

23.04.2020

Due to public holiday on account of COVID-19, the case to come up for the same on 29.07.2020 before S.B.


Reader

29.07.2020

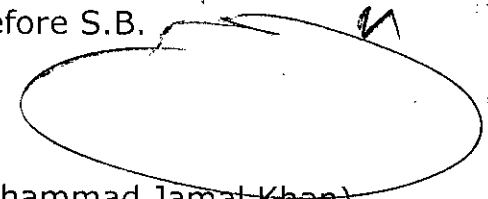
None for the appellant is present at the moment i.e 03:15 P.M. On last date, case was adjourned due to spread of COVID-19 Pandemic, therefore, appellant as well as his counsel be issued notices for 21.10.2020. File to come up for preliminary hearing before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER

21.10.2020

Appellant is present in person.

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today therefore, the case is adjourned to 24.12.2020 on which date to come up for preliminary hearing before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

24.12.2020

Appellant in person present.

Requests for withdrawal of instant appeal as large portion of his grievance has been redressed.

Dismissed as withdrawn. File be consigned to the record room.


Chairman

ANNOUNCED
21.12.2020




جناہ علی
رہنما
24.12.2020

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 893 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/02/2020	<p>The appeal of Mr. Mukhtiar Hussain presented today by Syed Mudassir Pirzada Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. decrease</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/03/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>18.03.2020</p> <p>Clerk to counsel for the appellant present and seeks adjournment as learned counsel for the appellant is not available. Adjourn. To come up for preliminary hearing on 23.04.2020 before S.B.</p> <p style="text-align: right;"> Member</p>
2-		

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 893 2020

Mukhtiar Hussain S/o Said Rehman Ex-IHC No-672 Kohat


(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT. (Respondent)

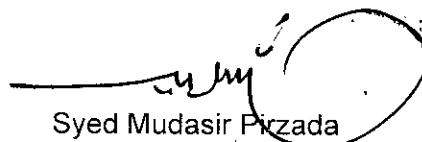
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10	Wakalatnama		


Appellant

Through

Date 10/02/2020


Syed Mudasir Pirzada
Advocate HC
0345-9645854

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Mukhtiar Hussain S/o Said Rehman Ex-IHC No-672 Kohat

(Appellant)

**Khyber Pakhtukhwa
Service Tribunal**

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.

Case No. 1063

Dated 10/02/2020

(Respondent)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 16-09-2019-2019-VIDE OB-NO 1127 IN WHICH THE RESPONDENT NO:-3 WITHOUT ANY PROPER DEPARTMENTAL ENQUIRY DIRECTLY AWARD THE MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WITH IMMEDIATE EFFECT THE APPELLANT PREFERRED DEPARTMENTAL REPRESENTATION DATED 09-10-2020 BUT THE SAME WAS NOT ENTERTAIN NOR CONSIDER TILL DATE.

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

1:-Briefly facts as per impugned order is that on 24-08-2019 the appellant along with PASI Muhammad Hanif apprehended one accused Muhammad Asim Ameen S/o Ameen Gul R/o Kamal Khel Kohat who were wanted in different criminal cases vide FIR No 1236 dated 24-08-2019 U/s 382 PPC PS MRS and brought to police station MRS and the appellant along with above named official did not make proper body search of the accused and let him to sit in side room where the accused allegedly committed suicide with arms in custody /presence in police station and case FIR No:-1239 dated 24-08-2019 U/S 325 PPC MRS was registered against the deceased(Copy of Impugned order is annexed as annexure A)

That on the above allegation the appellant was served with only a charge sheet which was accordingly replied but was not considered and without following the proper enquiry rules directly held guilty the appellant by respondent No-3 without conducting proper general enquiry dismissed the services of the appellant and just on the basis of hype of social media as well as the social media pressure issued the impugned order(Copy of charge Sheet and reply is annexed as annexure B)

That by the virtue of hype of social media pressure took by the respondent No-3 as mentioned in the impugned order an exparte departmental proceedings were

FIR No-1236
Said Rehman
10/02/2020

conducted against the appellant's which culminated in passing the impugned order .

That the appellant had a good service record and never ever become guilty of any misconduct or become an efficient officer as the appellant had properly apprehended the deceased accused and proper body searches were made and during body search nothing was recovered from the personal possession of the deceased accused .

That the deceased accused along with case property (the Rikshaw) apprehended by appellant who did not resist his arrestment before the appellant was arrested and took him to police station and was handed over to the moharrar of Police station and the deceased accused was for the purpose of interrogation , by the SHO direction the accused were seated in side room and then after the accused requested for proper switching off the case property and the accused took the weapon from the secret cavity of the rikshaw and committed suicide (Copy of FIR is annexed as annexure C)

That appellant was served with the charge sheet along with statement of allegation and the appellant had properly submitted his reply which was deliberately not considered nor discussed in impugned order and an ex-parte proceeding was conducted against the appellant.

That there is nothing on the record which connects the appellant with the allegation nor proved and the appellant is blessed with impugned punishment which is not warranted by law. (

That the respondent No-3 wrongly assessed the facts and evidence on the record as offences against person are inevitable and are beyond the control of human beings. Control over crimes against property is the main criteria for judging the efficiency and professionalism of a police officer and the appellant successfully worked out a robbery case reported against unknown accused and also arrested the accused and recovered case property (Rikshaw).

That an unjust has been done with the appellant by not giving ample opportunity of cross examination as well as not heard in person nor properly enquired the allegation and ex-parte proceedings conducted against the appellant without probing held guilty the appellant without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).

That nothing has been proved beyond any shadow of doubt that the appellant has committed any misconduct or tarnished the image of Police department.

That there are numerous good entries in the service record of the appellant which could be verified but this fact has not been taken in consideration while awarding the major punishment which is against the canon of justice.

That the appellant was neither provided an opportunity to cross examine the witnesses nor to produce defense evidence and the enquiry proceedings accordingly defective. Furthermore the requirements of rules regarding enquiry have not been observed while awarding the impugned punishment.

That the appellant feeling aggrieved from the impugned order prefer departmental representation on dated 09-10-2019 which was not consider till to date (Copy of departmental representation is annexed as annexure D)

That the appellant dragged unnecessarily into litigation which is clearly mentioned in 2008 SCMR 725.

That while awarding the impugned major punishment the enquiry report has not been given to the appellant which is very much necessary as per 1991 PLC CS 706 & PLC 1991 584.


Grounds:

- a. That no enquiry has been conducted none from the general public was examined in support of the charges leveled against the appellant. No allegation mentioned above are practiced by the appellant nor proved against any cogent reason against the appellant.
- b. That the appellant was neither intimated nor informed by any source of medium regarding enquiry proceedings for any disciplinary action which shows bias on the part of respondents above even though the no statement of Station Head Officer was not recorded till to date regarding the actual crux but in vain
- c. That the appellant was not heard in person nor called in orderly room and falsely mentioned in the impugned order that the appellant was called because the when the expertly proceedings were conducted then how could it possible that the appellant was heard and called for orderly room which does not appeal to a prudent mind.
- d. That at the time of incident of deceased accused in PS MRS ASP Saddar was also present in PS but his statement were also not recorded till to date
- e. That it is very stonishing that the Respondent No-3 refer the matter to Judicial enquiry and Judicial Magistrate on dated 06-09-2019 which is still in progress then how the respondent No-3 held guilty the appellant until and unless no judicial enquiry findings announced uptill now and in the absence of Judicial Order how respondent No-3 issued impugned order (Copy of letters for Judicial enquiry is annexed as annexure E)
- f. That it is not ascertainable that what element had promoted the competent authority to award punishment to the appellant in hasty manner.

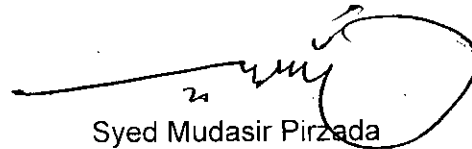
- g. That as per the constitution of Islamic Republic Of Pakistan clearly speaks about the fundamental rights that the fair and transparent enquiry is the right of any employee.
- h. That the punishment is harsh in nature and the appellant is vexed for undone single offence which is against the constitution of Islamic republic of Pakistan 1973.
- i. That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.
- j. That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.
- k. That the Respondent No-3 has acted whimsically and arbitrary, which is apparent from the impugned order.
- l. That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.
- m. That the departmental enquiry was not conducted according to the rules.
- n. That the impugned order is outcome of surmises and conjecture.

Pray:

In the view of above circumstances it is humbly prayed that the impugned order of Respondent No-3 dated 17-09-2019 Kohat may please be set aside for the end of justice and the appellant may please be graciously re-instate in service with all back benefits.


Appellant

Through


Syed Mudasar Pirzada
Advocate HC
0345-9645854

Date 10/2/2020

Certificate:-

Certified that no such like appeal has earlier been filed in this Hon able Service tribunal as per instruction of my client.

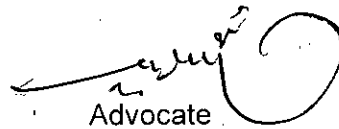
List of Books

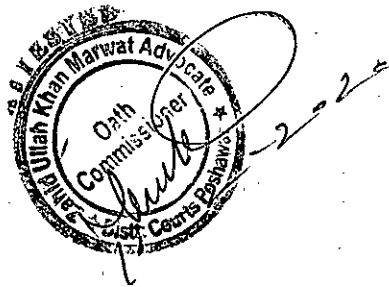
- 1:- Constitution of Pakistan 1973
- 2:- Police Rules
- 3:- Case Law according to need.

Service Appeal _____ 2020

AFFIDAVIT

I, Syed Mudasir Pirzada Advocate, as per instruction of my client do here by solemnly affirm and declare that all the contents of accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


Advocate



BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Mukhtiar Hussain S/o Said Rehman Ex-IHC No-672 Kohat

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF POLICE KPK PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT. (Respondent)

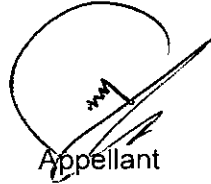
ADDRESS OF THE PARTIES

APPELLANT :-

Mukhtiar Hussain S/o Said Rehman Ex-IHC No-672 Kohat


RESPONDENTS

1. INSPECTOR GENERAL OF POLICE KPK PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.


Appellant

Through

Date 10/02/2020


Syed Mudasir Pirzada
Advocate PHC
0345-9645854



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

*Impugned
order
Annexure A
P-7*

ORDER

This order is passed on the departmental enquiry against HC Mukhtiar Hussain No. 672 (hereinafter called accused official) under the Khyber Pakhtunkhwa, Police Rules, 1975.(amendment 2014).

Brief facts of the case are that on 24.08.2019, accused official alongwith PASI Muhammad Hanif (co accused official), apprehended Muhammad Asim Ameen s/o Ameen Gul r/o Kamal Khel Kohat wanted in case FIR No. 1236 dated 24.08.2019 u/s 382 PPC PS MRS and brought to Police station MRS. He (accused official) alongwith above named official did not make proper body search of the accused and let him to sit inside room, where the accused allegedly committed suicide with arms in his custody / presence in Police station. Case vide FIR No. 1239 dated 24.08.2019 u/s 325 PPC PS MRS was registered against the deceased.

The incident created hype in social media, in general public as well and damaged the image of Police professionalism.

Therefore, departmental proceedings are initiated against the accused official under the relevant law. Charge sheet alongwith statement of allegations was issued to the accused official and SP Operations Kohat was appointed as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer vide his detail report held the accused official guilty of charges as the deceased accused was not searched properly by the arresting officer.

In the light of report of enquiry officer and available record, Final Show Cause Notice was served upon him. Reply received and found unsatisfactory.

Therefore, the accused official was called in Orderly Room, held on 16.09.2019 and heard in person, but he failed to submit any plausible explanation to his gross misconduct.

In view of above, and available record, I reached to the conclusion that the accused official alongwith other official had arrested the alleged accused of FIR No. 1236/2019, brought to Police station and let him to sit inside room instead of lockup. Further, the accused official did not make proper search of the accused / deceased person and he committed suicide in the jurisdiction of Police station. This speaks of inefficiency, non-professionalism, willful negligence on the part of accused official. Therefore, the charges leveled against the accused official have been established beyond any shadow of doubt. Therefore, in exercise of powers conferred upon me a major punishment of **Dismissal** from service is imposed on accused official HC Mukhtiar Hussain No. 672 with immediate effect.

Announced
16.09.2019

CAPT. © WAHID MEHMOOD (PSP)
DISTRICT POLICE OFFICER,
KOHAT *16/9*

OE No. *1124*
Date *17-9-2019*

No. *1236-77*/PA dated Kohat the *17-9-2019*.

Copy of above is submitted for favour of information to the:-

1. Regional Police Officer, Kohat please.
2. District Account Officer, Kohat
3. Reader/Pay officer/SRC and OHC for necessary action

*Attest
new*

CAPT. © WAHID MEHMOOD (PSP)
DISTRICT POLICE OFFICER,
KOHAT *16/9*



Office of the
District Police Officer,
Kohat

No 13074-7/PA

Dated 24.8/2019

Ammeene B
P-8

CHARGE SHEET.

I, **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT**, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **HC Mukhtiar Hussain No. 672 (Under suspension)** while posted at PS MRS rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

- i. *That you alongwith PASI Muhammad Hanif have apprehended and brought Muhammad Asim Ameen s/o Ameen Gul r/o Kamal Khel Kohat to PS MRS, who was wanted in case FIR No. 1236 dated 24.08.2019 u/s 382 PPC PS MRS.*
- ii. *That you alongwith above named official did not make proper body search of the accused and the accused committed suicide with arms in your custody/presence in Police station vide case FIR No. 1239 dated 24.08.2019 u/s 325 PPC PS MRS.*
- iii. *That for the above, you have committed a gross professional misconduct, criminal negligence and inefficiency.*

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

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

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

4. A statement of allegation is enclosed.

Received by
[Signature]

27/08/2019

**DISTRICT POLICE OFFICER,
KOHAT**

Attested by
[Signature]

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بیان اِز ان مختیار IHC پولیس لائن کوہاٹ

نائب عالی

نکوالہ چارج شیٹ نمبر 13074-75/PA مورخہ 24.08.2019 مورخہ 24.08.2019 مورخہ 22.08.2019 کو مسکی معراج احمد ولد محمد غنی سکند قومی ماموزنی حال حیات شہید کالونی تھانہ آکر رپورٹ کی کہ مجھ سے ہتھام کا لوجہ بانڈہ کیکر درختان میں تین نامعلوم کسان نے دو ڈولے سونا بزر و پتھین لیا اور رکشہ میں فرار ہو گئے۔

رپورٹ درج روز نامہ سچہ ہو کر نکلند بغرض انکو ازنی من IHC کو مارک ہوئی جس پر حقیقت معلوم کرنے کیلئے انکو ازنی ذریعہ دفعہ (i) 157 ضف شروع کی بعد انکو ازنی کے معلوم ہوا کہ دو قند محمد عاصم امین ولد امین گل سکند نصر خیل کمال اور اسکے دو ساتھیوں (اسم مسکن نامعلوم) کے کارستانی ہے جس پر جناب ایس ایچ اوسا صاحب نے مقدمہ علت 1236 مورخہ 24.08.2019 جرم 382/34 PPC برخلاف نامزد ملزم و دیگر نامعلوم ملزمان درج رجسٹر کیا۔

انکو ازنی کے دوران من IHC نے نامزد ملزم کی گرفتاری کے لئے انفارمرفیہ کو کو مقرر کیا۔ انفارمر نے بذریعہ موبائل فون اطلاع دی کہ مطلوبہ رکشہ نمبری UR-018 معہ ڈرائیور کے موضع بہادر کوٹ میں موجود ہے۔ محمد حنیف خان FASI کے ہمراہ ملزم کی گرفتاری کیلئے بتائی گئی جگہ پر جا کر رکشہ متذکرہ معہ ڈرائیور کے کھڑا پایا۔ ڈرائیور نے دریافت پر اپنا نام محمد عاصم امین ولد امین گل سکند کمال خیل بتلایا۔ ملزم محمد عاصم نے قولاً فعلاً اپنی جائز گرفتاری پیش کر کے جامعہ تلاشی لینے کے بعد گرفتار کیا اور رکشہ متذکرہ بالا کے ہمراہ تھانہ لایا۔ رکشہ تھانہ کے پارکنگ میں کھڑا کر کے ملزم محمد عاصم امین کو بغرض بندش حوالات دفتر محرر شاف کی طرف روانہ کرتے ہوئے میٹھی کے قریب پہنچے تو ملزم مذکورہ نے استدعا کی کہ وہ رکشہ میں ضروری سامان سنبھالتا ہے۔ ملزم رکشہ نمبری UR 018 کے پاں کا چند لمحہ بعد واپس ہو کر دفتر محرر شاف میں دیگر پرائیویٹ لوگوں کو موجود پانے پر ملزم مذکورہ کو دفتر محرر کے بالمقابل دفتر ریکارڈ روم میں بیٹھایا۔ محرر شاف سے ملزم کو حوالات میں بند کرنے کا کہا۔

اسی اثناء میں ریکارڈ روم کی طرف سے فائر کی آواز سن کر میں، محرر شاف و دیگر موجود پرائیویٹ کسان ریکارڈ روم کی طرف فوری طور پر گئے۔ ملزم محمد عاصم امین کو زخمی حالت میں پڑ پایا اور ساتھ 30 بور پستول پڑی تھی۔ ملزم مجروح محمد عاصم امین کو بالمداد دیگر شاف بسواری سرکاری گاڑی میں ڈال کر زیر نگرانی مشاہد علی ASI و کانٹینبل ذیشان نمبر 839 بغرض علاج معالجہ کے ڈی اے ہسپتال روانہ کیا۔ زسول الرحمن ASI نے خود کشی کے اقدام کرنے پر ملزم مجروح محمد عاصم امین کے خلاف جرم 325 PPC مقدمہ درج رجسٹر کیا۔

دو قند ہذا میرے، روز نامہ سچہ میں محرر شاف اور تھانہ میں موجود پرائیویٹ کسان کا بھی چشم دید ہے۔ یہ میرا بیان ہے۔

مختیار حسین IHC پولیس لائن کوہاٹ

تاریخ 03.09.2019

Attest
[Signature]

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ابتدائی اطلاعی رپورٹ

نمبر ۲۳-۵۰

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس ایئرپورٹ شہر لاہور دفعہ ۰۲ مجموعہ حساب لاہوری

تاریخ در وقت رپورٹ کی ۲۶ دسمبر ۰۳
 تاریخ در وقت وقوع ۱۵ دسمبر ۰۳
 وقت ۱۵:۱۵

تاریخ و وقت رپورٹ کی	۲۶ دسمبر ۰۳
تاریخ و وقت وقوع	۱۵ دسمبر ۰۳ وقت ۱۵:۱۵
نام و کونت اطلاع دہندہ و صنعت	محمد سلام آہنی من لودرو سہارہ اینٹی ٹیبل گیس کمال محل
مقرر کفایت جرم (نورثہ) حال اگر کوئی بلایا گیا ہو	325/15AA
جائے وقوع حاصل ہونے والا ہے	غلام الزمان ملزم محمد سلام آہنی کے محل
نام و کونت ملزم	محمد سلام آہنی ۱۱4 301-9295397-1 0347-8523285
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو۔	پرسیدگی اصل ملزم محمد سلام آہنی کے خلاف
حادثے سے روائی کی تاریخ و وقت	رپورٹ کی وقت

ابتدائی اطلاعی رپورٹ کی وجہ سے جرم کی اطلاع ملنے پر ایئرپورٹ پولیس ایسٹیشن پر ایک اطلاع لکھی گئی جس میں مذکورہ معاملہ درج ہے۔ اطلاع کے مطابق اطلاع دہندہ محمد سلام آہنی من لودرو سہارہ اینٹی ٹیبل گیس کمال محل کے رہنے والے ہیں۔ اطلاع کے مطابق اطلاع دہندہ نے اپنے محل کے باہر واقع علاقہ میں ایک گاڑی پارک کی ہوئی ہے۔ اطلاع کے مطابق اطلاع دہندہ نے اس گاڑی کو دیکھا ہے جس کی کارروائی پولیس نے کی ہے۔ اطلاع کے مطابق اطلاع دہندہ نے اس گاڑی کو دیکھا ہے جس کی کارروائی پولیس نے کی ہے۔ اطلاع کے مطابق اطلاع دہندہ نے اس گاڑی کو دیکھا ہے جس کی کارروائی پولیس نے کی ہے۔

محمد سلام آہنی

MHC-PS-84
26-3-15

ابتدائی اطلاعی رپورٹ

نمبر ۲۳-۵۰

فائل: ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ منابطہ فوجی

مقام: MRK

منبع: کورٹ

تاریخ وقت وقوع: ۲۲-۱۱-۸۵

نمبر: 1236

1	تاریخ وقت رپورٹ ۲۲-۱۱-۸۵	24-25-11-85
2	نام و سکونت اطلاع دہندہ	24-25-11-85
3	مختصر کیفیت جرم (مورد نم)	حال اگر کچھ یا گیا ہو
4	جائے وقوع و فاصلہ مقام سے اور سمت	کلاں نزد سراج اور سبیل
5	نام و سکونت ملزم	امین گل سبیل کلاں
6	کارروائی و تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو یا ہو تو وجہ بیان کرو۔	بلد انڈیا (پانچ) 157
7	مقام سے روانگی کا تاریخ وقت	پہلے سبیل

ابتدائی اطلاع نیچے درج کو
 روز ۲۲-۱۱-۸۵ صبح ۱۱ بجے سراج احمد درویشی کے مکان پر پہنچا اور وہاں سے اطلاع لی کہ اس وقت سراج احمد درویشی کے مکان پر سبیل نامی ایک شخص نے جرم کیا ہے۔ سبیل نے سراج احمد درویشی کو زخمی کیا ہے اور اس کا ہاتھ کاٹ دیا ہے۔ سبیل نے سراج احمد درویشی کو لے کر فرار ہو گیا ہے۔

پولیس اسٹیشن پر پہنچنے پر سبیل کی شناخت کی گئی اور وہ گرفتار کیا گیا۔ سبیل کی عمر تقریباً ۳۰ سال ہے۔ اس نے سبیل نامی ایک شخص کے ساتھ فرار کیا ہے۔ اس شخص کے بارے میں کوئی اطلاع نہیں ہے۔

سبیل نے سراج احمد درویشی کو زخمی کیا ہے اور اس کا ہاتھ کاٹ دیا ہے۔ سبیل نے سراج احمد درویشی کو لے کر فرار ہو گیا ہے۔ پولیس اسٹیشن پر پہنچنے پر سبیل کی شناخت کی گئی اور وہ گرفتار کیا گیا۔ سبیل کی عمر تقریباً ۳۰ سال ہے۔ اس نے سبیل نامی ایک شخص کے ساتھ فرار کیا ہے۔ اس شخص کے بارے میں کوئی اطلاع نہیں ہے۔

Attest
 Signature

تھانہ بلڈنگ
نمبر 496

منبع کوٹاٹ
تاریخ و وقت وقوعہ 15-8-89
وقت سب معلوم

1	تاریخ و وقت رپورٹ 5 11/15	17:30 بجے (پاک رنگی) 5 11/15 وقت 18:40 بجے
2	نام و سکونت اطلاع دہندہ و متنبہ	جمیل الرحمن ولد جمیل الرحمن سکر کمال خیل 1434-1925-755-3
3	مختصر کیفیت جرم (مورد فوج) حال اگر کچھ بیا گیا ہو	PC 457/380/411
4	جائے وقوعہ فاصلہ تھانہ سے اور سمیت	دکان اذان حدی واقعہ دہلیہ کمال خیل
5	نام و سکونت ملزم	محمد عاصم امین ولد امین گل سکر کمال خیل 1434-3295397-1
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو۔	5033255-5347 0348 973468
7	تھانہ سے روانگی کی تاریخ و وقت	برسبیل ڈاک

ابتدائی اطلاع نیچے درج کرو
 خان ایک انچارج چوکی خازن خیل بدست محمد عثمان 486 حوصل پور سکر درج ذیل ہیں۔ مخدوم افسر انچارج تھانہ بلڈنگ جمیل الرحمن ولد جمیل الرحمن پھر تقریباً 43/4 سال سکر کمال خیل تھانہ کارڈ ایڈر 1434-1925-755-3 نمائندہ 03339632578 وقت بلڈ رپورٹ کرنا جسک بعد اذین خود میں حملہ کل سٹور دکان سے۔ حور فر 8/89 کو عشاء کے وقت بند کرنے کھنڈ خود چلا گیا۔ صبح صبح دکان آکر کھولا۔ دیکھا کہ دکان کی عقب کھنڈ کھی کھولا تھا۔ اور سائٹ پر چند آئینیں لٹکی ہوئی تھیں۔ پھر مال سامان کے ایک عود سٹور فیور جھینا ایک عدد بلاس والا جافر، تین عدد ٹرانا بیل سیٹ جن میں سے ایک عدد سادہ لوگید پر عدد رنگین کیمبر والے جاسٹیا مارکر، ایک عدد سیم لمبی 03430283619 اور نقد رقم تقریباً سینتالیس ہزار روپے عدم وجود پائے گئے۔ جو ملزم / ملزمان مصلوب سے سرور کر کے لے گئے تھے۔ میں ملزمان کی تلبس اور پتہ برابری کمر تارچا۔ اس کے مصلوب پورا بکر محمد عاصم امین و امین گل سکر کمال خیل نے عیس دکان سے سامان ملزم بلڈ سرقہ کر کے لے گئے تھیں۔ جن اپنے دکان سے محمد عاصم امین کی طرف سامان لڈ کر کے بلا کسی سر قبضہ کی کرنے کا دعویٰ ہوں۔ رپورٹ میں دہری ملزمان کی تلبس بہتر برابری تسلی کیوجہ سے ہوئی۔ دستخط اگر نئی جمیل الرحمن کارروائی پولیس حسب گذشتہ سائل رپورٹ دی جا چکی ہیں تصدیق کرتا ہوں۔ دستخط اگر نئی ملزم کو بدست تسلیم کر کے ڈیر رپورٹ خود دستخط ثبت کیا گیا۔ مقدم بدست محمد عثمان 486 ارسال تھانہ ہے۔ لیوندر راج مقدم نقل FIR لغرض تفتیش حوالہ KBI سٹاف ہوٹ۔ دستخط اگر نئی اہل خانہ ایک چوکی خازن خیل حور فر 5 11/15 کارروائی تھانہ اذین و امین گل حور فر بلا پور سکر پیر چہ خیم بلڈ جان کر کے نقل پور چہ و امین گل لغرض تفتیش حوالہ KBI سٹاف کیا جا رہا ہے۔ درج گزارش ہے۔

S. Jhafoos S.
Asi PS - BI.
05-11-15

The Regional Police Officer,
Kohat Region.

Annexure D
P-14

Subject:- DEPARTMENTAL APPEAL

Asst. Dir. P

Respected Sir,

With profound regards and great veneration, appellant submits departmental appeal against the order of learned District Police Officer Kohat dated 16.09.2019 bearing OB No. 1127 vide which appellant was dismissed from service.

FACTS

1. That appellant was enlisted as constable in District Police Kohat. Appellant successfully qualified basic recruit course and promotion course and was elevated to the rank of Head Constable.
2. That appellant was posted in police station Mohammad Riaz Shaheed district Kohat. On 22.08.2019, station clerk recorded the report of one Miraj Ahmad in Daily Diary vide Serial No. 64. According to the report complainant was forcibly deprived of two (02) "Tola" gold by three unknown accused and then fled away from the scene of the occurrence in Rickshaw.
3. That the station clerk marked the report recorded in the daily diary to appellant for verifying the truth of the occurrence. During course of enquiry it came to light that one Mohammad Asim Amin and others were involved in the occurrence. Therefore the Station House Officer registered proper case vide FIR 1236 dated 24.08.2019 under section 382,34 PPC PS MRS.
4. That on the very day of registration of the case, appellant received spy information about the presence of case property i.e Rickshaw No. UR-018 alongwith driver in the limits of village Bahadar Kot. Therefore appellant accompanied by Mohammad Hanif P/ASI rushed to the spot for recovery of the Rickshaw and arrest of accused.
5. That on reaching the spot, Rickshaw and driver namely Mohammad Asim Amin were found. The driver did not resist his arrest and he was thoroughly searched with a view to safe driving of Rickshaw to Police Station. The driver was not handcuffed and accordingly he alongwith Rickshaw was shifted to Police Station under proper escort.
6. That on reaching the Police Station, the Rickshaw was parked. The accused driver was deboarded from Rickshaw and while proceeding towards the office of the Police Station, the accused Rickshaw driver placed request for properly locking the accessories of the Rickshaw. He was allowed and then he was shifted to office under proper escort.
7. That the accused driver was seated inside the record Room situated opposite to the office of station clerk. The station clerk was busy in interaction with private persons and he was asked to admit the accused to lock-up.
8. That in the meanwhile, a report of fire shot coming from Record Room side was heard, the police officers and the private persons rushed to the record Room and found accused Rickshaw driver in injured condition alongwith 30 bore pistol. The injured was shifted to Hospital under proper escort. Criminal case on the charges

of commission of attempt of suicide was registered against the accused vide FIR No. 1239 under section 325 PPC in PS MRS.

- 9. That later on, the accused driver succumbed to his injuries and the social Media highlighted the occurrence. Learned District Police Officer Kohat in order to defuse the situation, issued suspension order of the appellant and other followed by issuance of charge sheet based on allegations of commission of negligence in his duty and showing in efficiency by not conducting proper body search of the accused driver which led to commission of attempt of suicide inside the Police Station.
- 10. That appellant submitted detailed and plausible reply in response to the charge sheet. Enquiry officer conducted exparte proceedings and the departmental proceedings initiated against appellant which culminated in passing the impugned order, hence this departmental appeal is submitted on the following grounds.

Attested by me

GROUND:-

- a. That the impugned order has been passed without application of mind to factual and legal aspects of the proceedings. Appellant accompanied by Muhammad Hanif PASI, while acting upon a tip of information quickly responded to the call of duty and ensured safe arrest of accused and recovered the case property Rickshaw. Furthermore, appellant traced the unknown accused charged in Robbery case FIR No. 1236/2019 mentioned above and worked out blind occurrence within short period of two days. During course of inquiry, the lower authority did not take into account the above good performance, professionalism and efficiency of appellant while passing the impugned order.
- b. The lower authority did not take into account the above good performance, professionalism and efficiency of appellant while passing the impugned order.
- c. That this is on the record that the charges levelled against appellant were the outcome of pressure developed by social Media about the occurrence of commission of attempt of suicide inside the Police Station as the lower authority has categorically observed in the impugned order that the incident created hype in social media. Therefore, the impugned order was not sustainable as it has been passed under influence of the side winds emanating from social media.
- d. That the findings of guilt recorded against appellant were not based on any evidence. The impugned order explains the story of the occurrence and no evidence has been referred to in support of the charges of commission of negligence in his duty and displaying inefficiency. The only reference to the find-up report of enquiry officer is not tenable because the findings were not supplied to the appellant despite submission of application for grant of copy of findings.
- e. That the enquiry officer as well as the lower authority has not considered the plausible defence advanced by appellant in shape of reply in response to the charge sheet. The principle of natural Justice requires provision of proper opportunity of defence to the accused officer which were ignored. The enquiry officer did not associate the appellant in the enquiry proceedings. No witness

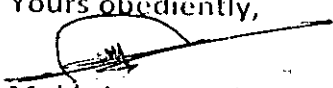
was examined in the presence of appellant. No opportunity of cross-examination on witnesses was provided to appellant. Therefore the superstructure of the impugned order based on proceedings conducted in violation of law and rules, is worth set-aside.

- f. That the lower authority and the enquiry officer have not explained the alleged negligence in duty committed by appellant. Accused driver of the Rickshaw was properly searched and he was not in handcuff to enable him for driving case property Rickshaw. He was safely shifted to police station. He reportedly picked up pistol from the hidden cavity of the Rickshaw inside the police station. Appellant displayed efficiency by making arrested of the accused and recovery of case property Rickshaw. Therefore, none of the charge was proved against appellant.
- g. That the lower authority has wrongly assessed the facts and evidence on record. Offences against person are inevitable and are beyond the control of human being control on crimes against property is the main criteria for Judging the efficiency and professionalism of a police officer. Appellant successfully worked out a robbery case reported against unknown accused and also arrested the accused and recovered case property Rickshaw.
- h. Harsh penalty of dismissal from service was imposed on appellant on charges of commission of offence of attempt of suicide by accused arrested in Robbery case. Therefore the impugned order has been passed in violation of principles of nature Justice.
- i. That the whole departmental file has been prepared in violation of disciplinary rules. Appellant was not associated in the enquiry proceeding. Findings were not supplied to the appellant. The defence advanced by appellant was not considered. Therefore, the impugned order is worth set aside.
- j. That the authority did not consider the unblemished record of service of appellant. Harsh penalty of dismissal from service was imposed on appellant on the basis of trivial charges of negligence in duty.
- k. That award of penalty of dismissal from service amounts to award of punishment to all the members of the family of police officer.

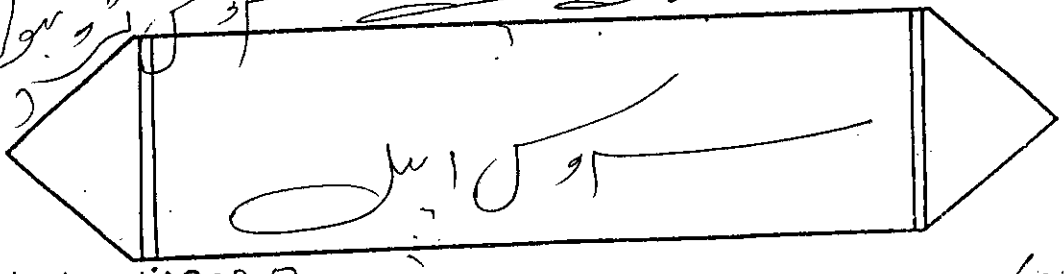
Mukhtiar Hussain

It is therefore, requested that the impugned order may be set aside with all back benefits, please.

9-10-19

Yours obediently,

 Mukhtiar Hussain
 Ex-HC No. 672
 District Police Kohat

بعد التصفیٰ کے لئے ایک نوٹ



2020ء منجانب اپیل نمبر 1
بنام
IGP-etc

موزخہ	-----
مقدمہ	-----
دعویٰ	-----
جرم	-----

باعث تحریر آنکے

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

(Handwritten signature)

المرقوم 10/2/20
 ماہ فروری 2020

واہ العبد

کے لئے منظور ہے۔

بمقام سید محمد رضا شاہ

(Handwritten signature)