

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 4275/2021

BEFORE: MRS. ROZINA REHMAN ... MEMBER(J)
MISS FAREEHA PAUL ... MEMBER(E)

Muhammad Haseeb son of Mati Ud Din R/O Muhammad Zai,
Kohat (Constable No. 5453). (*Appellant*)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Peshawar.
 2. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
 3. Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.
 4. Deputy Commandant (FRP) Khyber Pakhtunkhwa, Peshawar.
 5. Superintendent of Police (FRP) Kohat Range, Kohat.
 6. Commandant FRP, Khyber Pakhtunkhwa, Peshawar.
- (*Respondents*)

Mr. Hassan U.K Afridi,
Advocate

... For appellant


Mr. Muhammad Jan,
District Attorney.

... For respondents

Date of Institution.....25.03.2021
Date of Hearing.....16.11.2022
Date of Decision..... 16.11.2022

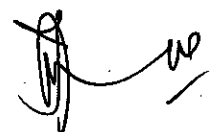
JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service



Tribunal Act, 1974 against the impugned order of dismissal dated 27.07.2020 passed by respondent No. 5 and order dated 30.09.2020 of respondent No. 4 whereby departmental appeal/representation was rejected/dismissed and the revision petition filed u/s 11-A of the Khyber Pakhtunkhwa Police Rules, 1975 was rejected vide order dated 04.03.2021 by respondent No. 3 with the prayer that all the impugned orders be declared as null & void and the appellant might be reinstated in service with all back benefits.


2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as constable in the respondent department on 02.12.2013. While he was performing his duties to the entire satisfaction of his authorities, an FIR No. 843 dated 17.06.2019 was lodged against one Adeeb son of Jogandar Naat u/s 5 Explosive Substance Act, on the information delivered by constable namely Wajahat. The appellant was charged in Zimni No. 2 in the said FIR. Charge sheet and statement of allegations was issued to him as he was involved in FIR No. 843 and that he absented himself from a refresher course at FRP Headquarter, Peshawar on 14.06.2019 without prior permission. He was, therefore, put under suspension on 26.06.2019. An inquiry was conducted and inquiry officer recommended that till the decision of the court, the appellant might be reinstated based on which he was reinstated in service on 09.07.2019 and his 14 days absence was treated as leave without pay. He was transferred to District Police, Kohat. The appellant was again called for personal hearing



after which he was dismissed from service on 27.07.2020. He submitted departmental appeal on 04.08.2020 which was rejected on 30.09.2020, after which he filed revision u/s 11-A of Khyber Pakhtunkhwa Police Rules, 1975 which was also rejected on 04.03.2021; hence this service appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Additional Advocate General for the respondents and perused the case file with connected documents in detail.


4. Learned counsel for the appellant contended that the impugned orders were against law and justice and were liable to be set aside and that the disciplinary proceedings initiated against him were not in accordance with law and rules. He further contended that the inquiry proceedings had not been conducted in accordance with law as no show cause notice was issued to the appellant. According to him, the allegations against the appellant were baseless for the reason that the inquiry officer clearly recommended that the appellant be reinstated till the final decision of the criminal court of law according to which action was taken and the appellant was reinstated in service but later on was dismissed without regular/proper inquiry. The learned counsel further contended that no opportunity of defence had been provided to the appellant. He presented an order dated 25.05.2021 of the court of ASJ-III Kohat vide which the



appellant had been acquitted of the charges levelled against him in FIR No. 843 dated 17.06.2019.

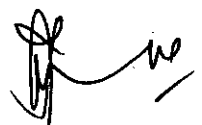
5. The learned District Attorney presented his rebuttal by stating that the appellant was involved and arrested in a criminal case vide FIR No. 843 dated 17.06.2019 u/s 5-ESA by District Police, Kohat. He further contended that there were eight bad entries against the appellant and that his entire service record was blemished prior to the registration of the criminal case as mentioned in FIR No. 843 for which he had been awarded punishment of forfeiture of four years approved service. He contended that the appellant was placed under suspension and proper departmental inquiry was conducted by issuing him charge sheet alongwith statement of allegations. According to him, the competent authority while re-examining the inquiry file extended an opportunity of personal hearing to the appellant but he failed to produce any plausible explanation regarding his innocence and hence was correctly dismissed from service.

6. From the record and arguments presented before us, it transpires that the appellant was charged in an FIR lodged under Explosive Substance Act, and he was placed behind the bar on 17.06.2019. On 25.06.2019, he was released on bail by the Additional Sessions Judge-III, Kohat. An inquiry was initiated against him by his competent authority and a Charge Sheet and Statement of Allegation was issued. A finding report annexed with the reply indicates that the Inquiry Officer recommended to keep the inquiry proceedings pending till the decision of the competent court in case



of the FIR in which the appellant had been charged. He was placed under suspension vide order dated 21.06.2019 and was reinstated on 09.07.2019. The period of absence from 14.06.2019 to 28.06.2019 (14 days) was treated as leave without pay. Impugned order dated 27.07.2020 itself provides that despite the fact that the Inquiry Officer had recommended to keep the inquiry proceedings pending till the decision of the competent court of law, his inquiry papers were reconsidered, he was given an opportunity of personal hearing but his response was not found satisfactory. The same order further mentions about bad entries and blemished service record on which he had already been awarded punishment. Based on the above mentioned facts, the competent authority awarded major punishment of dismissal from service which was upheld by the next level authorities also.


7. Some of the facts that need to be mentioned here are that for his previous misconduct, he had already been punished and that chapter stood closed. As far as the fresh case of involvement in FIR No. 843 was concerned, he was placed under suspension and after being released on bail, he was reinstated in service. Despite the fact that the Inquiry Officer had recommended to keep the inquiry proceedings pending till the final outcome of the criminal case against the appellant, his competent authority dismissed him from service. It appears that the competent authority acted hastily in awarding a major punishment to the appellant. It would have been in the fitness of the matter to wait for the judgment of the court of law



where the case of the appellant was pending. Judgment of the ASJ-III Kohat dated 25.05.2021 produced before this bench speaks in clear terms that the prosecution failed to bring on record any material connecting the accused persons with the commission of offence and, therefore, acquitted all the accused persons, including the appellant, from the charges leveled in FIR No. 843 dated 17.06.2019.

8. In view of the above discussion, the appeal in hand is allowed as prayed for. Parties are left to bear their own costs. Consign.

9. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 16th day of November, 2022.*



(ROZINA REHMAN)
Member (J)



(FAREEHA PAUL)
Member (E)


Service Appeal No. 4275/2021

Mr. Hassan U.K Afridi, Advocate for appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgement containing 06 pages, we are of the view that for previous misconduct of the appellant, he had already been punished and that chapter stood closed. As far as the fresh case of involvement in FIR No. 843 was concerned, he was placed under suspension and after being released on bail, he was reinstated in service. Despite the fact that the Inquiry Officer had recommended to keep the inquiry proceedings pending till the final outcome of the criminal case against the appellant, his competent authority dismissed him from service. It appears that the competent authority acted hastily in awarding a major punishment to the appellant. It would have been in the fitness of the matter to wait for the judgment of the court of law where the case of the appellant was pending. Judgment of the ASJ-III Kohat dated 25.05.2021 produced before this bench speaks in clear terms that the prosecution failed to bring on record any material connecting the accused persons with the commission of offence and, therefore, acquitted all the accused persons, including the appellant, from the charges leveled in FIR No. 843 dated 17.06.2019. In view of the above discussion, the appeal in hand is allowed as prayed for. Parties are left to bear their own costs. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 16th day of November, 2022.*

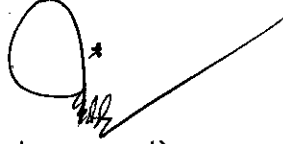

(ROZINA REHMAN)
Member (J)


(FAREEHA PAUL)
Member (E)


24.06.2022

Clerk of learned counsel for the appellant present. Mr. Riaz Ahmed Paindakhel, Assistant 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 indisposed. Adjourned. To come up for arguments on 13.09.2022 before the D.B.



(Mian Muhammad)
Member (E)

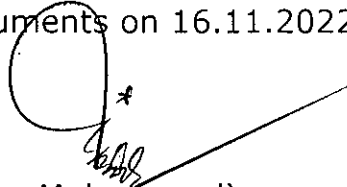


(Salah-ud-Din)
Member (J)

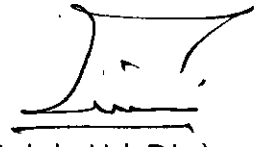
13.09.2022

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 indisposed today. Adjourned. To come up for arguments on 16.11.2022 before the D.B.



(Mian Muhammad)
Member (Executive)



(Salah-Ud-Din)
Member (Judicial)

02.03.2022

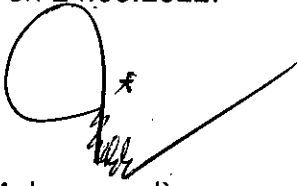
Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 29.04.2022 for the same as before.



Reader

29.04.2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General for respondents present.

Learned counsel for the appellant submitted rejoinder which is placed on file. Copy of the same is handed over to the learned Assistant Advocate General. Adjourned. To come up for arguments before the D.B on 24.06.2022.


(Mian Muhammad)
Member(E)


(Salah Ud Din)
Member(J)

12.07.2021

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



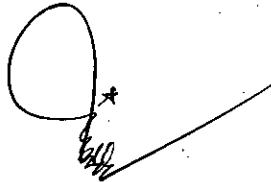
Chairman

Stipulated period passed reply not submitted.

04.10.2021

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Clerk of learned counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Granted. To come up for arguments on 11.01.2022 before the D.B.



(Mian Muhammad)
Member(E)



Chairman

11.01.2022

Nemo for the appellant. Mr. Kabirullah Khattak, Addl. AG for respondents present.

Reply/comments on behalf of respondents have already been submitted through office which is placed on file. To come up for rejoinder if any, and arguments before the D.B on 29.04.2022.



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

31.05.2021

Counsel for the appellant present. Preliminary arguments ~~already~~ heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections available to the respondents. 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 in office within 10 days of the receipt of notices positively. If the written reply/ comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance.

Appellant Deposited
Security & Process Fee

31/5/21

File to come up for arguments on 04.10.2021.


Chairman

11.01.2022

Nemo for the appellant. Mr. Kabirullah Khattak, Addl. AG for respondents present.

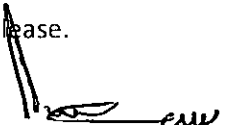

Reply/comments on behalf of respondents have already been submitted through office which is placed on file. To come up for rejoinder if any, and arguments before the D.B on 29.04.2022.

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

FORM OF ORDER SHEET

Court of _____

Case No.- 4275 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/03/2021	<p>The appeal of Mr. Muhammad Haseeb resubmitted today by Mr. Hassan U.K Afridi 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>
2-	26/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31/05/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Muhammad Haseeb son of Mati-ud-Din r/o Muhammad Zai Kohat received today i.e. on 25/03/2021 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 may be attested.
- 2- Address of appellant is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Page no. 27 & 28 of the appeal are illegible which may be replaced by legible/better one.

No. 596 /S.T,

Dt. 25/03 /2021

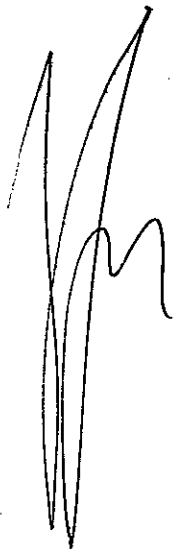

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hassan U.K Afridi Adv. Pesh.

Re-submitted

The address is correct
according to his service
Cmd and other documents has
been completed on

29-03-2021



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2021

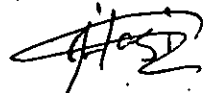
Muhammad Haseeb.....Appellant

V E R S U S

Govt. of Khyber Pakhtunkhwa through Secretary Home &
Tribal Affair Department & others.....Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal with affidavit		1-8
2.	Application for condonation of delay alongwith affidavit		9-11
3.	Addresses of parties		12-13
4.	Service card		14
5.	FIR/Murasila		15-16
6.	Zimni report		17
7.	Statement of allegation/charge sheet		18-19
8.	Dismissal order dated 27.07.2020		20
9.	Departmental Appeal dated 04.08.2020		21-22
10.	Order of rejection by Deputy commandant vide dated 30.09.32020		23
11.	Order in revision dated 04.03.2021		24
12.	Card Giraffar dated 19.06.2019		25
13.	Bail order dated 25.06.2019		26-28
14.	Wakalatnama with application		29



Appellant

Through

Hassan U.K Afridi

Advocate

Supreme Court of Pakistan

Cell No.0300-9151963

Dated 17.03.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal
Dirky No. 4158
Dated 25/3/2021

Service Appeal No. 4275 /2021

Muhammad Haseeb Son of Mati Ud Din,
R/o Muhammad Zai, Kohat
(Constable No.5453).....**Appellant**

VERSUS

1. Government of Khyber Pakhtunkhwa through
Secretary Home & Tribal Affair Department,
Peshawar

2. Inspector General of Police Khyber Pakhtunkhwa,
Peshawar

3. Additional Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa Peshawar

4. Deputy Commandant (FRP), Khyber Pakhtunkhwa,
Peshawar

5. Superintendent of Police (FRP) Kohat Range, Kohat

6. Commanded FRP, Khyber Pakhtunkhwa, Peshawar
.....**Respondents**

Filed-to-day

25/3/2021
Registrar

Re-submitted to-day
and filed.

29/3/2021
Registrar

On acceptance of this service appeal, the impugned order of dismissal, vide dated 27.07.2020, passed by the respondent No.5 and further order by respondent No.4, vide dated 30.09.2020 and by respondent No.3 vide dated

Prayer in Appeal:-

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER OF DISMISSAL PASSED BY THE RESPONDENT NO.5 VIDE DATED 27.07.2020 WHEREBY THE DEPARTMENTAL APPEAL/REPRESENTATION ALSO REJECTED / DISMISSED BY THE RESPONDENT NO.4 VIDE DATED 30.09.2020, AND THE REVISION FILED U/S 11-A OF THE KHYBER PAKHTUNKHWA POLICE RULE-2014 BY THE APPELLANT, ALSO REJECTED VIDE DATED 04.03.2021 BY THE RESPONDENT NO.3, WHILE ALL THE IMPUGNED ORDERS AS MENTIONED ABOVE ARE AGAINST LAW AND JUSTICE AND ARE LIABLE TO BE SET ASIDE.

04.03.2021 may also be declared as null and void and set aside and the appellant may please be reinstated in service with all back benefits.

Any other relief, deemed fit and necessary in the given circumstances of the case may also be awarded in favour of the appellant was against respondents

Respectfully Sheweth:-

Facts of the case

1. That the appellant was appointed as constable in the Department of respondents on 02.12.2013. (Copy of Service Record is attached).
2. That from the date of appointment the appellant performed his duty well and to the entire satisfaction of the authorities.
3. That an FIR No.843 dated 17.06.2019 was lodged against Adeeb Son of Jogandar Naat U/S 5 explosive Substance Act, on the

information delivered by one Constable
namely Wajahat.

4. That later on the appellant has been charged in Zimni NO.2 in the said FIR as actually the appellant is involved.
5. That charge sheet and statement of allegations has been issued to the appellant as the appellant involved in FIR No.843 and the appellant was absent from a refresher course at FRP, HQ, Peshawar on 14.06.2019 without any prior permission and the appellant was suspended on 26.06.2019.
6. That inquiry was conducted and the inquiry officer recommended that till the decision of court, the appellant may be reinstated, so the appellant has been reinstated on 09.07.2019 and his 14 days absent has been treated as leave without pay and the appellant has been transferred to District Police, Kohat.
7. That the appellant then again called for personal hearing and after personal hearing,

the appellant has been dismissed on 27.07.2020.

8. That the appellant then submitted departmental appeal on 04.08.2020 which was also rejected on 30.09.2020 and after that appellant filed Revision Under Section 11-A of Khyber Pakhtunkhwa Public Rule-2014, which has also been rejected on 04.03.2021, hence this Service Appeal before this Hon'ble Tribunal on the following amongst the other grounds:

GRUNDS:

- A. That the impugned order of dismissal vide dated 27.07.2020 and further impugned orders as mentioned above, are against law and justice and are liable to be set aside.
- B. That the appellant has not been dealt in accordance with law and rules.
- C. That the disciplinary proceedings initiated against the appellant is not according to law and rules as laid down in service laws.

- D. That the enquiry has not been conducted in accordance with law and the allegations levelled against the appellant have not been proved.
- E. That no Show Cause Notice has been issued to the appellant as no Show Cause Notice has been received by the appellant.
- F. That the allegations against the appellant are baseless for the reason the enquiry officer gave recommendations that the appellant be reinstated till the final decision of the criminal court of law and after that the appellant has reinstated and his absence has been treated as leave without pay but instead of that the appellant has been dismissed as awarded major penalty, without regular and proper inquiry.
- G. That the opportunity of defence has not been given to the appellant.
- H. That the allegations in the charge sheet has not been proved but still the major penalty has

been awarded which is against the norms of

justice.

1. That some other ground may be adduced at the time of arguments with the permission of this Honourable Court.

It is, therefore most humbly prayed on

acceptance of this service appeal, the impugned order of dismissal, vide dated 27.07.2020, passed by the respondent No.5 and further order by respondent No.4, vide dated 30.09.2020 and by respondent No.3 vide dated 04.03.2021 may also be declared as null and void and set aside and the appellant may please be reinstated in service with all back benefits

Any other relief, deemed fit and necessary in the given circumstances of the case may also be awarded in favour of the appellant was against respondents



Appellant

Through

Hassan U.K. Miridi

Advocate

Supreme Court of Pakistan

Dated 17.03.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2021

Muhammad Haseeb.....**Appellant**

V E R S U S

Govt. of Khyber Pakhtunkhwa through Secretary Home &
 Tribal Affair Department & others.....**Respondents**

A F F I D A V I T

I, Muhammad Haseeb Son of Mati Ud Din, R/o
 Muhammad Zai, Kohat, do hereby solemnly affirm and
 declare on oath that the contents of the accompanying
Service Appeal are true and correct to the best of my
 knowledge and belief and nothing has been concealed
 from this Hon'ble Court.



D E P O N E N T

1. That the service appeal has filed with the application before this Hon'ble Tribunal, which has bright chance to succeed.
2. That the appellant has good prima facie case.
3. That the departmental appeal has been filed within time and the departmental appeal dismissed on 30.09.2020 and within 30 days the appellant filed revision before the IGP Khyber Pakhtunkhwa, Peshawar
4. That when the revision decided on 04.03.2021 then within 30 days, the present service appeal has filed.

Respectfully Sheweth:

DELAY IF ANY

APPLICATION FOR CONDONATION OF

Govt. of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department & others.....**Respondents**

V E R S U S

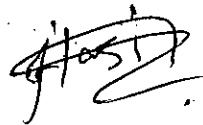
Muhammad Haseeb.....**Appellant**

C.M. No. _____/2021
In
Service Appeal No. _____/2021

PESHAWAR
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

5. That some other ground may be adduced at the time of arguments with the permission of this Honourable Court.

It is therefore, humbly prayed that on acceptance this application, the delay if any is caused may please be condoned.



Applicant/Appellant

Through



Hassan U.K Afridi
Advocate Supreme Court

Dated 17.03.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2021

In

Service Appeal No. _____/2021

Muhammad Haseeb.....**Appellant**

V E R S U S

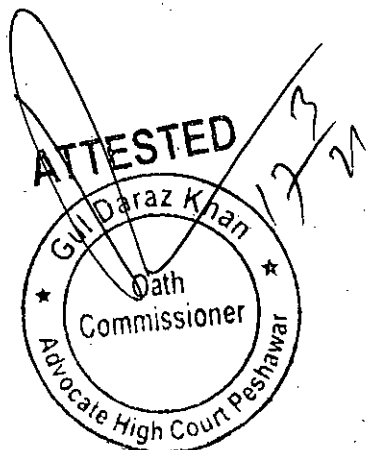
Govt. of Khyber Pakhtunkhwa through Secretary Home
 & Tribal Affair Department & others.....**Respondents**

A F F I D A V I T

I, Muhammad Haseeb Son of Mati Ud Din, R/o
 Muhammad Zai, Kohat, do hereby solemnly affirm and
 declare on oath that the contents of the accompanying
Application are true and correct to the best of my
 knowledge and belief and nothing has been concealed
 from this Hon'ble Court.



DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. _____/2021

Muhammad Haseeb.....Appellant

V E R S U S

Govt. of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department & others.....Respondents

ADDRESSES OF PARTIES

APPELLANT:

Muhammad Haseeb Son of Mati Ud Din,
R/o Muhammad Zai, Kohat

(Constable No.5453)

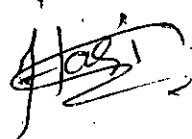
RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through
Secretary Home & Tribal Affairs Department,
Peshawar

2. Inspector General of Police Khyber Pakhtunkhwa,
Peshawar

3. Additional Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa Peshawar

4. Deputy Commandant (FRP), Khyber Pakhtunkhwa, Peshawar
5. Superintendent of Police (FRP) Kohat Range, Kohat
6. Commanded FRP, Khyber Pakhtunkhwa, Peshawar



Appellant

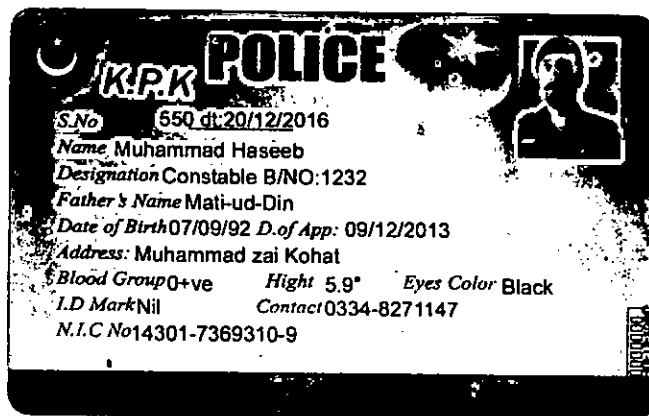
Through

Dated 17.03.2021

Hassan U.K Afridi
Advocate
Supreme Court of Pakistan



14



Attested


ابتدائی اطلاع رپورٹ

تاریخ و وقت رپورٹ شہر و دفعہ 17/6/19 بجوہ مقابلہ فروری
مستند کوئی نہ
مبدا کوہاٹ

تاریخ و وقت وقوعہ 17/6/19 وقت 09:00 ص

نمبر 843

تاریخ و وقت رپورٹ 17/6/19 وقت 09:30	تاریخ و وقت وقوعہ 17/6/19 وقت 09:00 ص
نام و سکونت اطلاع دہندہ و مفیدت SEXP-SUBACT	نام و سکونت اطلاع دہندہ و مفیدت 14202-5300093-7 عارف خان ASI 0345 9650386
پاٹے و قبو نامہ تھانہ ت اور سمیت	مخبر کیفیت جرم (موجودہ) حال اگر کچھ یا گیا ہو بالمقابلہ بالمکمل اندر واقع شعلہ پھیلائی
نام و سکونت ملزم رودانی جو تفتیش کے متعلق کی گئی اگر اطلاع درج ہونے میں توقف ہو اپو تو درج بیان کرو۔	ادیب ولد جو گنڈ نازا تھ سکنہ نزد CIA چوکی کوہاٹ
تھانہ سے روانگی کی تاریخ و وقت	برسر سی حالہ لیا گیا ہے

بہ سبیل وثائق

ابتدائی اطلاع نیچے درج کو واس وقت ایک غیر میری حراسمہ مخالف عارف
خان ASI بدست کتبیل ریبج 73 و مول بوکر درج ذیل ہے۔ اسرا بخارج تھانہ 1 اجرتز صبریا حم کتبیل ان
طارق 765 و عبایت 1321 ریبج 73 دیگر نسری پولیس کے حساب حصول تماروات حرتا
شہر کی کلنگ میں مصروف تھا کہ جائے وقوعہ بالادیر ایک سوئرسائلک نسری 0096
CD-70 مشتبہ حالتیں گھسٹرا یا کرتہ براری پر موجود شخص اسما ادیب ولد جو گنڈ نازا تھ
سکنہ نزد CIA چوکی کوہاٹ نے سوئرسائلک مذکورہ انی ملکیت ظاہر کی۔ سوئرسائلک کی جگہ
پیشان سوئرسائلک کے بائیں طرف ساٹھ کوٹے اندر سے ایک بلاتنگ لفظ کے اندر
کیڑے میں لٹھے ہوئے دو عدد گنڈ نازات (1) GRENAPERS (2) GREN A PERS
HE P₂ AI HE P₂ AI
POF 06-09 006 POF 06-09 005

نادر سوئرسائلک کے برسر صورتہ نسری پولیس کی ادیب مذکورہ بالا کو تھنگ حراسمہ بالادیر
حسب ضابطہ مقرر تھاکر وقوعہ کی نسبت SHO صاحب کے نوٹس میں لا کر حراسمہ نسری تھانہ
مستند بدست کتبیل ریبج 73 ارسال درج ہے۔ لعدد درج حقتہ نسری تفتیش حوام 1401
شکاف سوک دسخط نسری عارف خان ASI تھانہ کتبیل حورم 17/6/19 کاروانی تھانہ آخرہ
حراسمہ نسری حورم درج بالا سوکر برسر مجرم بالادیر سوئرسائلک پر حراسمہ نسری نسری تفتیش
حوالہ KEA شکاف کتا گیا۔ ریبج گنڈ نازا تھ

ASHO, P.S. Cantt
17-6-19

Attested

[Signature]

حضرت اسلام

تاریخ وقت وقوع :- 17/6/19 وقت 09:00
تاریخ وقت رپورٹ :- 17/6/19 وقت 09:30
حادثے وقوع بالتقابل ایک مندر واقع سیکم پیٹری

SEXP sub Act

جرم

افسر انچارج تھانہ

امروز میں مع کثرت ہون طاق 765 ، وصابت 1321 ، ریم 73 دیگر تشریح ہوئی
یہ سب معمولی کارروائی ہے جرم ہائے ، مندر کی ڈیکنگ میں مصروف تھا کہ
حادثے وقوع بالہو ایک موٹر سائیکل تھی 0096 ، مندر 701 CD ، مندر 701
کے پاس ایک سٹیٹ براری پر موجود شخص ایسی اریب ولد کو کسٹر رانڈر کہ تھوڑا
جو کی کورٹ نے موٹر سائیکل مندر کو اپنی ملکیت ظاہر کی ۔ موٹر سائیکل کی ڈیکنگ
پڑائی پر موٹر سائیکل کے پاس طرف سائیکل کوڑے کے اشارے ایک پلٹنک بناؤ

GREEN PERS
HE P2 A1
POF 06-09 005

کے اندر کپڑے میں لپٹے ہوئے دو عدد چھینٹ گٹر تھوڑے بڑے
بڑا مندر ہو کہ بعد موٹر سائیکل کے بروئے مندر قبضہ ہوئی کی
ادریس کوڑہ بالہو کو مندر کتب جرم یا ہر کا یا ہر قبضہ ضابطہ گٹر تھوڑے بڑے
کے نوٹوں میں لاکر حضرت اسلام لغویں مابقی مندر یہ سب کچھ لکھیں

GREEN PERS
HE P2 A1
POF 06-09 006

اوسل تھانہ سے لیوا اندراج مقدم لغویں تفتیش حوالہ KBI بناؤ ہوئے

AST - cant
17-6-19

Alleged

حصہ دوم (اندرونی)

رپورٹ ضمنی

سلسلہ خارجہ

مستطین گما اچھائی کے برے یہ ملے دیا۔ کمرہ ۵۰ کے برادر کے
 بڑے صہی سرخان کے ساتھ وقت و محبت سے کمرے دیا۔ جب مستطین
 مائیک مندر کو اسکالیم ہوا کہ کانٹیل قریب آنکی برادری کے
 جو بڑے بڑے بڑے ہوا ہے۔ اور مائیک مندر جو بڑے برادری
 کے عبادت گاہ کا درجہ رکھتا ہے کی بڑی بڑی ہے۔ تو مائیک
 مندر کے مستطین نے کانٹیل قریب کی تبادلہ کا سوچ کر کوشش
 قریب کا تبادلہ سلسلہ ریفر سٹریٹس مورخہ ۱۹/۱۲ کو بنا اور
 ہو چکا ہے۔ یہاں پر یہ امر قابل ذکر ہے کہ اگرچہ بڑے برادری
 کی عبادت گاہ میں دلگ بڑا ہے اگرچہ آٹے میں نیک کی برادری ہے
 بڑے برادری میں سرسٹا یاد پڑتے تھے تو کر سکتا ہے مگر وہ
 بڑے عبادت گاہ کو نیا آنکے عبادت گاہ مندر میں جو جو عبادت
 گزاروں کو نقصان نہیں پہنچا سکتا یہ ایک سوال ہے کہ ان سے
 مذکورہ سرخان (بڑے) کے موبائل نمبر 0335827142 اور 03341827147

جو کہیں قریب کے نام پر ہیں۔ اور سرخان بڑے کے زیر استعمال ہیں۔
 اور دیگر مشہور گان نشان قریب کے موبائل نمبر 03339656577
 03315961029 کے CDR کیلئے تحریر کیا گیا ہے۔ CDR جو سرخان
 پر خطہ کیا جاتا ہے۔ مگر قریب کیلئے اور سرخان کے درمیان
 رابطے میں ہے۔ یا کسی ماہر رابطے میں ہے یا کسی قریب کے ساتھ
 مل کر اگر کسی دوسرے شخص نے بھی سازش کر کے مندر اور سرخان
 کو سازش کے تحت لیا۔ کہ مذکورہ سرخان بڑے سے اس وقت
 کا سلسلہ جاری رکھنے کیلئے مندر بنائے۔ مذکورہ سرخان بڑے کو
 تھانہ دے کر کے موبائل سے جو مندر سرخان کے زیر استعمال ہے ان
 کی بیادیت کی ہے۔ نام سرخان مذکورہ کے بیٹے whatsapp کو بھیج کر

Att: stae

ہوں۔ مقدر میں مدعا مقدمہ عارف خان ASI کے
کے ساتھ ڈسکس کرنا ضروری سمجھتا ہوں۔ لہذا اب میں
مقدور نوکری انوسٹریٹس ٹاف کے رد میں قضا ہوں۔

1830

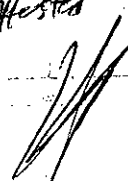
اس وقت چھانر آنا۔ چنانچہ عارف خان ASI کو دفتر
انوسٹریٹس ٹاف کے عارف خان ASI حیدر آباد میں
۱۸۳۱ء ٹاف آنا۔ مقدر کی نسبت عارف خان ASI کے ساتھ حق
مارکے ڈسکس کر کے عارف خان ASI نے تیار کیا۔ انصار میں
اسکے ساتھ موجود میرا کٹیل و حاجت میں ۱۳۲۱
دیا گیا۔ و حاجت میں ۱۳۲۱ کی تیار کیا کرنے پر تیار کیا
کو حیدر کر کے گریٹر براہد میں ہے۔ و حاجت میں ۱۳۲۱
مذکورہ بھی قضا میں موجود ہے و حاجت میں ۱۳۲۱
کو دفتر ۱۸۳۱ء ٹاف کر کے طلبی پر حاضر اگر مذکورہ
انصار کے مارکے گفت و شنید کی گئی۔ و حاجت میں
تیار کیا کر کے یہ انصار میں بھی کٹیل و حاجت میں دی
گئی۔ گریٹر براہد میں موجود ہے کٹیل و حاجت میں
میں گریٹر براہد میں موجود ہے کٹیل و حاجت میں
کی فراہم کردہ اطلاع پر گریٹر براہد میں کٹیل و حاجت میں
گریٹر براہد میں ملزم کو حیدر کو حیدر کو حیدر
کے ساتھ و حاجت میں نے تیار کیا مذکورہ کٹیل و حاجت میں
کے ساتھ اس بھی فیشیات غروہوں کے متعلق انصار میں
دے چکا ہے۔ لہذا چرچ کٹیل کے نتیجے میں اس
بابت الا علم ہوں کہ اس نے مقدمہ عارف خان ASI کو حیدر
کے ساتھ اس کو حیدر میں کٹیل و حاجت میں
کٹیل و حاجت میں ۱۳۲۱ نے انصار میں گریٹر براہد میں
اور کٹیل و حاجت میں ۱۳۲۱ کو اس طرح ڈیوٹی کرنے
پر دار و بنا چاہیے۔ لیکن کٹیل و حاجت میں ملزم (جاری ہے)

کٹیل و حاجت میں

CHARGE SHEET

- I) I, Mian Imtiaz Gul, SP FRP Kohat as competent authority, am of the opinion that you Constable Muhammad Haseeb No. 5653/FRP, have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.
- a) That as intimated by SP Investigation Wing Kohat vide his office letter No. 1937/GC dated 20.06.2019 you have been involved ^{in a case} in criminal case Fir No. 843 dated 17.06.2019 U/S 5ESA P.S Cantt District Kohat. Moreover it has also been reported against you that you have absented yourself from Refresher course at FRP HQrs; Peshawar w.e.f 14.06.2019 vide DD No. 45 dated 14.06.2019 without any leave or prior permission of the competent authority and have not reported back till date. Thus you have committed a gross "Misconduct" as defined in Rule 2 (iii) of Police Rules 1975 and have rendered yourself liable to be proceeded against departmentally.
- II) By reason of the above, you seem to be guilty as sufficient materials is placed before the undersigned; therefore it is decided to proceed against you in general police proceeding.
- III) You are; therefore, required to submit your written reply within 07 days of the receipt of this charge sheet to the Enquiry Officer.
- IV) Your written reply, if any, should reach the Enquiry Officer within specific period, failing which it shall be presumed that you have no defense to offer and in that case, ex-parte action shall follow against you.
- V) Intimate as to whether you desire to be heard in person or not?
- VI) A statement of allegation is enclosed.

(Mian Imtiaz Gul)
SUPERINTENDENT OF POLICE, FRP

Attested


DISCIPLINARY ACTION

I, Mian Imtiaz Gul, SP FRP Kohat as competent authority, am of the opinion that you Constable Muhammad Haseeb No. 5653/FRP, have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975

STATEMENT OF ALLEGATION

1. That as intimated by SP Investigation Wing Kohat vide his office letter No. 1937/GC dated 20.06.2019, you have been involved ^{in a case} in criminal case Fir No. 843 dated 17.06.2019 U/S 5ESA P.S Cantt District Kohat. Moreover it has also been reported against you that you have absented yourself from Refresher course at FRP HQrs: Peshawar w.e.f 14.06.2019 vide DD No. 45 dated 14.06.2019 without any leave or prior permission of the competent authority and have not reported back till date. Thus you have committed a gross "Misconduct" as defined in Rule 2 (iii) of Police Rules 1975 and have rendered yourself liable to be proceeded against departmentally.
2. For the purpose of scrutinize the conduct of said Constable with reference to the above allegations, Nasir Khan DSP FRP Kohat is appointed as enquiry officer.
3. The inquiry officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record it is finding and make with twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The delinquent official shall join the proceeding on the date, time and place fixed by the officer.

(Mian Imtiaz Gul)
SUPERINTENDENT OF POLICE, FRP
KOHAT RANGE, KOHAT

Attested


ORDER

20

My this order relates to departmental enquiry conducted against Constable Haseeb No. 5653/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (Amendments in 2014).

Brief facts are that, as intimated by SP Investigation Wing Kohat vide his office letter No. 1937/GC dated 20.06.2019 that he had been involved/arrested in criminal case FIR No. 843 dated 17.06.2019 U/S 5ESA PS Cantt District Kohat. Moreover, he has also absented himself from refresher course at FRP HQrs Peshawar w.e.f 14.06.2019 vide DD No. 45 dated 14.06.2019 to DD No. 09 dated 28.06.2019.

In this regard, he was placed under suspension vide this office OB No. 525 dated 21.06.2019 and a departmental enquiry was initiated against him through LO FRP Kohat who, in his finding, found him guilty of the charges leveled against him, however, recommended the enquiry papers to be kept pending till the decision of court.

In the light of finding of E.O, he was re-instated in service vide OB No. 563 dated 09.07.2019. The enquiry papers were ordered to be kept pending till the decision of court and his absence period w.e.f 14.06.2019 to 28.06.2019 (total absence period is 14 days) was treated as leave without pay.


In the due course, he was transferred to District Police Kohat vide AIG Establishment Khyber Pakhtunkhwa Peshawar order Endst: No. 6852-53/E-IV dated 04.07.2019. Prior to his departure, the enquiry papers were reconsidered. He was provided opportunity of personal hearing but he failed to produce any plausible evidence of his innocence in his support as well as failed to satisfy the competent authority.

His service record was perused and it revealed that he was appointed as constable on 02.12.2013. There are 08 bad entries against him with no good entry in his credit. He has blemished his service record in very less tenure of service which speaks for his ill reputation. Prior to the registration of above mentioned criminal case against him, he was also awarded punishment in two other offences such as selling alcohol (Tincture) and making of objectionable video in uniform duty. Summing up the above facts I have come to the conclusion that retention of such official in the department will bring bad name for the whole department.

Therefore, I, Sana Ullah, Superintendent of Police FRP Kohat Range, Kohat in exercise of powers vested in me under Rule 5(5) of Khyber Pakhtunkhwa Police Rules-1975 (Amended in 2014), award him a major punishment of dismissal from service with immediate effect.

OB No. 637

Dated: 27/07 /2020



Superintendent of Police, FRP,
Kohat Range, Kohat.

OFFICE OF THE SUPERINTENDENT OF POLICE, FRP, KOHAT RANGE, KOHAT

NO. 182-183 DATED KOHAT THE 27/07 /2020

- Copy of above is forwarded for favour of information please to the:-
1. Worthy Commandant, FRP Khyber Pakhtunkhwa Peshawar in continuation with this office Endst: No. 1232/EC dated 09.07.2019.
 2. SP, Investigation Wing Kohat w/r to his office letter No. quoted above and in continuation with this office Endst: No. 259-60/PA dated 21.06.2019.
 3. Pay Officer
 4. SRC
 5. Reader
 6. OHC

} for further necessary action and compliance


Superintendent of Police, FRP,
Kohat Range, Kohat.

Attended



BEFORE THE COMMANDANT FRP PESHAWAR

APPEAL AGAINST OB NO. 637 OF SP POLICE
FRP KOHAT RANGE VIDE WHICH THE
APPELLANT HAS BEEN AWARDED MAJOR
PUNISHMENT OF DISMISSAL

BRIEF FACTS:

1. Appellant as constable has service credit of 7 years.
2. The under inquiry case FIR No. 843 dated 17-06-2012 U/S 5 Exp Act P.S Cantt Kohat was registered against one Adeb Kumar a member of Hindu Community. Recovery was effected from him.
3. The Hindu Community pressurize the than SP (DPO) Kohat and then the local police entagled the appellant in the case. the appellant appealed to IGP through Citizen Portal. As against this the local police in frustration initiated departmental inquiry against the appellant.
4. The appellant was granted bail and the case is pending trial. The EO recommended that inquiry shall be kept pending till the decision of the case. The recommendation were made on 09-07-2019. Based on this recommendation the SP FRP Kohat Range with draw the suspension order and appellant assume his duties.
5. The case is still pending trial in the court of Additional Session Judge-III Kohat and date fixed is 18-08-2020.
6. Worthy SP FRP on 27-07-2019 dismissal the appellant against the recommendation of EO that too after about one year.

Attested



Deputy Commandant
For Commandant FRP
Khyber Pakhtunkhwa, Peshawar.

No 8805-06 ISI Legal, dated Peshawar the 30/09/2020.

Copy of above is forwarded for information and necessary action to the:-

1. ✓ SP FRP Kohat Range, Kohat. His service record and D file sent herewith.
2. ✓ Ex-constable Muhammad Haseeb No. 5653 S/o Mati Ud Din R/o Muhammad Zai, Police Station Cantt, District Kohat.



OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
PESHAWAR.

24

No. SI 851

dated Peshawar the 01/03/2021.

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 Haseeb No. 5653. The petitioner was dismissed from service by Supdt. of Police, FPR, Kohat vide OB No. 637, dated 27.07.2020 on the allegations that he was involved in criminal case vide FIR No. 843, dated 17.06.2019 w/o SESA Police Station Cantt; Kohat and arrested from refresher course at FRP HQrs: Peshawar w.e.f 14.06.2019 to 28.06.2019 for 14-days. His appeal was rejected by Deputy Commandant, FRP, Khyber Pakhtunkhwa, Peshawar vide order Endst: No. 8805-06/SI Legal dated 09.09.2020.

Meeting of Appellate Board was held on 14.01.2021 wherein petitioner was heard in person. Petitioner contended that his case is under trial in the court.

The petitioner was heard and all records perused. His case is under trial in the court. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

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D. 1110

Sd/-
KASHIF ALAM, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 852-53/21.

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. 10219/SI Legal, dated 04.11.2020 is returned herewith for your office record.
2. Supdt. of Police, FPR, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

Emailed to Services Division
(3) D. File.
SI Legal
Commandant

(IRFAN ULLAH KHAN) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Attest

office of Commandant FRP K.P, Peshawar.
No SI legal dated Peshawar on 10/3/2021.
Copy of above is forwarded to the SPPRP Kohat Dango Kohat
for information and further action if.

For Commandant FRP K.P

الت كتاب زمرونگ الیگزیشن سب کو ہوا

26

محمد عصب ولد طیب الدین سکھ ٹراکٹہ مانڈو

رکار
Superintendent
Sessions Court
Kohat

حجر: SE.P.SUBACT. نمائندہ چھاننی

تاریخ 843 مورخہ 17/6/19

6

رہنما ہر از خانہ خانیات تالیف مقدمہ

فہرست نامی کے ذیل مرقعات

1- ایک کے جرم نامہ میں گرفتار ہے اور جوڈیشل کوالا

میں ہے۔

2- ایک کے جرم نامہ میں ہے گناہ ہے۔

3- ایک کے پر ہے میں دھمکاری نہیں ہوئی ہے۔

4- ایک کے جرم نامہ میں ہے نہیں ہوتا۔

5- ایک کے میں ہے آری ہے۔

6- ایک کے جرم نامہ میں ہے قسم نہانت بن اور تیار

0-2-11

Attested

اسی کی اسٹیٹ

25/6/19 سے 22/6/19 تک 334/13A

27

ORDER-02
15.06.2019

Handwritten signature

Case file received from the court of learned

ASJ-IV, Kohat. Be registered.



Present:

Tamseer Ali, APP for State.
Accused/petitioner through counsel.
Record received.

Accused/petitioner Muhammad Aseeb S/o Rafi-ud-Din is seeking post arrest bail in case FIR # 843 dated 17.06.2019 u/s 05 Expl: Substances Act of 1930 Cantt. Kohat.

I have heard arguments and gone through the record.

The alleged recovery has not taken place from personal possession of the accused petitioner. Rather, the recovery of hand grenades were effected from a Motorcycle bearing registration # 0096 KT of abused Aseeb S/o Jogandir Naath. Moreover, in this case, both the witnesses of the recovery memo are the police officials and I.O has not given any reason that why any private person was not associated with the recovery proceedings. Thus the I.O has prima facie violated the provisions of section 103 Cr.P.C. The accused is in jail since 17.06.2019. The investigation to the extent of accused/petitioner is complete and he is no more required for the purpose of any investigation. In

3

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125

Attested

Handwritten signature

Seal of the court: Additional District & Sessions Judge Kohat

Handwritten signature and date: 21/7/2019

COPY

RECORDED
KOHAT

Order—02
25.06.2019

Case file received from the court of learned
ASJ-IV, Kohat. Be registered

Present:

Tanseer Ali, APP for State
Accused/petitioner through counsel
Record received.

Accused/Petitioner Muhammad Aseeb S/o
Rafi-ud-Din is seeking post arrest bail in case FIR
No.813 dated 17.06.2019 u/s 05 Expl. Substance
Act of P.S Cantt, Kohat

I have heard arguments and gone through the
record.

The alleged recovery has not taken place from
personal possession of the accused/petitioner.
Rather, the recovery of hand grenades were
effected from a Motorcycle bearing registration
No.0096 KT of accused Adeeb S/o Jogandir Naath.
Moreover, in this case both the witnesses of the
recovery memo are the police officials and I.O has
not given any reason that why any private person
was not associated with the recovery proceedings.
Thus the I.O has prima facie violated the provisions
of section 103 Cr.P.C. The accused is in jail since
17.06.2019. the investigation to the extent of
accused/petitioner is complete and he is no more
required for the purpose of any investigation the

Alleged



accused/petitioner has neither confessed his guilt nor there is a history of his involvement in such like cases before. The accused/petitioner is therefore held entitled to the concession of bail

Accordingly, instant petition is allowed and accused/petitioner is directed to be released on post arrest bail subject to furnishing bail bonds in the sum of Rs. 150,000/- with two sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on judicial file. File be consigned to Record Room after its completion.

ANNOUNCED
25.06.2019

SYED HAMID QASIM
ASI-III, KOHAT

Additional District & Sessions Judge
Kohat

Attested
[Signature]

M. J.
21/7/2019

ATTESTED

COMPILED

EXAMINED
IN KOHAT

TRUE COPY

accused/petitioner has neither confessed his guilt nor there is a history of his involvement in such like cases before. The accused/petitioner is therefore held entitled to be concession of bail.

Accordingly, instant petition is allowed and accused/petitioner is directed to be release on post arrest bail subject to furnishing bail bonds in the sum of Rs.150,000/- with two sureties each in the like amount to the satisfaction of this Court. Copy of this order be placed on judicial file. File be consigned to Record Room after its completion.

ANNOUNCED
25.06.2019

Sd/-
Syed Hamid Qasim
ASJ-III, Kohat

Attested


محکمہ جناب اسپیکر جنرل آف پولیس ضلع جھنگ 25/05/2020

موضوع: درخواست بہرہ جالی سروس

جناب عالی! گزارش حسبہ سائل 253 کو محکمہ پولیس میں بطور کنسیل

اہل ہوا تھا اور ایسی ذیوی نہایت خوش معلوم ہے انجام دیتا رہا

دوران ڈیوٹی سائل کو ایسا بنیاد اور من گھڑت "FIR" میں
برہنہ کے طور پر شامل کر دیا گیا جسکا سائل کا کوئی واسطہ یا تعلق نہیں تھا
سائل چونکہ ناخبر تھا اور نہ حیرم کا ایسا اثر سائل کے خلاف ہوا ہے بلکہ
سائل کو برداشت کے طور پر شامل FIR کیا گیا ہے۔ سائل کا ملزمان کے ساتھ
کوئی تعلق نہیں دینا یا واسطہ ہے اور نہ ہی وقوع میں شامل یا وقت وقوع
میں موجود تھا۔

سائل کے خلاف گھمانہ انگوائی ہوئی جو کہ عدالت کے فیصلے تک
Pending رہنے کا مفاد شرکائی چونکہ سائل اسی اثنا میں FRP
سے ڈسٹریکٹ پولیس تبادلہ ہوا۔ جس پر دوبارہ سائل کی انگوائی شروع
اور سائل کو برخواست کر دیا گیا۔

سائل نے جناب کمانڈنٹ ہما میں کو بجالی سروس کے ایپل کی
پر قسمی سے بحوالہ آرڈر نمبر 06/8805 مورخہ 2020 30.05 کو ایپل منسٹریوں
سائل کے گناہ ہے اور نہ جان وقوع پر موجود تھا، وقت وقوع میں
برہنہ کے طور پر سائل کو بعد ازاں شامل کیا گیا ہے سائل ایسا نہایت غریب
گھرانے سے تعلق رکھتا ہے اور ساری ذم داری سائل کے کندھوں پر ہے اور نوری
کے علاوہ کوئی دیگر معاش نہیں۔ لہذا آپ ہما میں سے بزرگہ درخواست التماس
حسبہ سائل کو نوری پر بحال کرنے کے احکامات لگا کر فرما کر شکوہ مقرر کیا گیا
آپ ہما میں کی بلڈنگ کا ایپل دیا گیا ہے۔

نوٹ:- اگر سائل FIR میں ملوث نکلا تو اسراں والا ہما میں والوں کے ساتھ
سزا دے تو سائل کو منظور ہوئی لیکن عدالت کے فیصلے سے پہلے سزا سائل
سرا سزا انصافی ہے۔

آپ کا بیج الحکم سابقہ کنسیل محمد حبیب نمبر 5653 Khat FIR

Attested

بعدالت صنادیق میں پٹریوں کی سہولت



ابھی

محکمہ حساب بنام 2 بجانبہ

موزعہ - 25/3/21
 مقدمہ
 دعویٰ
 جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
 آن مقام سرور میں پٹریوں کی سہولت محکمہ حساب بنام
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلقہ دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جاننا التوائے مقدمہ کے سبب سے وہ ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا اذکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 22 ماہ 3 2021

واہ العی

کے لئے منظور ہے۔

بمقام

Attested

Handwritten signature

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 4275/2021.

**Ex-Constable Muhammad Haseeb Son of Mati Ud Din, R/o Muhammad Zai, Kohat
(Constable No. 5453)Appellant.**

VERSUS

1. **Inspector General of Police,**
Khyber Pakhtunkhwa, Peshawar.
2. **Commandant Frontier Reserve Police,**
Khyber Pakhtunkhwa, Peshawar.
Khyber Pakhtunkhwa, Peshawar.
3. **The Superintendent of Police, FRP**
KOHAT Range, KOHAT Respondents.

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Total			05


DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 4275/2021.

Ex-Constable Muhammad Haseeb Son of Mati Ud Din, R/o Muhammad Zai, Kohat
(Constable No. 5453)Appellant.

VERSUS

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

PARAWISE 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 the material facts from this Honorable Tribunal.



FACTS:-


1. Para No. 1 is pertain to the appellant record.
2. Incorrect. The appellant has involved/arrested in criminal case vide FIR No. 843, dated 17.06.2019 U/S 5-ESA, Police Station Cantt; District Kohat. Besides, from perusal of his service record, it has been found that during his past service, there are 08 bad entries against him with no good entry in his credit. He has a blemished service record, in very less tenure of service which speaks for his ill reputation. Prior to the registration of above mentioned criminal case against him, he was also awarded punishment in two other offences such as selling alcohol (Tincture) and making of objectionable video in uniform during duty hours, to which he also awarded the punishment of forfeiture of 04 years approved service. (Copy of punishment order attached herewith as annexure "A").
3. Correct to the extent that the appellant has also been involved himself in criminal case vide FIR No. 843, dated 17.06.2019 U/S 5-ESA, Police Station Cantt; District Kohat.
4. Correct to the extent that during the investigation the appellant was found involved in the instant criminal case therefore, he was charged/arrested by the local police in the said criminal case.
5. Correct to the extent that being involved in a criminal case, the appellant was placed under suspension vide office OB No. 525, dated 21.06.2019 and closed to Police line, Kohat. Proper departmental enquiry has been conducted against him as he was issued Charge Sheet alongwith Statement


name for the whole department. Thus all proceedings against the appellant was conducted by the respondents is legally justified and in accordance with law/rules.

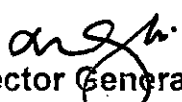
- G. Incorrect. The opportunity of defence being heard in person in the light of natural justice has already been provided to the appellant but he failed to present any justification regarding his innocence.
- H. Incorrect. Proper enquiry has been conducted against the appellant on the allegation of his involvement in the above mentioned criminal case. The allegation was fully established against the appellant during the course of enquiry, and after fulfillment of all codal formalities, the competent authority has awarded major punishment of dismissal from service as per law/rules.
- I. The respondents may also be permitted to raise additional grounds at the time of arguments.

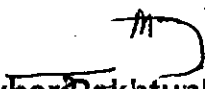
PRAYERS:-

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
Kohat Range, Kohat
(Respondent No. 5)


Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.4&6)


Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 2&3)


Govt. of Khyber Pakhtunkhwa through,
Secretary Home & Tribal Affairs Dept.
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.1)

SRC

ORDER

PA order-2020

My this order relates to departmental enquiry conducted against Constable Haseeb No. 5653/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (Amendments in 2014).

Brief facts are that, as intimated by SP Investigation Wing Kohat vide his office letter No. 1937/GC dated 20.06.2019 that he had been involved/arrested in criminal case FIR No. 843 dated 17.06.2019 U/S 5ESA PS Cantt District Kohat. Moreover, he has also absented himself from refresher course at FRP HQrs Peshawar w.e.f 14.06.2019 vide DD No. 45 dated 14.06.2019 to DD No. 09 dated 28.06.2019.

In this regard, he was placed under suspension vide this office OB No. 525 dated 21.06.2019 and a departmental enquiry was initiated against him through LO FRP Kohat who, in his finding, found him guilty of the charges leveled against him, however, recommended the enquiry papers to be kept pending till the decision of court.

In the light of finding of E.O, he was re-instated in service vide OB No. 563 dated 09.07.2019. The enquiry papers were ordered to be kept pending till the decision of court and his absence period w.e.f 14.06.2019 to 28.06.2019 (total absence period is 14 days) was treated as leave without pay.

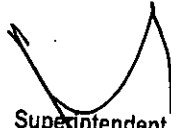
In the due course, he was transferred to District Police Kohat vide AIG Establishment Khyber Pakhtunkhwa Peshawar order Endst: No. 6852-53/E-IV dated 04.07.2019. Prior to his departure, the enquiry papers were reconsidered. He was provided opportunity of personal hearing but he failed to produce any plausible evidence of his innocence in his support as well as failed to satisfy the competent authority.

His service record was perused and it revealed that he was appointed as constable on 02.12.2013. There are 08 bad entries against him with no good entry in his credit. He has blemished his service record in very less tenure of service which speaks for his ill reputation. Prior to the registration of above mentioned criminal case against him, he was also awarded punishment in two other offences such as selling alcohol (Tincture) and making of objectionable video in uniform duty. Summing up the above facts I have come to the conclusion that retention of such official in the department will bring bad name for the whole department.

Therefore, I, Sana Ullah, Superintendent of Police FRP Kohat Range, Kohat in exercise of powers vested in me under Rule 5(5) of Khyber Pakhtunkhwa Police Rules-1975 (Amended in 2014), award him a major punishment of dismissal from service with immediate effect.

OB No. 637

Dated: 27/07 /2020


Superintendent of Police, FRP,
Kohat Range, Kohat.

OFFICE OF THE SUPERINTENDENT OF POLICE, FRP, KOHAT RANGE, KOHAT

NO. 182-183 /EC DATED KOHAT THE 27/07 /2020

Copy of above is forwarded for favour of information please to the:-

1. Worthy Commandant FRP Khyber Pakhtunkhwa Peshawar in continuation with this office Endst: No. 1232/EC dated 09.07.2019.
 2. SP Investigation Wing Kohat w/r to his office letter No. quoted above and in continuation with this office Endst: No. 259-60/PA dated 21.06.2019.
 3. Pay Officer
 4. SRC
 5. Reader
 6. OHC
- } for further necessary action and compliance


Superintendent of Police, FRP,
Kohat Range, Kohat.

فائنڈنگ رپورٹ

جناب عالی:-

بحوالہ بشمولہ انکوائری چھٹی نمبر PA/60-259 مورخہ 21.06.2019 مجاریہ جناب SP ایف آر پی صاحب کوہاٹ بر خلاف کانٹینیل محمد حبیب نمبر 5653 پلاٹون نمبر 124 حال ریفریشر کورس ایف آر پی ہیڈ کوارٹر پشاور مورخہ 25.06.2019 کو بغرض انکوائری من E.O/FRP کوہاٹ کو حوالہ ہو کر معرض خدمت ہوں کہ:-

کانٹینیل محمد حبیب نمبر 5653 جسکو بحوالہ لیٹر نمبر OHC/991 مورخہ 13.06.2019 کو بغرض ریفریشر کورس ایف آر پی ہیڈ کوارٹر پشاور کیلئے منتخب کیا گیا تھا جس کو بحوالہ نمبر 10 روزنامہ 12.06.2019 کو پولیس لائن کوہاٹ FRP سے پشاور FRP پولیس لائن ہیڈ کوارٹر کیلئے روانہ کیا گیا تھا مورخہ 20.06.2019 کو ایس پی انوسٹیشن کوہاٹ نے چھٹی انگریزی نمبر 1937/GC ایس پی، ایف آر پی صاحب کو جاری کر کے کانٹینیل محمد حبیب نمبر 5653 ولد مطیع الدین سکندھڑی پلاٹون نمبر 124 کے خلاف مقدمہ علت نمبر 843 مورخہ 17.06.2019 جرم 5ESA تھانہ کینٹ کوہاٹ میں ملزم نامزد کر کے گرفتار کر لیا گیا ہے۔ چونکہ کانٹینیل محمد حبیب نمبر 5653 کو نمبر 10 روزنامہ 12.06.2019 سے پشاور FRP ہیڈ کوارٹر ریفریشر کورس کیلئے روانہ کیا گیا تھا مذکورہ کانٹینیل کے متعلق پشاور HQ FRP/ان سے رابطہ کیا گیا تو انہوں نے بتلایا کہ مذکورہ کانٹینیل نمبر 45 روزنامہ 14.06.2019 سے بدستور غیر حاضر ہے۔ اندریں بارہ تھانہ کینٹ کوہاٹ جا کر O/II محمد یوسف خان SI کا بیان لیا جا کر جولف انکوائری ہذا ہے۔

مزید کانٹینیل محمد حبیب نمبر 5653 کے کیس کے متعلق تفتیشی افسر کے ساتھ زبانی ڈیسکس ہوئی ہے۔

حالات کچھ یوں پائے گئے مورخہ 17.06.2019 کو عارف خان ASI تھانہ کینٹ حسب معمول گاردات چیکنگ میں مصروف تھا کہ ہالیک مندر کے باہر ایک موٹر سائیکل مشکوک جان کر موٹر سائیکل کے مالک ادیب کمار جو مندر میں موجود تھا موٹر سائیکل کے جعلی ریاضت کی مذکورہ ادیب کمار نے موٹر سائیکل اپنی مالکیت بتلا کر جسکے سائیڈ کور سے 02 عدد پینڈ گریڈ برآمد ہو کر برخلاف ملزم ادیب کمار مقدمہ علت نمبر 843 مورخہ 17.06.2019 جرم 5ESA تھانہ کینٹ درج رجسٹر ہو کر ملزم نے دوران تفتیش پولیس کو بتلایا کہ موٹر سائیکل میری ہے لیکن پینڈ گریڈ سے میں لاعلم ہوں یہ میرے خلاف کسی نے سازش کی ہے۔ میرے موٹر سائیکل کے سائیڈ کور میں کسی نے پینڈ گریڈ رکھ کر مجھے پھنسانے کی کوشش کی ہے۔

بعد تفتیش افسر نے انفارمیشن کانٹینیل محمد حبیب نمبر 5653 کو تھانہ طلب کر کے اس سے دریافت کیا کہ وقوعہ کے بارے میں آپ کو کس نے انفارمیشن دی۔ مذکورہ کانٹینیل نے دوران انٹاروگیشن پولیس کو بتلایا کہ مجھے یہ انفارمیشن شان بھٹی نے دی ہے۔ جب مقامی پولیس نے شان بھٹی کا فون نمبر کانٹینیل محمد حبیب نمبر 5653 سے لیکر شان بھٹی کو تھانہ طلب کر کے اس سے دریافت کیا کہ واقعی آپ نے محمد حبیب کو بزم کے متعلق انفارمیشن دی تھی۔ تو مذکورہ شان بھٹی نے انفارمیشن سے لاعلمی کا اظہار کیا اور تفتیشی افسر کو بتلایا کہ ملزم ادیب کمار میرا چچا زاد بھائی ہے میں اُسکے خلاف کس طرح انفارمیشن دے سکتا ہوں۔ بہر کیف بعد انٹاروگیشن تصدیق، تسلی کے تھانہ کینٹ پولیس تفتیشی افسر نے FIR میں نامزد، ملزم ادیب کمار ولد جوگندہ ناتھ سکندھڑی جوکی CIA کو زیر تفتیش رکھ کر حراست سے ضمانت پر رہا کیا۔

جبکہ کانٹینیل محمد حبیب نمبر 5653 پلاٹون نمبر 124 کو بحوالہ نمبر 5 روزنامہ 17.06.2019 سے حسب الحکم آفسران بالا بند کوارٹر گاڑ ڈسٹرکٹ پولیس لائن کوہاٹ تھانہ مورخہ 18.06.2019 کو باقاعدہ ملزم نامزد کر کے پروانہ نامزدگی ملزم علیحدہ جاری کر کے ملزم کانٹینیل محمد حبیب نمبر 5653 کو جو بند کوارٹر گاڑ تھانہ O/II محمد یوسف خان SI تھانہ کینٹ نے نمبر 23 روزنامہ 19.06.2019 کو کوارٹر گاڑ سے نکال کر حسب ضابطہ گرفتار کر کے بند حوالات تھانہ کینٹ کر کے ملزم کانٹینیل محمد حبیب نمبر 5653 کا ایک یوم حراست پولیس لیکر ملزم کا بیان زیر دفعہ 161 ض ب قلمبند کر کے داخل ڈسٹرکٹ جیل کوہاٹ کیا گیا۔ ملزم کانٹینیل محمد حبیب نمبر 5653 دوران تفتیش جرم خود سے انکاری تھا مورخہ 25.06.2019 کو ملزم عدالت سے ضمانت پر رہا ہوا ملزم نے چارج شیٹ نمبر 258/PA مورخہ 25.06.2019 مجاریہ ایس پی ایف آر پی مورخہ 27.06.2019 کو بذات خود وصول کی۔

ملزم نے اپنا بیان من انکوآری آفسر کو حوالے کیا جو لف انکوآری ہذا ہے۔ ملزم کا نشیمل محمد حبیب نمبر 5653 نے بد دوران تفتیش جو بیان O/II کو دیا ہے اور من انکوآری آفسر کو جو بیان دیا ہے۔ علاوہ ازیں DPO صاحب کو حاک کو جو تحریری درخواست دی ہے ان تینوں میں بیانی ہے کہ میں پولیس کا نشیمل ہو کر محکمہ پولیس کیلئے انفارمر کا کام کرتا ہوں۔ اس سے پہلے بھی تھانہ کینٹ SHO قسمت خان کے گٹر کا نشیمل و جاہت نمبر 1321 کو مورخہ 17.06.2019 کو پانچ گلو چرس کی اطلاع دے چکا ہوں۔ SHO تھانہ کینٹ نے میری انفارمیشن پر کارروائی کر کے پانچ گلو چرس برآمد کی تھی۔ اس بار بھی گرنیڈوں کے متعلق انفارمیشن SHO کے گٹر و جاہت نمبر 1321 کو دی کہ ادیب کمار گرنیڈوں کی سپلائی کا کام کرتا ہے اور اب بھی بالمیک مندر میں موجود ہے آپ مقامی پولیس آکر خود تسلی کر لیں اور میری ہی انفارمیشن پر دوبارہ تھانہ کینٹ پولیس نے ادیب کمار کے موٹر سائیکل کے سائیڈ کور سے ہینڈ گرنیڈ برآمد کئے ہیں۔ اندر میں بارہ کا نشیمل و جاہت نمبر 1321 متعینہ تھانہ کینٹ کا بیان قلمبند کر کے جو ہمراہ لف انکوآری ہے۔ کا نشیمل و جاہت نمبر 1321 نے اس بات کی تائید کی کہ دونوں مرتبہ یعنی چرس اور ہینڈ گرنیڈوں کے متعلق اطلاع مجھے کا نشیمل محمد حبیب نے دی۔

اصل حالات انکوآری کچھ یوں ہیں کہ کا نشیمل محمد حبیب نمبر 5653 مورخہ 02.12.2013 کو محکمہ پولیس میں بطور کا نشیمل بھرتی ہوا SRC/FRP کے ریکارڈ کے مطابق مذکورہ کا نشیمل دو مرتبہ ٹریننگ لے آن کو ایفٹا سٹیٹس ضلع خود واپس ہو کر تیسری بار ٹریننگ پاس کرنے میں کامیاب ہوا۔ کا نشیمل مذکورہ کی 08 بیڈ انٹریاں اور 24 غیر حاضر یاں ہیں۔ کا نشیمل مذکورہ عرصہ تین سال سے بالمیک مندر گزار رہے ہیں بطور سیکورٹی ڈیوٹی سرانجام دے رہا ہے متعدد بار بالمیک مندر سے تبادلہ ہونے پر بالمیک مندر منتقلیں صاحبان سفارش کر کے مذکورہ کا تبادلہ رکوا لیتے تھے۔ بالمیک مندر گزار رہے ہیں زیادہ عرصہ گزارنے کی وجہ سے کا نشیمل مذکورہ کی ہندہ لڑکے مسمی سدھان ولد دھیان چند کے ساتھ گہری دوستی ہو گئی اور دونوں ہر وقت یعنی دن رات مندر میں موجود رہتے تھے۔ ملزم ادیب کمار نے کا نشیمل محمد حبیب نمبر 5653 و مسمی سدھان کو کئی بار مندر کے اندر گپ شپ لگانے سے منع کیا کہ اس سے مندر کی بے عزتی ہوتی ہے۔

بقول ملزم ادیب کمار کا نشیمل محمد حبیب نمبر 5653 نے مجھ کو پھنسانے کیلئے سازش کر کے پولیس کو انفارمیشن دی کہ مندر کے باہر موٹر سائیکل کھڑی ہے جس کے سائیڈ کور کے اندر ہینڈ گرنیڈ موجود ہیں۔ جس پر مقامی پولیس نے کارروائی کر کے مجھے حسب ضابطہ گرفتار کر کے بعدہ تصدیق و تسلی کے مجھے زبرد تفتیش رکھ ضمانت پر رہا کیا۔ کا نشیمل محمد حبیب نمبر 5653 کے قول و فعل میں تضاد پایا جاتا ہے۔ جب اسکور ریفریش کورس کیلئے پشاور FRP ہیڈ کوارٹر مورخہ 12.06.2019 کو روانہ کیا گیا تھا جو وہاں سے غیر حاضر ہو کر بالمیک مندر گزار میں 13.06.2019 تا 16.06.2019 تک آتا جاتا رہا اور وہاں راتیں بھی گزاریں جبکہ اپنی ڈیوٹی ریفریش کورس FRP ہیڈ کوارٹر پشاور سے غیر حاضر رہا۔ کا نشیمل محمد حبیب نمبر 5653 نے اپنے بیان 161 ضف جو مقامی پولیس تھانہ کینٹ کو دوران تفتیش دیا اور جو بیان بد دوران انکوآری من LO کو یادوںوں بیانات میں اپنی موجودگی بالمیک مندر اور وہاں راتیں گزارنے کا اعتراف کر چکا ہے

اس سے یہ بات عیاں ہے کہ کا نشیمل محمد حبیب نمبر 5653 کے سدھان نامی ہند لڑکے سے گہرے تعلقات پائے جاتے ہیں کا نشیمل مذکورہ کے اس اقدام سے سازش کی بو آ رہی ہے جس کا اپنی ڈیوٹی یعنی ریفریش کورس FRP ہیڈ کوارٹر پشاور سے غیر حاضر ہونا اور ہندوں کے مندر میں 24 گنٹھے حاضر رہنا O/II محمد یوسف خان SI تھانہ کینٹ کے بیان کی تائید ہے۔ مذکورہ کا نشیمل محکمہ پولیس کیلئے بد نما داغ ہے۔ اس جیسے بد کردار لوگوں کی وجہ سے محکمہ پولیس عوام کی نظروں میں ساکھ کھو دیتی ہے۔ مذید براں کا نشیمل محمد حبیب نمبر 5653 کا مقدمہ عدالت میں زیر سماعت اور عدالت سے ضمانت پر ہے۔ تافصلہ عدالت انکوآری کو ہینڈنگ رکھنے کی سفارش کی جاتی ہے۔ مزید آفران بالا کا حکم افضل ہے جس طرح مناسب حکم کریں۔

اس قدر حالات پر انکوآری ہو کر۔ انکوآری رپورٹ مرتب کر کے بمراہ ملاحظہ ارسال خدمت آفران بالا صاحبان ہے۔

انکوآری آفران آرنی کو حاک رنچ کو حاک
01-07-2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 4275/2021.

**Ex-Constable Muhammad Haseeb Son of Mati Ud Din, R/o Muhammad Zai, Kohat
(Constable No. 5453)Appellant.**

VERSUS

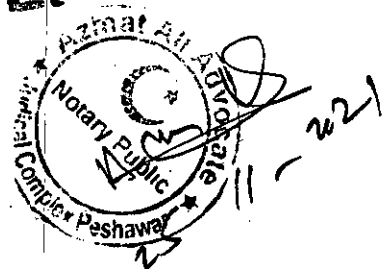
Provincial Police officer, Khyber Pakhtunkhwa, Peshawar & others.....Respondents.

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 5 is correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.

**Deponent
Ghasan Ullah**

ATTESTED



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In Re:
Service Appeal No.4275/2021

Muhammad Haseeb.....**Petitioner**

Versus

Govt. of KPK & others.....**Respondents**

REJOINDER ON BEHALF OF THE
APPELLANT

Respectfully Sheweth:

Preliminary Objections:

That all the Preliminary objections have given in the Parawise reply are irrelevant and misconceived as the service appeal is within time the appellant has cause of action and the appellant came to this Hon'ble Tribunal with clean hands.

REPLY ON FACTS:

1. No need of reply.
2. That Para No.2 is incorrect, the appellant was not involved in the criminal case, for the reason, the appellant has been acquitted from the charges,

levelled against him and even in inquiry report, the involvement of the appellant has not been proved and the inquiry has held abeyance till the decision of criminal court, further that the other allegations as 8 bad entries in his credit etc have not been mentioned in statement of allegations and charge sheet.

3. That Para No.3 is incorrect as the appellant has been acquitted from the charges levelled against him.
4. That Para No.4 is incorrect as there is no valid proof, regarding his involved in the said criminal case.
5. That the appellant was arrested and malafide involved in the criminal case and was behind the bar, so the appellant was not absent willfully.
6. That the inquiry was held pending till the decision of criminal case, and the appellant has acquitted by the competent court, but without initiating further regular inquiry, and without issuing show cause notice, the appellant has awarded the major penalty of dismissal, which is against law and justice.

It is, therefore humbly prayed that the service appeal filed by the Appellant, may kindly be accepted and the appellant may please be reinstated with all back benefits.

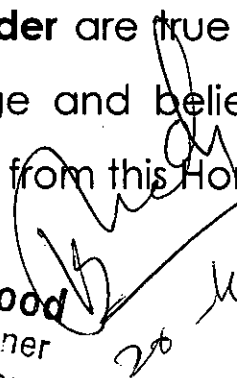
Appellant
Through

Dated: 20.04.2022


Hassan U.K. Afridi
Advocate, Peshawar

AFFIDAVIT

It is stated on oath that the contents of the accompanying **rejoinder** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.


Khalid Mahmood
Oath Commissioner
Peshawar High Court

20/4/22

DEPONENT

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

In Re:
Service Appeal No.4275/2021

Muhammad Haseeb..... **Petitioner**

Versus

Govt. of KPK & others..... **Respondents**

**REJOINDER ON BEHALF OF THE
APPELLANT**

Respectfully Sheweth:

Preliminary Objections:

That all the Preliminary objections have given in the Parawise reply are irrelevant and misconceived as the service appeal is within time the appellant has cause of action and the appellant came to this Hon'ble Tribunal with clean hands.

REPLY ON FACTS:

1. No need of reply.
2. That Para No.2 is incorrect, the appellant was not involved in the criminal case, for the reason, the appellant has been acquitted from the charges,

leveled against him and even in inquiry report, the involvement of the appellant has not been proved and the inquiry has held abeyance till the decision of criminal court, further that the other allegations as 8 bad entries in his credit etc have not been mentioned in statement of allegations and charge sheet.

3. That Para No.3 is incorrect as the appellant has been acquitted from the charges levelled against him.
4. That Para No.4 is incorrect as there is no valid proof, regarding his involved in the said criminal case.
5. That the appellant was arrested and malafide involved in the criminal case and was behind the bar, so the appellant was not absent willfully.
6. That the inquiry was held pending till the decision of criminal case, and the appellant has acquitted by the competent court, but without initiating further regular inquiry, and without issuing show cause notice, the appellant has awarded the major penalty of dismissal, which is against law and justice.

7. That Para No.7 is incorrect as no codal formalities have been adopted by the authorities and without proper regular inquiry, the major penalty of dismissal, has been awarded, which is not the mandate of law.
8. That the Para No.8 is not correct.

GR OUNDS:-

- A. That Para-A is incorrect.
- B. That Para-B is incorrect.
- C. That Para-C is denied, the rules have not been complied.
- D. That Para-D is incorrect as no regular inquiry has been conducted under the law.
- E. That show cause is mandatory under the law.
- F. That Para-F is incorrect as the requirements of regular inquiry under the rules, have not been fulfilled as no opportunity has been given for his defence etc.
- G. That Para-G is incorrect.
- H. That Para-H is incorrect

It is, therefore humbly prayed that the service appeal filed by the Appellant, may kindly be accepted and the appellant may please be reinstated with all back benefits.

Through Appellant

Dated: 20.04.2022


Hassan U.K Afridi
Advocate, Peshawar

AFFIDAVIT

It is stated on oath that the contents of the accompanying **rejoinder** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.


DEPONENT