KHAN)
District & Sessions Judge,
Kohat

ORDER-06
23.07.2019

Present: APP Tauseer Ali Mehdi for the State assisted by counsel for the complainant, namely, Qazi Sajid Ud Din and Malak Immad Azam advocate for the accused/petitioner.

The accused/petitioner, Adil Badshah s/o Iran Badshah r/o Nusrat Khel, on his alleged involvement, seeks post arrest bail in case registered vide FIR No: 618 dated 02.05.2019 U/Ss 302/34/109 PPC at Police Station Cantt District Kohat.

Brief fact of the case are that on 02.05.2019, Arif ASI on information reached to the LMH, Kohat and in emergency room found dead body of Malak Saeed Iqbal s/o Dawat Khan aged about 50/51 years r/o Nusrat Khel. One Muhammad Farooq s/o Idrees Khan present with him reported to the local police that today on 02.05.2019 at 19.10 hours he alongwith Hameed Ullah

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CORRECTION
23/7/19

(Signature)

18/7/19

(Signature)

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Khan s/o Fanoos Khan and Malak Saeed s/o Dawat Khan was present near Karyana shop of Hameedullah. In the meanwhile Adil Badshah s/o Iran Badshah and Jan Hassan s/o Ghulam Hassan, duly armed with firearm weapons, came there and starting firing at Malak Saeed Iqbal as a result whereof he was hit with the firing of Adil and died on the spot. Both the accused succeeded to decamp after the occurrence. The motive behind the occurrence is previous enmity and consequently, the instant FIR.

In support of his petition learned counsel for the accused/petitioner has referred to the record on file and argued that no doubt effective role of firing has been attributed to the present accused/petitioner Adil Badshah yet the record on file negate his involvement in the commission of offence. That the occurrence took place on 02.05.2019 and just after 06/07 days of occurrence, accused/petitioner applied for BBA which fact per se suggests his innocence. That after submission of accused before law enforcement agencies, he moved an application for inquiry and on his application the inquiry was conducted. That the CDR of the mobile of the accused/petitioner coupled with his CCTV footage and two transaction of cash withdrawal from ATM at Wah Cantt fully support his plea of alibi and innocence. That as per inquiry and record on file the offence has been committed by one Zulfikar and other Musharaf in consultation with one Zahid Mehmood. That the prosecution was, in the light of investigation, though convinced with the innocence of accused/petitioner Adil

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EXAMINED BY MOHAT

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Badshah yet instead of his discharge, charged him u/s 109 PPC owing to direct charge in the FIR and supposing that he would have abetted and consulted the principal accused. That the case of accused/petitioner is at par with other accused, namely, Abdul Hassan who has already been admitted to bail and thus the present accused/petitioner also deserve concession of bail. Reliance is placed on 2016 SCMR 1520, 2016 SCMR 18 and 2019 SCMR 572.

While opposing the bail petition learned APP for State assisted by counsel for the complainant argued that deeper appreciation of the evidence is not permissible at bail stage. That during investigation I.O of the instant case had transgressed his limit while collecting evidence; therefore, they had moved an application for departmental proceedings against him which is pending. That it is promptly lodged FIR, supported by statement of eyewitness. In the site plan, the places of accused and deceased have been clearly shown, located just at a distance of 11 feet from each other; which flat per se rules out possibility of mistaken

IDENTITY. With reference to video snapshot of CCTV camera it was

EXAMINED
COPING BRANCH KCMAT

22/7/18
u

further argued that a police officer whenever move to outer district he seeks permission and on his return submit arrival report but in the case in hand neither any permission was sought for visit to the Wah Cantt nor arrival report has been submitted/brought on file. That the said snapshot of CCTV camera are also not supported by the statement of concerned Bank Manager,

u Hell

18-7-18

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therefore, in absence of any supporting evidence that the photos are genuine the same could not be relied upon even for making an opinion. That owing to direct charge against the accused supported by the statement of eyewitnesses and medicolegal report there exist exceptionally strong prima facie case against the accused/petitioner, therefore, bail in hand may be rejected. Reliance is placed on 1991 P Cr. L. J [Lahore] 723, 1992 P Cr. L. J [Peshawar] 403, PLD [1992] [Peshawar] 154, PLD 1991 [Peshawar] 49, 1989 P Cr. L. J [Karachi] 193 and PLD 1990 [Supreme Court] 83.

After hearing arguments of learned counsel for the parties and having solicited guidance from the judgments of Hon'ble Superior Courts relied referred to above and going through record available on file I hold that undoubtedly, as argued by defence, the FIR merely set criminal law into motion to find out truth in an allegation and thereafter to collect evidence in support of the charge through investigation and the case of prosecution entirely rest on investigation and the investigation conducted so far, especially the CCTV snapshot of the accused/petitioner coupled with cash withdrawal transaction through ATM at Wah Cantt, prima facie, make it a case of further inquiry however it is also an admitted position on file that some of the cited material has been collected from the USB presented by the accused/petitioner to the local police. Owing to extraordinary advancement in Photoshop and photo editing technology, in the absence of Forensic Audit of the material, especially the photo shots and supporting statement of the officer of

R. D. S. H.

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M. J. D.
OFFICIAL SEAL

18-11-18

b. m. s.

[Handwritten signature]

the Bank concerned, the same, at the movement, cannot be relied upon for any purpose. More so, in the case in hand, the investigation has not yet been concluded and until the conclusion of investigation and so long as the I.O does not come up with solid and definite conclusion and evidence, the referred evidence cannot be used for any purpose, even for forming tentative opinion for the purpose of bail and thus in the narrated background, judgments relied upon by the learned defence counsel are distinguishable for the disposal of instant bail petition. The above discussion read with settled propositions of law constrained me to hold that it was a light occurrence because in the beginning of month of May, the sun sets at about 07:00 pm; the occurrence took place at 07.10 pm just after 10 minutes of sunset during which period the visibility stood clear, accused/petitioner is directly charge in the FIR with effective role, the distance between the accused and eyewitness as shown in the site plan read with known identity of the parties to each other rules out all possibility of mistaken identity and at present the record lacks solid material and evidence to discard the statement of eyewitnesses, in view whereof there exist strong prima facie case against the accused/petitioner due to which I do not consider the accused/ petitioner to be entitled to the concession of bail.

Resultantly for what has been discussed above, the bail application in hand is hereby rejected. Record be returned and file of this court be consigned to the record room after necessary completion and compilation.

Announced
23.07.2019

ATTESTED
CORING

TRUE COPY

(Shoaib Khan)
Sessions Judge, Kohat

15-11-18

[Handwritten signatures and initials]

الک جناب سیشن جج صاحب کو بارگاہ

عادل بادشاہ ولد ایران بادشاہ سکندر زہیر علی کو بارگاہ



Superintendent
Sessions Court
Kohat

بنام

سرکار بزرگ محمد فاروق ولد محمد ادریس خان سکندر زہیر علی کو بارگاہ

منصبت

عدالت نمبر 618 قسط 2/5 جرم 302/34 بقا نہ کنیت 6

درخواست محمد ادریس صاحب سائل ادریس تالیفہ مقدمہ

جناب عالی اسائل ادریس ذیل عرض رساں ہے

1- میرا قندہر عنون بالہ میں سائل ادریس کو بے گناہ عورت

کے گھر ختم کیا ہوا ہے نقل FIR لکھی ہے

2- میرا قندہر بالہ میں ایک ادریس عبدالحسن کی ضمانت

ایڈیشنل سیشن جج صاحب 111 سے دو جکی سے

3- میرا سائل ادریس کے ذرا نقل کوئی غیر جانبدار سادہ

نہ ہے جبکہ سائل ادریس بروز قورقور وقت قورقور واہ

4- میرا سائل ادریس نے اس امر کی تصدیق بدولان

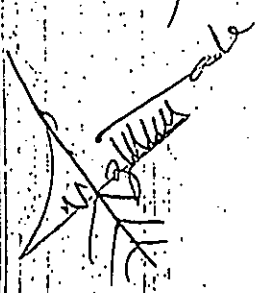
18-11-18

Handwritten signature and initials

RECORDED
INDEXED
KOHAT

بزرگ سائیل اہل حق کے عقیدہ میں دیگر ملزمان رابیت قتل جان بونہر جس
کے گناہی اثبات ہوئے ہے لہذا اہمیت و درجہ کے لحاظ سے انہی کا جرم

عادل بادشاہ وزیر اعظم اور ان کے ولیوں کو



ATTACHED TO BE THIS COPY

28-7-64

18-11-18

Handwritten signature and initials at the bottom right.

CHC

لوہی سن

نقلمند 33 روز تا 31 11/15

پہلو

33 روز رپورٹ غیر حاضری صیاحونج 15/11/15 وقت 19:20 بجے دن
 قسطہ کنیل عادل بار شاہ 975 جو بحوالہ 9 روز تا 31 10/19
 سے 15 نومبر رخصت ہو گیا۔ جسکی امروز حاضری مطلوب تھی۔ جو باطل
 حاضری نہیں آئی، جسکو غیر حاضری کر کے رپورٹ غیر حاضری دن
 روز تا 31 کر کے نقلمند بفرق مناسب کارروائی آفران بالا
 صاحبان کا خدمت سے ارسال ہوگی

سبنا عالی

نقل بھٹائی اہل

CCCCCCCC

Sir Forwarded

Lo-Line - HT

Ami - Line - HT
15-11-19

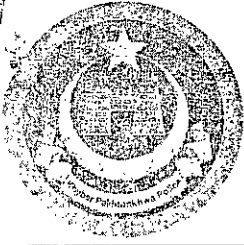
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extended per 16x dan

OBNO

حصہ



**OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT**

Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry against Constable Adil Badshah No: 975 under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that he while posted he while posted at Police Lines Kohat has absented himself from official duty vide DD No. 04 dated 27.04.2019 and reported arrival vide DD No. 11 dated 30.05.2019 and again absented himself from official duty vide DD No. 46 dated 14.06.2019 till date, without any leave or permission from his competent authority, which is a gross misconduct on his part.

He was issued a Show Cause Notice, reply of the Show Cause Notice was received and found unsatisfactory. He was called in O.R but he could not attend the O.R deliberately, hence ex-parte action has been taken.

In view of above I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, the instant enquiry is hereby filed and the absence period is treated as **leave without pay** and **pay is hereby released** with immediate effect.

DISTRICT POLICE OFFICER,
KOHAT *20/9/19*

OB No. *1147*
Date *20-9-2019*

No. *22093-25* /PA dated Kohat the *20-9-* 2019.

Copy of above to the Reader/Pay officer/SRC/OHC for necessary action.

To

The District Police Officer,
Kohat.

Subject: **SHOW CAUSE NOTICE UNDER RULES 5(3) OF KPK POLICE RULES 1975.**

Please refer to your Show Cause Notice No. 8498/PA dated: 15.07.2019 on the subject cited above.

In this regard, it is submitted that I Adil Bad Shah Police No. 975 Kohat Police was recruited in 1987 thus have rendered regular police service for the last 32 years in all type of circumstances and odd times with efficiency, discipline, dedication, subordination thoroughly abiding by the law and rules serving my nation and state in all Police Stations of District Kohat, Hangu and outside of my division in best public interest.

I have not behaved with ill-discipline or breaking the law. In June 2012, I was severely wounded in an IED blast during duty at night in the mobile van of PS Thana Muhammad Riaz Shaheed wherein a number of police personnel were martyred and many permanently incapacitated including me. A medical board was constituted which also declared me permanently incapacitated. All documents are part of police record and have also been provided by me time and again.

As, it is in your knowledge that due to enmity we all brothers are residing in Wah Cantt: Tehsil Taxila District Rawalpindi and I use to visit my family for delivering my salary etc once in a month. On 27.04.2019 as usually, I was ordered by Havaladar / Muharrar Police Lines Kohat to bring warrants of accused from Haripur Jail and also to spend some days with family and delivering my monthly salary. I came to my house at Wah Cantt: Tehsil Taxila District Rawalpindi and on 03.05.2019 received the warrants of accused from Haripur Central Jail (the proof is enclosed). On 02.05.2019 I was directly charged by my opponents in FIR No. 618 Police Station Kohat. I immediately informed my Muharrar Police Lines Havaladar Muhammad Younas who illegally, immorally and without any authority marked me absent on the same day which shows his malafide as he has close relations with my opponents. The CDRs of my Cell No is the proof with me when I talked with him on 02.05.2019 and informed him of the incident. Since he has not shown my Rawangi in Roznamcha therefore, he and RI also Line Officer marked me absent just to save their skins. It is pertinent to mention here that for the last few months this was my practice to bring warrants of accused from District Jail Haripur and to spend some days at Wah Cantt: as my monthly casual leaves. The record of jail can be verified and the same may also be enquired from my immediate supervisors on oath.

Dear Sir,

When I was charged in 302/34/109 I have to resort to legal remedy and to prove my innocency as I was in Wah Cantt: at the time of occurrence. On 22.05.2019 I got BBA from Learned ADJ-III Kohat and reported to my duty place and also met with your goodself in presence of my brother Additional Deputy Commissioner, Haripur.

It is also on record that I have submitted an application to the Inspector General of Police, ~~Khyber Pakhtunkhwa~~, DIG Kohat and your goodself in December 2018 to retire me from service and recruit my son under APT Rules 1989 which was not acted upon hence authorities concerned are responsible for not sanctioning my pension under the rules.

Due to your kind intervention I re-submitted my application for retirement on 30.04.2019 which was also kept pending due to the incident occurred on 02.05.2019. I have been suspended and my BBA was also cancelled on 29.05.2019 and now I am confined in District Jail Kohat waiting for my regular bail and proving myself innocent, in the court of law.

It is also pertinent to mention that I am not involved in any abetment or murder of any person which shall be proved with the course of time IA. I am a disable person and Police

Ghazi cannot even think of such inhuman crime which is also now in the knowledge of Police Investigation Wing Kohat.

It is also pertinent to mention that technically I am not absent but am on LPR or retirement as upto 27.04.2019 I remained present at Police Line Kohat on my duty place and on 30.04.2019 again submitted my retirement / LPR application which is still to be sanctioned. Moreover, I was on casual leave upto 03.05.2019 when the unfortunate incident occurred and my life was threatened by my opponents hence, protection of life and legal aid was mandatory under the law and religion. I have thoroughly informed my immediate supervisors verbally and in written.

It is also pertinent to mention that about 1488 earned leaves are available in my account and in case of my unavoidable leaves the same may also be sanctioned under the leave and other rules having rendered meritorious services to the nation. Marking me absent for 03 to 04 days is totally unjustified and I may please be exonerated of all such charges being Police Ghazi and a thorough gentleman and law abiding obedient servant as per my past career.

It is also pertinent to mention that a writ petition has also been filed by me in August Peshawar High Court Peshawar regarding the recruitment of my son, sending me on LPR / retirement and to stop the disciplinary proceedings against me being not guilty under the rules / regulations therefore, till the disposal of this petition and my release on bail no action may be initiated against me in order to safeguard my basic legal and service rights.

Sir, if allowed I may please be heard in person for explaining my position as and when released on bail.

In case of release on bail I shall directly report to my duty place as ever before Sir.

A. Bad Shah

**Adil Bad Shah S/O Iran Bad Shah,
Police Belt No. 975
District Kohat**

Dated: 20.07.2019

STATEMENT OF ADIL BAD SHAH, POLICE BELT NO. 975 (ACCUSED)

I, Adil Bad Shah, Police Belt No. 975 Kohat Police has rendered about 32 years regular service till date. On 27.04.2019, I was verbally directed to spend few days at home at Wah Cantt: and to bring warrants of accused from Haripur Jail. I came to my house at Wah Cantt: and on 03.05.2019 I went to Haripur Jail and collected the warrants of accused, for further handing it over to Police Lines Kohat. In the meantime, I was charged in 302/34 under FIR No. 618 dated: 02.05.2019 Police Station Cantt: Kohat.

In the past five months I used to bring the same warrants from Haripur Jail where the record can be verified.

My cell No. is 03365448716 and as per CDR / Phone data, I was present at Wah Cantt: w.e.f 27.04.2019 till 03.05.2019. I did transaction at Muslim Commercial Bank Basti Lala Rukh Branch Wah Cantt during 09:00 to 11:00 am dated: 02.05.2019 in the morning and drew my monthly salary and at the time of occurrence, I did another transaction at 07:11 pm dated: 02.05.2019 at MCB Basti Lala Rukh Wah Cantt: and drew Rs. 5000/-.

I was present at 05:00 pm with Mr. Ikram Khan a private medical technician near Barrier No. 4 Wah Cantt: for the treatment of my daughter.

The Pakistan Ordinance Factory CCTV Camera's at Barrier No. 04 also supports the evidence and my entry at about 05:11 pm dated: 02.05.2019 in Carry Van LWJ 5949, driven by me.

My presence is evident at Wah Cantt: at the time of occurrence and I remained at Wah Cantt: during the whole day and night on 02.05.2019 where the video record can also be verified, which has been collected from the Security Wing POF Wah Cantt. My CDRs / phone data and location has been collected from ISI which are enclosed. Jail record is also enclosed.

Now, I have applied for LPR, the application is pending with DPO Kohat for proper order.

I was also declared medically unfit / permanently incapacitated by a Medical Board of DHQ Hospital Kohat after I got injured in a bomb blast on 16.06.2012 during duty at Police Station Muhammad Riaz Shaheed Kohat.

I am not involved in the murder case and have falsely been charged in FIR No. 618 dated: 02.05.2019. Under relevant section of CrPC, I may be discharged from this FIR being innocent and as plea for alibi.

The contentions of Farooq, the complainant and Hameedullah are totally malafide and they want to settle their old enmities with us and take revenge from me & my family. Farooq has also murdered his wife, however, he was released due to compromise.

A. Bad Shah

Adil Bad Shah
Police Belt No. 975
Kohat Police

Copy of the above is forwarded to:-

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Additional Inspector General of Police (Investigation), Khyber Pakhtunkhwa, Peshawar.
3. The Deputy Inspector General of Police, Kohat Region, Kohat.
4. The District Police Officer, Kohat District.
5. The SP (Investigation) Kohat District.



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

No. 1708 /Legal dated Peshawar, the 29 /03/2019.

To: - Nasrat Ali Shah (Brother of Constable Adil Badshah)
Defence Officers Colony, Peshawar Cantt:

Subject:- REQUEST FOR RETIREMENT FROM SERVICE ON ACCOUNT OF PERMANENT INVALIDATION AND APPOINTMENT OF APPLICANT'S SON MUSHAHID ALI AS ASI IN POLICE DEPARTMENT AGAINST QUOTA RESERVED FOR INCAPACITATED/RETIRED EMPLOYEES' SONS UNDER RULE 10 (4) OF KPK CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES 1989 READ WITH CRITERIA/MODALITIES FOR COMPENSATION OF DEATH/ INCAPACITATION OF CIVIL SERVANTS

Memo:-


Constable Adil Badshah No. 975 of district Kohat had applied for enlistment of his son as PASI under Rule 10(4) Civil Servant (Appointment, Promotion and Transfer) Rules 1989 on the grounds that applicant was injured in bomb blast in year 2012.

As per letter of RPO Kohat the applicant desires to be retired from service due to inability and requested for appointment of his son as PASI against reserved quota for employees sons under Rule 10(4).

Rule 10(4) of Civil Servant (Appointment, Promotion and Transfer) Rules 1989 relates to deceased sons quota and disabled quota who are invalidated,

The post of PASI is through Public Service Commission and does not fall under Rule 10(4) ibid. Whereas applicant has not yet been invalidated from service.

Therefore application has been filed.



AIG/Legal/PIO

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

28.03.2019

No. 1709 /Legal

Copy of the above is forwarded for information to the RTI Commission, Peshawar Cantt.


AIG/Legal/PIO

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

28.03.2019



DO LETTER

Office of the Additional Deputy Commissioner, Haripur

Phone No. 0995-613391, 611823 Fax No. 0995-615412

No. 1(5)/3063-1/ADC(H)

Dated: 30/04/2019

To,


The District Police Officer,
Kohat District.

Subject:

PROCEEDING ON LPR AND GETTING RETIREMENT FROM POLICE SERVICE.


Dear Sir,

Kindly find enclosed herewith the application of Mr. Adil Bad Shah, Police Belt No. 975 Personal No. 162012 who want to proceed on LPR and consequently to retire from Police Service after rendering 31 years regular government service he has also been declared permanently incapacitated by a medical board. He has already submitted his application to his immediate supervision yet being my real brother, his application is forwarded for further necessary action as per rules and record purpose, please.


Add: Deputy Commissioner,
Haripur

Copy to the:-

1. The DIG Kohat Region, Kohat.
2. The DAO Kohat District.
3. The DSP Headquarters Kohat District.
4. The Line Officer, Police Lines, Kohat.
5. Office Copy.


Add: Deputy Commissioner,
Haripur

30-4-19

To

**The District Police Officer,
Kohat.**

Subject: **PROCEEDING ON LPR AND GETTING RETIREMENT FROM POLICE SERVICE.**

Respectfully,

It is stated that I, Adil Bad Shah S/O Iran Bad Shah, Police Belt No. 975 and Personal No. 162012 after rendering 31 years regular service want to proceed on LPR with immediate effect. Due to my injury in bomb blast and declared permanently incapacitated by Medical Board, I am unable to perform duties with zeal and zest as ever.

You are therefore, requested to treat me on LPR with immediate effect and sanction my pension with all benefits as admissible under the general and pension rules, please.

A. Bad Shah

**Adil Bad Shah S/O Iran Bad Shah,
Police Belt No. 975
District Kohat**

Dated: 30.04.2019

Copy of the above is forwarded to the:-

1. The DIG Kohat Region, Kohat.
2. The DAO Kohat District.
3. The DSP Headquarters Kohat District.
4. The Line Officer, Police Lines, Kohat.
5. Self Copy.

To: The District Police Officer, Kohat.

From: The Medical Superintendent,
District Head quarter Hospital
KDA Kohat.


No. 22643 /SRC, dated Kohat the 11-10- /2018.

Subject: STANDING MEDICAL BOARD

Memo: -

It is submitted that Constbale Adil Badshah No. 975 of this district Police preferred an application requesting therein was injured in bomb blast vide case FIR No. dated 16.06.2012 & grant for light duty.

It is therefore requested that standing medical board may please constitute opinion.


DISTRICT POLICE OFFICER
KOHAT

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1

عدالت فیض آباد
 عدالت فیض آباد
 سلطان ولد معرفت خان (18/5)
 اعتبار کل طریقی (13/5)
 مظہر اقبال ولد اقبال

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 دستور شکن
 دستور شکن

عدالت فیض آباد
 اصحاب اللہ ولد نیال وزیر
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 0336 844876
 A. Bad Shah
 975
 975
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Attached
 GENERAL MANAGER
 (Stamp)

ATC - فیض آباد

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OFFICE OF THE
SUPERINTENDENT
DISTRICT JAIL KOHAT
No: 2670 dt: 22/07/2019
Phone & Fax-0922554150

To,

The District Police Officer,
Kohat.

**Subject:- SHOW CAUSE NOTICE UNDER RULES 5(03) OF KPK
POLICE RULES 1975.**

*Reference your office show cause notice No. 8498/PA dated: 15-07-2019
of accused Adil Badshah on the subject, please.*

Dear Sir;

Enclosed find herewith an application self explanatory of accused
Adil Badshah s/o Iran Badshah confined in this Jail in case FIR No. 618 dated: 02-
05-2019, u/s; 302/34/109 of Police Station: Cantt Kohat.

Submitted for information as desired, please.


SUPERINTENDENT
DISTRICT JAIL KOHAT

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

SHOW CAUSE NOTICE

(Under Rule 5(3) KPK Police Rules, 1975)

1. That You **Constable Adil Badshah No. 975** have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014) for following misconduct;
 - i. *You while posted at Police Lines Kohat has absented yourself from official duty vide DD No. 04 dated 27.04.2019 and reported arrival vide DD No. 11 dated 30.05.2019 and again absented yourself from official duty vide DD No. 46 dated 14.06.2019 till date, without any leave or permission from your competent authority, which is a gross misconduct on your part.*
2. That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer:
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the Police force will amount to encourage in efficient and unbecoming of good Police officers.
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) for the misconduct referred to above.
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice

No. 8498 /PA

Dated 15-7-2019


DISTRICT POLICE OFFICER,
KOHAT 15/7

SN No. 379/2019

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

SHOW CAUSE NOTICE

(Under Rule 5(3) KPK Police Rules, 1975)

1. That You **Constable Adil Badshah No. 975** have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014) for following misconduct;
 - i. *You while posted at Police Lines Kohat has absented yourself from official duty vide DD No. 04 dated 27.04.2019 and reported arrival vide DD No. 11 dated 30.05.2019 and again absented yourself from official duty vide DD No. 46 dated 14.06.2019 till date, without any leave or permission from your competent authority, which is a gross misconduct on your part.*
2. That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer:
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the Police force will amount to encourage in efficient and unbecoming of good Police officers.
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) for the misconduct referred to above.
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

GROUNDS OF ACTION

That You **Constable Adil Badshah No. 975** committed following misconducts:-

- i. *You while posted at Police Lines Kohat has absented yourself from official duty vide DD No. 04 dated 27.04.2019 and reported arrival vide DD No. 11 dated 30.05.2019 and again absented yourself from official duty vide DD No. 46 dated 14.06.2019 till date, without any leave or permission from your competent authority, which is a gross misconduct on your part.*

By reasons of above you have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014), hence these ground of action.


DISTRICT POLICE OFFICER,
KOHAT 

جناب عالی!

گزارش ہیلم کانسٹیبل عادل بادشاہ 975 بحوالہ وردہ 4 روزنامہ
سے غیر عامہ تھا۔ جسکی نتخواہ بندش $\frac{05}{19}$ کو جمعہ کوئی گئی۔ کانسٹیبل فرزندہ والا
بحوالہ 518 OBNO مقدمہ علیہ $\frac{618}{02-05-19}$ جرم $\frac{302}{34}$ P.P. تحت سٹیشن جھٹلا
سوا۔ فرزندہ والا کانسٹیبل وردہ 11 روزنامہ $\frac{05}{19}$ کو لائن ہوا میں جاہلی کی
رہبر شاہ کا حکم کانسٹیبل فرزندہ والا دوبارہ بحوالہ وردہ 46 روزنامہ $\frac{06}{19}$
سے بدستور غیر عامہ ہے۔ جسکی جاہلی کی کوئی امید نہ ہے۔ جسکی
نتخواہ بندش کی درخواست دوبارہ $\frac{06}{19}$ کو دفتر جمعہ کوئی جاہلی ہے
میزریم درخواست چکمانہ کاروائی کی سفارش کی جاہلی ہے۔

الکھاری

محمد کمال $\frac{09}{MHC}$ ڈسٹریکٹ لائن کوٹھار

MHC
MHC-Lines-KT
09-07-19

Sir, Forwarded

[Handwritten signature]

Co-Line-KT

Sir
forwarded
MHC

Sub Divisional Police Officer,
HQrs: Kohat

PA ISSUE HIM SHOW CAUSE

خدمت صبا اب اسٹیشن صاحب کو صاحب

OHC
Injunction
10/10/19
C/L

صبا عالی

میں دکانہ گزارش سے کر سائل 19-4-27 تک ایگولر دی گئی

سرانجام دیا گیا ہے 30 اپریل کو میں نے BPO صاحب کو صاحب کی خدمت میں پیش کی درخواست میں لکھا ہے کہ منظرہ کے معاملے میں اصل یہی ہے۔ مورخہ 2 مئی 19

کو میں اوم ایب غلط FIR درج کی گئی جو کہ زخم دہق 302/34 عدالت نے B18 کی ایس کیٹ کے تحت رزالت ہے۔

میں نے SBA کیے اور پیش میں بیج صاحب کو درخواست دی جو کہ منظرہ ہے اب اب آج مورخہ 30 مئی کو میں نے پولیس اسٹیشن میں جائزہ دے دی ہے۔

اب استدعا ہے کہ چونکہ میں ایس کیٹ سے معذور ہوں اور آنگہ میں سب ٹر علی ہے اور میں suspend بھی ہوں لہذا فیصلہ 15 دن کی اجازت دیکر منظرہ فرمایا تاکہ میں

Sir
Forwarded
[Signature]

ابتداء سے معافی کر اسکیں

عین گزارش میں

Abdullah 30-5-19

الحاجی

پولیس اسٹیشن عادل بادشاہ 975 پولیس اسٹیشن کو صاحب

35/19



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

Constable Adil Badshah No. 975 of this district Police is hereby suspended due to his involvement in case FIR No. 618 dated 02.05.2019 U/S 302,34 PPC PS Cantt with immediate effect.

OB No. 517
Date 07.05 /2019

DISTRICT POLICE OFFICER,
KOHAT *7/5*

No. 5848-50 /PA dated Kohat the 08-5 -2019.

Copy of above is forwarded to Reader/SRC/OHC for necessary action.

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**OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT**

Tel: 0922-9260116 Fax 9260125

ORDER

The Following officials absented themselves from
Officials duties from various places as noted against each:-

S.#	Name	No	Place Of Posting	DD No. With date	Remarks	Order DPO
1.	FC Fazal Abbas	436	Police Lines	DD No.16, dt: 02.12.2018 to DD No.28, dt: 03.12.2018	09 Hours	Warning to be careful in future
2.	LHC Yasir	257	Police Lines	DD No.16, dt: 02.12.2018 to DD No.28, dt: 03.12.2018	09 Hours	Warning to be careful in future
3.	LHC Ibrar	1369	Police Lines	DD No.16, dt: 02.12.2018 to DD No.28, dt: 03.12.2018	09 Hours	Warning to be careful in future
4.	FC Waqar Bukhari	643	Police Lines	DD No.18, dt: 02.12.2018 to DD No.28, dt: 03.12.2018	09 Hours	Warning to be careful in future
5.	FC Aftab Ullah	355	Police Lines	DD No.18, dt: 02.12.2018 to DD No.28, dt: 03.12.2018	09 Hours	Warning to be careful in future
6.	FC Kashif Mehmood	944	Police Lines	DD No.18, dt: 02.12.2018 to DD No.28, dt: 03.12.2018	09 Hours	Warning to be careful in future
7.	LHC Sher Zaman	1403	Police Lines	DD No.18, dt: 02.12.2018 to DD No.28, dt: 03.12.2018	09 Hours	Warning to be careful in future
8.	FC Muhammad Zubair	942	Police Lines	DD No.18, dt: 02.12.2018 to DD No.28, dt: 03.12.2018	09 Hours	Warning to be careful in future
9.	FC Ranib Ali	364	Police Lines	DD No.18, dt: 02.12.2018 to DD No.28, dt: 03.12.2018	09 Hours	Warning to be careful in future
10.	FC Tahir Gul	848	Police Lines	DD No.18, dt: 02.12.2018 to DD No.28, dt: 03.12.2018	09 Hours	Warning to be careful in future
11.	FC Adil Badshah	975	Police Lines	DD No.27, dt: 27.11.2018 to DD No.30, dt: 04.12.2018	07 Days	Absence period is treated as leave without Pay
12.	FC Ali Raza	26/SPF	Police Lines	DD No.50, dt: 05.12.2018 to DD No.48, dt: 06.12.2018	01 Day	Absence period is treated as leave without Pay
13.	FC Ishtiaq Ali	31/SPF	Police Lines	DD No.50, dt: 05.12.2018 to DD No.48, dt: 06.12.2018	01 Day	Absence period is treated as leave without Pay
14.	FC Shah Muhammad	47/SPF	Police Lines	DD No.50, dt: 05.12.2018 to DD No.48, dt: 06.12.2018	01 Day	Absence period is treated as leave without Pay
15.	FC Ti rab Ali	27/SPF	Police Lines	DD No.50, dt: 05.12.2018 to DD No.48, dt: 06.12.2018	01 Day	Absence period is treated as leave without Pay
16.	LHC Mehmood Ul Hassan	1170	Police Lines	DD No.40, dt: 04.12.2018 to DD No.31, dt: 06.12.2018	01 Day	Absence period is treated as leave without Pay
17.	FC Basit	77/SPF	Police Lines	DD No.32, dt: 06.12.2018 to DD No.40, dt: 07.12.2018	11 Hours	Warning to be careful in future
18.	FC Turab Ali	27/SPF	Police Lines	DD No.32, dt: 06.12.2018 to DD No.40, dt: 07.12.2018	11 Hours	Warning to be careful in future
19.	FC Ishtiaq Ali	31/SPF	Police Lines	DD No.32, dt: 06.12.2018 to DD No.40, dt: 07.12.2018	11 Hours	Warning to be careful in future
20.	FC Sajid	95/SPF	Police Lines	DD No.32, dt: 06.12.2018 to DD No.40, dt: 07.12.2018	11 Hours	Warning to be careful in future
21.	FC Fakir Naz	519	Police Lines	DD No.32, dt: 06.12.2018 to DD No.40, dt: 07.12.2018	11 Hours	Warning to be careful in future
22.	FC Iniran	1394	Police Lines	DD No.32, dt: 06.12.2018 to DD No.40, dt: 07.12.2018	11 Hours	Warning to be careful in future
23.	FC Jasin	552	Police Lines	DD No.32, dt: 06.12.2018 to DD No.40, dt: 07.12.2018	11 Hours	Warning to be careful in future
24.	FC Shahid Mehmood	812	Police Lines	DD No.32, dt: 06.12.2018 to DD No.40, dt: 07.12.2018	11 Hours	Warning to be careful in future
25.	FC Rahib Ali	364	Police Lines	DD No.32, dt: 06.12.2018 to DD No.40, dt: 07.12.2018	11 Hours	Warning to be careful in future

**DISTRICT POLICE OFFICER,
KOHAT**

21
25 No

24-01-

2018

21

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No. 4054/2020

Adil Badshah.....V/S.....KPK PPO & Others.
(Appellant) **(Respondents)**

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully Sheweth:

The appellant submits his rejoinder as under:-

Preliminary Objections:

1. Contents incorrect and misleading, respondents have illegally infringed vested service rights of the appellant due to this he has got every cause of action to file the instant appeal.
2. Contents incorrect and misleading, appellant's vested service rights have illegally been infringed due to the act of respondents; hence he has got locus standi to bring this service appeal.
3. Contents incorrect and misleading, appeal is in accordance with law, departmental rules and regulations therefore maintainable by this Tribunal.
4. Contents incorrect and misleading, nothing has been suppressed from this honourable Tribunal and the appellant has come with clean hands as his service rights were illegally, unlawfully and malafidely infringed by the respondent, therefore he was competent to get redressed his grievance.
5. Contents incorrect and misleading, all the parties necessary in the instant appeal have been arrayed; hence there is no mis-joinder and non-joinder.

6. Contents incorrect and misleading, no rule of estoppel is applicable in the instant case; hence the question of principle of estoppel does not arise.
7. Contents incorrect and misleading, the instant service appeal is according to law, departmental rules and regulation and also with in time.

ON FACTS:

Contents of para No.1 to 11 of the appeal are correct and the reply submitted to these paras by respondents in para-1 to 11 is incorrect and misleading hence vehemently denied.

GROUND:

All the grounds "A" to "K" taken in the memo of appeal are legal and will be substantiated at the time of hearing of appeal and reply submitted to these paras by respondents from "A" to "F" are incorrect and misleading hence vehemently denied.

It is, therefore, humbly prayed that the appeal of the appellant may kindly be accepted as prayed for.

A. Bad Shah
APPELLANT

THROUGH

M. Aslam
(MOHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT HARIPUR

Dated: - -2021

AFFIDAVIT:

I, Adil Badshah S/o Iran Badshah appellant do hereby solemnly declare that contents of this rejoinder as well as that of titled appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: 07-8-2021



A. Bad Shah
Deponent/Appellant