

08.11.2022

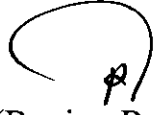
Counsel for the appellant present.

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

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 02.12.2022 before the D.B.

SCANNED  
KPST  
Peshawar


  
(Fareeha Paul)  
Member (E)


  
(Rozina Rehman)  
Member (J)

2<sup>nd</sup> Dec. 2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Appellant seeks adjournment on the ground that his counsel is not available today. Last chance is given to the appellant to argue the case on the next date and ensure presence of his counsel. To come up for arguments on ~~17.02~~ 17.02.2023 before the D.B.

  
(Fareeha Paul)  
Member(Executive)

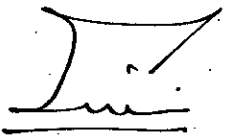
  
(Kalim Arshad Khan)  
Chairman

09.06.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 30.08.2022 before the D.B.

  
(Fareeha Paul)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

30.08.2022

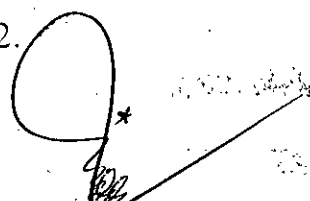
Bench is incomplete, therefore, case is adjourned to 26.10.2022 for the same as before.


  
Reader

26.10.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 08.11.2022.

  
(Mian Muhammad)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

SCANNED  
KpST  
Peshawar

08.12.2021

Counsel for the appellant present. Mr. Muhammad Adeel,  
Addl: AG for respondents present.

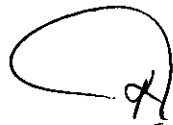
Written reply/comments on behalf of respondents has been  
submitted through office which is placed on file. To come up for  
arguments as well as rejoinder on 02.02.2022 before D.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

02.02.2022

Clerk of learned counsel for the appellant present. Mr.  
Kabir Ullah Khattak learned Additional Advocate General for  
the respondents present.

Clerk of learned counsel for the appellant submitted  
rejoinder, copy of which is handed over to the learned AAG.  
Adjourned. To come up for arguments on 01.04.2022 before  
the D.B.



(Rozina Rehman)  
Member (J)

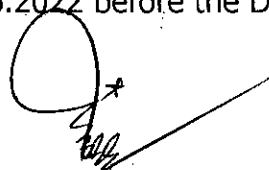


(Salah-Ud-Din)  
Member (J)

1<sup>st</sup> April, 2022

Junior to counsel for the appellant present. Mr.  
Kabirullah Khattak, Addl. AG for the respondents present.

Former requests for adjournment due to non-  
availability of learned senior counsel. Adjourned. Last  
opportunity is granted. To come up for arguments on  
09.06.2022 before the D.B.



(MIAN MUHAMMAD)  
Member (E)



CHAIRMAN

14058/20

07.07.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned AAG seeks further time to submit reply/comments. He is required to contact the respondents and submit reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 07.10.2021 before the D.B.

*Stipulated period has passed and reply has not been submitted.*

  
Chairman

P.S

28.07.2021

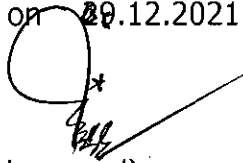
Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.

  
Chairman

07.10.2021

Clerk of counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Written reply/comments of the respondents is still awaited despite extension of time. Last opportunity is granted to respondents to furnish reply/comments within 10 days in office, failing which their right for reply shall be deemed as struck off. Case to come up for arguments before the D.B on 29.12.2021 before the D.B.

  
(Mian Muhammad)  
Member(Executive)

  
Chairman

29.12.2020

Learned counsel for the appellant present.

Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing subject to all just exceptions. 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 22.03.2021 before S.B.

Appellant Deposited  
Security & Process Fee

04/1/21

(Atiq-Ur-Rehman Wazir)  
Member (E)

22.03.2021

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Representatives of respondents No. 1 to 4 are absent despite issuance of notices, therefore, again fresh notices be issued to them for submission of written reply/comments on 20.05.2021 before S.B.

(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

SCANNED  
KPST  
Peshawar

20.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.07.2021 for the same as before.



Reader

Form- A

### FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 14058 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/11/2020	<p>The appeal of Mr. Muhammad Adil resubmitted today by Mr. Zartaj Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29/12/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Muhammad Adil FRP Belt No. 3218 District Charsadda received today i.e. on 14.10.2020 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 2- Copy of impugned order dated 03.02.2020 is illegible which may be replaced by legible/better one.
- ③ Copy of revision petition mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 4- Annexures of the appeal may be attested.
- 5- Annexures of the appeal may be flagged.
- 6- Affidavit may be got attested by the Oath Commissioner.
- 7- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2948 /S.T.

Dt. 14/10 /2020.

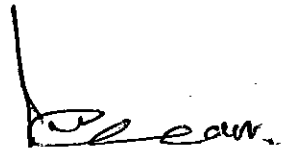
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Zar Taj Anwar Adv. Pesh.

1. Copies of charge sheet, statement of allegation, show cause notice, enquiry Report & replies are attached.
- ② Copy of impugned order dated 3-2-2020 is legible.
- ③ Copy of Revision petition is attached.
- ④ Annexures of appeal are attested.
- ⑤ Annexures of appeal are flagged.
- ⑥ Affidavit is attested by oath commissioner.
- ⑦ Six copies of appeal along with annexure are submitted.

/// Adil  
Adil  
5/11/2020

objection No-3 is still stand.  
The appeal is returned again to the counsel  
for the appellant for completion and  
re-submission within 10 days.

  
6/11/2020

Respected Sir,

The objection is removed  
the revision application is  
attached with appeal.

7-11-20. 



**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 14058 /2020

Ex Constable Muhammad Adil (3218 FRP/PR) S/o Sarwar Khan R/o Village Spenkai, Tehsil Shabqadar District Charsadda

(Appellant)

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Secretary Elementary and Secondary Education KPK & Others.

(Respondent)

**INDEX**

S. NO	Description of documents	Annexure	Page No
1	Memo of Appeal along with affidavit		1- 5
2	Copy of the CNIC	A	6
3	Copy of Charge Sheet and statement of allegation, order of inquiry, inquiry report, show cause notice	B,C,D & E	7 - 11
4	Copy of the impugned order dated 13.01.2020	F	12
5	Copy of the departmental appeal and rejection dated 03.02.2020	G & H	13 - 15
6	Copy of the rejection of the revision petition	I & J	16 - 17
7	Vakalatnama		18

Appellant

Through

  
Zartaj Anwar

Advocate High Court  
Office FR , 3, Forth Floor  
Bilour Plaza Peshawar Cantt.  
Cell: 0331-9399185  
Email: [Zartaj9@yahoo.com](mailto:Zartaj9@yahoo.com)

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Appeal No. \_\_\_\_\_/2020

Diary No. 11419  
Dated 14/10/2020

Ex Constable Muhammad Adil (3218 FRP/PR) S/o Sarwar Khan R/o Village Spenkai, Tehsil Shabqadar District Charsadda.

(Appellant)

**VERSUS**

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. Additional Inspector General of Police Khyber Pakhtunkhwa Peshawar.
3. AIG Establishment, Khyber Pakhtunkhwa Peshawar.
4. Superintendent of Police, FRP Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned Order dated 13.01.2020, whereby the appellant was awarded major penalty of "Removal from Service", and against which the departmental appeal was filed before the competent authority which was also rejected/turn down vide order dated 03.02.2020 and against which the revision petition was also rejected on 17.09.2020.

Filed to-day

Registrar  
14/10/2020

Prayer in Appeal: -

On acceptance of this appeal the impugned orders dated 13.01.2020 and 17.09.2020 may please be set aside, and the appellant may graciously be re-instated into service with all back benefits.

Respectfully Submitted:

1. That the appellant is the law abiding citizen and permanent resident of Village Spenkai, Tehsil Shabqadar District Charsadda. *(Copy of the CNIC is attached as annexure A)*
2. That the appellant was initially appointed as constable in the police department in the year of 2009 and sine than the appellant performed his duties with great zeal and devotion without any complaint whatsoever regarding his performance.
3. That in the year 2015-16 the appellant passed the Drill course and was posted as PTC Instructor at Hangu and since then the appellant was performing his duty with great zeal and devotion.
4. That the appellant was charge in false and fabricated story of theft by the colleagues, due to which the appellant was charge of theft and misconduct, whereas the whole story was made up to take revenge from the appellant.
5. That the appellant is the permanent resident of flung area of tehsil Shabqadar district Charsadda and the day on which the incident happened, appellant return form duty on 31.10.2019 from Hangu whereas the time when the appellant reached to Peshawar at night around isha prayer and due to weather condition it was difficult for him to get a vehicle for village, decided to stay at Police line for night and will left for home early at the morning, the alleged theft/incident which was occurred on the same night, was a story made by the complainant as they have grudges from Hangu training school.
6. That early in the morning other two constables made a false and base allegation upon the appellant that appellant thieved their purse and mobile, which was totally denied by the appellant.
7. That thereafter the appellant was served with a charge sheet along with statement of allegation, and total up the allege baseless allegations; whereas no right of defense was given to the appellant, and order for the so called inquiry without giving any sought of right to defend himself and a story in form of inquiry was made up, which is evident from the inquiry report, and upon such baseless inquiry served the show cause notice upon appellant. *(Copy of Charge Sheet and statement of allegation, order of inquiry, inquiry report, show cause notice are attached as annexure B,C,D &E)*
8. That taking into consideration the so called baseless inquiry report the appellant was awarded the major penalty "Removal from Service" vide office order dated 13.01.2020 on the basis of

false and baseless allegations which was never committed by the appellant. *(Copy of the impugned order dated 13.01.2020 is attached as annexure F)*

9. That the appellant filed a departmental appeal against the impugned order dated 13.01.2020, which was rejected vide office order dated 03.02.2020. *(Copy of the departmental appeal and rejection dated 03.02.2020 are attached as annexure G & H).*
10. That the appellant filed a revision petition before the competent authority which was also turn down/dismissed vide office order dated 17.09.2020. *(Copy of the rejection of the revision petition is attached as annexure I & J)*
11. That the appellant prays for the acceptance of the instant appeal inter alia on the following grounds:-

**GROUND OF APPEAL:**

- A. That the Appellant has not been treated in accordance with law and rules hence his rights secured and guaranteed under the law are badly violated.
- B. That the appellant have not been provided proper opportunity of personal hearing thus he has been condemned unheard.
- C. That during inquiry proceeding nor the statement of the appellant was recorded neither any chance was given to the appellant to cross examine, or examined their statements if any were recorded by the respondent, as nor the so called allegation were prove against the appellant. This fact was totally ignored by the competent authority which shows mala fide on the part of the respondents.
- D. That the competent authority was bound under the law to examine the record of the inquiry in its true perspective and in accordance with law and then apply their independent mind to the merit of the case but they failed to do so and awarded major penalty of Removal from service to the appellant . Despite the fact that the allegation as contained in charge sheet had not been proved in the so-called inquiry

- E. That the appellant has at his credit almost ten years of service career. The penalty imposed upon him is too harsh hence liable to be set aside.
- F. That the appellant has never committed any act or omission which could be termed as misconduct.
- G. That the appellant is jobless since his illegal dismissal from service.
- H. That the Appellant seeks permission of this Honourable Tribunal to rely on additional grounds at the time of hearing of the appeal.


It is, therefore, humbly prayed that on acceptance of this appeal the impugned orders dated 24.01.2019 may please be set-aside and the appellant be **re-instated in service with all back benefits of service.**

- A. That the appellant also seeks permission of this honorable Tribunal to rely on additional grounds at the time of hearing of the appeal.

***It is, therefore, humbly prayed that on acceptance of this appeal the impugned order dated 11.03.2014, may please be set aside, similarly the impugned order dated 23.11.2018, may also be set-aside and the appellant may graciously be re-instated in service w.e.f 12.09.2013 with all back benefits.***

Appellant

Through

  
**ZARTAJ ANWAR**  
Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_/2020

Ex Constable Muhammad Adil (3218 FRP/PR) S/o Sarwar  
Khan R/o Village Spenkai, Tehsil Shabqadar District  
Charsadda

**(Appellant)**

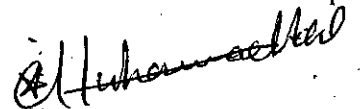
**VERSUS**

Govt. of Khyber Pakhtunkhwa through Secretary Elementary  
and Secondary Education KPK & Others.

**(Respondent)**

**AFFIDAVIT**

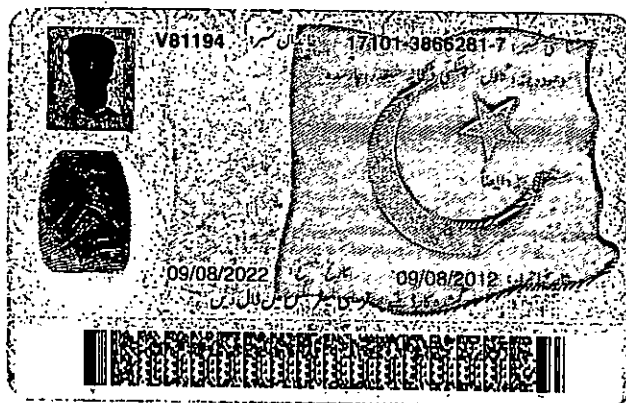
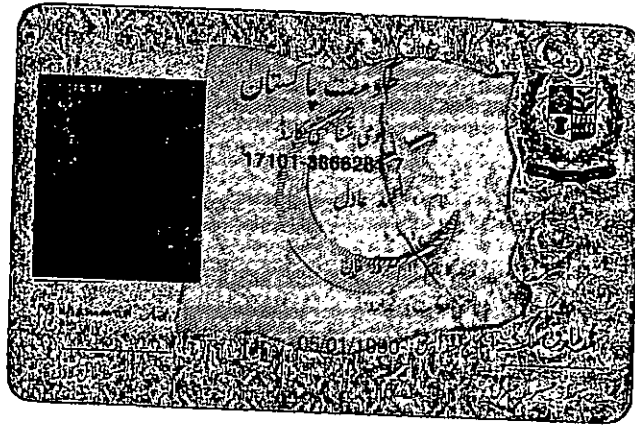
I, Muhammad Adil S/o Sarwar Khan R/o Village Spenkai,  
Tehsil Shabqadar District Charsadda, do hereby solemnly  
affirm and declare on oath that the contents of the above noted  
appeal are true and correct to the best of my knowledge and  
belief and that nothing has been kept back or concealed from  
this Honourable Tribunal.

  
**Deponent**

6

A

Approved: A



Annex-B 7

(18)

**CHARGE SHEET U/R 6(1)(A) NWFP (NOW KHYBER PAKHTUNKHWA)**  
**POLICE RULES 1975.**

You Constable ~~Adil~~ No.3218 posted at FRP/Peshawar Range Peshawar are hereby charged for committing the following Omission/Commissions.

This office intimated by Deputy Commandant FRP/KP Peshawar, vide letter No.1914/PA dated 07.11.2019 that Constable Muhammad Adil No.3218 of FRP Peshawar Range, performing duty at PTC Hangu as Drill Instructor on loan basis, come to the Barracks of Refresher Course and told them that he selected for Refresher Course and have just reported. After availing night at the same place, at morning time Constable Irfan No.8361 of FRP DI Khan Range and Unid No.7761 of Bannu Range have narrated that they have misplaced one purse, ATM card, NIC and amount of Rs.7500/- Nokia mobile phone respectively. On this Constable Muhammad Adil No.3218 was caught it and subsequently all the theft items as well as money has been recovered from him. His act amount to miss gross conducted in highly punishable.

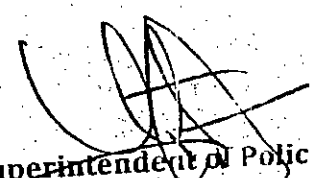
You are hereby called upon to submit your written defence against the above charged before the enquiry officer.

Your reply should reach to the enquiry officer within (7) days from date of receipt of this charge Sheet, failing with ex-part proceeding shall be initiated against you.

**SUMMARY/STATEMENT OF ALLEGATION**

This office intimated by Deputy Commandant FRP/KP Peshawar, vide letter No.1914/PA dated 07.11.2019 that Constable Muhammad Adil No.3218 of FRP Peshawar Range, performing duty at PTC Hangu as Drill Instructor on loan basis, come to the Barracks of Refresher Course and told them that he selected for Refresher Course and have just reported. After availing night at the same place, at morning time Constable Irfan No.8361 of FRP DI Khan Range and Unid No.7761 of Bannu Range have narrated that they have misplaced one purse, ATM card, NIC and amount of Rs.7500/- Nokia mobile phone respectively. On this Constable Muhammad Adil No.3218 was caught it and subsequently all the theft items as well as money has been recovered from him. His act amount to miss gross conducted in highly punishable.

Your reply should reach to the enquiry officer within (7) days from date of receipt of this charge Sheet, failing with Ex-part proceeding shall be initiated against you.

  
Superintendent of Police  
Peshawar Range, Pesh



8

*Adil C*

**ORDER OF ENQUIRY AGAINST CONSTABLE MUHAMMAD ADIL NO.3218, CONTAINED UNDER SUB. RULE 4. OF RULE 5 OF NWFP (NOW KHYBER PAKHTUNKHWA) (E&D) RULES 1975.**

It has been made to appear before me that accused Constable Muhammad Adil No.3218, is primes-faice guilty of the following charges to be dealt with under General Police proceedings contained u/r 5(4) of NWFP Rules (E&D) 1975.

This office intimated by Deputy Commandant FRP/KP Peshawar, vide letter No.1914/PA dated 07.11.2019 that Constable Muhammad Adil No.3218 of FRP Peshawar Range, performing duty at PTC Hangu as Drill Instructor on loan basis, come to the Barracks of Refresher Course and told them that he selected for Refresher Course and have just reported. After availing night at the same place, at morning time Constable Irfan No.8361 of FRP DI Khan Range and Unid No.7761 of Bannu Range have narrated that they have misplaced one purse, ATM card, NIC and amount of Rs.7500/- Nokia mobile phone respectively. On this Constable Muhammad Adil No.3218 was caught it and subsequently all the theft items as well as money has been recovered from him. His act amount to miss gross conducted in highly punishable.

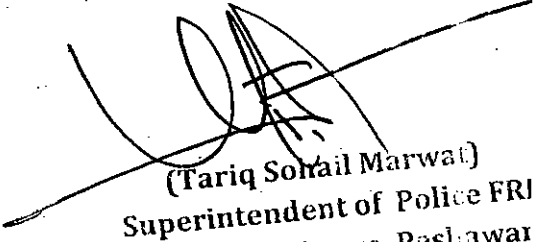
The act of accused official falls within the ambit of misconduct within the meaning of rules 2 (iii) rules 1975 and is liable to be proceeded with under the General police proceedings, contained in Police Rules 1975.

From the above charge, I am convinced that the said official has ceased to become efficient and it accused of gross misconduct therefore, I Superintendent of Police FRP/Peshawar Range, Peshawar being authorized officer within the meaning of 2(ii) of the said rules nominate Enquiry Officer. DSP/Adnan Azam of FRP/Mardan. to enquiry into the charge, levelled against him.

The enquiry officer after completing all enquiry proceedings, shall forward the verdict/Findings to the undersigned within due dated period of 10-days contained U/s 6 (5) of the rules.

Charge sheet and summary of allegations against the accused officer, are being issued separately, reply where of shall be submitted before the enquiry officer within the period of 07.days from date of receipt.

*21/11/2019*  
*Muhammad Adil*  
*17401-3866281-7*  
*0345-3987231*

  
(Tariq Sohail Marwat)  
Superintendent of Police FRP  
Peshawar Range, Peshawar

No. 519 /PA dated Peshawar Range the 08/11/2019.

Copy to:-  
Enquiry Officer. DSP/Adnan Azam of FRP/Mardan.



کانٹریبل الزام علیہ FRP/PR سے بحالہ ڈائری نمبری  $\frac{504}{11.5.017}$  آن لائن P.T.C جینگو میں بطور ڈریل انسٹرکٹ لیا گیا ہے۔  
 افضل رئیس پر گھر فوراً ناپیان ہوا ہے۔ اندر کمرے اور بارش کمرے سے گھر نہ جانا بیان کیا ہے چونکہ کانٹریبل الزام علیہ ایک ماہ کے

رہمت رئیس پر گھر فوراً تقریباً 15:30 بجے P.T.C جینگو سے روانہ ہونا اور 18:45 بجے کوٹا اڑھ پش در اور 19:30 بجے پولیس لائن بیان ہوا ہے چونکہ الزام علیہ کی ملزمت 10 (دس) سال اور شادی شدہ ایک بچے کا باپ ہے۔ عدالت مشفقہ گاؤں جسٹس کے کاروائی ہے۔ جو پش در سے تقریباً 11 گھنٹہ کی مسافت پر واقع ہے۔ یہاں کے مقابل ذکر ہے کہ پش در 18:45 بجے سے 22:00 بجے کھانا یا دھوئیں پر ہے جو کہ بارک میں آئے کیسے کھانا یا دھوئیں پر چونکہ کانٹریبل الزام علیہ تقریباً 21:00 بجے تک باآسانی گھر فوراً پہنچ سکتا تھا لیکن کانٹریبل الزام علیہ کا ارادہ وہ معلوم ہوا جو اس نے کرنا تھا عدویہ ازین کانٹریبل الزام علیہ نے رات 22:30 بجے بارک ریفریشٹر کورس کانٹریبل آنا اور روٹ کے بساے والیس بار جانا ایک حکمت عملی طے کرنا تھا اس لیے کانٹریبل الزام علیہ منسٹ بطور روایتی طور پر دوسری منزل چلا جاتا ہے کہ جان تشریح یا گھر دم پر چوری شدہ سامان جمعاً آسان ہے کیونکہ اسی رشتہ دفاتر موجود ہے جو دفتری اوقات کے مطابق ہوتے ہیں اور لوگوں کا آنا جانا اور باگور دم کا استعمال کرنا نہ ہونے کے برابر ہے اور اس راستے سے لگنا بھی آسان ہے کیونکہ درمیان راستے اور ناچ اور فریٹ سٹری کا موجود ہونا اور دیگر لوگوں کا آنا جانا زیادہ تر اس درمیان راستے سے ہوا کرتا

کانٹریبل الزام علیہ کا سامرا محل مشکوک سے حقیقت میں تبدیل ہو چکا ہے بارک ریفریشٹر کورس میں موجود ملزمان مختلف ریجنز سے لگتا ہے جو کہ کانٹریبل الزام علیہ کی آمد ذاتی رہنمائی یا مدد اور شامل نظر نہیں آ رہا ہے تاکہ کانٹریبل الزام علیہ کیلئے مفروضہ بن جائے جو بلکہ انجان شخص کا بارک میں آنا اور اپنے آپ کو ریفریشٹر کورس کا رابطہ ظاہر کرنا۔ ریفریشٹر کورس ایک کارولر کی نمانت کیلئے عمارت استعمال کرتے ہوئے کانٹریبل عادل نمبر 3218 سے سرفہ شدہ سامان ان کے نشانی پر برآمد کیا گیا۔ کانٹریبل الزام علیہ نے بیان سنائی میں کافی ہوسٹاری ظاہر کی ہے لیکن کراس سوالر جوابات میں حقیقت بیان ہونا رپورٹ کی تائید ہے

خلد جے رپورٹ لول ہے کہ حاکم وقت نے عوام کی جان و مال کی حفاظت کو پیش نظر رکھتے ہوئے حکمہ پولیس کو قائم کیا اور جوئی ہوئے ایس ایک خاص قسم کی تربیت دی تاکہ عوام کی جان و مال کی حفاظت کیسے کیسے سمجھا سکیں اور معاشرتی فریبوں کی سرکوبی کر سکیں اور جو کہ روزگام کیلئے ایک خاص مقام عدالت پر لپینا آدین ترجیحاً کا حصہ ہے۔ اس طرح عدالت 3218 حکمہ نیز ایسا سال 2009ء میں جوئی ہو کر سال 2015/16 میں ڈریل کر کے کیسے سال 2017ء میں بطور انسٹرکٹ کر کے ایک رہنمائی کیلئے P.T.C جینگو میں لپینا ہوا۔ جو کہ کانٹریبل الزام علیہ حاشیہ طور پر ایک سرکاری ملزما ہے اور کانٹریبل الزام علیہ نے پولیس لائن یعنی اپنے گھر میں ایس ہنڈ سافر ہائیکوں سے جوئی کی ہے جو پولیس فورس کیلئے ہتھیار کے طور پر موجود ہے۔ جو کہ سماجی معاشرتی جرم کے عدویہ ڈیڑھ برس کے عافی ہے حقیقت انوائری آفس اس نتیجے پر پہنچ گیا کہ کانٹریبل الزام علیہ کا اس قسم فرکات، سنگت مستقبل خراب میں ایس پولیس آفسر بھی کی توقع نہیں ہے۔ اس لیے کانٹریبل عادل نمبر 3218 کو حکمہ پولیس سے علیحدہ کرنے کی سفارشات کی جاتی ہے مزید حکم احکام انسٹرا باالہ صاحبان افضل ہے۔

سید علی  
 FRP/PR  
 11/12/2018

11  
ANNEX - E


**FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.**

I, Superintendent of Police FRP Peshawar Range Peshawar, as competent authority do hereby serve you Constable Muhammad Adil No. 3218, of FRP/PR Peshawar.

- 1) I. That consequent upon the completion of enquiry conducted against you by SI/Iltaf Hussain of FRP/PR for which you were given full opportunity of hearing. On going through the finding/recommendations of the enquiry officer the material available on record and other connected papers I am satisfied that you have committed the following acts/omissions per police rules 1975.

While posted at PTC Hangu as Drill Instructor on loan basis, come to the Barracks of Refresher Course and told them that he selected for Refresher Course and have just reported. After availing night at the same place, at morning time constable irfan No.8361 of FRP DIK Range, and unid No.7761 of Bannu Range, have narrated that they have misplaced one purse, ATM Card, NIC and amount Rs.7500/- Nokia mobile phone respectively. On this constable Muhammad Adil No.3218 was caught it and subsequently all the theft items as well as money has been recovered from him. His act amount to miss gross conducted in highly punishable.

- 2) Therefore, I Superintendent of Police FRP/PR Peshawar as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said Rules.
- 3) You are, therefore, required to Show Cause as to why penalty should not be imposed upon you.
- 4) If no reply to Final Show Cause Notice is received within the seven days of it delivered in the normal course of circumstance, it shall be presumed that you have no defense to put in and consequently ex-parte action shall be taken against you.

  
Superintendent of Police, FRP  
Peshawar Range, Peshawar

No. 613 /PA, dated Peshawar the 18 /12 /2019.

12

ANNEX-1 - BF

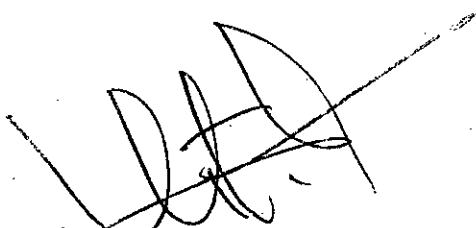
**ORDER.**

This office Order relates to the disposal of formal departmental Enquiry against Constable Adil No.3218 of FRP Peshawar Range. He was performing duty at PTC Hangu as Drill Instructor on loan basis, came to Barracks of refresher course and told them that he selected for refresher course and have just reported. After availing night at No.7761 of Bannu Range, have narrated that they have misplaced on purse, ATM card, NIC and amount Rs.7500/- Nokia mobile phone respectively. On this constable Muhammad Adil No.3218 was caught it and subsequently all the theft items as well as money has been recovered from him.

In this connection Constable Adil No.3218, was issued charge sheet/statement of allegation vide this office Order 519/PA, dated 08.11.2019 and SI/Iltaf Hussain FRP/PR was appointed as Enquiry Officer. Who after fulfilling necessary process submitted his findings wherein the E.O mentioned that the said constable was appointed in 2009 and completed drill course in 2015-16 and from 2017 performing duties as drill instructor at PTC Hangu. He is appointed in police department for the safety of public. He is a patch for department. His that act is socially bad as well as against the police force. He may not be predicted to be a good police officer in future. Therefore, the said constable is recommended for major punishment i.e. "Removal from service".


Later on he was served with a final show cause notice but did not bother to submit reply. He also appeared before the undersigned in Orderly Room but cannot produce any cogent reason.

Keeping in view all of the above, Therefore, I Tariq Sohail Marwat Superintendent of Police, FRP Peshawar Range, Peshawar the exercise of power vested upon me under 5 (5) of Khyber Pakhtunkhwa police rules 1975 (amendment in 2014) award him Major Punishment of "Removal from Service" with immediate effect.

  
Superintendent of Police, FRP  
Peshawar Range, Peshawar.

No. 15-17/PA dated Peshawar Range the 13 / 04 /2020.

Copy to:-

1. The Accountant FRP/PR Peshawar
  - ✓ 2. The SRC/FRP/PR Peshawar
  3. The OASI/FRP/PR Peshawar
- 

خدمت جناب اسپیکر جنرل آف پولیس حیدرآباد کے لئے درخواست

عنوان :- درخواست بہار عالی سروس

13 Approved: جناب عالی اجی

گزارش دہلیہ سائل 2009ء کو ملے پولیس میں بطور کنسٹیبل تعیناتی  
یوںہ سائل اپنی ڈیوٹی نہایت ایمانداری اور خوش اسلوبی سے انجام دے رہا تھا اور  
سال 16-2015 میں ڈبل کورس پاس کیا اور 2017ء کو بطور ڈپٹی انسپکٹر PTC  
پتنگو میں تعینات ہوا۔ سائل 2017ء سے 2018ء تک PTC پتنگو میں ڈیوٹی  
انجام دے رہا تھا۔ چونکہ سائل چار سہہ کا باشندہ ہے اور 2016/15/31 کو عام ریسر  
پر گورنمنٹ آریا تھا کہ راستے میں سائل بہت ڈیر سے پشاور پہنچ گیا جس کے بعد  
سائل کی گاؤں کی گاڑی پشاور اڈہ سے سیرا مل رہی تھی تو سائل مجبوراً پشاور  
رات گزارنے FRP پولیس لائن پشاور آیا۔

سائل نے رات FRP ریفرسٹر بہرین میں گزار دی اور سائل صبح کی نماز  
کے لئے اٹھ گیا جس کے بعد سائل پر ریفرسٹر کورس والوں ایک موبائل فون اور پیرا  
ایک پرس جس میں 7500 روپے چوری کا دعویٰ کیا گیا۔  
چونکہ سائل PTC پتنگو میں بطور ڈپٹی انسپکٹر تعینات تھا اور نہ  
کسی قسم کی چوری وغیرہ کی ہے اور نہ (اسی طرح) گھنٹیا حرکت کی سوجھی ہے اس لئے  
سائل ایسا ایماندار بندہ ہے اور اسی الزام میں سراسر بے گناہ ہے۔ اور سائل کو یہ بندہ  
الزامات کی بنا پر حکمہ بڑا سے پر خاست کیا گیا۔

سائل ایسا عربی خاندان سے تعلق رکھتا ہے اور گھر کا دار و کھنڈ ہے اور  
پولیس نوکری کے علاوہ کوئی چارہ اور فریئر معاش نہیں ہے اور سائل کے گھر کا سارا  
توجہ سائل کے کندھوں پر ہے۔ سائل کی لاچارگی و مفلسی اور چھوٹے بچوں کی خاطر  
دوبارہ اپنی نوکری پر بحال کرنے کے احکامات بہادر فرما کر مسئلہ فرمائیا سائل  
موجود اسکا خاندان ان احکامات کی بندوبست کر کے دیا گیا ہے۔  
عین نوارش صحت

آپکا تابع الیکم سائبر کنسٹیبل محمد علی علی بیگ نمبر 3218 FRP/PR  
0345-3987231 - 0815-788540

Arvadi H  
14

### ORDER

This order will dispose of the departmental appeal preferred by ex-constable Muhammad Adil No. 3218 of FRP Peshawar Range, against the order of SP FRP Peshawar Range, Peshawar issued vide OB No. 14, dated 14.01.2020, wherein he was awarded major punishment of removal from service. The applicant was proceeded against on the allegations that he was posted at PTC Hangu as Drill Instructor on loan basis from wherein he was proceeded on leave and com to FRP HQ Police Line Peshawar. Subsequently he interred inside the Barrack of constable's refresher course at night time and told them that he has selected for refresher course and just arrived now. On 02.11.2019 in the morning time constable Irfan No. 8361 of FRP DI Khan Range and Unid No. 7761 of Bannu Range, have reported to CDI FRP HQ that some one have thieved their purse, ATM card, NIC, amount of Rs. 7500/- and Nokia mobile phone in the barrack. On searching subsequently all the theft items as well as money has been recovered from constable Muhammad Adil No. 3218.

In this regard proper departmental proceedings were initiated against him as he was issued Charge Sheet and Statement of Allegations vide office order No. 519/PA, dated 08.11.2019 and SI Iltaf Hussain of FRP Peshawar Range was nominated as Enquiry Officer to unearth the actual facts. Who after fulfilling the necessary process submitted his findings wherein the Enquiry Officer mentioned that the said constable was appointed in 2009 and completed drill course in 2015-16 and from 2017 he was performing duties as drill instructor at PTC Hangu. The enquiry officer further reported that the delinquent constable is a black mark stigma on police department as he is appointed in Police department for the safety of public, but his act is socially bad as well as against the obligations of police force. Therefore, the Enquiry Officer found him guilty of the charges leveled against him and recommended for major punishment i.e removal from service.

Upon the findings of Enquiry Officer, he was issued Final Show Cause Notice, but he did not bother to submit his reply. However, he was heard in person by the competent authority, but he did not produced any cogent reason regarding to his innocence.

In the light of the above narrated facts and other material available on record, he was awarded major punishment removal from service vide OB No. 14, dated 14.01.2020.

Feeling aggrieved against the impugned order of SP FRP Peshawar Range, Peshawar, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 22.01.2020.

During the course of personal hearing, the applicant failed to present any justification regarding his involvement in a moral turpitude nature criminal act.

Keeping in view the above facts it has been found crystal clear that the applicant being a member of disciplined force he has obligated to secure to lives and property of public, but he himself in a moral turpitude nature offence, therefore, his reinstatement in service may impinge upon the over all moral and affect adversely the

discipline of the force. Thus there doesn't seem any infirmity in the order passed by the competent authority, therefore no ground exist to interfere in same.

Based on the findings narrated above, I, **Malik Muhammad Tariq PSP**, Deputy Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected/dismissed being meritless.

Order Announced.

**Dy. Commandant**  
**For Commandant FRP**  
Khyber Pakhtunkhwa, Peshawar.

No 1194-95/EC, dated Peshawar the 03/02/2020.

Copy of above is forwarded for information and necessary action to

the:-

1. SP FRP Peshawar Range, Peshawar. His service record alongwith D-file sent herewith.
2. Ex-constable Muhammad Adil No. 3216 S/O Haji Sarwar Khan, Police Station Shabqadar, Village Spinkey, District Charsadda.

Office of the **SP/FRP/P** Peshawar

Dy: No 252 dt 01-02-2020

Copy for necessary act on file

Act: PR  IPR  IRI  ILC   
 IRO  IRI  IPR  ILC

**SP/FRP/P**  
Peshawar



بخدمت جناب اسپیکر جنرل آف پولیس حیدرآباد

16

عنوان :- درخواست بہراد جالی سروس

جناب عالی! فرمانی

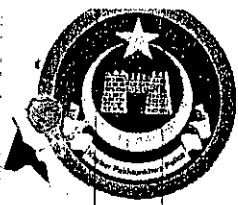
گزارش ہیلہ سائل 2009ء کو کلک پولیس میں بطور کنسٹیبل دی گئی  
ہوا۔ سائل اپنی ڈیوٹی نہایت ایمانداری اور خوش اسلوبی سے انجام دے رہا تھا اور  
سال 16-2015 میں ڈنل کورس پاس کیا اور 2017ء کو بطور ڈنل انسٹرکٹر PTC  
ہنگو میں تعینات ہوا۔ سائل 2017ء سے 2019ء تک PTC ہنگو میں ڈیوٹی  
انجام دے رہا تھا۔ چونکہ سائل چار سہ ماہی پر مشتمل ہے اور 2019/10/31 کو عام ریٹس  
پر گورنمنٹ آریا تھا کہ راستے میں سائل بہت دیر سے پشاور پہنچ گیا جس کے بعد  
سائل کی گاڑی کی گاڑی پشاور اڈہ سے نہر مل رہی تھی تو سائل مجبوراً بھڑنا  
رات گزارنے FRP پولیس لاٹز پشاور آیا۔

سائل نے رات FRP ریفریٹر سٹرکچر میں گزارا اور سائل صبح کی نماز  
کے بعد لگا لگا جس کے بعد سائل پر ریفریٹر کورس والوں ایک سویٹل فون اور ہمراہ  
ایک پرس جس میں 7500 روپے چوری کا دعویٰ کیا گیا۔

چونکہ سائل PTC ہنگو میں بطور ڈنل انسٹرکٹر تعینات تھا اور نہ  
کسی قسم کی چوری وغیرہ کی ہے اور نہ (اسی طرح کے گھٹیا حرکت کی سوجھ بوجھ کر سکتا  
سائل ایک ایماندار بندہ ہے اور اسی الزام میں سروس پر گناہ ہے اور سائل کو یہ پشاور  
انتظامات کی بنا پر کلک بڑا سے درخواست کی گئی۔

سائل ایک طبعاً خاندان سے تعلق رکھتا ہے اور گھر کا واحد کفیل ہے اور  
پولیس نوکری کے علاوہ کوئی چارہ اور ذریعہ معاش نہیں ہے اور سائل کے گھر کا سارا  
بوجھ سائل کے کندھوں پر ہے۔ سائل کی لاچارگی عقلی اور چھوٹے بچوں کی خاطر  
دوبارہ اپنی نوکری پر بحال کرنے کے ارکان ہمارے فرما کر مشورہ فرمائیں سائل  
اور اسکا خاندان بہت اہم ہے۔

آپکا تابع و کلک ساجد کنسٹیبل محمد علی بلوٹ نمبر 3218 FRP/PR  
0345-3987231 - 0315-733540



Amended "J" 17

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 3751/20, dated Peshawar the 17/09/2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Muhammad Adil No. 3218. The petitioner was removed from service by SP/FRP Peshawar Range, Peshawar vide OB No. 14, dated 14.01.2020 on the allegations that he was posted at PTC Hangu as Drill Instructor on loan basis from wherein he was proceeded on leave and came to FRP HQ Police Lines, Peshawar. Subsequently he entered inside the Barrack of Constable's refresher course at night time and told them that he was selected for refresher course and just arrived now. On 02.11.2019 in the morning time Constable Irfan No. 8361 and Unid No. 7761 had reported to CDI FRP HQ that someone had thieved their purse, ATM card, NIC amount of Rs. 7500/- and Nokia mobile phone in the barrack. On searching, all the theft items as well as money had been recovered from the appellant. His appeal was rejected by Deputy Commandant, FRP, Khyber Pakhtunkhwa, Peshawar vide order Endst: No. 1194-95/EC, dated 03.02.2020.

Meeting of Appellate Board was held on 24.08.2020 wherein petitioner was heard in person. During hearing petitioner denied the allegations leveled against him.

The petitioner has committed a gross misconduct and brought bad name to the department. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

This order is issued with the approval by the Competent Authority.

Sd/-

DR. ISHTIAQ AHMED, PSP/PPM  
Additional Inspector General of Police,  
HQs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 3752-60/20,

Copy of the above is forwarded to the:

1. Commandant, FRP, Khyber Pakhtunkhwa, Peshawar. One Service Roll and one D-file of the above named Ex-FC received vide your office Memo: No. 2453/SI Legal, dated 04.03.2020 is returned herewith for your office record.
2. Deputy Commandant, FRP, Khyber Pakhtunkhwa, Peshawar
3. SP/FRP Peshawar Range, Peshawar.
4. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQs: Khyber Pakhtunkhwa, Peshawar.
7. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
8. Office Supdt: E-IV CPO Peshawar.

(KASHIF ZULFIQAR) PSP  
AIG/Establishment  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

**POWER OF ATTORNEY**

In the Court of Khyber Pakhtun Khwa Service Tribunal

Muhammad Adil

} For Peshawar  
} Plaintiff  
} Appellant  
} Petitioner  
} Complainant

**VERSUS**

Govt of Khyber Pakhtun Khwa  
and others

} Defendant  
} Respondent  
} Accused  
}

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_  
Fixed for \_\_\_\_\_

I/W, the undersigned, do hereby nominate and appoint

**ZARAJ ANWAR & IMRAN KHAN ADVOCATES**, my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

**AND** to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

**AND** I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

**PROVIDED** always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

**IN WITNESS** whereof I/we have hereto signed at \_\_\_\_\_  
the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_  
Executant/Executants Muhammad Adil  
Accepted subject to the terms regarding fee \_\_\_\_\_

Imran Khan  
**IMRAN KHAN**  
Advocate High Court  
Mob: 0345-9090648

Zaraj Anwar  
**ZARAJ ANWAR**  
Advocate High Courts  
ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT  
FR-3, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt  
Mobile-0331-9399185  
BC-10-9851  
CNIC: 17301-1610454-5

**"B"**

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

S.B

No.

Appeal No. 14058 of 20 20

Muhammad Adil Appellant/Petitioner

1, G, P, KPK Peshawar. Respondent

Respondent No. 3

AIG Establishment KPK Peshawar.

Notice to:

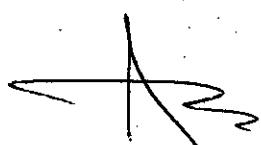
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 22/3/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 6th

Day of Jan 20 21

  
18-cl

  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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

**"B"**

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

No.

Appeal No. .... 14058 ..... of 20 20

Muhammad Adil ..... Appellant/Petitioner

Versus

I.G.P, K.P.K Peshawar ..... Respondent

Respondent No. .... 4 .....

Notice to: —

Superintendent of Police, FRP  
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 22/3/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. .... dated .....~~

Given under my hand and the seal of this Court, at Peshawar this 6th .....

Day of Jan 2021

*[Handwritten signature]*  
14-01

*[Handwritten signature]*

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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

**"B"**

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

No.

Appeal No. 14038 of 20

Muhammad Adil Appellant/Petitioner

I.C.P., KPK Peshawar Respondent

Respondent No. 1

Notice to:

Inspector General of Police  
KPK Peshawar

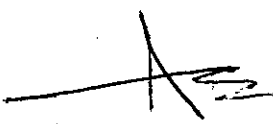
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 22/3/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. .... dated .....~~

Given under my hand and the seal of this Court, at Peshawar this 5th

Day of Jan 20 21

  
14-21

  
Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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

**"B"**

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

S.B

No.

Appeal No. 14058 of 20 20

Muhammad Adil Appellant/Petitioner

Versus

I.C.P KPK Peshawar Respondent

Respondent No. 2

Notice to:

Additional Inspector General of Police KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 22/3/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 6th

Day of Jan 20 21

AS  
18.01

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

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

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 014058/2020.**

Ex-Constable Muhammad Adil No 3218 FRP Peshawar Range S/o Sarwar Khan, R/O Village Spenkai, Tehsil Shabqadar District Charsadda.....Appellant.

**VERSUS**

1. **Inspector General of Police,**  
Khyber Pakhtunkhwa, Peshawar.
2. **Commandant Frontier Reserve Police,**  
Khyber Pakhtunkhwa, Peshawar.
3. **Additional Inspector General of Police,**  
(Establishment), HQrs,  
Khyber Pakhtunkhwa, Peshawar.
4. **The Superintendent of Police, FRP**  
Peshawar Range, Peshawar ..... Respondents.

**INDEX**

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES
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4.	Show Cause Notice	"C"	07
5.	enquiry report	"F"	08-12
6	affidavit		13
<b>Total</b>			13

**DEPONENT**



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 14058/2020.**

Ex-Constable Muhammad Adil No 3218 FRP Peshawar Range S/o Sarwar Khan, R/O Village Spenkai, Tehsil Shabqadar District Charsadda.....Appellant.

**VERSUS**

**Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others.....Respondents.**

**WRITTEN REPLY BY RESPONDENTS.**

**RESPECTFULLY SHEWETH.**

**PRELIMINARY OBJECTIONS**

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has no cause of action to file the instant appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant is trying to conceal material the facts from this Honorable Tribunal.

**FACTS:-**

1. Para No. 1 is pertain to the record and personal information of appellant needs no comments.
2. Para No. 2 admitted to the extent that the appellant was enlisted, as claimed however, he being a member of Police Force involved himself in a moral turpitude nature as he stolen the Purse, ATM card, NIC, cash amount of Rs. 7500/- and Nokia Mobile Phone Set from his colleague constables.
3. Incorrect, the appellant being a member of Police Force obligated to secure the lives and property of public, but he involved himself in a moral turpitude nature offence by steeling Mobile Phone and cash amount etc from his collogues
4. Incorrect, the appellant while posted at PTC Hangu as Drill Instructor on loan basis and from where he was proceeded on leave on 01.11.2019 and arrived at FRP HQ Police Line Peshawar instead to his home. Subsequently, he entered inside the Barrack of constable's refresher course at night time and told them that he has selected for refresher course and just arrived now. On 02.11.2019 in the morning time constables Irfan No. 8361 of FRP DI Khan Range and Unaid No. 7761 of Bannu Range, have reported to CDI FRP HQ that some one have thieved their purses, ATM card, NIC, amount of Rs. 7500/- alongwith Nokia mobile phone from the barrack. On searching subsequently all the theft items as well as cash amount has been recovered from appellant (constable Muhammad Adil No. 3218) in the presence of eye

- witness. In this regard a detail report was also entered in Daily Dairy vide DD report No.07 dated 02.11.2019. (Copy attached as annexure "A")
5. Incorrect. The appellant was proceeded on six days leave from PTC Hangu and arrived at FRP HQ: Peshawar on 01.11.2019. Subsequently, he entered inside the barrack of constables reserved for the trainees of refresher course and deceitfully shown himself that he has selected for refresher course and arrived just now. In fact he stayed for the night in the above barrack for his ulterior motives by steeling ATM Card, Mobile Phone and cash amount from his colleagues constables at night time, otherwise he can easily arrive his home. Latter on, all the stolen items were recovered from him in the presence of eye witness. Moreover, it is worth mentioning here that his colleague constables have no any grudges against the appellant.
  6. Incorrect. On 02.11.2019 in the morning time constables Irfan No. 8361 of FRP DI Khan Range and Unid No. 7761 of FRP Bannu Range, have reported to CDI FRP HQ: that some one have thieved their purse, ATM card, NIC, amount of Rs. 7500/- alongwith Nokia mobile phone from the barrack. On searching subsequently all the theft items as well as cash amount has been recovered from the appellant.
  7. Incorrect, on the allegations of above immoral and unlawful activities, proper departmental proceedings were initiated against him as he was issued Charge Sheet with Statement of allegations vide office order No. 519/PA, dated 08.11.2019 and SI Altaf Hussain of FRP Peshawar Range was appointed as Enquiry Officer to unearth the actual facts. The appellant submitted his reply to the Charge Sheet, which was found unsatisfactory. After completion of enquiry the enquiry officer submitted his finding report, wherein the allegations were fully established against him and recommended for major punishment of dismissal from service. Upon the finding report of enquiry officer he was issued Final Show Cause Notice, to the appellant but his reply was found unsatisfactory by the competent authority. Besides, the appellant was heard in person in orderly room, but he failed to present any justification before the competent authority regarding his innocence. Thus a sufficient and ample opportunities at every level for defence in the light of natural justice was provided to the appellant, but he failed to produce any cogent reason in his favour.
  8. Incorrect. As explained in the preceding Paras, proper departmental enquiry was conducted against the appellant and after fulfillment of all codal formalities required as per law, the appellant was removed from service by the competent authority.
  9. Correct to the extent that departmental appeal of the appellant was thoroughly examined and rejected on sound grounds by the appellate authority.

10. Correct to the extent that revision petition of the appellant was examined and rejected on the ground of his gross misconduct, which was fully established against him during the course of enquiry.
11. The appellant has no cause of action to file the instant appeal and the same is liable to be dismissed.

**GROUNDS:-**

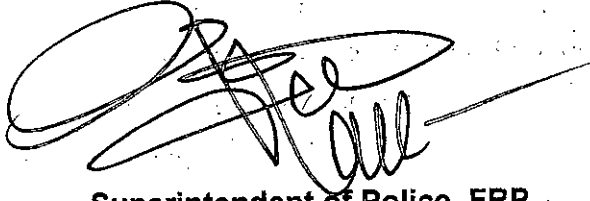
- A. Incorrect. The allegations are false and baseless. The appellant was treated in accordance with the relevant law rules and it is evident from Charge Sheet & Show Cause Notice. Thus the respondents have not committed any violation of law/rules. (Copies of Charge Sheet, Show cause notice & his replies are attached as annexure "B" "C" "D" & "E")
- B. Incorrect, a sufficient opportunity being heard in person in the light of natural justice has already been provided to the appellant, which he avail too, but he failed to present any justification or to convince the competent authority.
- C. Incorrect. The appellant is trying to mislead this Honorable Tribunal by producing a baseless and propounded story. The Charge Sheet was served upon the appellant by the enquiry officer to which he replied. Upon the reply of the appellant in detailed procedure of cross examination was also adopted by the enquiry officer during the course of enquiry, wherein the allegations were fully established against the appellant. (Copy of the process of cross examination is attached as annexure "F")
- D. Incorrect. After completion of enquiry the enquiry officer submitted his findings, wherein the allegations were fully established against him and recommended for major punishment of removal from service. The enquiry file of the appellant was thoroughly examined by the competent authority and found justified and in accordance to law/rules. However, the appellant was served with final Show Cause Notice to which he replied, but his reply was found unsatisfactory by the competent authority. Thereafter, the appellant was heard in person in orderly room, but he failed to advance any cogent proof/reasons before the competent authority to defend himself. After fulfillment of the due codal formalities the appellant was removed from service in accordance to law/rules.
- E. Incorrect, the length of service is not useful or considerable in the eye of law when a civil servant committed any misconduct. However, the appellant being a member of disciplined force committed immoral and wrongful act, which is a gross misconduct on his part. Thus the penalty of removal from service awarded to the appellant is commensurate with the gravity of his misconduct.
- F. Incorrect, the appellant was willfully involved / committed himself with a moral turpitude nature offence as explained in the above Paras, otherwise the respondents have no grudges against the appellant.

G. Incorrect, the respondents have never deprived the appellant from his legal right.

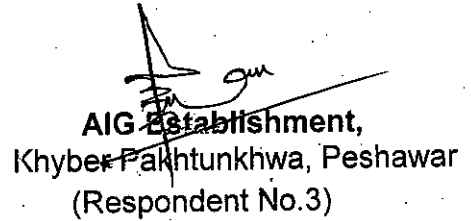
H. The respondents may also be permitted to raise additional grounds at the time of arguments.

**PRAYERS:-**

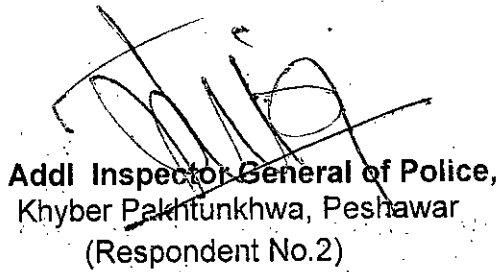
Keeping in view the above facts and circumstances, It is most humbly prayed that the instant service appeal being not maintainable may kindly be dismissed with costs please.



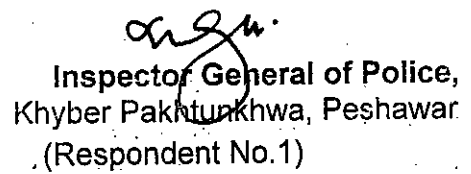
**Superintendent of Police, FRP**  
Peshawar Range, Peshawar  
(Respondent No. 4)



**AIG Establishment,**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.3)



**Addl Inspector General of Police,**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.2)



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



⇒ Issues charge sheet/summary of allegation  
 ⇒ Place under suspension & close to Line FRP.  
 ⇒ DSP/Aradand is appointed as E.O.

29

**OFFICE OF THE COMMANDANT  
 FRONTIER RESERVE POLICE  
 KHYBER PAKHTUNKHWA PESHAWAR  
 FAX NO. 091.9214114.  
 OFFICE No. 091-9212602.**

SD/FRP/PR  
 08/11/19

No: 1914 /PA dated Peshawar the 07/11 /2019.

To: - The Superintendent of Police, FRP  
 Peshawar Range Peshawar.

Subject: - **DD NO. 07 DATED 02.11.2019.**

**Memo:-**

This is to inform you that as per above quoted DD wherein it has mentioned that CDI Jehangir of FRP has reported that Constable Muhammad Adil No. 3218 Platoon No. 68 of FRP Peshawar Range, performing duty at PTC Hangu as Drill Instructor on loan basis, come to the Barracks of Refresher course and told them that he has selected for Refresher course and have just reported. After availing night at the said barrack, at morning time, constables Irfan No. 8361 of FRP DIKhan Range and Unid No.7761 of Bannu Range have narrated that they have misplaced one purse, ATM Card, NIC and amount of Rs. 7500/- nokia mobile phone respectively . On this constable Muhammad Adil No. 3218 was caught it and subsequently on his pointation all the theft items as well as money has been recovered. The concerned constable was sent to quarter guard and as per the opinion of SI Legal the accused constable be proceeded against departmentally, if he found guilty of the charges leveled again him may be awarded major punishment.

DD report as well as legal opinion of SI Legal FRP HQrs: Peshawar are enclosed herewith for initiating proper departmental action against Constable Muhammad Adil No.3218 of FRP Peshawar Range under intimation to all concerned. In this connection a case regarding his repatriation from PTC Hangu to his parent Unit may be taken up with officers.

Office of the SSP/FRP/PR Peshawar  
 Dy: No 1636 dt 08/11/19  
 Copy for necessary action on the  
 Act: PR  /PA  /RI  /LO   
 SPC  /OSI  /PPR/HQ


SSP/FRP/PR  
 Peshawar

*[Signature]*  
 Deputy Commandant  
 Frontier Reserve Police,  
 Khyber Pakhtunkhwa, Peshawar.

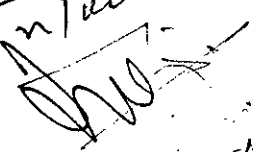
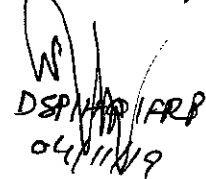
*[Signature]*

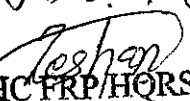
(76)

زود دفتر سرور  
 FRP/HQ  
 آمدہ اطلاع  
 بطور  
 ایل کوآرڈر کارڈ

*P/140 immediate m  
 opinion for.*  
  
 5/11

جاوید خان ایف اے وقت 08150 بجے مورخہ 02/11/19 دن ہفتہ جمعہ  
 آئی ایم اینڈ خان دفتر روزنامہ آئی ایم اینڈ (تاج پبلشنگ) میں  
 3218 جو کہ FRP IPR پورٹون نمبر 68 میں تعینات ہوئے PTC  
 میں بطور ڈول انٹیم کیم ان لون ڈیوٹی سرانجام دے رہے تھے  
 گورنمنٹ لیسٹر کورس میں پڑھنے لیسٹر والوں کو کیا تھا  
 میں لیسٹر کورس میں منتخب ہو کر آج سے لیسٹر کورس میں  
 تھا اور ابھی صاف نہیں ہے۔ لیسٹر کورس میں پڑھنے لیسٹر  
 کیسے جمع لیسٹر کورس کیسٹبل عرفان  $\frac{8361}{DK}$  سے ایک عدد  
 بڑا جس میں ATM کارڈ، سٹاف کارڈ اور دیگر مسازدہ  
 کے علاوہ 7500 روپے نقدی اور کیسٹبل عینید  $\frac{7761}{DK}$  سے  
 جو اسل فون تو کیا سادہ رقم ہوتے کی صورت میں جب کوئی  
 کیل کوئی آگیا تو فون کوڑوں سے کافی دیر تک ٹال ٹال  
 سے کام لیا اور کچھ میں مجبور ہوتے اور پتلا لگ کر میں نے  
 قند کردہ بالا مساجان چوری کر کے FRP/HQ میں تک کے پاس  
 قند کے باکو روغنی مٹی پر رکھا ہے۔ مذکورہ کی لکشا مٹی  
 مساجان چوری کر کے روپہ کیسٹبل عرفان  $\frac{8361}{DK}$  اور ڈیٹا  
 $\frac{9281}{DK}$  قند کردہ بالا مٹی کے اوپر سے لے کر آئی ایم اینڈ  
 جاوید خان نے اپنی تحویل میں لے لیے۔ لین آمدہ اطلاع کی  
 روشنی میں مذکورہ کے خلاف رپورٹ دن روزنامہ میں  
 حسب الجملہ افسر ان ایلا مساجان میں پورٹ کارڈ کے نقل  
 لغرض اطلاع باہمی و مناسب کارروائی عملیدہ مرتب ہو کر افسران  
 مارا مساجان کو ارسال کی جائے گی


PA  
 For n/Action  
  
 05-11-19  
 Sir  
 Forwarded DL  
  
 DSP/HRP  
 04/11/19

صاحب عالی!  
 نقل عجائب رات میں  
  
 MNC FRP/HQS LINE  
 PESHAWAR  
 02-11-2019

Forwarded Please

Forwarded Please

Lo1 FRP - HQ  
 PESHAWAR  
 4-11-19

  
 RESERVE DIRECTOR  
 FRP - HQ  
 PESHAWAR  
 4-11-19

(6)

(18)

**CHARGE SHEET U/R 6(1)(A) NWFP (NOW KHYBER PAKHTUNKHWA)**  
**POLICE RULES 1975.**

You Constable ~~Adil~~ No.3218 posted at FRP/Peshawar Range Peshawar are hereby charged for committing the following Omission/Commissions.

This office intimated by Deputy Commandant FRP/KP Peshawar, vide letter No.1914/PA dated 07.11.2019 that Constable Muhammad Adil No.3218 of FRP Peshawar Range, performing duty at PTC Hangu as Drill Instructor on loan basis, come to the Barracks of Refresher Course and told them that he selected for Refresher Course and have just reported. After availing night at the same place, at morning time Constable Irfan No.8361 of FRP DI Khan Range and Unid No.7761 of Bannu Range have narrated that they have misplaced one purse, ATM card, NIC and amount of Rs.7500/- Nokia mobile phone respectively. On this Constable Muhammad Adil No.3218 was caught it and subsequently all the theft items as well as money has been recovered from him. His act amount to miss gross conducted in highly punishable.

You are hereby called upon to submit your written defence against the above charged before the enquiry officer.

Your reply should reach to the enquiry officer within (7) days from date of receipt of this charge Sheet, failing with ex-part proceeding shall be initiated against you.

**SUMMARY/STATEMENT OF ALLEGATION**

This office intimated by Deputy Commandant FRP/KP Peshawar, vide letter No.1914/PA dated 07.11.2019 that Constable Muhammad Adil No.3218 of FRP Peshawar Range, performing duty at PTC Hangu as Drill Instructor on loan basis, come to the Barracks of Refresher Course and told them that he selected for Refresher Course and have just reported. After availing night at the same place, at morning time Constable Irfan No.8361 of FRP DI Khan Range and Unid No.7761 of Bannu Range have narrated that they have misplaced one purse, ATM card, NIC and amount of Rs.7500/- Nokia mobile phone respectively. On this Constable Muhammad Adil No.3218 was caught it and subsequently all the theft items as well as money has been recovered from him. His act amount to miss gross conducted in highly punishable.

Your reply should reach to the enquiry officer within (7) days from date of receipt of this charge Sheet, failing with Ex-part proceeding shall be initiated against you.

  
Superintendent of Police, FRP  
Peshawar Range, Peshawar.

(2)

ORDER OF ENQUIRY AGAINST CONSTABLE MUHAMMAD ADIL NO.3218, CONTAINED  
UNDER SUB. RULE 4, OF RULE 5 OF NWFP (NOW KHYBER PAKHTUNKHWA) (E&D)  
RULES 1975.

It has been made to appear before me that accused **Constable Muhammad Adil No.3218**, is primes-faice guilty of the following charges to be dealt with under General Police proceedings contained u/r 5(4) of NWFP Rules (E&D) 1975.

This office intimated by Deputy Commandant FRP/KP Peshawar, vide letter No.1914/PA dated 07.11.2019 that Constable Muhammad Adil No.3218 of FRP Peshawar Range, performing duty at PTC Hangu as Drill Instructor on loan basis, come to the Barracks of Refresher Course and told them that he selected for Refresher Course and have just reported. After availing night at the same place, at morning time Constable Irfan No.8361 of FRP DI Khan Range and Unid No.7761 of Bannu Range have narrated that they have misplaced one purse, ATM card, NIC and amount of Rs.7500/- Nokia mobile phone respectively. On this Constable Muhammad Adil No.3218 was caught it and subsequently all the theft items as well as money has been recovered from him. His act amount to miss gross conducted in highly punishable.

The act of accused official falls within the ambit of misconduct within the meaning of rules 2 (iii) rules 1975 and is liable to be proceeded with under the General police proceedings, contained in Police Rules 1975.

From the above charge, I am convinced that the said official has ceased to become efficient and it accused of gross misconduct therefore, I Superintendent of Police FRP/Peshawar Range, Peshawar being authorized officer within the meaning of 2(ii) of the said rules nominate Enquiry Officer. DSP/Adnan Azam of FRP/Mardan, to enquiry into the charge, levelled against him.

The enquiry officer after completing all enquiry proceedings, shall forward the verdict/Findings to the undersigned within due dated period of 10-days contained U/S 6 (5) of the rules.

Charge sheet and summary of allegations against the accused officer, are being issued separately, reply where of shall be submitted before the enquiry officer within the period of 07.days from date of receipt.

*21/11/2019*  
*Muhammad Adil*  
*17401-3866281-7*  
*0345.3987231*

*(Tariq Sohail Marwat)*  
Superintendent of Police FRP,  
Peshawar Range, Peshawar.

No. 519 /PA dated Peshawar Range the 08 / 11 /2019.

Copy to:-

Enquiry Officer. DSP/Adnan Azam of FRP/Mardan.



**FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.**

I, Superintendent of Police FRP Peshawar Range Peshawar, as competent authority do hereby serve you Constable Muhammad Adil No. 3218, of FRP/PR Peshawar.

- 1) I. That consequent upon the completion of enquiry conducted against you by SI/Iltaf Hussain of FRP/PR for which you were given full opportunity of hearing. On going through the finding/recommendations of the enquiry officer the material available on record and other connected papers I am satisfied that you have committed the following acts/omissions per police rules 1975.

While posted at PTC Hangu as Drill Instructor on loan basis, come to the Barracks of Refresher Course and told them that he selected for Refresher Course and have just reported. After availing night at the same place, at morning time constable irfan No.8361 of FRP DIK Range, and unid No.7761 of Bannu Range, have narrated that they have misplaced one purse, ATM Card, NIC and amount Rs.7500/- Nokia mobile phone respectively. On this constable Muhammad Adil No.3218 was caught it and subsequently all the theft items as well as money has been recovered from him. His act amount to miss gross conducted in highly punishable.

- 2) Therefore, I Superintendent of Police FRP/PR Peshawar as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said Rules.
- 3) You are, therefore, required to Show Cause as to why penalty should not be imposed upon you.
- 4) If no reply to Final Show Cause Notice is received within the seven days of it delivered in the normal course of circumstance, it shall be presumed that you have no defense to put in and consequently ex-parte action shall be taken against you.

  
Superintendent of Police, FRP  
Peshawar Range, Peshawar

No. 613 /PA, dated Peshawar the 18 /12 /2019.

محمد ایل

محمد ایل

17101-3866281-7  
19/12  
2019

(19)

بیان ازان کنٹریبل عادل نمبر 3218 FRP  
مہینہ ذیل النسر کنٹرل PTC ہے

0345-3987231

حال FRP رینج پشاور

جناب عالی!

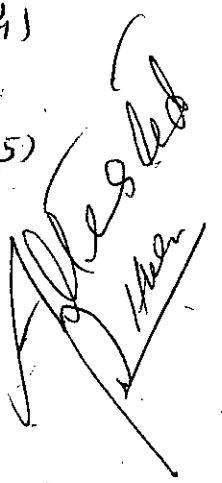
حوالہ چارج شیٹ حجاب SP صاحب رینج FRP پشاور ذیل  
مصرف خدمت ہوں

(1) من سائیل بحیثیت ڈیل النسر کنٹرل PTC ہنگو میں عمر 2 سال 6 ماہ سے  
ڈیوٹی سرانجام دے رہا ہوں

(2) PTC ہنگو سے (6) یوم ریٹس چھٹی ملی۔ سائیل پشاور رات دیر سے پہلے  
چونکہ سائیل شہر ضلع چارسدہ کے دور دراز علاقہ سے تعلق رکھتے  
رات اپنے گھر نہ پہنچ سکتا تھا۔ بدیں وجہ رات FRP بلڈنگ میں گزارنے کا  
کا ارادہ کر لیا۔ صبح ہوتے ہی دو لڑکوں نے بتایا کہ موبائل اور پیرس فائبر  
ہے اس بات سے مشکوک بنا لیا اور جھوٹے چوری کا الزام لگایا گیا۔

(3) میں اس پیر بالکل لاعلم تھا کہ بیرون ایڈارٹیز ٹیسٹوں میں ایسٹارن فائبر  
نہ میں نے خود کو ریفر ٹیسٹوں میں ایسٹارن فائبر لگایا ہے

(4) میرا خلاف جو الزامات عائد کیے گئے۔ سراسر بے بنیاد اور من گھڑت ہے  
(5) میں نہ ٹرسٹا ہوں۔ اور نہ میرا تجربہ ہے کہ میں اپنا دفاع کر سکتا  
مذہب بالا مصروفیات کے پیش نظر میرا خلاف عائد کیے گئے الزامات داخل دفتر  
فرمانی جاسکیں۔ مزید یہ کہ میں ایک عزیز جانان سے تعلق رکھتا ہوں  
اور ٹھہری کے علاوہ میرا کوئی ذریعہ معاش نہیں ہے۔ میرا بال بچے بھی آپ  
کے دماغوں میں ہے۔



العادل

Muhammad Adel

Date 21/11/2019

کنٹریبل عادل 3218 FRP/Range

بجائے انقلدہ دوز ناچی FRP/HA 02/2019 پٹ دور بڑھانہ فیکٹیل نمبر عدل 3218 FRP/PR بجوالہ

1914/PA-DC بسلسلہ انٹوائری معروضہ صورت میں کہ رپورٹ اور چھٹی بجوالہ ڈائری نمبر 1636-PR موصول ہوئی۔

07.11.019 متذکرہ کی روشنی میں بجوالہ آرڈر نمبر 526-22/PAAR فیکٹیل نمبر عدل 3218 کو معطل اور لڈن کلوز کیا گیا۔ بجوالہ آرڈر نمبر

نمبر 519/PR چارج شیٹ سمری آف الیشن جاری کیا گیا۔ اور صاحب DSP/FRP مردان کو بسلسلہ انٹوائری آفیسر مقرر کیا گیا۔

08-11-19 نے دفتر میں مصروفیات کی بنیاد پر انٹوائری متذکرہ داپس کی اسٹیجنگ کی جس پر افسران بالا صاحبان نے بجوالہ آرڈر نمبر 526-22/PAAR

14-11-19 میں ای کو انٹوائری آفیسر مقرر کیا گیا۔ بسلسلہ چارج شیٹ تقسیم فیکٹیل الزام علیہ کو دفتر بنا طلب کر کے چارج شیٹ سمری آف الیشن

تقسیم کیا گیا۔ اصل کاپی حوالہ کی نقل کالی دستخط شدہ لفینا ہے۔ مذکورہ نے حوالہ صفائی بروقت پیش کی۔ جس نے اور پوری کے

الزامات سنبھریا۔ جو لفینا اور قابل ملاحظہ ہے۔ جسکی میان اور رپورٹ کی روشنی نائب CDI/FRP جھانگیر خان نے 526-22/PAAR کو طلب کر کے بیان کیا

کہ میں گمرہ ریٹس میں موجود تھا کہ کاٹیلڈن ڈیٹن 9281/2019 گمرہ 8361/2019 صاف ہو کر بیان کیا کہ ہم نے ایک چور کو پکڑا ہے۔ جس نے ہم

سے بٹوہ جس میں 7500 روپے ATM کارڈ وغیرہ کاٹیلڈن عنید سے موٹائل چوری کیا گیا ہے۔ اور فرسٹ فلور واٹس روم ٹینکی کے اوپر رکھے ہوئے

ہر آمد کیے سردرت جا کر عدل 3218 سے گفت و شنید ہوئی۔ سردرت واقعہ کو افسران بالا صاحبان کے نوٹس میں راکر افسران بالا صاحبان

نے فیکٹیل الزام علیہ کیلئے رپورٹ تیار کرنے اور کو آرڈر گزارنے کا حکم صادر فرمایا جس کیلئے رپورٹ درجہ ذیل چارج ہو کر بندہ کو آرڈر گزار

کیا اس سلسلے میں معرکہ مقدمہ فیکٹیل عرفان اور ڈیشن سے ایک ایک بیان لی گئی۔ جو ایک دوسرے سے متاثر کرتے ہیں جو لفینا اور قابل ملاحظہ ہے

کراس سوالڈرت جوابات سے مزید اثبات ہوئی۔ جسکی روشنی میں کاٹیلڈن عرفان جس نے واقعہ میں مرکزی کردار انجام دی ہے نے بیان کیا

کہ میں بارگہ رفریشنگ کورس میں اپنی چارپائی پر موجود موٹائل فون پر باتیں کر رہا تھا کہ اسی اثنا کاٹیلڈن الزام علیہ وقت 22:00 بجے بارگہ کورس

میں داخل ہو رہا تھا میں نے اس سے پوچھا پوچھا کہ اس نے کیا کہ میں کو باٹ ریج سے رفریشنگ کے مقصد سے آیا تھا جس سے علیہ حاضر تھا اب آیا

ہوں۔ کچھ دیر بعد اس نے روٹی کھانے کیلئے تیار جانے کو کہا میں نے اسکو کہا کہ ابھی درجہ میں آپ کو کچھ وغیرہ دیتا ہوں اس پر گھبراہٹ ہو

لیکن کاٹیلڈن الزام علیہ نے کہا کہ میں بارگہ صابنوں وغیرہ صیغہ غازی کھانے آ گیا تھا تو کاٹیلڈن عرفان اور عنید نے اپنے چوری شدہ اشیاء کے بارے

میں بتایا کہ ہم نے سامان گم ہو گیا ہے میں نے کہا کہ رات کو وہاں بندہ آیا تھا اسکی تلبس کرو تلبس کرنے پر کاٹیلڈن الزام علیہ کو بارگہ لایا گیا

اور اس نے چوری تسلیم کی۔ کاٹیلڈن الزام علیہ نے جس جگہ پر چوری شدہ سامان رکھا تھا کاٹیلڈن عرفان اور عرفان کھانے جا کر ان کو اپنا

اپنا سامان حوالہ کیا۔ بیان کراس سوالڈرت حوالہ لفینا قابل ملاحظہ ہے کاٹیلڈن عنید نے بیٹوہ ریج کاٹیلڈن احسان اللہ ملائکہ

ریج کاٹیلڈن پھل روٹ کو باٹ ریج سے ایک ایک بیان لی گئی۔ رقم کے متعلق بیانات مختلف ہیں لیکن واقعہ کے پس منظر کو ایک

جیسا بیان کیا گیا۔ بیانات اور کراس سوالڈرت جوابات لفینا ملاحظہ ہیں۔ جبکہ کاٹیلڈن مذکورہ بجوالہ 22 روز ناچی 7/19 کو 08 رچھ

یوم بعد کو آرڈر گزارنے کا حکم افسران بالا صاحبان ریٹس کیسے FRP/PR حوالہ بجوالہ ہے جبکہ دفتر فوجی عمل کی سابع ریکارڈ کاٹیلڈن

الزام علیہ طلب کر کے لفینا قابل ملاحظہ ہیں کاٹیلڈن نمبر عدل 3218 مورخہ 29/09/2019 کو پوری ہو گیا ہے اور سال 2015/16 میں ڈرل

کو دس کیا ہے اور بجوالہ آرڈر نمبر 526-22/PAAR بطور ڈرل اسٹریٹجی P.T.C. بیٹو کولونیاٹ مورخہ 11/09/2019 کو ریٹس پر گھر خود جانا تھا لیکن

مذکورہ نے رات پورس لڈن میں گھرانے پایا اور رپورٹ کورس بارگہ میں ریٹس اختیار کی جس میں مطابق بیانات چوری جس میں کاٹیلڈن

عنید کی موٹائل اور کاٹیلڈن عرفان کی بٹوہ جس میں رقم 7500 روپے ATM کارڈ وغیرہ گم ہوئے کاٹیلڈن عدل 3218 پر الزام لگایا۔ بارگہ

کاٹیلڈن نے نہایت محنت استعمال کرتے ہوئے کاٹیلڈن نمبر عدل کو چوری شدہ سامان پر آمادہ کئے برآمدگی کی اور اپنے اپنے مالک

کو حوالہ کی۔ کاٹیلڈن عدل نے اپنے اور الزامات کو بے بنیاد قرار دیا ہے۔ سوال نمبر 29 کا متن ہے جھانگیر استاذ نے جب آپ کو اپنے

ساتھ بیٹایا اور سارا واقعہ سنایا کہ کیا جی بیٹر استاذ نے چھوٹ دکھایا ہے۔ تو مذکورہ نے جواب میں کہا کہ جی نہیں اس کا مطلب

یہ ہوا کہ واقعہ سچ ہے۔ اور بارگہ کاٹیلڈن نے بھی کہیں نہ کہیں عمل میں بطور گواہ شریک ہوئے۔



P=01 (17) کرس سوالات/جوابات اذان کاٹل عادل 3218 شمارہ ریسرچ

سوال = کب عبوتی ہوتی ہے اور کہاں عبوتی ہوتی ہے

جواب = 28 12 2009 کو لٹنارہ ریسرچ میں عبوتی ہوا Muhammad Adil

سوال = عبوتی کے بعد ان میں کتنا عرصہ گزارہ ہے

جواب = تقریباً 2 ماہ Muhammad Adil

سوال = ٹرننگ کہاں اور کتنا ٹرننگ کیا ہے

جواب = RTW کو صحت سے اور تقریباً 6 ماہ ٹرننگ کی Muhammad Adil

سوال = ٹرننگ سے آرڈر ڈیوٹی کہاں کہاں کی ہے

جواب = CCPD لٹنارہ مختلف مقامات پر مختلف ڈیوٹیاں کرتی ہیں Muhammad Adil

سوال = ڈرل کورس کبے اور کہاں کی ہے

جواب = 2015/16 میں PTC چنگو میں Muhammad Adil

سوال = ڈرل کورس سے آرڈر ڈیوٹی کہاں کہاں فراہم کرتے ہیں

جواب = CCPD لٹنارہ میں Muhammad Adil

سوال = آپ بطور ڈرل انڈرکڑ PTC چنگو کبے گئے ہیں

جواب = 02-05-07 کو Muhammad Adil

سوال = PTC چنگو میں بطور انڈرکڑ کتنا عرصہ گزارہ کیا ہے

جواب = تقریباً 30 ماہ Muhammad Adil

سوال = آپ کے ساتھ کونسا مگلس تھا

جواب = میرے ساتھ مگلس میں تھا اور سٹک میں ملانڈرٹ سے لے کر ساتھ ڈیوٹی کرتا تھا Muhammad Adil

سوال = کتنا عرصہ بعد گھوڑے سے اور کتنے روز گزارے تھے

جواب = ماہوار ریسرچ تقریباً 04 دن Muhammad Adil

سوال = ایسا گھوڑا کہاں سے اور گاؤں کا نام کیا ہے

جواب = بلا سقمیر گاؤں سٹک Muhammad Adil

*Muhammad Adil*

سوال 12 = آپ صرف 1600 روپے کو چھٹی گریڈ غیر حاضری پر یا ریکس پر آرہے تھے؟

جواب = جی ہاں ہر گز نہیں۔ 6 دن کیلئے ریکس پر آرہا تھا۔ Muhammad Adil

سوال 13 = P.T سے ریکس پر کس ٹائم روانہ ہوئے؟

جواب = 15:30 بجے P.T سے لپٹا کر روانہ ہوا۔ Muhammad Adil

سوال 14 = لپٹا کر کس ٹائم پہنچ گئے؟

جواب = 18:45 بجے کوٹاٹ آؤ۔ Muhammad Adil

سوال 15 = پولیس اسٹیشن لپٹا کر کس ٹائم پہنچ گئے؟

جواب = 19:30 بجے۔ Muhammad Adil

سوال 16 = پولیس اسٹیشن آکر ریفر لپٹا کر کس ٹائم پہنچ گئے؟

جواب = بارن ریفر لپٹا کر کس ٹائم پہنچ گئے۔ میں میرا سامان پٹا تھا جس میں میرے سیکے بڑے عمو صبح اٹھا کر گھر لے جا رہا تھا۔ Muhammad Adil

سوال 17 = کیا پولیس اسٹیشن کوئی جان پہچان والا سائق نہیں تھا جس نے سائیکل سوار کو روک دیا؟

جواب = جی نہیں۔ Muhammad Adil

سوال 18 = پولیس اسٹیشن کی بجائے اپنے گھر کیوں نہیں گئے؟

جواب = دروازہ کھلی تھا اور بارش بھی ہو رہی تھی۔ اور میرے گھروالی اپنے صلیب صلیب گئی تھی اسی وجہ سے پولیس اسٹیشن پہنچ گیا۔ Muhammad Adil

سوال 19 = آپ کس وقت پولیس اسٹیشن میں آئے؟

جواب = 19:30 بجے پہنچ گئے اور بارش کھلی تھی۔ Muhammad Adil

سوال 20 = کیا یہ سچ ہے کہ آپ 22 بجے کے بعد باہر روٹی لپٹا کر گئے؟

جواب = جی ہاں۔ Muhammad Adil

سوال 21 = کیا بارش میں موجود کالڈن نے آپ کو کچھ دیکھا؟

جواب = جی نہیں۔ Muhammad Adil

Arrested here

سوال (22) = آپ کے بیان کے مطابق کہ دو لڑکوں نے بتایا کہ وہاں اور پیرس لپٹے ہوئے خانے میں سے معتدکد بتایا گیا اس کا مطلب ہے ؟ وضاحت کریں ؟

جواب = بآدس میں وجود رکھنے کو اس والوں نے شور مچایا اور مجھے مارا پٹیا کہ آپ نے جوڑی کی اس سے صرا مطلب ہے

Muhammed Adil

سوال (23) = مطابق بیان خود نہ میں کہتا ہوں اور نہ میرا ترجمہ ہے کہ میں اپنا دفاع کر سکوں گا مطلب ہے ؟ جواب = دفاع سے صرا مطلب ہے تھا کہ یہ جوڑی میں نے نہیں کی ہے

Muhammed Adil

سوال (24) = سامان کسی کسی کا تھا اور کسی کسی نے آپ سے یہ بات کیا ؟ جواب = مجھے کوئی پتہ نہیں ہے

Muhammed Adil

سوال (25) = مصروفیات کیا تھی کہ آپ کے خلاف عائد لگے ؟ جواب = میرا کوئی مصروفیات نہیں

Muhammed Adil

سوال (26) = کیا گائیل عرفان اور ذل عند آپ کے ساتھ کوئی ذاتی رجسٹر تھا کہ آپ صرف جوڑی کا الزام لگائے ؟ جواب = جی نہیں

Muhammed Adil

سوال (27) = کیا ذلیمان بطور گواہ لہراہگی جوڑی شدہ سامان جو بطور گواہ وافر میں موجود ہے آپ کیا سوائے کوئی ذاتی عناد ہیں دیکھتے ہیں ؟

Muhammed Adil

جواب = جی نہیں

سوال (28) = کیا فیصل روف کو ہجرت رینج، احسان اللہ و لاکٹر رینج، عیبت اللہ بنوں رینج، اور عمران لک روٹ بنوں میں کوئی سازش کی ہے کہ آپوں ناکرہہ جوڑی میں الزام علیہ بیان کیا ہے ؟

Muhammed Adil

جواب = جی نہیں

سوال (29) = کیا جھانگیر اشاد ذبب آپوں اپنے ساتھ بچھایا اور سارا واقعہ سنایا کیا جھانگیر اشاد نے مجھ کو بتلایا ہے ؟

Muhammed Adil

جواب = جی نہیں

Allesha  
Hussain

سوال =

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 114058/2020.**

Ex-Constable Muhammad Adil No 3218 FRP Peshawar Range S/o Sarwar Khan, R/O Village Spenkai, Tehsil Shabqadar District Charsadda.....Appellant.

**VERSUS**

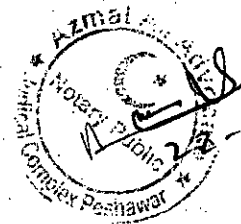
**Provincial Police officer, Khyber Pakhtunkhwa, Peshawar & others.....Respondents.**

**AFFIDAVIT**

I, Ghasan Ullah ASI FRP HQ: do hereby solemnly affirm and declare on oath that the contents of the accompanying Para-wise Comments on behalf of Respondents No. 1 to 4 is correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.

**Deponent**  
**Ghasan Ullah**  
17101-9891560-3

**ATTESTED**





**BEFORE THE KHYBER PAKHTUNKWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No.14058/2020

Ex Constable Muhammad Adil (3218 FRP/PR) S/o Sarwar  
Khan R/o Village Spenkai, Tehsil Shabqadar District  
Charsadda

**(Appellant)**

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Secretary  
Elementary and Secondary Education KPK & Others.

**(Respondent)**

**REJOINDER ON BEHALF OF THE APPELLANT**

**Respectfully Submitted:**

The appellant submit his rejoinder as under:

**Preliminary Objections:**

1. That the appellant has filed the instant service appeal and is within time.
2. That the appellant has filed the service appeal with proper parties.
3. That the appellant has a cause of action against the respondents.
4. That the appellant has approached this Hon;able Tribunal with clean hands.
5. That the appellant has not estopped by law to file the present appeal.
6. That the appellant claim is based on true facts and no misstatement has been forwarded before this Hon;able Tribunal.

**ON FACTS:**

1. Contents of Para No 1 is correct.

2. Contents of Para No 2 is incorrect and misleading, furthermore the appellant had performed his duties as assigned with zeal and devotion and the allegations are wrong and baseless.
3. Contents of Para No 3 is incorrect and misleading, furthermore the appellant while performing his duties never involved in any offensive activities.
4. Contents of Para No 4 is incorrect and misleading, furthermore, the appellant never committed any such act of offence. the appellant was charge in false and fabricated story of theft by the colleagues, due to which the appellant was charge of theft and misconduct, whereas the whole story was made up to take revenge from the appellant.
5. Contents of Para No 5 is incorrect and misleading, the appellant the appellant is the permanent resident of flung area of tehsil Shabqadar district Charsadda and the day on which the incident happened, appellant return form duty on 31.10.2019 from Hangu whereas the time when the appellant reached to Peshawar at night around isha prayer and due to weather condition it was difficult for him to get a vehicle for village, decided to stay at Police line for night and will left for home early at the morning, the alleged theft/incident which was occurred on the same night, was a story made by the complainant as they have grudges from Hangu training school.
6. Contents of Para No 6 is incorrect and misleading, and that of the appeal is correct.
7. Contents of Para No 7 is incorrect and misleading, and that of the appeal is correct.
8. Contents of Para No 8 is incorrect and misleading, and that of the appeal is correct.
9. Contents of Para No 9 is incorrect and misleading, and that of the appeal is correct.
10. Contents of Para No 10 is incorrect and misleading, and that of the appeal is correct

11. Contents of Para No 11 is incorrect and misleading, and that of the appeal is correct

**Grounds**

All the grounds are taken are legal and will be argue at the time of hearing

It is, therefore, Most humbly prayed that the *Service Appeal*, of the appellatant may please be accepted as prayed for.

**Appellant**

Through



**ZARTAJ ANWAR**  
Advocate Peshawar

**AFFIDAVIT**

I, Muhammad Adil S/o Sarwar Khan R/o Village Spenkai, Tehsil Shabqadar District Charsadda, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

**Deponent**

**BEFORE THE KHYBER PAKHTUNKWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No.14058/2020

Ex Constable Muhammad Adil (3218 FRP/PR) S/o Sarwar  
Khan R/o Village Spenkai, Tehsil Shabqadar District  
Charsadda

(Appellant)

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Secretary  
Elementary and Secondary Education KPK & Others.

(Respondent)

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**Respectfully Submitted:**

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**Preliminary Objections:**

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3. That the appellant has a cause of action against the respondents.
4. That the appellant has approached this Hon:able Tribunal with clean hands.
5. That the appellant has not estopped by law to file the present appeal.
6. That the appellant claim is based on true facts and no misstatement has been forwarded before this Hon:able Tribunal.

**ON FACTS:**

1. Contents of Para No 1 is correct.

2. Contents of Para No 2 is incorrect and misleading, furthermore the appellant had performed his duties as assigned with zeal and devotion and the allegations are wrong and baseless.
3. Contents of Para No 3 is incorrect and misleading, furthermore the appellant while performing his duties never involved in any offensive activities.
4. Contents of Para No 4 is incorrect and misleading, furthermore, the appellant never committed any such act of offence, the appellant was charge in false and fabricated story of theft by the colleagues, due to which the appellant was charge of theft and misconduct, whereas the whole story was made up to take revenge from the appellant.
5. Contents of Para No 5 is incorrect and misleading, the appellant, the appellant is the permanent resident of Tung area of tehsil Shabqadar district Charsadda and the day on which the incident happened, appellant return form duty on 31.10.2019 from Hangu whereas the time when the appellant reached to Peshawar at night around isha prayer and due to weather condition it was difficult for him to get a vehicle for village, decided to stay at Police line for night and will left for home early at the morning, the alleged theft/incident which was occurred on the same night, was a story made by the complainant as they have grudges from Hangu training school.
6. Contents of Para No 6 is incorrect and misleading, and that of the appeal is correct.
7. Contents of Para No 7 is incorrect and misleading, and that of the appeal is correct.
8. Contents of Para No 8 is incorrect and misleading, and that of the appeal is correct.
9. Contents of Para No 9 is incorrect and misleading, and that of the appeal is correct.
10. Contents of Para No 10 is incorrect and misleading, and that of the appeal is correct.

11. Contents of Para No 11 is incorrect and misleading, and that of the appeal is correct

**Grounds**

All the grounds are taken are legal and will be argue at the time of hearing

It is, therefore, Most humbly prayed that the *Service Appeal*, of the appellatant may please be accepted as prayed for.

**Appellant**

Through



**ZARTAJ ANWAR**

Advocate Peshawar

**AFFIDAVIT**

I, Muhammad Adil S/o Sarwar Khan R/o Village Spenkai, Tehsil Shabqadar District Charsadda, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

**Deponent**