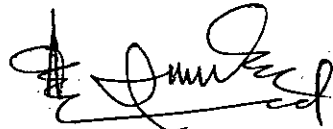


O R D E R  
06.12.2021

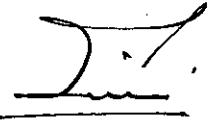
Appellant alongwith his counsel Mr. Taimur Ali Khan, Advocate, present. Mr. Muhammad Raziq, Head Constable alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, placed on file of Service Appeal bearing No. 11140/2020 titled "Muhammad Sajid Versus The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others", the appeal in hand is allowed by setting-aside the impugned orders and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
06.12.2021



(Ahmad Sultan Tareen)  
Chairman



(Salah-ud-Din)  
Member (Judicial

11144/20

15.07.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Muhammad Raziq, H.C for the respondents present.

Respondents have furnished reply/comments. The appeal is entrusted to D.B for arguments on 06.12.2021.

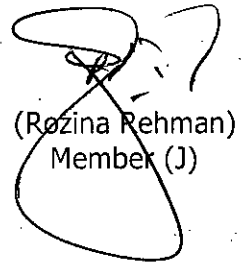
  
Chairman

22.12.2020

Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 22.02.2021 before S.B.

Appellant Deposited  
Security & Process Fee  
23/12/20

  
(Rozina Rehman)  
Member (J)

22.02.2021

Junior to senior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 07.04.2021 on which date file to come up for written reply/comments before S.B.

  
(Muhammad Jamal Khan)  
Member

07.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 15.07.2021 for the same as before.




  
READER

Form- A

FORM OF ORDER SHEET

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

Case No. - 11144 /2020

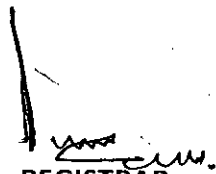
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/09/2020	<p>The appeal of M. Muhammad Zahid resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/10/2020</u></p> <p>26.10.2020</p> <p>Appellant present in person.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Lawyers are on general strike, therefore, case is adjourned to 23.12.2020 for preliminary hearing, before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

The appeal of Mr. Muhammad Zahid Ex-Head Constable No. 3739/549 received today i.e. on 17.09.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures-B, E, F, G and I of the appeal are illegible which may be replaced by legible/better one.
- 2- Annexures of the appeal may be attested.
- 3- Wakalat nama is blank which may be filled up.

No. 2694 /S.T,

Dt. 17/09 /2020

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

Respected Sir.

1- Annexure-B, E, F, G and I all replace by legible  
copies

2- Removed

3- Removed

Resubmitted after  
compliance.



22/09/2020

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

APPEAL NO. \_\_\_\_\_/2020

Muhammad Zahid

V/S

Police Deptt:

-----  
**INDEX**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	01-05
2.	Copies of the FIR and judgment dated 16.3.2015	A&B	06-24
3.	Copies of charge sheet and reply to charge sheet	C&D	25-27
4.	Copy of inquiry report	E	28
5.	Copy of de-novo inquiry report	F	29-30
6.	Copies of order dated 20.1.2017, order dated 09.03.2017, order dated 10.08.2017 and judgment dated 02.07.2018	G,H,I&J	31-37
7.	Copies of order dated 31.10.2018 and order dated 16.01.2019	K&L	38-39
8.	Copy of judgment dated 02.12.2019	M	40-46
	Copies of order dated 20.01.2020, statement of the appellant, order dated 03.07.2020 departmental appeal and order dated 27.08.2020	N,O,P,Q&R	47-53
9.	Vakalat nama	-----	54

APPELLANT

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

(ASAD MAHMOOD)  
ADVOCATE HIGH COURT

&  
ABDUL WAHID  
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

APPEAL NO. \_\_\_\_\_/2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10473

Dated 17/9/2020

Muhammad Zahid Ex- Head Constable, No. 3739/549,  
Capital City Police, Peshawar.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Capital City Police Officer, Peshawar.
3. The Superintendent of Police, Headquarters, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE  
TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED  
27.08.2020, WHEREBY THE DEPARTMENTAL APPEAL OF  
THE APPELLANT HAS BEEN REJECTED AGAINST THE  
ORDER DATED 03.07.2020, "WHEREBY THE APPELLANT  
WAS DISMISSED FROM SERVICE" FOR NO GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE  
ORDER DATED 27.08.2020 AND 03.07.2020 MAY KINDLY BE  
SET ASIDE AND THE APPELLANT MAY BE REINSTATE  
INTO SERVICE WITH ALL BACK BENEFITS AND  
CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY,  
WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND  
APPROPRIATE THAT MAY ALSO BE AWARDED IN  
FAVOUR OF APPELLANT.

Hiled to-day

Registrar

17/9/2020

Re-submitted to -day  
and filed.

Registrar

22/9/2020

**RESPECTFULLY SHEWTH:**

**FACTS:**

1. That the appellant joined the police force in the year 2002 and completed all his due training etc and also have good service record throughout.
2. That the appellant was charged in criminal case vide FIR No. 218 dated 18.06.2014 U/S 9CCNSA/15AA in PS Sardheri Charsadda in which the appellant was acquitted by the Honourable addl: Sessions judge -I/JSC Charsadda vide judgment dated 16.3.2015. **(Copies of the FIR and judgment dated 16.3.2015 are attached as Annexure-A&B)**
3. That the appellant was placed under suspension and issued charge sheet to the appellant due to the above mentioned reason which was properly replied by the appellant in which he denied all the allegations. **(Copies of charge sheet and reply to charge sheet are attached as Annexure-C&D)**
4. That inquiry was conducted against the appellant in which the inquiry officer recommended that the appellant deserve to be released from suspension provided u/r 16.17 PR 1934 and the instant inquiry may be filed without any further action. **(Copy of inquiry report is attached as Annexure-E)**
5. That without giving reason of not agreeing with the recommendation of previous inquiry, de-novo inquiry was conducted against the appellant in which no proper opportunity of defence was provided to the appellant despite that the inquiry hold responsible the appellant although he was acquitted from charges by the competent Court of law. **(Copy of Denovo inquiry was attached as annexure-F)**
6. That the appellant was dismissed from the service under Police Rule 1975 vide order dated 20.1.2017 and his departmental appeal and revision were also rejected on 09.03.2017 and 10.08.2017 respectively. The appellant then filed service appeal No.993/2017 in this august Service Tribunal which was heard on 02.07.2018. The august Service Tribunal partially accepted the service appeal, set aside the impugned order of dismissal of the appellant and reinstated him into service and the respondent department was directed to conduct de-novo inquiry according to the prescribe law and rules. **(Copies of order dated 20.1.2017, order dated 09.03.2017, order dated 10.08.2017 and judgment dated 02.07.2018 are attached as Annexure-G,H,I&J)**



7. That de-novo inquiry was conducted against the appellant in which again no opportunity of defence was provided to the appellant and the appellant was again dismissed from service on 31.10.2018 and his departmental appeal was also rejected on 16.01.2019. **(Copies of order dated 31.10.2018 and order dated 16.01.2019 are attached as Annexure-K&L)**
8. That the appellant again filed service appeal No. 176/2019 in this august Service Tribunal which was finally heard on 02.12.2019. The august service Tribunal partially accepted the service appeal along with the connected service appeal No.175/2019, set aside the impugned orders and directed the respondent department to conduct de-novo inquiry in the mode and manners prescribed under the Police Rules 1975 and the appellant be fully associated in the inquiry proceeding and should be provided opportunity of cross examination and also sent the inquiry report along with show cause notice. **(Copy of judgment dated 02.12.2019 is attached as Annexure-M)**
9. That in the compliance of judgment dated 02.12.2019, the appellant was reinstated into service vide order dated 20.01.2020 for the purpose of de-novo inquiry, but charge sheet was not communicated to the appellant and the appellant submitted only his statement to the inquiry officer on the direction of inquiry officer in which he denied the allegation and gave the real facts about the situation and in de-novo again no opportunity of defence was provided to the appellant as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination and without issuing show cause notice along with inquiry report to the appellant as per direction of this Honorable Tribunal and on the basis of that irregular, the appellant was once again dismissed from service vide order dated 03.07.2020 and against the dismissal order, the appellant filed departmental appeal on 15.07.2020, which was also rejected for no good vide order dated 27.08.2020. **(Copies of order dated 20.01.2020, statement of the appellant, order dated 03.07.2020, departmental appeal and order dated 27.08.2020 are attached as Annexure- N,O,P,Q&R)**
10. That now the appellant comes to this Honourable Tribunal on the following grounds amongst others.

- 4
7. That de-novo inquiry was conducted against the appellant in which again no opportunity of defence was provided to the appellant and the appellant was again dismissed from service on 31.10.2018 and his departmental appeal was also rejected on 16.01.2019. **(Copies of order dated 31.10.2018 and order dated 16.01.2019 are attached as Annexure-K&L)**
  8. That the appellant again filed service appeal No. 176/2019 in this august Service Tribunal which was finally heard on 02.12.2019. The august service Tribunal partially accepted the service appeal along with the connected service appeal No.175/2019, set aside the impugned orders and directed the respondent department to conduct de-novo inquiry in the mode and manners prescribed under the Police Rules 1975 and the appellant be fully associated in the inquiry proceeding and should be provided opportunity of cross examination and also sent the inquiry report along with show cause notice. **(Copy of judgment dated 02.12.2019 is attached as Annexure-M)**
  9. That in the compliance of judgment dated 02.12.2019, the appellant was reinstated into service vide order dated 20.01.2020 for the purpose of de-novo inquiry, but charge sheet was not communicated to the appellant and the appellant submitted only his statement to the inquiry officer on the direction of inquiry officer in which he denied the allegation and gave the real facts about the situation and in de-novo again no opportunity of defence was provided to the appellant as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination and without issuing show cause notice along with inquiry report to the appellant as per direction of this Honorable Tribunal and on the basis of that irregular, the appellant was once again dismissed from service vide order dated 03.07.2020 and against the dismissal order, the appellant filed departmental appeal on 15.07.2020, which was also rejected for no good vide order dated 27.08.2020. **(Copies of order dated 20.01.2020, statement of the appellant, order dated 03.07.2020, departmental appeal and order dated 27.08.2020 are attached as Annexure- N,O,P,Q&R)**
  10. That now the appellant comes to this Honourable Tribunal on the following grounds amongst others.

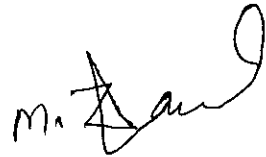
**4**

**FOUNDATIONS:**

- A) That the impugned order dated 27.08.2020 and 03.07.2020 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That de-novo inquiry was not conducted according to the Police Rules 1975 and as per direction of this august Tribunal as the Honourable clearly mentioned in its judgment dated 02.12.2019 that de-novo inquiry should be conducted in the mode and manner prescribed under the Police Rules 1975 and the appellant be fully associated in the inquiry proceeding and should be provided opportunity of cross examination, but despite that no proper opportunity of defence was provided to the appellant, because neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, which is clear violation of the law and rules as well as direction of this august Tribunal. Therefore the impugned is liable to be set aside on this ground alone.
- C) That no charge sheet was served to the appellant before passing the impugned order of dismissal, which is violation of law and rules.
- D) That show cause notice was not served to the appellant before passing the impugned order of dismissal from service which is against the norms of justice as well as direction of this august Tribunal as this august Tribunal mentioned in its judgment that show cause notice should be sent to the appellant along with the inquiry report, therefore the impugned orders are liable set aside.
- E) That in first inquiry the appellant was exonerated and the inquiry officer recommended that the appellant deserve to be released from suspension provided u/r 16.17 of police rules 1934 and the instant inquiry may be filed without any further action, but despite that the appellant was dismissed from service on the basis of de-novo inquiry although the appellant was acquitted from charges by the competent Court of law in the criminal case on which he was charged.
- F) That the appellant was acquitted by the competent court of law in criminal case in FIR vide No. 218 dated 18.4.2014, therefore there remain no ground to penalize the appellant on that charge.

- G) That even inquiry report was not provided to the appellant which is clear violation of the direction of this august Tribunal as well as rule and law.
- H) That the appellant has been condemned unheard and has not been treated according to law and rules.
- I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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



**APPELLANT**

**Muhammad Zahid**

THROUGH:



**(TAIMUR ALI KHAN)**

**ADVOCATE HIGH COURT,**

**(ASAD MAHMOOD)**

**ADVOCATE HIGH COURT**

 &  
**ABDUL WAHID**

**ADVOCTE**

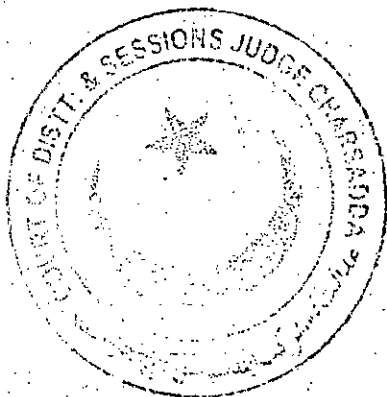


B 7 (u)

IN THE COURT OF  
KHALID KHAN ADDITIONAL SESSIONS JUDGE-I/JSC,  
CHARSADDA

CNSA NO: 45/14 OF 2014-152  
Date of institution: 22.09.2014  
DATE OF DECISION: 16.03.2015

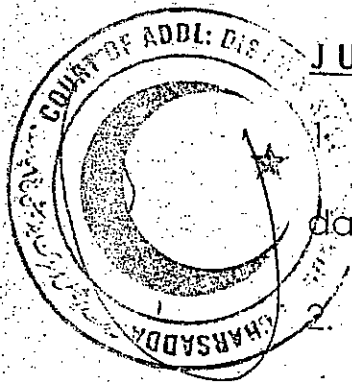
THE STATE ...VERSUS...



1. Iloor Mohammad aged about 29/30 Years s/o Mir Rahman 2. Jamdad aged about 25/26 Years s/o Ramdad both r/o Sarband Peshawar 3. Sajid aged about 29/30 years s/o Ayub, 4. Muhammad Zahid aged about 29/30 years S/o Gul Khan residents of Matani District Peshawar.

(Accused facing trial).

Charged vide FIR # 218, Dated 18.06.2014, U/S 9-C CNSA, Police Station, Sardheri.



**JUDGMENT:**

1. Accused named above faced trial in case FIR # 218, dated 18.06.2014 u/s 9-C CNSA Police Station, Sardheri.

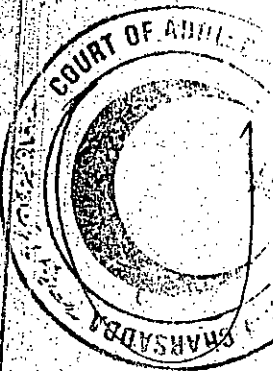
2. Brief facts of the prosecution case are that on 18.06.2014, the complainant during mobile patrolling received information about smuggling of narcotics in the shape of chars on Palosa road towards Nisatta. On this information, the complainant alongwith other police officials conducted Nakabandi on the spotted place. In the meanwhile, a Motor car bearing No.B-6017/Peshawar

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EXAMINER  
Agency Branch  
of Distt & Sessions Judge  
Charsadda

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was stopped for the purpose of checking. The driver disclosed his name as Jamdad, the person sitting in front seat as Noor Muhammad, whereas, two young boys sitting in the rear seat disclosed their names as Sajid and Zahid. Upon search, the complainant recovered a 30 bore pistol alongwith charger containing 15 live rounds from the possession of accused Zahid, whereas, during search of the Motor car, the complainant recovered 05 packets charas from beneath the driver seat, 05 packets from beneath seat of Noor Mohammad, 05 packets each lying near accused Zahid and Sajid. Each packet was weighed and was of 1000 grams (total 20000 grams). The complainant took into possession the contraband, arms and ammunition as well as motorcar and drafted the Murasila, on the basis of which the instant case F.I.R was registered.



3. After conclusion of investigation, case in hand came up for trial. During the trial, relevant copies were provided to the accused u/s 265-C Cr. PC. Formal Charge was framed on 13.10.2014, wherein, accused facing trial denied the allegations and opted to face trial. Prosecution was, therefore, allowed to produce its evidence.

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of District Court  
*[Signature]*

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4. Prosecution produced and examined 05-PWs, in order to substantiate the charge. The substance of their deposition is given below.

5. PW-1 is Ajmeer Shah Khan ASI:  
He has stated that on the day of occurrence he

alongwith Shehriyar and Danyal were on mobile gasht of Illaqa. He received information about the smuggling of

narcotics in a vehicle registration No. B-6017 Peshawar of silver colour. On this information they came to under pass

Palosa and laid Naka Bandi. After some time the above mentioned vehicle arrived and they signaled to stop

which was stopped. He de-boarded the accused facing trial from the said vehicle and made their search and

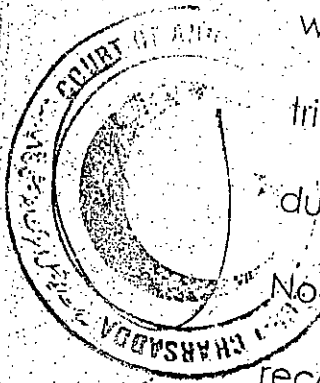
during search they disclosed their names as Jamdad, Noor Muhammad, Sajid and Zahid. Nothing was

recovered from the person of the three accused however, from accuse Zahid a 30 bore pistol alongwith 15

live rounds were recovered. Thereafter, the vehicle was searched and during search, from driving seat of driver

Jamdad 5 packets chars were recovered and from the seat of Noor Muhammad who was seated in the front

seat with the driver 5 packet chars was recovered while from the seat of Sajid and Zahid chars 5/5 packet from



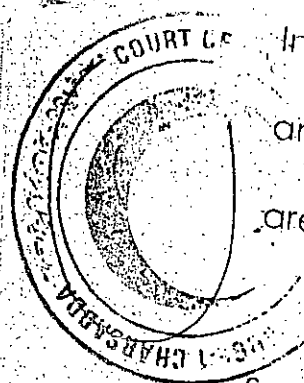
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of Distt & Sessions Judge  
Peshawar

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each accused recovered. He separated 5 grams from each packet and each packet was containing 1000 grams chars. He sealed the same in parcel No.1 to 20 for the purpose of FSL and the remaining 19900 gram chars were sealed in parcel No.21. He took into possession the said chars vide recovery memo Ex. PW1/1 in the presence of marginal witnesses namely, Danyal and Shehriyar. The case property sealed into parcel No. 21 is produced before the court which is Ex. P-1. Thereafter, he drafted the Murasila Ex. PA/1 and sent the Murasila through constable Shehriyar for the registration of the case. The Investigating Officer prepared the site plan on his instance and pointation. The above mentioned documents, which are correct and correctly bear his signatures.



On 13.02.2015, Ajmeer Shah Khan ASI Police Station Sardheri Charsadda was re-examined. He stated that vide his application Ex. PW1/2, he sent the samples of chars to the FSL for chemical examination

6. PW-2 is Danyal No.1056 Police Station Nisatta

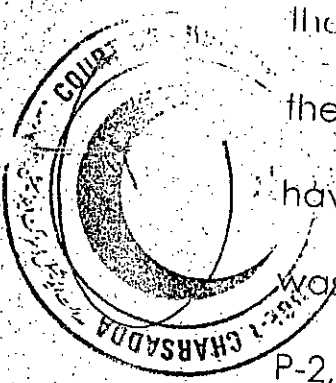
He has stated that during the days of occurrence he was posted at Police Station Sardheri. He is marginal witness to the recovery memo Ex. PW2/1. On the day of occurrence he in the company of Ajmir Shah Khan and

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Supplying Agency Branch  
of Distt & Sessions Judge  
Charsadda

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03/02/15

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other officials were on gasht and Ajmeer Shah Khan had received some information upon which they made Nakahandi, in the meanwhile motorcar came which was stopped and searched upon the said search chargs weighing 5/5 Kg beneath the feet of each of the accused was recovered. They also brought down Zahid accused who was having a pistol alongwith 15 rounds in his possession which was without number. Then they brought down driver Jamdad, then they brought down accused Noor Muhammad from the front seat and then Sajid from the rear seat. The complainant prepared recovery memo then they took the same to the Police Station. They took the motorcar to the Police Station. All the proceedings have been completed in 40/45 minutes. His statement was recorded by the Investigating Officer. The motorcar is P-2, while the 30 bore pistol alongwith 15 live rounds is P-3. (STO by the defense counsels strongly objected the exhibition of motorcar P-2 that it is not the case property i.e. motorcar of the instant case rather, the case property of another case has been brought to the court today for exhibition). The above mentioned recovery memo which is correct and correctly bears his signature as well as signature of other marginal witness.



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*[Signature]*

*[Signature]*

EXAMINER

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Distt of Sialkot

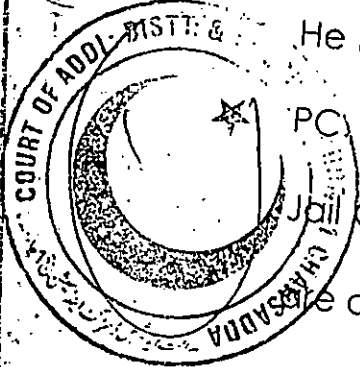
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7. PW-3 is Shujat Khan, Inspector:

He has stated that during the days of occurrence he was CO (Circle Officer) Head Quarter Charsadda. He interrogated accused facing trial in the Police Station while on the following day i.e. 20.06.2014 he produced the accused before the court for further five days custody which was turned down and accused were ordered to judicial lock up vide application ExPW3/1. Vide application ExPW3/2, He sent a letter to the department against accused Mohammad Sajid No.2577 anticorruption Peshawar, Mohammad Zahid No.1791 HC. He recorded statement of accused under section 161 Cr.

PC. Thereafter admitted the accused facing trial to Sub Jail Charsadda. The above mentioned documents, which are correct and correctly bears his signature.



8. PW-4 is Qaisar Khan ASI Police Station, Sardheri Charsadda:

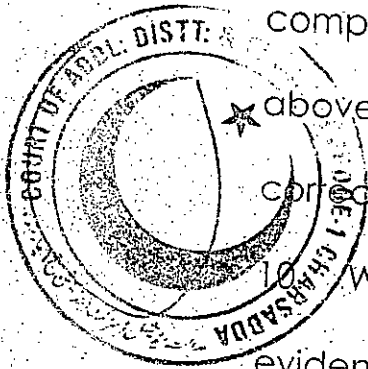
He has stated that on receipt of Murasila, he has correctly incorporated its contents into FIR Ex. PA which is correct and correctly bears his signature

9. PW-5 is Ijaz Khan SHO Police Station Charsadda:

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[Signature]

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13P 158 (W)

He has stated that during the days of occurrence he was posted as SHO Police Station Sardheri. After registration of the FIR, copy of the same was handed over to him and so he started investigation in the instant case and proceeded to the spot and prepared the site plan Ex. PB at the instance of complainant. He has recorded statements of the PWs u/s 161 Cr. PC. Vide his application Ex. PW5/1, he produced the accused facing trial before the judicial magistrate for 5 days police custody, but one day custody was granted by the court. FSL report which was in positive was received by Qaisar Khan SI/CIO which is Ex.PK. After completion of investigation he submitted complete challan against the accused facing trial. The above mentioned documents, which are correct and correctly bear his signatures.



10 With the statement of (PW-05), prosecution closed its evidence, therefore, statement of the accused was recorded u/s 342 Cr. PC. Accused did not opt to produce evidence in his defense nor opted to be examined on oath, Hence, arguments of the learned Assistant Public Prosecutor and learned counsel for accused already heard and record perused.

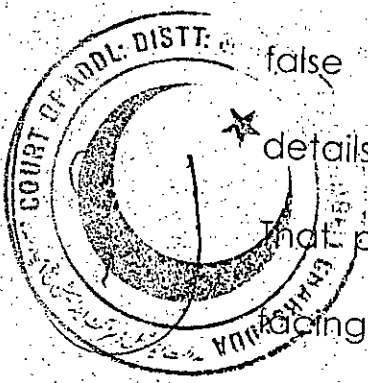
EXAMINER  
Counseling Agency Branch  
Court of Distt & Sessions Judge  
Sardheri

*[Handwritten signature]*

*[Handwritten signature]*

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11. Learned state counsel has argued that recovery of huge quantity of narcotics effected from the vehicle wherein all the four accused facing trial were present and the said recovery also effected from the seats of all the accused. That the recovery witnesses are police officials, but police officials are as good witnesses as others. That PWs are consistent on the point of recovery and other material points of other proceedings and despite lengthy cross-examination on the PWs nothing has been brought on record in favour of the accused. That FSL report is also in positive which supports prosecution case. That there is no question of false implication as there is no reason for false implication of the accused. That not giving the details of motorcar on record is of no use to the accused. That prosecution has proved its case against accused facing trial beyond shadow of reasonable doubt. That accused may be convicted and sentenced in accordance with law.



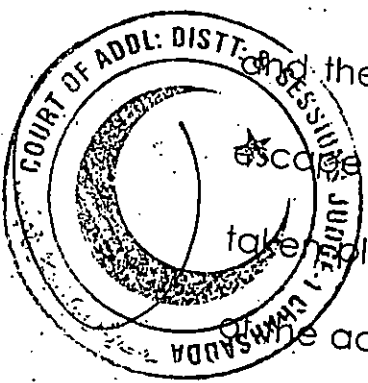
12. On the other hand learned counsel for the accused facing trial has argued that from the very inception prosecution case is doubtful, as on the point of alleged recovery the PWs are contradicting each other as some where it is stated that from beneath the seats of all the

EXAMINER  
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 Court of Distt & Sessions Judge  
 Charasikia

03/July

(15) (160) (48)

four accused the recovery effected and some where it is stated that recovery effected near the accused. That it is also strange that why all the four accused have had the alleged narcotics in such an equal manner and that why the same was allegedly kept open by the accused. That it is also not clear on record that who amongst the PWs has effected the alleged recovery. That complainant has shown with him two officials and it is also alleged that one of that officials was handed over Mūrasila for Police Station for registration of case, then how the two officials have taken two vehicles as shown and four accused to the Police Station from the alleged place of occurrence and there is no resistance or struggle by the accused for escape which suggests that no occurrence at all has taken place. The alleged site plan also shows only points of the accused and though some points are there but the site plan is silent about that other three points and other details, thus the site plan is also not supporting the prosecution case. That on the point of leaving the Police Station for gasht the statement of complainant is contradictory. That allegedly only narcotics and pistol was recovered from the accused and nothing else other than the said recovery was recovered from the accused. That

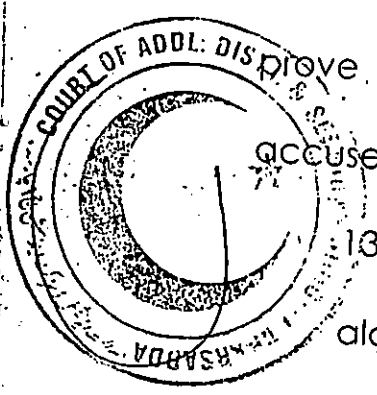


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the accused who was allegedly driving the car at the time of alleged recovery he was not identified in the court by PW-2 the alleged marginal witness to the alleged recovery. That the alleged narcotics were weighed in the court but none of the alleged recovered packets were of 1000 grams or 995 grams. That complainant was not able to show that how many slabs were there in the alleged recovered packets. That details of the vehicle i.e. chassis and engine number have not been given on record nor any investigation was carried out with respect to the said vehicle. That FSL report is delayed one. That prosecution case is full of doubts and prosecution has badly failed to prove its case against the accused facing trial. That accused facing trial may be acquitted of the charges.



13. As per FIR Ex. PA, complainant alongwith constables Shehriyar and Danyal Khan was on gasht of Illaqa and on receiving information about smuggling of narcotics he mad Nakabandi, meanwhile motorcar bearing No. B-6017, Peshawar came and stoppèd for the purpose of checking. That the persons in the car disclosed their names and on their personal

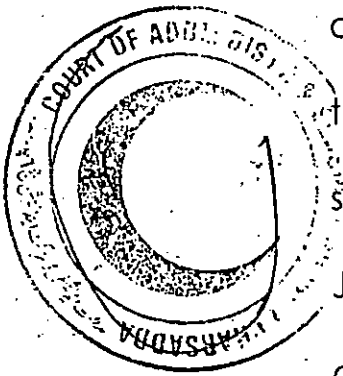
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search nothing was recovered from the three persons while from one Zahid 30 bore pistol and 15 rounds were recovered. That then the car was searched and from beneath seat of driver and other front seat 5/5 packet chars were recovered and similarly from the rear seat 5/5 packets near the accused Sajid and Zahor recovered.

Complainant of the case was examined as PW-1 who in his examination in chief has stated that he de-boarded the accused facing trial from the said vehicle and made their search. Further has stated that the vehicle was searched and during search from the driving seat of driver Jamdad 5 packets chars was recovered and from the seat of Noor Muhammad 5 packets chars was recovered and similarly from the seat of Sajid and Zahid 5/5 packets from each accused was recovered. In the FIR form front seat beneath the recovery was allegedly effected but in court statement it is stated that from the seat of Noor



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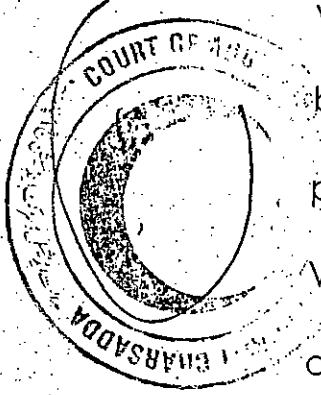
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Muhammad and Jamdad recovery was made instead of saying of the recovery from beneath the front seat. Similarly, in the rear seat near two of the accused the recovery is alleged, but in court statement it is stated that from seat of Sajid and Zahid 5/5 packets from each accused was recovered. It is also not stated by PW-1 in his examination in chief that who effected the recovery, but in cross examination this PW has stated that he made search of the vehicle through constables Shehriyar and Danyal and he was also present with them. That he was told by constable Danyal Khan about the presence of chars in the vehicle. Volunteered, that he was personally observing the same. The foregoing discussed situation is very much clear that complainant himself has not effected the recovery and the situation also suggest that he himself has not witnessed the actual recovery as alleged in the FIR. Similarly, PW-2 who is the alleged witness to the recovery has also not



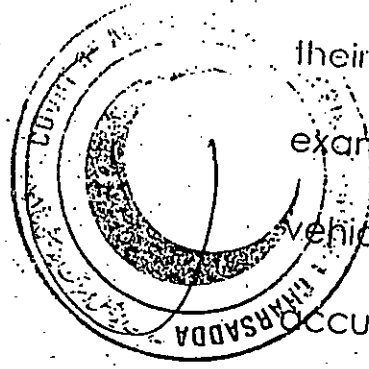
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stated in his examination in chief that who has effected the recovery, rather, PW-2 has stated in his examination in chief that upon search chars weighing 5/5 packets beneath the seats of the accused was recovered. This PW-2 has also stated in his examination in chief that they brought down driver Jamdad, then accused Noor Muhammad, then Sajid and so has stated of accused Zahid. PW-1 has stated in his examination in chief that he de-boarded the accused facing trial from the said vehicle and made their search but PW-2 in his cross-examination has stated that he signaled the vehicle to stop and that he searched the accused. That he himself recovered pistol from the accused Zahid. So the PWs are also contradicting each other on the point of personal search of the accused, de-boarding them from the said car as will as on point of alleged recovery of pistol. PW-1 in this cross-examination has stated that he told by the constable Danyal about the



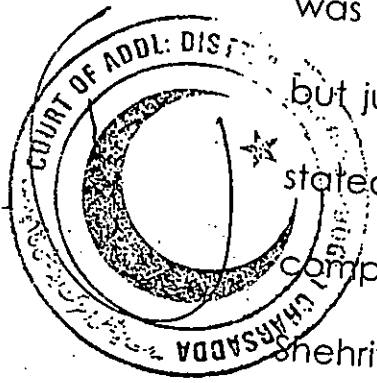
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presence of the chars in vehicle and that some of the packets were brought out from the vehicle by constable Danyal Khan and some of the chars was brought out by constable Shehriyar Khan which further clarifies that the complainant himself has not effected alleged recovery and so he cannot say that wherefrom or from whom the alleged recovery was effected and this also not case of the prosecution that alleged recovery effected by said constables. PW-1 in his cross-examination has stated that he was on gahst of the Illaqa from 12:00 noon, but just after the said sentence this PW has stated that he left the Police Station in the company of constable Danyal Khan and Shehriyar Khan and driver Manzoor at 1705 hours as per DD of Police Station vide Mad No.17. So, this PW-1 has himself contradicted his stance of receiving information about the alleged smuggling and being on gasht from 12:00 noon. This PW has also for the first time introduced another official driver Manzoor as



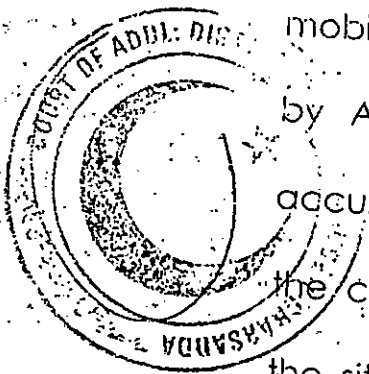
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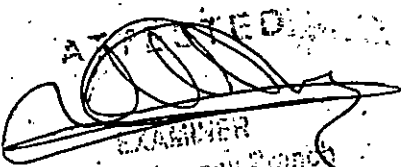
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in the FIR this Manzoor was not shown in his company. PW-1 has also stated in his cross-examination that he cannot say that as to whether each packet has several slabs or single slab. PW-1 has also stated in his cross-examination that Murasila was sent through Shehriyar Khan constable to the Police Station and PW-5 has stated that he has met Ajmeer Shah Khan/PW-1 at about 1945 hours and site plan prepared on the spot, but PW-2 in his cross-examination has stated that the motorcar was driving by the driver of the mobile while the mobile vehicle was driven by Ajmeer Shah Khan ASI alongwith the accused facing trial. When PW-5 has joined the complainant as alleged and prepared the site plan as alleged, then why he was not shown in the company for taking the accused and vehicle to the Police Station, while presence of mobile and driver is not mentioned in the FIR but is introduced in the court statement by PW-1 and PW-2. PW-2 in his cross-examination has stated that he



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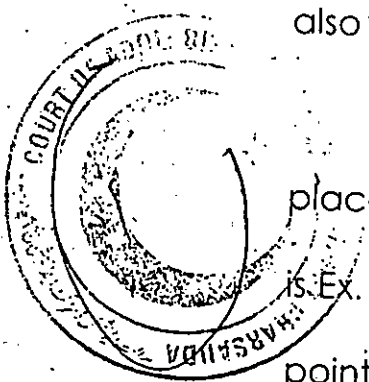
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cannot say that the said car was vitz or corolla. PW-2 has stated in his cross-examination that first recovery was effected from the accused Noor Muhammad and that he cannot identify the accused present in the court that who was driving the vehicle.

PW-3 has stated in his cross-examination that he has not examined the vehicle as the same was not shown to him.

So from the above discussion it is clear that PWs have not only contradicted each other on the point of alleged recovery but also on other alleged proceedings.

So far as the site plan of the alleged place of occurrence is concerned the same is Ex. PB and in the same there are only three points except the accused shown in a car and the said other three points have not been explained and no other point given to show the presence of mobile vehicle, police officials etc, thus the site plan Ex. PB also not supporting the prosecution case. As



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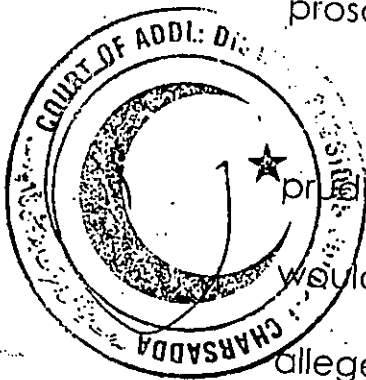
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discussed above this piece of evidence also belies PW-1 and PW-2.

In the instant case PW in whose custody the alleged samples were till sending to FSL was not examined and similarly the person who has alleged taken the samples to the FSL for report has also not been examined, whereas, the alleged recovery effected on 18.06.2014, while the samples received in the FSL Peshawar on 03.07.2014 and so there is a considerable delay in the FSL report which is un-explained and goes against the prosecution.



Even otherwise it is not appealable to prudent mind that why all the four accused would have had such equal quantity of alleged narcotics in their possession and even on Nakabandi the same was not thrown away.

In the light of overall above discussed situation, prosecution has failed to prove its case against the accused facing trial beyond shadow of reasonable doubt,

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District Sessions Judge  
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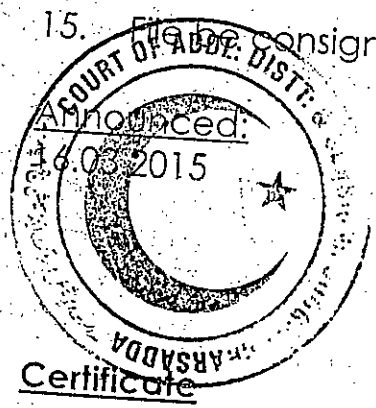
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therefore, by extending benefit of doubt to the accused facing trial, they are acquitted of the charges leveled against them. They are in custody, they be set free, if not required in any other case.

14. Case property confiscated to the state including the motorcar bearing No. B-6017-Peshawar as accused have denied the recovery of said motorcar from them, whereas, no other person mentioned on the record as owner of the same to whom notice be issued as required by the provisions of Control of Narcotics Substances Act 1997.

15. File be consigned to the RR after its completion.



Khalid Khan  
Add: Sessions Judge-I/JSC  
Charsadda

It is certified that my this judgment consists of 18 (eighteen) pages, every page has been read, corrected wherever it was necessary and duly signed by me.

Add: Sessions Judge-I/JSC,  
Charsadda

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Denvo Proceedings

CHARGE SHEET

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that HC Muhammad Zahid No.1791 & FC Sajid No:2577 of Capital City Police Peshawar with the following irregularities.

"That you following Constables while posted mentioned against each their names were involved in a criminal case vide FIR No.218 dated 18.06.2014 U/S 9CCNSA PS Saranday

S #	Name & No.	Posting
01	HC Muhammad Zahid 1791	PS Daudazi
02	FC Sajid 2577	Anti Corruption

This amounts to gross misconduct on your part and is against the discipline of the force."

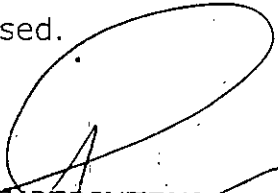
You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case exparte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

ATTESTED

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

ATTESTED





یا محمد بن ابی بکر

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~~(26)~~

ظاہر ہے کہ اس میں کوئی شک نہیں ہے۔

1. یہ کہ اس کو یہ محمد بن ابی بکر کے ہاتھ سے ملے۔

نصف کا 8 اجیرم 1858 سے 9 تھا۔ مصر مصر مصر

میں نے گناہ ملوث کر کے گرفتار کیا۔

2. یہ کہ تقریباً 9 ماہ قبل لڑنے کے لیے عدالت سے

بھاگے ہوئے ہیں۔  
رہنہ کی نقل میرا ہے۔ (بجائی ہے۔)

3. یہ کہ محمد بن ابی بکر نے یہ اجیر لے کر اپنے اہل رات

کا ناچار بنا کر لے کر اپنے پاس لے گئے۔

4. ہمارے پاس یا عینہ سے لے کر آمد نہیں ہو

5. میرا صاحب جس میں اس کی یہ آمدگی بنائی گئی وہ اس

کھانہ یا لے اور کھانہ کا مال بھرنے = یا چھوڑا کی گئی

6. نہ تو ہمارے پاس نہیں تھی۔ نہ ہی ہوسکتا ہے۔ یہ کہ ہم کو

اپنے ہمراہوں کی دم سے لطف سے ڈال دیا گیا۔

7. دن دو گوں کے ساتھ اجیر لے کر لے گیا۔

8. یہ تو اللہ تعالیٰ کی لہریاں ہیں، کہ ہم کو اس سبب سے

بھرنے سے نہیں ہوتا۔ ہل گئی۔ درخت ہمارے ساتھ تو

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E.D. (28)

No. 158/E/PA

14-7-2015

OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE

SUBURB CIRCLE PESHAWAR

NO: 3311 S, DATED: 07/07/2015

Finding report under rule 6(V) police rules 1975, against constable Saïid No 2577 and HC Muhammad Zahid 1791

No 73-UB  
14-7-2015  
J.P.S.  
16/7/15

Departmental enquiry in hand was referred to this office vide order of enquiry with endorsement No 158/E/PA dated 05.9.2012, in order to ascertain the misconduct against the above officers, they being reportedly involved in a criminal case vide FIR 213 dt:18.6.2014 u/s 9CCNSA PS Sardheri, District Charsadda.

Short facts are that both the above stated accused officers, in the company of co-accused namely Noor Muhammad and Jamdad were found, trafficking narcotics in a motor car R.C No B-6017/Peshawar and were held during Naka Bandi, on the spotted place. Charras, total 20 packets weighing 20 KGs were recovered, they were booked by local police PS Sardheri u/s 9CCNSA vide FIR mentioned above. All the accused, including the subject police officials were arrested and after completion of investigation, they were committed to judicial lockup.

The accused police officials faced trial in the court of learned Additional District and Session Judge Charsadda and vide order dated 16.3.15 were acquitted from the alleged charge of trafficking narcotics.

The enquiry proceedings, referred to this office were kept pending till the disposal of aforesaid criminal case. The accused officials have submitted attested copy of the court judgment which along with other record was thoroughly examined/consulted. It would be appropriate to clarify that if the evidence of the criminal case are recorded in this office, it shall not serve the purpose because the learned judge has shattered the integrity and veracity of these PWs, therefore they have been termed untrust worthy/unbelievable witnesses.

It may be added here, rather worth of clarification that the Hon'able Supreme Court of Pakistan in its reported judgment PLJ 2011 SC, Page 288 has clearly observed that there is no shades in acquittal and every acquittal is honorable acquittal. Moreover, rule 16.3 PR 1934 provides that any personal acquitted by the criminal court, shall not be punished departmentally except the provisos, contained therein. The court judgment do not indicate any exception, contained in the provisos of rule 16.3, therefore no consideration can be extended, to take any evidence in the case.

In circumstances, this office recommends that subject accused officials deserve to be released from suspension, provided u/r 16.17 PR 1934 and the instant enquiry may be filed with out any further action.

All relevant documents are enclosed herewith.

DSR/legal

*[Signature]*

DEPUTY SUPERINTENDENT OF POLICE  
SUBURB CIRCLE PESHAWAR

For opinion, Al

*[Signature]*  
Superintendent of Police  
HQ: CC Peshawar

**ATTESTED**  
*[Signature]*

The Superintendent of Police,  
Hqrs: Peshawar.

SUBJECT: DENOVÉ ENQUIRY AGAINST HC ZAHID NO. 1791 AND FC SAJID NO. 2577.

Memo:

Please refer to your office end: No. 198/E/PA dated 16.09.2015 on the subject cited above.

ALLEGATIONS:

It is submitted that the denove enquiry has been marked to the undersigned by competent authority against the following Constables namely HC Muhammad Zahid No. 1791 of PS Daudzai and FC Sajid No. 2577 of PS Anti-Corruption as they committed a criminal case vide FIR No. 218, dated 18.06.2014, u/s 9C-CNSA PS Sardehri Distt: Charsadda. In this respect the undersigned was appointed as enquiry officer to scrutinize the conduct of the above accused officials.

PROCEEDING:

It is submitted that in this connection first of all the undersigned called all the officials ASI Tajmeer Shah, Constable Shahriyar No. 201, Constable Danial No. 1056 PS Sardehri Distt: Charsadda as well as the accused Constable Sajid No. 2577 and Muhammad Zahid No. 1791 and also recorded their statements, while are placed on enquiry file.

In this regard the undersigned visited to PS Sardehri Distt: Charsadda vide DD No. 06, dated 07.11.15 accordingly and the undersigned checked all the matter record as well as the Motor Car Alto B/No. B-6017 in the limit of session Court. The case file has been sent to DPP vide receipt No. 609/21 dated 10.09.14, while the case property (Charas) has been deposited in to the PM Malkhana vide receipt No. 163/19.

STATEMENT OF ASI AJMEER SHAH.

He stated in his statement that on the same day he was informed about the smuggling of Narcotics by someone. However, he alongwith other police party was rushed to the spot and conducted Nakabandi at under pass Palosa Sardehri. During Nakabandi one Motor Car Vitz Silwar Color Bearing registration No. B-6017-Peshawar: was coming rushly toward Palosa was signaled to stop the Car for checking. However, he conducted search of the Vehicle and also recovered 20-Kgs Charas containing 5/5Kgs of every person. Lateron, they all along with vehicle Motor Car Vitz No. B-6017-Peshawar and also registered a proper case vide FIR No. 213, dated 18.06.2014, u/s 9C-CNSA PS Sardehri. During search Driver disclosed his name as Jam Dad s/o Imdad, at the front seat disclosed his name as Noor Muhammad s/o Said Rahman rs/o Sarband and also at the near sated person disclosed his name as Sajid s/o Ayoub r/o Sarband and as Zahid s/o Gul Khan r/o Mattani. Now the case is investigated by the investigation unit PS Sardehri Distt: Charsadda.

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issue final show  
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STATEMENT OF CONSTABLE SHAHRIYAR AND DANYAL.

They both supported the version of the statement of the ASI Ajmeer Shah Khan of PS Sardehri.

STATEMENT OF CONSTABLE MUHAMMAD SAJID.

Constable Sajid stated his statement that he along with Constable Zahid and others were proceeded to Palosa and also they chased by the police and also falsely implicated by ASI Ajmeer Shah Khan. The ASI in-question involved falsely in the Narcotics case. He further stated that no any Charas was recovered by the ASI Ajmeer Shah but he wrongly Nominated in the falls FIR. He further disclosed that in this connection he along with Constable Zahid confined in Distt: Jail Charsadda about 09 Months accordingly. No any Narcotics was recovered with him, while the said quantity charas has taken into possession by local police vide in case FIR No. 676, dated 18.12.2013 u/s 9C-CNSA, recovery 20Kgs Charas and also the said recovered charas has been showed with them. He further stated that he was informed through his advocate that the said recovered Charas and M-Car Alto is the previous case property of the another case vide FIR No. 676, dated 18.12.2013, photo copy of FIR is attached here with for ready reference.

STATEMENT OF CONSTABLE ZAHID.

He supported the statement of constable Sajid.

FINDING:

Keeping in view the enquiry conducted so far reveals that a huge quantity charas 20-Kgs has been recovered from the above mentioned accused Constables namely Muhammad Sajid and Muhammad Zahid, accused Noor Muhammad s/o Mir Rahman and Jamdad s/o Imdad containing 5/5 packet from every accused in the Motor Car Vitz B/No. 6017 silver color and also registered a proper case vide FIR No. 218, dated 18.06.2014 u/s 9C-CNSA PS Sardehri. During enquiry it was found that in the registered FIR against the officials mentioned no any entry of Eng: and Chases No. of the in-question Motor Car. While the undersigned found a Motor Car Alto Silver color on which installed a Number plate B/No. 6017, Eng: No. 377749 and Chases No. 916284 parked in the limit of session court Charsadda.

Nevertheless, it is recommended that in the subject matter case both the Constables were found guilty from the charge level against them. Furthermore, it was informed that both the officials/accused were released from the Jail about the poor investigation of the case. Therefore, in this respect an enquiry against the investigation unit PS Sardehri may be initiated that why the accused/officials were released from the Jail about the poor investigation. While during registering case No proper information i.e Eng: Ch: Nos as well as make and module in the in-question Motor Car was mention with FIR. All statements are attached for your kind perusal and information please. Submitted please.

(MUHAMMAD YASEEN KHAN)  
DEPUTY SUPERINTENDENT OF POLICE  
SADDAR CIRCLE, PESHAWAR

W.SP/Hrs: Peshawar, please.

No. 1847 /PA.

Dated 29.06.16.

Emelo: (180)

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**ORDER**

This office order relates to the disposal of formal departmental enquiry against HC Muhammad Zahid No.1791 & FC Sajid No.2577 on the allegations that they while posted at PS Duadzai & Anti Corruption department were involved in criminal case vide FIR No.218 dated 18.06.2014 u/s 9CCNSA PS Sardheri (Charsadda).

In this regard, they were placed under suspension & issued charge sheet & summary of allegations. SDPO Suburb was appointed as E.O. He conducted the enquiry and submitted his report that defaulter officials deserve to be released from suspension. The E.O further recommended that the enquiry may be filed without any further action vide Enquiry Report No.3311/S dated 07.07.2015.

Upon the finding of E.O, the opinion of DSP Legal was sought. He opined that "acquittal in criminal case could not ipso facto lead to exoneration of a Civil Servant in departmental proceedings. He further stated that charged accused Constables falls under moral turpitude and is against the discipline of the force, leniency in such cases would be motivated other members of the force for indulgence in trafficking of narcotics.

Upon which they were issued final show cause notice which they received & replied.

The matter was discussed by the then SP-HQrs with DSP-Legal & denovo proceedings was ordered. SDPO Saddar Circle was appointed as Enquiry Officer. He conducted the denovo proceedings & submitted his report/finding that both officials found guilty of the charges vide Enquiry Report No.1847/PA dated 29.06.2016.

On receiving the finding of E.O, they were issued final show cause notices which they received & replied.

The opinion of DSP Legal was again sought. He opined that "finding of E.O gone through who found the accused officials guilty of the charges and recommended I.O of the case for departmental action for the poor investigation due to which the accused officials were acquitted of the charges. The enquiry may be disposed of in light of the recommendation as deem appropriate.

They were called & heard in person but their explanation found un-satisfactory.

In the light of recommendations of E.O, DSP Legal opinion & other material available on record, the undersigned came to conclusion that the alleged officials found guilty of the charges. Therefore, they are hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect.

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*[Signature]*  
SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR

OB. NO. 316 / Dated 19/1/2017

No. 273-80 /PA/SP/dated Peshawar the 20/1/2017

Copy of above is forwarded for information & n/action to:

- ✓ Capital City Police Officer, Peshawar.
- ✓ SSP Operations, Peshawar
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Office, OASI, CRC & FMC along-with complete departmental file. *[initials]*
- ✓ Officials concerned.



H 32  
OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

Phone No. 091-9210989  
Fax No. 091-9212597


ORDER

This office order will dispose off departmental appeal of ex-IC Muhammad Zahid No. 1791 of CCP, Peshawar who was awarded the major punishment of Dismissal from service under PR-1975 by SP-HQrs. vide OB No.316 dated 19.1.2017.

2. The allegations levelled against him were that he along with constable Sajid were directly charged in criminal case vide FIR No. 218 dated 18.6.2014 u/s 9-C.CNSA PS Sardheri district charsadd 20 k.Gs contraband Charas were recovered from their possession while attempting to smuggle the same in Motor Car No. 6017/B Peshawar. Both the accused along with other accomplices were arrested red handed on Nakabandi Point on Palosa road towards Nisatta and the alleged recovered charas was taken into possession by the local Police.

3. Departmental proceedings were initiated against him and Muhammad Yaseen DSP-Saddar was appointed as I.O. who after conducting detailed enquiry found him and FC Sajid guilty of the charges. On finding of the enquiry FSCN was issued to him by SP-HQrs and also heard in person but his reply was found unsatisfactory as such awarded the above major punishment.

4. The relevant record has been perused and the appellant was heard in person in O.R on 1/3/2017. He was provided full opportunity to defend himself but he miserably failed to produce any cogent reason in his favour. The appellant in his appeal has contended that he has been acquitted by court vide judgment order dated 6.3.2015, in the criminal case and has prayed for re-instatement in service. So far as court judgment is concerned, the Apex court in various judgments has held that the criminal and departmental proceedings are two different entities, requiring different standards of-proofs. Acquittal in criminal case would not lead to exoneration of a civil servant in departmental proceedings. Therefore his acquittal in criminal case by extending benefit of doubt has no binding over the dismissal order from service. There is no justification to interfere in the order passed by SP-HQrs. Peshawar. The allegations levelled against him stand proved. His retention in Police service is not justifiable. His appeal for re-instatement in service is rejected/filed.

  
(MUHAMMAD TAHIR)PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

No. 413-18 /PA dated Peshawar the 9/ 3 /2017.

Copies for Information and n/a to the:

1. SP/HQrs., Peshawar.
2. FMC along with FM.
3. PO/OASI/ CRC along with S.Roll.

ATTESTED  




OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. SI/ 4866 /17, dated Peshawar the 10/08/2017.

1 (33)

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-HC Muhammad Zahid No. 1791. The appellant was dismissed from service by SP/HQrs: Peshawar vide QB No. 316, dated 19.01.2017 on the allegation that he alongwith Constable Sajid were directly charged in criminal case vide FIR No. 218, dated 18.06.2014 u/s 9-C CNSA Police Station Sardheri District Charsadda. 20 Kgs contraband / chars were recovered from their possession while attempting to smuggle the same in Motor Car No. 6017/B Peshawar. Both the accused alongwith other accomplices were arrested red handed on Nakabandi point on Palosa road towards Nisatta and the alleged recovered chars was taken into possession by the local police.

His appeal was rejected / filed by Capital City Police Officer, Peshawar vide order Endst: No. 413-18/PA, dated 09.03.2017.

Meeting of Appellate Board was held on 25.05.2017 wherein petitioner was heard in person. During hearing petitioner contended that he has been acquitted by the Court vide judgment dated 06.03.2015.

Petitioner was dismissed from service on the allegation of directly charged in case FIR No. 218, dated 18.06.2016 u/s 9-C CNSA Police Station Sardheri District Charsadda. Petitioner was acquitted from criminal case by extending benefit of doubt by the Court. Opinion of trial court based on principle of benefit of doubt is not binding on departmental authority. His service record also contains 06 bad entries. Therefore, his petition is hereby rejected.

This order is issued with the approval by the Competent Authority

(ARIF SHAHBAZ KHAN)  
AIG/Establishment  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. SI/ 4867-73 /17.

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar.
2. Supdt. of Police, HQrs: CCP Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

ATTESTED

Per case  
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J (34)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

**SERVICE APPEAL NO. 993/2017**

Date of institution ... 18.08.2017

Date of judgment .... 02.07.2018



Muhammad Zahid Ex-Head Constable No. 1791,  
Police Station Daudzai,

... (Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Capital Police Officer, Peshawar.
3. The Superintendent of Police, Headquarter, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST  
THE ORDER DATED 10.08.2017, WHEREBY THE REVISION OF  
THE APPELLANT UNDER POLICE RULES 1975 AMENDED IN  
2014 AGAINST THE ORDER DATED 09.03.2017 OF THE CCPO  
PESHAWAR HAS BEEN REJECTED FOR NO GROUNDS  
WHEREIN THE CCPO PESHAWAR UPHELD THE ORDER  
DATED 20.01.2017 OF THE SP HEADQUARTER PESHAWAR.

Syed Noman Ali Bukhari, Advocate.

.. For appellant.

Mr. Muhammad Jan, Deputy District Attorney

.. For respondents.

MR. MUHAMMAD AMIN KHAN KUNDI


.. MEMBER (JUDICIAL)

MR. AHMAD HASSAN

.. MEMBER (EXECUTIVE)

**ATTESTED**

JUDGMENT

  
Muhammad Amin Khan Kundi  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

MUHAMMAD AMIN KHAN KUNDI, MEMBER: Learned counsel

for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Learned counsel for the appellant submitted rejoinder, which is placed on record. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Police Department as Head Constable and during service he was dismissed from service vide order dated 19.01.2017 on the allegation that he alongwith others were involved in case FIR No. 218 dated 18.06.2014 under sections 9CCNSA/15AA Police Station Sradheri, Charsadda. The appellant filed departmental appeal (undated) which was rejected on 09.03.2017 and thereafter he filed revision petition under rule 11-A of Police Rules, 1975 on 17.03.2017 which was also dismissed on 10.08.2017 hence, the present service appeal on 18.08.2017.

3. Learned counsel for the appellant contended that the appellant was serving in Police Department. It was further contended that during service the appellant was involved in case FIR No. 218 dated 18.06.2014 under sections 9CCNSA/15AA Police Station Sradheri, Charsadda. It was further contended that the appellant alongwith others co-accused were acquitted by the competent court vide detailed judgment dated 16.03.2015. It was further contended that the appellant was dismissed from service vide order dated 19.01.2017. It was further contended that the appellant also filed departmental appeal as well as revision petition within time but the same was also rejected. It was further contended that initially inquiry officer recommended that the appellant was acquitted by the competent court therefore, inquiry may be filed without any further action vide inquiry report recommendation dated 07.07.2015 but the competent authority again directed to conduct de-novo inquiry against the appellant and the appellant was dismissed from service on the basis of de-novo inquiry. It was further contended that during de-novo inquiry, the inquiry officer has recorded the statement of the witnesses including statement of ~~Asst~~ Ajmir Shah, Constable Shahriyar and Danyal but the appellant was not given

M Amin  
2-7-2018

ATTESTED

EXAMINED  
Khayber Pakhtunkhwa  
Service Tribunal,  
Peshawar

opportunity to cross examine the aforesaid witnesses. It was further contended that the appellant was also issued show-cause notice by the competent authority but the copy of the inquiry was not provided to the appellant with the final show-cause notice therefore, the appellant was condemned unheard and the impugned order of dismissal of the appellant is illegal and liable to be set-aside and prayed for acceptance of appeal.

4. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was direct charged in the FIR of aforesaid criminal case. It was further contended that he was caught with red handed alongwith other while proceedings in the motorcar. It was further contended that the acquittal of the appellant in criminal case has no effect on the departmental proceeding/inquiry and the respondent-department has rightly proceeded the appellant under disciplinary proceedings. It was further contended that all the codal formalities of inquiry were fulfilled by the inquiry officer therefore, the appellant was rightly dismissed from service.

5. Perusal of the record reveals that the appellant was serving in Police Department and during service he alongwith three others were charged in the aforesaid criminal case for taking Chars, and Pistol in the motorcar. The record further reveals that the appellant alongwith others co-accused was arrested by the local police on the spot. However, after facing trial the competent court vide detailed judgment dated 16.03.2015 acquitted the appellant alongwith others and they were released from the custody. The record further reveals that initially the inquiry officer submitted report dated 07.07.2015 to the competent authority that the inquiry pending against the appellant be filed without any further action mainly on the ground that the appellant was acquitted by the competent court

M. Amin  
2-7-2018

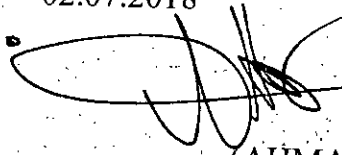
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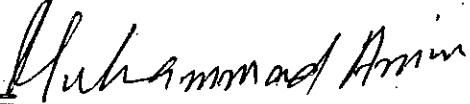
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M. AMIN  
Keyber Akhondkhwa  
Service Tribunal,  
Peshawar

32

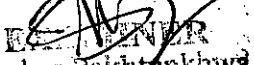
but the competent authority did not agree with the report of the inquiry officer and directed to conduct de-novo inquiry. The record further reveals that the de-novo inquiry was conducted by the inquiry officer and the inquiry officer also recorded the statement of ASI Ajmir Shah, Constable Shahriyar and Danyal regarding the involvement of the appellant in the aforesaid criminal case but there is nothing in the inquiry report or other available record to show that the appellant was provided opportunity of cross examination against the aforesaid witnesses. Furthermore, the copy of the final show-cause notice available on record also shows that the copy of the inquiry was also not handed over to the appellant with the show-cause notice therefore, the appellant was condemned unheard and the respondent-department has violated the requirement of natural justice therefore, the impugned order of dismissal of the appellant from service is illegal and liable to be set-aside. As such we partially accept the appeal and reinstate the appellant into service. However, respondent-department is directed to conduct de-novo inquiry according to prescribe law and rules within a period of 90 days from the receipt of this judgment. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
02.07.2018

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

**Certified to be true copy**

  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 17/8/20  
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 Copying Fee 18/-  
 Urgent 22/-  
 Total 22/-  
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 Date of Completion of Copy 17/8/20  
 Date of Delivery of Copy 17/8/20

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Amir Q  
Q

**ORDER**

This office order relates to the disposal of Denovo departmental enquiry against Head Constable Muhammad Zahid No.1791/3779 & Constable Sajid No.2577/2123 of Capital City Police Peshawar on the allegations that they involved in criminal case vide FIR No.218 dated 18.06.2014 u/s 9C-CNSA PS Sardheri District Charsadda.

The court judgment has been implemented, Head Constable Muhammad Zahid No. 1791 & Constable Sajid No.2577 reinstated in service and initiated denovo departmental enquiry subject to the outcome of the enquiry vide No.2146-52/PA dated 14.09.2018.

Inspector Niaz Muhammad of Police Lines was appointed as Enquiry Officer. He conducted the enquiry proceedings and submitted his finding/report that the allegations against the alleged officials have been proved. The Enquiry Officer further recommended major punishment for the alleged officials.

In light of the recommendations of E.O, previous enquiry and current enquiry findings, the undersigned came to the conclusion that they are guilty of this misconduct and not deserves an iota of leniency. In exercise of the power vested to me under Police & Disciplinary Rules-1975, they are therefore, awarded the major punishment of dismissal from service with immediate effect.

*Bosm*  
**SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR**

OB. NO. 3314 / Dated 30/10/2018

No. 2601-07 /PA/SP/dated Peshawar the 31/10/2018

Copy of above is forwarded for information & n/action to:

- ✓ The Capital City Police Officer, Peshawar.
- ✓ DSP/HQrs, Peshawar.
- ✓ Budget Officer, OASI, CRC & FMC along-with complete departmental file.
- ✓ Official concerned.

**Attested**

*M. Zahid*

Appellant

**ATTESTED**

*Ar*



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

Phone No. 091-9210989  
Fax No. 091-9212597

39

*[Handwritten signature]*

*[Handwritten mark]*

ORDER.

This order will dispose off the departmental appeal preferred by Ex-Constable Muhammad Zahid No.3779 who was awarded the major punishment of "Dismissal from service" by SP/HQrs Peshawar vide No.3314, dated 30-10-2018.

2- The allegations leveled against him were that he while posted at Police Station Daudzai involved in criminal case vide FIR No.218, dated 18-06-2014 u/s 9C CNSA PS Sardheri Charsadda which was ended into his dismissal from service. He feeling aggrieved filed a departmental appeal which was rejected by this office and the appellant sought remedy at Honorable Services Tribunal Khyber Pakhtunkhwa by filling service appeal which was decided in his favour with the direction to conduct denovo enquiry into the matter.

3- A denovo departmental enquiry was conducted against the appellant by Inspector Niaz Muhammad on the order of SP/HQrs Peshawar. The enquiry officer after conducting proper enquiry submitted his finding while recommending the appellant for major penalty. The competent authority after examining the recommendation of the enquiry officer awarded him the major punishment of dismissal.

4- He was heard in person in O.R. The relevant record perused along with his explanation but the appellant failed to submit any plausible explanation. Therefore his appeal for reinstatement in service is hereby dismissed/rejected.

*[Handwritten signature]*  
(QAZI JAMIL UL REHMAN) PSP  
CAPITAL CITY POLICE OFFICER  
PESHAWAR

No. 143-48 /PA dated Peshawar the 16-01- 2019

Copies for information and n/a to the:-

1. SP/HQrs Peshawar.
2. BO/OASI/CRC for making necessary entry in his S.Roll.
3. FMC along with FM
4. Official concerned.

Attested

*[Handwritten signature]*  
Appellant

*[Handwritten mark]*

M (40)

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

**Khyber Pakhtunkhwa  
Service Tribunal**

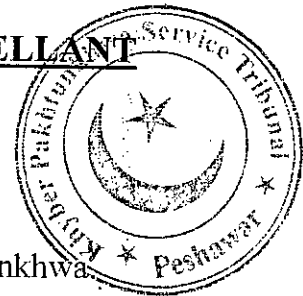
Service Appeal No. 176 /2019

Diary No. 156

Dated 06-2-2019

1. Muhammad Zahid Ex-Head Constable No.1791, Police Station Daudzai, Peshawar..

**APPELLANT**



**VERSUS**

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa.
2. The Capital City Police Officer, Peshawar.
3. The Superintendent of Police, Headquarter, Peshawar.

**RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE  
KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE  
IMPUGNED ORDER DATED 30-10-2018  
PASSED BY THE SUPERINTENDENT  
OF POLICE HEADQUARTER  
PESHAWAR (RESPONDENT NO. 3)  
WHEREBY THE APPELLANT WAS  
AWARDED MAJOR PENALTY OF  
DISMISSAL FROM SERVICE AGAINST  
WHICH A DEPARTMENTAL APPEAL  
WAS FILED WITH THE CAPITAL CITY  
POLICE OFFICER (RESPONDENT NO.2)  
ON 16-11-2018 BUT THE SAME WAS  
REJECTED ON 16-01-2019.**

**Filed to-day**

**Registrar**

06/02/19

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Service Appeal No. 176/2019

41



02.12.2019

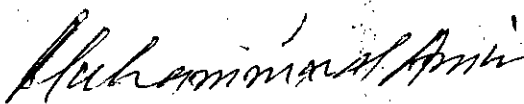
Counsel for the appellant and Mr. Ziaullah Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of five pages placed in connected Service Appeal No. 175/2019 titled "Muhammad Sajid Versus The provincial Police Officer, Government of Khyber Pakhtunkhwa and others", we partially accept the appeal, set-aside the impugned order and direct the respondent-department to conduct de-novo inquiry in the mode and manners prescribed under the Police Rules 1975. The appellant be fully associated in the inquiry proceeding and he should be provided opportunity of cross examination and also be sent the inquiry report alongwith show-cause notices. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.


ANNOUNCED

02.12.2019

  
(HUSSAIN SHAH)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

**Certified to be true copy**

  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application	17/8/20
Number of Words	800
Copying Fee	10/-
Urgent	49/-
Total	16/-
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Date of Completion of Copy	17/8/20
Date of Delivery of Copy	17/8/20



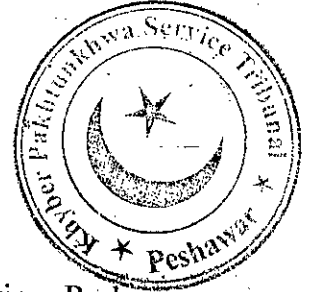
42

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

**SERVICE APPEAL NO. 175/2019**

Date of institution ... 06.02.2019

Date of judgment ... 02.12.2019



Muhammad Sajid Ex-FC No. 2577, Police Station Anti-Corruption, Peshawar.

... (Appellant)

**VERSUS**

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa.
2. The Capital City Police Officer, Peshawar.
3. The Superintendent of Police, Headquarter, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 30.10.2018 PASSED BY THE SUPERINTENDENT OF POLICE HEADQUARTER PESHAWAR (RESPONDENT NO. 3) WHEREBY THE APPELLANT WAS AWARDED MAJOR PENALTY OF DISMISSAL FROM SERVICE AGAINST WHICH A DEPARTMENTAL APPEAL WAS FILED WITH THE CAPITAL CITY POLICE OFFICER (RESPONDENT NO. 2) ON 16.11.2018 BUT THE SAME WAS REJECTED ON 16.01.2019.

*M. Amin*  
*2.12.2019*

Mr. Rizwanullah, Advocate

.. For appellant.

Mr. Ziaullah, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

.. MEMBER (EXECUTIVE)

**JUDGMENT**

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Our this

judgment shall dispose of aforementioned service appeal as well as Service Appeal No. 176/2019 titled "Muhammad Zahid Versus The Provincial Police Officer, Government of Khyber Pakhtunkhwa and others" as common question of law and facts are involved in both the service appeals.

**ATTESTED**

*[Signature]*  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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2. Counsel for the appellants and Mr. Ziaullah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

3. Brief facts of both the service appeals are that the appellants were serving in Police Department. They were imposed major penalty of dismissal from service on the allegation that they were involved in case FIR No. 218 dated 18.06.2014 under section 9CCNSA Police Station Sardheri.(Charsadda). After availing departmental remedy they filed the service appeals which were partially accepted, the appellants were reinstated in service however, the respondent-department was directed to conduct de-novo inquiry according to the prescribed law rules within a period of 90 days from the date of receipt of copy of judgments and the issue of back benefits was also ordered to be subject to the outcome of de-novo inquiry vide judgment dated 02.07.2018 passed by this Tribunal. After conducting a de-novo inquiry, the appellants were again imposed major penalty of dismissal from service vide order dated 30.10.2018. The appellants filed separate departmental appeals on 16.11.2018 which were rejected vide order dated 16.01.2019 hence, the present service appeals on 06.02.2019.

4. Respondents were summoned who contested the appeals by filing of written reply/comments.

5. Learned counsel for the appellants contended that the appellants were serving in Police Department. It was further contended that during the service, the appellants were involved in case FIR No. 218 dated 18.06.2014 under section 9CCNSA Police Station Sardheri (Charsadda). It was further contended that the appellants alongwith other co-accused were acquitted by the competent court vide detailed judgment dated 16.03.2015. It was further contended that the appellants were dismissed from service and after availing remedy of

*M. A. Khan*  
6/02.2019

**ATTESTED**

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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departmental appeal they properly filed service appeals which were partially accepted and the department was directed to conduct de-novo inquiry in the mode and manners prescribed under the Police Rules 1975 but neither the respondent-department has conducted the de-novo inquiry in the mode and manners prescribed under the Police Rules 1975 nor the appellants were associated in the de-novo inquiry proceeding nor opportunity of cross examination was provided to the appellants nor the appellants were provided of personal hearing nor any final show-cause notices were issued to the appellants. It was further contended that on one hand the inquiry officer has stated in the de-novo inquiry report dated 31.10.2018 that there is a lot of contradiction in the statement of complainant and eye witness while on the other hand he has recommended the appellants for major punishment. It was further contended that the de-novo inquiry report bear date 31.10.2018 under the signature of inquiry officer whereas the impugned orders of dismissal from service of the appellants were passed by the competent authority on 30.10.2018 one day prior to the inquiry report on the basis of aforesaid de-novo inquiry report which as per his contention is not tenable. It was further contended that neither any show-cause notices were issued to the appellants nor copy of inquiry report were issued to the appellants nor the inquiry officer has conducted the inquiry in the light of direction of this Tribunal therefore, the appellants were condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeals. In support of his arguments learned counsel for the appellant relied on judgments reported as 1989 SCMR 1690, 1997 SCMR 1073, 2008 SCMR 1406, 2010 SCMR 1554, and 2019 SCMR 640.

M. Amin  
20.12.2019

6. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellants and contended that

ATTESTED

*[Signature]*  
 K. S. KHAN  
 Member  
 Service Tribunal  
 Peshawar

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the appellants were serving in Police Department. It was further contended that the appellants were involved in the aforesaid criminal case. It was further contended that they were caught red handed alongwith other while proceeding in Motorcar with huge quantity of Charas. It was further contended that the acquittal of the appellants have no effect on the departmental proceeding/inquiry and the respondent-department has rightly proceeded the appellants in de-novo inquiry after fulfilling all the codal formalities and prayed for dismissal of both the appeals.

7. Perusal of the record reveals that the appellants were dismissed from service by the competent authority on the allegation that they were involved in the aforesaid criminal case. After availing departmental remedy both the appellants filed service appeals which were partially accepted vide judgment dated 02.07.2018 and the respondent-department was directed to conduct de-novo inquiry in the mode and manners prescribed under the rules. The record further reveals that earlier this Tribunal vide judgments dated 02.07.2018 directed the respondent-department to conduct de-novo inquiry mainly on the ground that opportunity of cross examination was not provided to the appellants and copy of inquiry report was also not handed over to the appellants with the show-cause notice. The record further reveals that as per direction of the judgment of this Tribunal, the respondent-department conducted de-novo inquiry which bear date 31.10.2018 under the signature of inquiry officer but the competent authority has imposed major penalty of dismissal from service on the basis of said de-novo inquiry on 30.10.2018, therefore, the same is not understandable and is not believable to prudent mind that how the competent authority passed the impugned orders of dismissal from service of the appellants side order dated 30.10.2018 on the basis of de-novo inquiry report dated

*M. Amin*  
2.12.2019

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

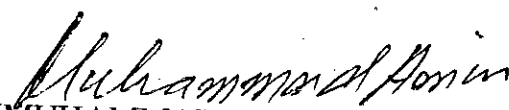
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31.10.2018. Furthermore, in the previous departmental inquiry this Tribunal set-aside the impugned orders of dismissal from service of the appellants mainly on the ground that the copy of inquiry report was not sent/dispatched to the appellant with the final show-cause notice but in the present de-novo inquiry what to talk /say sending of copy of inquiry report with the show-cause notice. Even the competent authority did not bother to issue show-cause notice to the appellant, therefore, the appellants were again condemned unheard and the respondent-department has not conducted the de-novo inquiry in the light of judgment of this Tribunal. Therefore, we partially accept the appeals, set-aside the impugned orders and direct the respondent-department to conduct de-novo inquiry in the mode and manners prescribed under the Police Rules 1975. The appellants be fully associated in the inquiry proceeding and they should be provided opportunity of cross examination and also be sent the inquiry report alongwith show-cause notices. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

02.12.2019

  
(HUSSAIN SHAH)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

**Certified to be true copy**  
  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 17/8/20  
Number of Words 2000  
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Total 26/-  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 17/8/20  
Date of Delivery of Copy 17/8/20



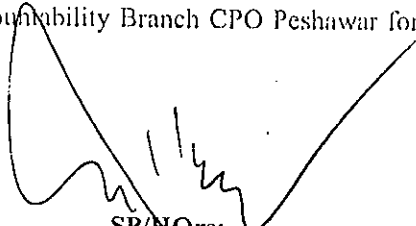
OFFICE OF THE  
CAPITAL CITY POLICE OFFICER  
PESHAWAR  
Phone No. 091-9210641  
Fax: No. 091-9212597

N 47

**ORDER**

As per the Judgment of Hon'able Khyber Pakhtunkhwa Services Tribunal, Peshawar order dated 02.12.2019 passed in Service Appeal No. 176/2019 dully approved by the CPO authorities vide AIG/Legal letter No. 169/Legal, dated 09.01.2020 and opinion of DSP/Legal Peshawar. The impugned order issued vide OB No. 316 dated 19.01.2017 by SP/Saddar Circle Peshawar in respect of Ex-Head Constable <sup>Zahid</sup> Muhammad No. 1791/3779 of Capital City Police Peshawar is set aside and the appellant is reinstated in service for the purpose of de-novo enquiry with immediate effect. The issue of back benefits shall be subject to the outcome of de-novo enquiry strictly in accordance with law/rules.

The original enquiry file along with the copy of judgment is forwarded to the Deputy Inspector General of Police, Internal Accountability Branch CPO Peshawar for de-novo enquiry.

  
SP/HQrs:  
For Capital City Police Officer,  
Peshawar

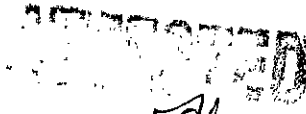
OB No. 211

Dated 17/01/2020

No. 1584-33 /CRC, dated Peshawar the 20 / 1 /2020.

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

1. Capital City Police Officer, Peshawar
2. DIG/Internal Accountability Branch CPO Peshawar (along with E/File & copy of Court order)
3. AIG/Legal CPO Peshawar with above cited reference.
4. DSP/Legal, Capital City Police Peshawar
5. Budget Officer, Capital City Police Peshawar
6. Assistant Director, I.T, Capital City Police Peshawar
7. PO, OASI & FMC
8. Official Concerned.



## بیان ازان مسی محمد زاہد خان

48

1. میں مسی محمد زاہد ولد گل خان سکنہ مٹی خلفا بیان کرتا ہوں کہ مجھے ایک جھوٹے مقدمہ علت نمبر 218 مورخہ 2014-06-18 تھانہ سر ڈھیری چارسدہ میں پھنسا یا گیا سائل کچھ عرض، معروض خبر رسا ہے
2. یہ کہ سائل اس دن اپنے قریبی دوست کنسٹیبل محمد ساجد سے ملنے تھانہ انٹی کرپشن پشاور بغرض تبادلہ انٹی کرپشن گیا تھا کیونکہ سائل ان دنوں ایک ٹارگٹ کیلنگ میں SHO حمید خان تھانہ بھانہ ماڑی پشاور کے ساتھ زخمی ہوا تھا
3. یہ کہ سائل کے دوست محمد ساجد کے کچھ ہمسایہ اس وقت تھانہ انٹی کرپشن آئے اور کہنے لگے کہ میرے والد کے جو رقم کسی کے ساتھ ہے اس سے بذریعہ موبائیل رابطہ ہوا جس نے اب بات کرنے کیلئے چارسدہ بلا یا ہے اس لیے ساجد کو کہنے لگے کہ ان لوگوں نے تقریباً ایک سال سے بہت پریشان کیا اور رقم واپس کرنے کے میں ٹال مٹول کر رہے ہیں اس لیے آپ میرے ساتھ چارسدہ روانہ ہونا کہ اگر دوبارہ بات بنی تو لوکل پولیس کی مدد لی جاسکے اس وجہ سے میرے دوست کنسٹیبل محمد ساجد کہا کہ یہ لوگ نور محمد اور جانا د میرے ہمسایہ ہے اور ان کا معاملہ کرنے کیلئے آپ بھی میرے ساتھ چارسدہ روانہ ہوا جس پر میں ان کے ساتھ روانہ ہو گیا۔
4. یہ کہ سائل اور ساجد کے ہمسایہ جیسے ہی چارسدہ چوک سٹاپ پر اترے تو نور محمد متعلقہ شخص کو کال کر کے کہا کہ ہم چوک میں موجود ہے کہا آ جائیں اس پر متعلقہ شخص نے کہا کہ میں گھر سے باہر ہوں آپ ایک ٹیکسی میں بیٹھ جائیں اور اس ڈرائیور سے میری بات کرائے تو اس کو جگہ بتا دوں گا تو ہم نے ایسا ہی کیا اور روانہ ہوئے جیسے ہی اس جگہ پر پہنچے تو وہ شخص روڈ پر کھڑا ہوا تھا اس سے ہم کلام ہو کر نماز کا وقت ہونے کی وجہ سے ہم نے یعنی میں اور ساجد قریبی مسجد روانہ ہوئے اور ہم نے یہ بھی کہا کہ اب اپنی بات کریں۔
5. یہ کہ سائل بعد از نماز مغرب واپس آئے تو اس شخص مسی فیروز شاہ باچہ نے عرض کیا کہ میرے پاس نقد روپے نہیں ہے اس لیے میں اپنی ویٹز موٹر کار برنگ سلور نمبری 6017-BA / پشاور رقم کے عوض امانت احوالہ کرتا ہوں ہم نے نور محمد سے پوچھا کہ آپ کو یہ فیصلہ منظور ہے جس پر نور محمد نے رضامندی ظاہر کی۔
6. یہ کہ نور محمد نے متعلقہ شخص سے گاڑی کا ٹرانسفر لیٹر لیا اور گاڑی میں سٹینپی اور جیک وغیرہ چیک کر کے روانہ ہوئے جیسے ہی موٹر وئے ٹول پلازہ پہنچے تو وہاں پر کھڑی پولیس موبائیل نے روکنے کا اشارہ کر کے گاڑی سے اترنے کو کہا جیسے ہی ہم گاڑی سے اترے تو ASI اجمیر شاہ نے کہا کہ آپ نے یہ گاڑی کسی سے زور زبردستی چینی ہے جس پر ہم نے متعلقہ شخص کے بابت کہا کہ یہ تقریباً 9 لاکھ روپے کے عوض امانت لی ہے لیکن ASI صاحب نے یقین نہ کر کے تھانہ روانہ کیا کہ وہاں بات کرتے ہے۔
7. یہ کہ سائل کو دو دن جیس بے جائیں رکھا اور پھر 9 CNSA میں FIR درج کی جس پر ہم نے 9 ماہ جیل گزاری اور ٹرائل کے ذریعہ عدالت صاحب موصوف نے ہم کو باعزت مقدمہ سے عدم ثبوت کے بری کر دیا فیصلہ عدالت لف درخواست ہے۔

ATTESTED



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8. یہ نکتہ سائل کے خلاف عدالت سے مال مقدمہ تھانہ سرڈھیری ہے جس کو ایک انٹی کار لفٹنگ انسپیکٹر بھٹی نے دوران کارائی علاقہ چارسدہ سے تھویل میں لیکر تھانہ سرڈھیری کو بذریعہ روزنامہ سال 2014 حوالہ کیا تھا جس نے ہمارے وکیل صاحب سے عدالت میں ثابت کیا

9. یہ کہ سائل کے ساتھ بہت نا انصافی کی گئی اور سائل جیل سے رہا ہونے کے بعد پولیس ڈیپارٹمنٹ انکوٹری DSP سرب صاحب نے کی DSP صاحب نے انکوٹری فائل کرنے کیلئے تحریر کیا مگر SP/HQ صاحب نے رضامندی ظاہر نہ کی اور سائل کو محکمہ سے درخواست کیا آرڈر DSP صاحب لف فائل ہے

10. یہ کہ سائل نے سروس ٹریبونل پشاور سے رجوع کیا جس پر عدالت سروس ٹریبونل سے سائل کو دوبارہ پولیس ڈیپارٹمنٹ میں بہال کر کے DENOVO انکوٹری کا حکم ہوا لیکن یہاں پر پھر سائل کے ساتھ نا انصافی کی گئی اور محکمہ سے دوبارہ درخواست کیا گیا۔ آرڈر لف فائل ہے

11. یہ کہ سائل نے دوبارہ سروس ٹریبونل پشاور سے رجوع کر کے عدالت صاحب موصوف نے DENOVO انکوٹری کا حکم کیا۔ عدالت فیصلہ لف فائل ہے

12. یہ کہ سائل تقریباً سال 2014 سے لے کر اب تک 6 سال تک سزا کاٹ رہا ہے کیونکہ سائل گھر کا سرپرست ہے اور سائل کے ذمہ چھوٹے بھائی بہن اور سائل کے خود کہ بال بچے ہے سائل کا ذریعہ معاش نہیں ہے

13. یہ کہ سائل اس گناہ کی معافی مانگتا ہے جو اس نے کی ہی نہیں سائل کو معاف کر کے دوبارہ قوم و ملک کی خدمت کرنے کا موقع دیا جائے سائل تاحیات دعا گورہے گا۔

مورخہ 20-02-2020

## العارض

آپکا تاجدار کنسٹیبل محمد زاہد نمبر 549 متعینہ پولیس لائن

ATTESTED





P (50)

**ORDER**

This office order relates to the disposal of de-novo enquiry against Head Constable Zahid No.3779/549 of Capital City Police Peshawar on the allegation that he involved in criminal case vide FIR No.218 dated 18.06.2014 u/s 9C-CNSA PS Sardheri District Charsadda.

In light of the directions of Hon'ble Service Tribunal, Khyber Pakhtunkhwa vide service appeal No.176/2019 followed by instruction of IGP, Khyber Pakhtunkhwa, HC Zahid No.3779/549 has re-instated in service. The court judgment along with enquiry file has been forwarded to the Addl: IGP Internal Accountability Branch CPO Peshawar for denovo departmental enquiry.

The Addl: Inspector General of Police Internal Accountability Khyber Pakhtunkhwa, Peshawar has directed that "CCPO Peshawar, kindly institute an officer/committee for denovo enquiry in the matter" vide letter No.156/CPO/IAB dated 27.01.2020.

SP-Cantt was appointed as E.O. He conducted the enquiry proceeding & submitted his report/finding that alleged official involved in immoral and illegal activities which have ruptured the image of Police department to irreparable extent and allegations leveled against him are proved. The E.O further recommended major punishment for the defaulter official vide Enquiry Report No.748/PA dated 27.04.2020.

The CPO authorities has already issued instruction to the effect "being competent authority in the matter may proceed further in light of the recommendations of the Enquiry Officer vide letter No.629/CPO/IAB dated 01.06.2020."

In light of the recommendation of E.O, directions of DIG Internal Accountability Khyber Pakhtunkhwa and kind approval of CCPO Peshawar, Head Constable Muhammad Zahid No.3779/549 is hereby dismissed from service with immediate effect.

**SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR**

OB. NO. 1493 / Dated 2/7 /2020

No. 3598-64 /PA/SP/dated Peshawar the 03/02 /2020

Copy of above is forwarded for information & n./action to

- ✓ Capital City Police Officer, Peshawar.
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Office, OASI, CRC & FMC along-with complete departmental file.
- ✓ Official concerned.

*[Handwritten signature]*

636/PA-cc1

دعوت در خواست

51

قوت صاحب جیف کیٹل سٹی لڈ لیس اینٹر صاحب لیبیا 7/2020

دعوت در خواست بر خلاف حکم محاربہ کی پید کو انٹر صاحب لیبیا در خواست  
ارڈر نمبر 1493 مورخہ 2/7/2020 حوالہ اردو بین طر 3598-04  
مورخہ 3/7/2020 دستہ کی پید کو انٹر صاحب لیبیا  
صاحب عالی

سائل ذیل عمرین دستان قصیدہ سائل سائل جہد سے علمہ لوگس میں  
ای دلوگی بنیاد ایمانداری اور خوش اسلوبی سے پورا کام دے دیا ہے

۱) کہ سائل کو ایسا جھوٹ اور من گھڑت مقدمہ میں پھینک دیا گیا اور سائل  
کے بے گناہ بیوی کے باوجود سائل 9 ماہ جود کیٹل حوالات میں گزارے  
اور سائل کا ٹرائل بیوی پر مشتمل جج صاحبان عدالتوں پر صدمہ سے  
باعث بری کر دیا گیا

۲) کہ سائل کی حکمانہ کارروائی کی حسین اٹوٹری اینٹری اٹوٹری  
فائل کر کے پھر پھر کیا مگر اٹوٹری نالا میں نہ بیوی کی دل سے  
سائل کی (دی اٹوٹری) کی حسین سائل کو صحیحہ لوگس سے  
پرفاسٹ کیا گیا

۳) کہ سائل سے عدالت سروس برائوں لیبیا سے دھوکہ کیا جس پر  
عدالت سروس برائوں سے سائل کو دوبارہ حال کر کے Donato (اٹوٹری)  
کے لیے مجھ کو پھر پھر کیا

۴) کہ سائل کی قانون سے مطابق اٹوٹری میں کی اور سائل کو اٹوٹری مارچی

ATTACHED

اللواتیری ائینہ بنیاد محمد خان کے ائینواتیری پر محمد لویس سے ترقی یافتہ

(5) یہ کہ مسائل نے محمد عدالت سروس پر اپیل سے رجوع کیا جس پر عدالت نے محمد لویس کے ائینوں بالاد و قانون کے مطابق ائینواتیری کرنے کے لئے تحریر کیا۔ مگر اس بار بھی عدالت سروس نے اصول کے منہ کو نظر انداز کر دیا اور مسائل کو بھی ماری ماری محمد لویس سے ترقی یافتہ کیا۔

(6) یہ کہ مسائل نے دوران ائینواتیری مرد گویاں سے کہیں مسائل میں کراہے گئے۔ اور ہر ماہ مسائل کے ساتھ یہ طریقہ کا عمل کیا گیا۔

(7) یہ کہ مسائل ائین تحریر گھرانے سے تعلق رکھتا ہے۔ اسالی مسائل کی ترقی اور مال لکھوں والا ہے۔ والد فوت ہو گئے تھے۔ مسائل کھر کا واحد سرپرست فوت کی وجہ سے بنانا مشکل میں مبتلا ہے۔ اور عدالت کے حوالے نہیں ہے۔

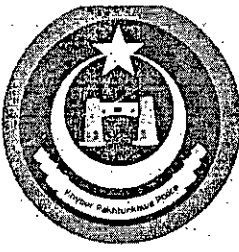
تذکرہ درخواست دہم کرنے کی اٹھائی جاتی ہے۔ تاہم مسائل کو دوبارہ محمد لویس میں بحال کرنے قوم دشمن کی خدمت کرنے کا موقع دیا جائے۔ مسائل تصدیقات دعاؤں دینے

العارض

15-07-2020 (مخبر)

محمد علی محمد زاہد 549  
 صوابگیل نمبر 0313978666  
 CP بنیاد

ATTESTED



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

Phone No. 091-9210989  
Fax No. 091-9212597

R (53)

ORDER.

This order will dispose off the departmental appeal preferred by Ex-Head Constable Muhammad Zahid No.3779/549 who was awarded the major punishment of "Dismissal from service" by SP/HQrs Peshawar vide OB No.1493, dated 02-07-2020.

2- He while posted in Police Station Daudzai, found involved in a criminal case vide FIR No.218, dated 18-06-2014 U/S 9C-CNSA Police Station Sardheri District Charsadda. He was awarded the major punishment by the competent authority. Then he preferred a departmental appeal to the appellat authority for consideration, which was also rejected. The appellat filed service appeal before the court of Honorable Sevice Tribunal Peshawar which was decided and remanded back to the department with the direction to conduct denovo enquiry.

3- A Denovo Departmental enquiry was ordered to be conducted in compliance with the judgement of Honorable Court conveyed through CPO with the direction that the judgement may be implemented. The competent authority conducted denovo departmental enquiry through SDPO Suburb. The enquiry officer after conducting proper enquiry proceedings submitted his finding and recommended the appellat for major punishment. The competent authority after perusal of the findings of the enquiry officer issued him Final Show Cause Notice. His reply to the Final Show Cause Notice was found unsatisfactory hence he was awarded the above major punishment.

4- He was heard in person in O.R. The relevant record perused along with his explanation but he failed to defend himself. Therefore his appeal for reinstatement in service is dismissed/rejected.

*Muhammad*  
(MUHAMMAD ALI KHAN)PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 1099-27 /PA dated Peshawar the 27-08-2020

Copies for information and n/a to the:-

1. SP-HQr: Peshawar.
2. BO/OSI/CRC.
3. FMC along with FM
4. Official concerned.

ATTESTED

*CA*

قیمت 50 روپے	58532	  
ایڈوکیٹ: <u>سموٹھلی خان</u> بار کونسل ایسوسی ایشن نمبر: <u>bc-10-4240</u> رابطہ نمبر: <u>0333-9390916</u>		
<b>پشاور بار ایسوسی ایشن، خیبر پختونخواہ</b>		

بعدالت جناب:

منجانب: <u>محمد زاہد</u>	دعویٰ: <u>ایسٹبل منبر</u>
	علت نمبر: _____
	مورخہ: _____
	جرم: _____
	تھانہ: _____
<b>باعث تحریر آنکہ</b>	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام کونسل اور ایڈوکیٹ سموٹھلی خان اور عبدالوہاب کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرہے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے لقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المقوم:

الع بد الع بد

مقام \_\_\_\_\_ کے لیے منظور ہے۔

Accepted  
Abdul Wahid

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

M. Zahid

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

**Service Appeal No.11144/2020.**

Muhammad Zahid Ex- Head Constable No. 3739 of CCP, Peshawar.....Appellant.

**VERSUS.**

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

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**REPLY BY RESPONDENTS NO. 1, 2, &3.**

**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 not come to Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Honorable Tribunal.
7. That the appeal is not maintainable being devoid of any merit.
8. That this Hon'ble tribunal has no jurisdiction to entertain the appeal.

**FACTS:-**

- 1- Correct to the extent that the appellant was appointed as constable in the year 2001 in the respondent department. He has not a clean service record and contains 08 bad entries on different occasions in his service. (copy of list as annexure A)
- 2- Para No.2 is incorrect. In fact, the appellant along with constable Muhammad Sajid were directly charged in a criminal case vide FIR No. 218 dated 18.06.2014 u/s 9-C CNSA PS Charsadda by recovering 20 KGs Chars from their possession while attempting to smuggle the same in Motor Car bearing registration No. 6017/B Peshawar.
- 3- Incorrect. The appellant was issued charge sheet with statement of allegations to which he replied, but his reply was found unsatisfactory.
- 4- Incorrect. The enquiry was conducted by DSP/Suburb and after completion of all codal formalities submitted his findings/recommendation report to the competent authority. However the recommendation of enquiry officer is not binding upon competent authority.
- 5- Incorrect. De-novo Enquiry was conducted against him. During the course of enquiry, the appellant failed to rebut the charges and the enquiry officer conducted thorough probe into the matter and found the appellant guilty of the charges. After

fulfilling of all codal formalities, he was awarded major punishment of dismissal from service by the competent authority. The appellant being a member of a disciplined force, committed gross misconduct. So under the law, acquittal from criminal cases cannot entitle him for reinstatements.

- 6- Incorrect. After fulfilling all the codal formalities he was awarded the major punishment of dismissal from service. The appellant filed departmental appeal which after due consideration was filed/rejected. The appellant then sought remedy from Honorable Service Tribunal in Service Appeal No. 993/2017. The Honorable Service Tribunal partially accepted his appeal and remanded it back to the respondent department to conduct de-novo enquiry.
- 7- Para No.7 is incorrect. In light of the court judgment the appellant was re-instated in service and de-novo proceedings were initiated against him. Inspector Niaz Muhammad was appointed as enquiry officer. He conducted detail de-novo enquiry in accordance with law/rules, and proper opportunity of defense was provided to the appellant. The allegations were reported, proved beyond any shadow of doubt by the enquiry officer. After fulfilling of all the codal formalities, he was awarded major punishment of dismissal from service as per law/rules. The appellant then filed departmental appeal which after due consideration was filed/rejected because the appellant failed to submit any plausible explanation.
- 8- Incorrect. The appellant then filed service appeal No. 176/2019 before the Honorable Service Tribunal. On 02.12.2019 the Honorable Service Tribunal after hearing the arguments remitted the case to the department for conduct and conclude de-novo enquiry.
- 9- Incorrect. In compliance of court direction, de-novo enquiry was initiated, and SP Cantt: was appointed as enquiry officer. The enquiry officer has conducted detail de-novo enquiry in accordance with law/rules. The allegations were reported proved beyond any shadow of doubt. Presence of such black sheep in police force and any kind of leniency will encourage the misuse of authority. The appellant was found guilty of misconduct. After fulfillment of all codal formalities he was awarded major punishment.
- 10- That appeal of the appellant being devoid of merits may kindly be dismissed on the following grounds.

**GROUND:-**

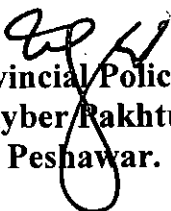
- A- Incorrect. The punishment orders are just legal and have been passed with law/rules. Therefore liable to be upheld.





- B- Incorrect. The appellant was associated with the enquiry proceedings and proper opportunity of defense was provided to him but he failed to defend the charges leveled against him. The whole enquiry was conducted purely on merit and in accordance with law/rules. The enquiry officer after detailed probe into the matter reported that the charges against the appellant were proved. The punishment order passed by the competent authority as per law/rules.
- C- Incorrect. Proper charge sheet with statement of allegation was serve upon him. Detail de-novo enquiry was conducted in accordance with law/rules, and proper opportunity of defense was provided to the appellant. After fulfilling of all the codal formalities, he was awarded major punishment.
- D- Incorrect. Proper final show cause notice was issued to him. De-novo enquiry was conducted and the enquiry officer reported that the charges leveled against the appellant were proved, therefore the punishment orders were passed. The punishment orders are liable to be upheld.
- E- Incorrect. During the course of enquiry, the appellant failed to rebut the charges and the enquiry officer conducted thorough probe into the matter and found the appellant guilty of the charges. The charges leveled against him were proved, hence the punishment orders were passed. Acquittal in a criminal case would not ipso facto lead to exonerate Civil Servant in departmental proceedings.
- F- Incorrect. Para already explained in detailed in the above para. Furthermore, acquittal from criminal cases cannot entitle him for reinstatement into service.
- G- Incorrect. Proper de-novo proceedings were conducted against him in accordance with law/rules. Appellant was found guilty and the punishment orders were passed in accordance with law/rules.
- H- Incorrect. The appellant was associated with the enquiry proceedings and proper opportunity of defense was provided to appellant. He failed to defend the charges leveled against him. The enquiry officer after detail probe reported that the charges were proved. Proper opportunity of defense was provided to the appellant, but he failed to defend himself.
- I- That respondent may also be allowed to advance additional ground at the time of hearing of the appeal.

**PRAYER.**

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merits and legal footing, may kindly be dismissed with cost please.

  
**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**

  
**Capital City Police Officer,  
Peshawar.**

  
**Superintendent of Police,  
HQrs: Peshawar.**

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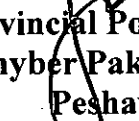
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**AFFIDAVIT**

We respondents No. 1 ,2 & 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.

  
**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**

  
**Capital City Police Officer,  
Peshawar.**

  
**Superintendent of Police,  
HQrs: Peshawar.**

- A
1. Name of Official **MUHAMMAD ZAHID No.1791 S/O GUL KHAN**  
R/O Mattani Pasani Distt: Peshawar
  2. Date of Birth 19.07.1982
  3. Date of enlistment 23.07.2001
  4. Education 10<sup>th</sup>
  5. Courses Passed **Recruit**
  6. Total qualifying service 15 years, 01 Months & 07 days.
  7. Good Entries 01
  8. Punishment (previous)

**Bad Entries (L.W.O Pay, E/Drill & Warning)**

1. 01 day leave without pay vide OB No. 705 dt: 13.03.2004
2. 01 day leave without pay vide OB No. 810 dt: 27.10.2004
3. Warning be careful in future vide OB No. 2831 dt: 04.10.2004
4. 01 day leave without pay vide OB No. 2968 dt: 15.10.2004
5. 01 day leave without pay and E/Drill vide OB No. 200 dt: 14.01.2013
6. 01 day leave without pay vide OB No. 1281 dt: 12.04.2005
7. 01 day E/Drill vide OB No. 4040 dt: 10.11.2015
8. 01 day E/Drill vide OB No. 588 dt: 11.02.2013

**Minor Punishment**

Nil

**Major Punishment**

1. Dismissed from service vide OB No.316 dated 19.01.2017 by SP/HQrs Peshawar and re-instated in his service vide OB No.2807 dated 13.09.2018 by SP/HQrs Peshawar
2. Dismissed from service vide OB No. 3314 dated 30.10.2018 by SP/HQrs Peshawar and re-instated in his service vide OB No.211 dated 17.01.2020 by SP/HQrs Peshawar

**09. Punishment (Current)**

- Awarded punishment of dismissed from service vide OB No. 1493 dated 02.07.2020 by SP/HQrs Peshawar.

**10. Leave Account**

<u>Total leave at his credit</u>	<u>Availed leaves</u>	<u>Balance</u>
720 days	20	700 Days

PA *[Signature]* 17/8

*[Signature]*  
CRC 17/8

**W/CCPO**