

Service Appeal No. 4294/2020 titled, "Afzal Khan versus Provincial Police Officer, Government of Khyber Pakhtunkhwa and others" and Service Appeal No. 3182/2020 titled "Sarwar Khan Versus Provincial Police Officer, Government of Khyber Pakhtunkhwa and others", decided on 28.07.2022 by Division Bench comprising Kalim Arshad Khan, Chairman and Salah-ud-Din, Member Judicial, Khyber Pakhtunkhwa Service Tribunal Peshawar.

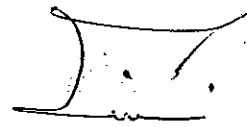
28th July, 2022 Appellant alongwith his counsel (Mr. Rizwanullah, Advocate) present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Muhammad Ijaz, Inspector (Legal) for respondents present.

2. At the very outset when learned counsel for the appellant started arguments, learned Additional Advocate General referred to paragraph No. 07 of the reply and further very fairly submitted that the appellants i.e the appellant in this appeal and in the connected Service Appeal No. 3182/2020 titled "Sarwar Khan Versus Provincial Police Officer, Government of Khyber Pakhtunkhwa etc, both the real brothers had been cleared from the allegations/charges of their allegedly being Afghan nationals, holding them to be Pakistani nationals and also exonerated them from criminal charges, therefore, he did not defend this appeal. Therefore, both the appeals are allowed and impugned orders of dismissal of both the appellants are set-aside and they are directed to be reinstated in service from the date of their dismissal from service with all back benefits. Copy of this order be placed in the connected service appeal. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 28th day of July, 2022.*



(KALIM ARSHAD KHAN)
CHAIRMAN



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

P.S

05.07.2021

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


Chairman

09.11.2021 Counsel for appellant present.


Muhammad Riaz Khan. Paindakheil learned Assistant Advocate General for respondents present.

Reply of respondents was submitted. Request for adjournment was made on behalf of appellant; granted. To come up for arguments on 02.03.2022 before D.B.

02.03.2022


(Mian Muhammad)

Member (B)


(Rozina Rehman)

Member (J)

Due to retirement of the Women Chairman, the Tribunal is defunct, therefore, case is adjourned to 07.06.2022 for the same as before.


Reader

7.6.22

Proper O.A is not there, therefore the case is adjourned to 24.8.22 for same.



10.02.2021 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 05.05.2021 before S.B.

Appellant Deposited
Security & Process Fee

10/2/21



(Rozina Rehman)
Member (J)

05.05.2021 Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 22.06.2021 for the same as before.



Reader

22.06.2021 Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Respondents have not submitted reply/comments. Learned AAG requests for time to contact them and submit reply/comments. Learned AAG is required to contact respondents for submission of written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 09.11.2021 before the D.B.

Stipulated period has
passed and reply has
not been submitted.



Chairman

24.09.2020

Appellant in person present.

On account of indisposition of learned counsel he has engaged Mr. Abdul Hameed Advocate. Wakalatnama in respect of the latter counsel has been submitted which is placed on record. A request for adjournment is also made as the fresh counsel is yet to prepare the brief.

Adjourned to 24.11.2020 before S.B.


Chairman

24.11.2020



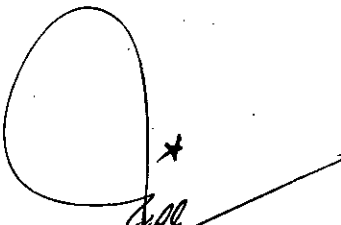

Appellant is present in person and submitted an application for adjournment that his counsel has proceeded to Peshawar High Court, Mingora Bench, and could not attend the Tribunal today. Application is placed on record. He requests for adjournment. Adjourned to 10.02.2021 on which date file to come up for preliminary hearing before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

Form- A

FORM OF ORDER SHEET

Court of _____
Case No.- 4294 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/05/2020	<p>The appeal of Mr. Afzal Khan presented today i.e 11.05.2020 by Mr. Rizwanullah Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 11/15/2020</p>
2-	02.06.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up on <u>02.06.2020</u></p> <p style="text-align: right;"> MEMBER</p> <p>Learned counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 11.08.2020 before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER</p>
	11.08.2020	<p>Appellant present in person.</p> <p>Requests for adjournment due to indisposition of his learned counsel. Adjourned to 24.09.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>

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

Service Appeal No. 1294 /2020

1. Afzal Khan, Ex-Constable No. 531, District Police Nowshera, R/O Mohalla Awan village Banda Nabi PO Dagi District Nowshera.

APPELLANT

VERSUS

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa and others.

RESPONDENTS

I N D E X

S.No	Particulars	Annexure	Pages #
1	Service Appeal	-	1-12
2	Affidavit	-	13
3	Copy of charge sheet and statement of allegations	"A"	14-15
4	Copy of reply	"B"	16
5	Copy of Inquiry Report	"C"	17
6	Copy of impugned/dismissal order dated 12-02-2016	"D"	18
7	Copy of departmental appeal dated 03-03-2016	"E"	19-23
8	Copy of Writ Petition	"F"	24-29
9	Copy of Judgments of High Court dated 22-03-2016	"G"	30-31
10	Copy of appeals u/s 18(3)	"H & I"	32-41
11	Copy of Notification	"J"	42-43
12	Copy of report of the Committee dated 19-02-2019	"K"	44-47
13	Copy of Judgment of SCJ dated 08-01-2020	"L"	48-53
14	Copy of Departmental Appeal dated 14-01-2020	"M"	54
15	Copy of rejection Order	"N"	55
16	Application for condonation of delay with affidavit		56-58
17	Wakalatnama		

Through

Dated: 11-05-2020

Appellant

Rizwanullah

Advocate High Court, Peshawar.

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

Khyber Pakhtukhwa
Service Tribunal

Service Appeal No. 4294/2020

Diary No. 3590

Dated 11-05-20

1. Afzal Khan, Ex-Constable No. 531, District Police Nowshera, R/O Mohalla Awan village Banda Nabi PO Dagi, District Nowshera.

APPELLANT

VERSUS

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa.
2. The Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. The District Police Officer, District Nowshera.

RESPONDENTS

Filed to-day
Registrar
11/5/2020

APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
ORDER DATED 12-02-2016 PASSED BY
THE DISTRICT POLICE OFFICER,
NOWSHERA (RESPONDENT NO. 3)
WHEREBY THE APPELLANT WAS
AWARDED HARSH AND EXTREME
PENALTY OF DISMISSAL FROM
SERVICE ON THE SOLE GROUND THAT
HE BEING AFGHAN REFUGEE
(NATIONAL) HAD FRAUDULENTLY
GOT EMPLOYMENT IN THE POLICE
DEPARTMENT AND THAT IT WAS
FURTHER ORDERED THAT FIR UNDER
THE RELEVANT SECTIONS OF LAW BE

REGISTERED AGAINST HIM.
APPELLANT BEING AGGRIEVED FILED
A DEPARTMENTAL APPEAL UNDER
RULE-11 OF THE KHYBER
PAKHUNKHWA POLICE RULES, 1975
WITH THE DEPUTY INSPECTOR
GENERAL OF POLICE, MARDAN
REGION-1 MARDAN ON 03-03-2016 BUT
THE SAME WAS NOT RESPONDED. IN
THE MEANWHILE, IT WAS ALSO
DECIDED TO DEPORT THE APPELLANT
ALONGWITH HIS ALL FAMILY
MEMBERS AND THAT THEIR CNICS
WERE ALSO BLOCKED. THE
APPELLANT AND HIS BROTHER
SARWAR KHAN (WHO WAS ALSO
DISMISSED FROM SERVICE ON THE
SAME GROUND) FELT AGGRIEVED BY
THE AFORESAID ILLEGAL ACTIONS,
INVOKED THE JURISDICTION OF
HON'BLE PESHAWAR HIGH COURT.
UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN, 1973 PRAYING THEREIN
THAT THE RESPONDENT NO. 1 MAY
GRACIOUSLY BE RESTRAINED TO
DEPORT THEM TO AFGHANISTAN AND
THAT THEY BEING PAKISTANI
NATIONALS, THEIR CNICS MAY
KINDLY BE CLEARED/RESTORED. THE
HON'BLE COURT WHILE DISPOSING OF
THE WRIT PETITION ORDERED THAT
THE PETITIONER MAY NOT BE
DEPORTED FROM PAKISTAN TILL THE
CONCLUSION OF TRIAL AND THAT FOR

BLOCKAGE OF CNIC THEY MAY ALSO
AVAIL PROPER REMEDY BY FILING
APPEAL U/S 18(3) OF NATIONAL
DATABASE AND REGISTRATION
ORDINANCE, 2000 BEFORE
COMPETENT AUTHORITY WHO SHALL
TREAT THEM IN ACCORDANCE WITH
LAW AND SHALL ALSO DISPOSE OF
APPEALS EXPEDITIOUSLY VIDE
JUDGMENT DATED 22-03-2016.
THEREAFTER, THE APPELLANT AND
HIS BROTHER PREFERRED APPEALS
WITH THE SECRETARY TO
GOVERNMENT OF PAKISTAN,
MINISTRY OF INTERIOR, FEDERAL
GOVERNMENT, ISLAMABAD. IN
COMPLIANCE WITH THE SAID ORDER
THE MINISTRY OF INTERIOR
CONSTITUTED A DISTRICT LEVEL
COMMITTEE NOWSHERA WHO
SUMMONED THE APPELLANTS
ALONGWITH SUPPORTING
DOCUMENTS PRIOR 1979. THEY DULY
APPEARED WITH ABOVE DOCUMENTS
AND THEY WERE CLEARED VIDE
REPORT DATED 19-02-2019. THIS
INFORMATION WAS ALSO SENT TO
SUPERINTENDENT OF POLICE,
(INVESTIGATION) NOWSHERA AND
COPY THEREOF WAS ENDORSED TO
DISTRICT POLICE OFFICER,
NOWSHERA AND PA TO
COMMISSIONER, PESHAWAR DIVISION
PESHAWAR VIDE LETTER DATED
22-08-2019. IN THE LIGHT OF ABOVE

REPORT, THE HON'BLE TRIAL COURT ALSO CANCELLED THE FIR IN QUESTION VIDE JUDGMENT DATED 08-01-2020. CONSEQUENTLY, BLOCKAGE OF CNICS WAS LEFT OVER AND THEREAFTER, NO FURTHER GROUND WHATSOEVER REMAINS TO EXIST SO AS TO INTACT THE IMPUGNED PUNISHMENT AGAINST THE APPELLANT. HENCE, IN VIEW OF NEW AND QUITE DISTINCT SCENARIO, THE APPELLANT THEREFORE ACCRUED FRESH CAUSE OF ACTION TO INVOKE THE JURISDICTION OF THIS HON'BLE TRIBUNAL FOR RELIEF IN ACCORDANCE WITH LAW.

Prayer in Appeal

By accepting this appeal, the impugned orders may very graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits.

Any other relief deemed appropriate in the circumstances of the case, not specifically asked for, may also be granted to the appellant.

RESPECTFULLY SHEWETH,

Short facts giving rise to the present appeal are as under:-

1. That the appellant was serving as a constable at the relevant time. He was performing his duty with great zeal, zest and devotion, but strangely he was served with a Charge Sheet alongwith statement of allegations wherein the following allegations were laid down: -

“Whereas constable Afzal Khan No. 531

while posted as Police Lines Nowshera, as per reliable source he is an Afghan National and succeeded in getting Pakistani CNIC, upon which, enlisted in Police Department.”

(Copy of charge sheet is appended as Annex-A)

2. That the appellant submitted elaborate and exhaustive reply, denied the allegations and also termed it as fallacious, malicious and misconceived. He clarified that he alongwith his family members were the lawful citizens of Pakistan who had obtained their CNICs in accordance with law. He further clarified that he got education in Pakistan and then selected as Constable in the Police Department after verification of his character and antecedents. He requested that the appellant may be exonerated from such frivolous and baseless allegations.

(Copy of reply is appended as Annex-B)

3. The above reply was not deemed satisfactory and the inquiry was conducted in utter violation of law wherein, the appellant was found guilty illegally and when such report was placed before the Competent Authority (respondent No. 3) on 12-02-2016, he not only abruptly ordered for the dismissal of appellant but also directed to lodge FIR against him under the prevalent section of law. This order was passed in slipshod and haphazard manner on the edifice of outlawed and crooked-up inquiry report on the same date and occasion and then, formal order of dismissal from service of appellant was also notified on the said particular date. This clearly shows that the Competent Authority (respondent No. 3) was bent upon and entrained to award him such harsh punishment in any case and therefore, neither a show cause notice was served on the appellant nor any opportunity of personal hearing was provided to him before passing such order

being the mandatory requirements of law laid down by the august Supreme Court of Pakistan in various judgments.

Copy of inquiry report and dismissal order are appended as Annex-C & D

4. That the appellant dissatisfied by the aforesaid order filed a departmental appeal under rule-11 of the Khyber Pakhtunkhwa Police Rules, 1975 with the Deputy Inspector General of Police, Mardan Region-1 Mardan on 03-03-2016 but the same was not responded.

(Copy of departmental appeal and is appended as Annex-E)

5. That not only the CNICs of the appellant and his all family members were blocked but it was also decided to deport them to Afghanistan therefore, the appellant and his brother Sarwar Khan invoked the jurisdiction of Hon'ble Peshawar High Court, Peshawar by way of filing writ petitions under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, praying therein, that the actions of the respondents may graciously be declared as illegal, without lawful authority and of no legal effect and that they may graciously be restrained to deport them to Afghanistan and their CNIC may also be cleared. The Hon'ble Court while disposing of the above writ petitions, ordered that the petitioners may avail the appropriate remedy before the Competent Authority under section 18(3) of National Database of Registration Ordinance, 2000 who will treat them in accordance with law and will decide the same expeditiously. The respondents were also directed not to deport the petitioner till the conclusion of trial vide judgment dated 22-03-2016.

(Copy of writ petition and judgements are appended as Annex-F and G respectively)

6. That thereafter, the appellant and his brother Sarwar Khan (Ex-Constables) duly filed separate appeals before the Secretary to Government of Pakistan, Ministry of Interior, Islamabad.

(Copy of appeals u/s 18(3) are appended as Annex-H and I respectively)

7. That according to the Ministry of Interior, Notification No. 8/37/2016-NADRA dated 19-04-2017; a District Level Committee Nowshera was constituted who directed the applicants whose CNICs were blocked to appear in person alongwith supporting documents preceding 1979. They duly complied with the above direction and the Committee cleared them on the basis of their father's and grandfather's CNICs duly verified by the NADRA Authority vide report dated 19-02-2019 and the same was addressed to the Director General NADRA, Khyber Pakhtunkhwa Phase-V Hayatabad Peshawar and subsequently such information was also provided to the Superintendent of Police (Investigation), Nowshera and copy thereof was endorsed to District Police Officer, Nowshera and PA to Commissioner Peshawar Division, Peshawar vide letter dated 22-08-2019. It is worthwhile to mention here that the above District Level Committee was consisting of the following officers :-

- | | |
|-----------------------------|----------|
| 1. Deputy Commissioner/PA | Chairman |
| 2. District Police Officer | Member |
| 3. Assistant Director NADRA | Member |
| 4. Rep from ISI | Member |
| 5. Rep from IB | Member |

(Copy of Notification and report of Committee are appended as Annex-J and K respectively)

8. That on the basis of above report of the Committee, FIR No. 78 dated 12-02-2016 u/s 419/420PPC and 14 Foreign Act, Police Station Aza Khel was also cancelled by the Hon'ble Senior Civil Judge/Judicial Magistrate Nowshera on 08-01-2020.

(Copy of Judgment of SCJ is appended as Annex-L)

9. That as the appellant and his family members were declared as Pakistani citizens; their cases regarding blockage of CNICs were cleared and set right by the "District Level Committee" constituted by the Ministry of Interior, Government of Pakistan; the criminal case under FIR as referred earlier was cancelled and their CNICs were released therefore, on the basis of above, the appellant accrued a fresh cause of action and as such, he filed a Departmental Appeal but the same was dismissed..

(Copy of departmental appeal, and rejection order are appended as Annex-L & M respectively)

10. That the appellant is jobless since his dismissal from service.
11. That the appellant now files this appeal before this Hon'ble Tribunal inter-alia on the following grounds within the statutory period of law.

GROUND OF APPEAL

- A. That the respondents have not treated appellant in accordance with law, rules and policy on the subject and acted in violation of **Article 4 of the Constitution of Islamic Republic of Pakistan, 1973**. Therefore, the impugned orders are not sustainable in the eye of law.
- B. That the so-called inquiry was not conducted in a manner prescribed by law as neither any witness was examined in the presence of appellant nor he was provided any chance of cross-examination. Similarly, he was also not provided any opportunity to produce his defence in support of his version. The above defect in enquiry proceeding is sufficient to declare entire process as sham and distrustful. Right of fair trial is a fundamental right by dint of which a person is entitled to a fair trial and due process of law. The appellant has been deprived of his indispensable fundamental right of fair trial

as enshrined in **Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973**. Thus, such findings are perverse and are not sustainable in the eye of law. Hence, the impugned orders passed on the basis of such findings are against the spirit of administration of justice.

- C. That it is evident from the perusal of inquiry report that the appellant was produced before the JIT (Joint Investigation Team) to dig out the truth but he was found guilty of the allegation and report was furnished accordingly. It is crystal clear that the author of JIT and the person who conveyed the frivolous and false information were the star witnesses in the instant case and they were inevitably required to be available for the test of cross-examination by appellant so as to secure the ends of justice. Moreover, in service matters, the inquiry is to be conducted by the inquiry officer alone and there is no concept involved therein to refer the matter to the JIT. In view of the above, there is sheer violation of law in the entire proceedings of the inquiry which makes it perverse and not sustainable in the eye of law. Similarly, merely considering the report of JIT as well as the information contained in frivolous complaint as gospel's truth without separately cross-examining the authors thereof by the appellant in order to impeach the credibility of their report so as to lessen the weigh of unfavorable testimony and to fulfil the mandatory requirement of fair trial and due process of law, is a grave and inoperable illegality. Thus, the impugned order passed on the basis of such unlawful and obstinate findings have no sanctity in the eye of law laid down by august Supreme Court of Pakistan in various judgments.
- D. That the Competent Authority (respondent No. 3) was under statutory obligation to have considered the case of appellant in its true perspective and also in accordance with law and to see whether the inquiry was conducted in consonance with law and that the allegations thereof were proved against the appellant without any shadow of doubt or otherwise. But he has overlooked this important aspect of the

case without any cogent and valid reasons and awarded harsh and extreme penalty of dismissal from service to the appellant. Thus, the impugned orders are liable to be set aside on this count alone.

- E. That the appellate authority was legally bound to have applied his independent mind to the merit of the case by taking notice about the illegality and lapses committed by the inquiry officer as well as the Competent Authority as enumerated In Para-B and C above but he took no pain to do so. Moreover, it was also incumbent upon him to consider the case of appellant on the basis of new and quite distinct scenario, in light whereof, the appellant and his family members were declared as Pakistani nationals, their CNICs were duly cleared by lifting the blockage while, criminal case registered under FIR was also cancelled and as such, they were given clean-chit by the Competent legally constituted Committee. Thereafter, no ground whatsoever was remained to maintain the impugned penalty against the appellant. But he has ignored this important aspect of the case without any cogent and valid justification. Therefore, the impugned orders are bad in law.
- F. That the respondent No.3 was legally bound to have served a show cause notice on the appellant before awarding major penalty of dismissal from service but he failed to do so and blatantly violated the law laid down by august Supreme Court of Pakistan reported in **1989-SCMR-1690 (citation-a) & 2009-SCMR-605 (citation-c)**. The relevant citations of the judgments are as under:-

1989 S C M R 1690
(citation-a)

---S.6--Constitution of Pakistan (1973), Art. 203-F--Repugnancy to Injunctions of Islam--Disclosure by a show-cause notice of grounds on which action under of the Act was proposed to be taken and of an opportunity of hearing to the person concerned against whom an action was required to be taken, held, was necessary and its absence from a

statute was repugnant to the Injunctions of Islam.

2009 SCMR 605
(citation-c)

---Misconduct, charge of---
Employee's right to show-cause
notice before passing of termination
order against him by competent
authority---

Hence, the impugned orders are not tenable under the law.

- G. That it was also incumbent upon the respondent No.3 to have provided an opportunity of personal hearing to the appellant before awarding major penalty but he failed to do so and blatantly violated the law laid down by august Supreme Court of Pakistan reported in 2006-SCMR-1641 (citation-c), 2008-PLD-Supreme Court-page-412(a) and 2009-SCMR-605 (citation-c). The relevant citation is mentioned below:-

2006-SCMR-1641
(citation-c)

Inquiry proceedings---Major
penalty, imposition of---Personal
hearing to civil servant,
opportunity of---Scope---Such
opportunity must be afforded by
the authority competent to impose
major penalty or his delegatee.

P L D 2008 Supreme Court 412
(citation-a) Administration of justice-

---Natural justice, principles of---
Opportunity of hearing---Scope---
Order adverse to interest of a
person cannot be passed without
providing him an opportunity of
hearing---Departure from such
rule may render such order illegal.

2009 S C M R 605
(citation-c)

---Misconduct, charge of---
Employee's right to show-cause
notice before passing of termination
order against him by competent
authority---

Therefore, the impugned orders are required to be reversed on this count alone.


- H.** That the impugned orders are suffering from legal infirmities and as such caused grave miscarriage of justice to the appellant.
- I.** That the impugned orders are against law, facts of the case and norms of natural justice. Therefore, the same are not tenable under the law.
- J.** That the appellant would like to seek the permission of this Hon'ble Tribunal to advance some more grounds at the time of arguments.

In view of the above narrated facts and grounds, it is, therefore, humbly prayed that the impugned orders may very graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits

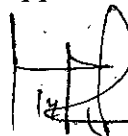
Any other relief deemed proper and just in the circumstances of the case, may also be granted.

Through

Dated: 11-05-2020



Appellant



Rizwanullah

M.A. LL.B

Advocate High Court, Peshawar.

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

Service Appeal No. _____/2020

1. Afzal Khan, Ex-Constable No. 531, District Police Nowshera, R/O Mohalla Awan village Banda Nabi PO Dagi District Nowshera.

APPELLANT

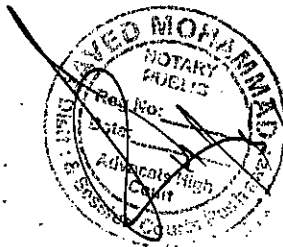
VERSUS

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa and others.

RESPONDENTS

AFFIDAVIT

I, Afzal Khan, Ex-Constable No. 531, District Police Nowshera, R/O Mohalla Awan village Banda Nabi PO Dagi District Nowshera, do hereby solemnly affirm and declare that the contents of the accompanied Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

CHARGE SHEET

Annex-A

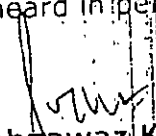
14

I, RABNAWAZ KHAN, District Police Officer, Nowshera, as competent authority, hereby charge Constable Af Khan No. 531 per Statement of Allegations enclosed.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. 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 that case ex-parte action shall follow against you.
4. Intimate whether you desire to be heard in person.

Attested

~~Attested~~
Appellant


(Rabnawaz Khan)
District Police Officer,
Nowshera

DISCIPLINARY ACTION

I, RABNAWAZ KHAN, District Police Officer, Nowshera a competent authority am of the opinion that Constable Afzal Khan No. 531 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules, 1975.

STATEMENT OF ALLEGATIONS

Whereas Constable Afzal Khan No. 531, while posted at Police Lines Nowshera, as per reliable source, he is an Afghan National & succeeded in getting Pakistani CNIC, upon which, enlisted in Police department.

This amounts to grave misconduct on his part and rendered him liable for Minor/Major punishment under Police Rules, 1975.

For the purpose of scrutinizing the conduct of the said accused Constable with reference to the above allegations. Mr. Tariq Iqbal DSP Akora is nominated as Enquiry Officer.

The Enquiry Officer shall in accordance with the provision of Police Rules, 1975, provides reasonable opportunity of hearing to the defaulter official, record his findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

Constable Afzal Khan No. 531 is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

[Signature]
(Rabnawaz Khan)
District Police Officer,
Nowshera.

No. 129 /PA,
Dated 12/5/2015.

AKO 15/6/15
12/5/15

02/11/15

[Signature]

14/5/2015

Attested
Afzal
Appellant

بخدمت جناب ڈسٹرکٹ انیسری پولیس نوشہرہ

تحریری جواب منجانب افضل خان 531 ڈسٹرکٹ نوشہرہ

جناب عالی: بجواب چارج شیٹ نمبر 129 تاریخ 12-05-2015 عرض خدمت ہے۔

- ۱۔ کہ الزام عائد کردہ برخلاف من سائل / افضل خان برسر غلط اور خلاف واقعات ہے۔ سائل / افضل خان آباد اجدا پاکستانی ہے۔ اور کسی بھی افغان نیشنل نہ رہا ہے۔
- ۲۔ نور گل ولد میاں گل وادام محمد اہل وعیال سکند بدھوڈ اکھانہ سیکہ غلام تحصیل و ضلع پشاور کا تھا یہ امر شناختی کارڈ برادران وادام و شہزاد گل ولد میاں گل وریدی گل ولد میاں گل واضح ہے۔ نیز والد آرم بعد از اس موضع بانڈہ نبی تحصیل و ضلع نوشہرہ میں آباد ہوا۔ اس نسبت کہ یہ پڑا پڑا ڈشناختی کارڈ کا حوالہ موجود ہے۔
- ۳۔ ولد آرم اول گل ولد نور گل نے حسب ضابطہ پاسپورٹ حاصل کر کے سعودی عرب میں مزدوری کی اس نسبت پاسپورٹ بھی موجود ہے۔ سائل و برادران سائل نڈل سکول بانڈہ نبی وہائی سکول پی و گورنمنٹ کالج پی سے تعلیم حاصل کی نیز مکان ملکیتی والدہ سائل بانڈہ نبی میں موجود ہے نیز نانا کا نام لاہور خان ولد ولی محمد بھی بانڈہ نبی کارہائشی و پیدائشی باشندہ تھا۔ اسکے افغان نیشنل / شہری کا الزام غلط ہے۔ نہ ہو سکتا ہے کہ موجود حالات کو مدنظر رکھ کر کسی نے غلط الزام عائد کیا ہو حالانکہ سائل پاکستانی شہری ہے۔ اور محبت وطن اور پاسپورٹ قانون شہری ہونے کے حیثیت سے اپنے فرائض سرانجام دے رہا ہے۔

ف ع ط

ع ر ض

افضل خان کنشیل 531 نوشہرہ ڈسٹرکٹ

Atty. No. 03009349298

ID No. 17201-6156503-3

11/05/2016

18-05-2015

Attested
Appellant

Annex - C

From: The Dy: Superintendent of Police,
Headquarters Nowshera.

To: The District Police Officer,
Nowshera.

No. 277/St: dated Nowshera the 03/02/2016.

Subject: ENQUIRY REPORT OF FC AFZAL KHAN POLICE LINES NOWSHERA

Memo: Kindly refer to your office Dy: No.3401/PA, dated 12-11-2015

The said enquiry was marked to DSP Akora who in light of documentary evidence provided by defaulter Constable Afzal Khan and conflicting statements about National status recommended that his case be presented before the JIT of Nowshera in the office of DSP Hqrs: Nowshera for final opinion from all Board members. Based that clearance, appropriate course of action be adopted by competent authority. In the instant enquiry entrusted to undersigned for report.

In this connection, NADRA form in respect of delinquent official Afzal and his other three family members received to this office and served upon them. fulfillment of codal formalities he was produced before JVC Nowshera for analyzing documents. He was four times called for interview and finally on 27-01-2016 a Committee members categorically remarked that as per ground check and insufficient documents produced by FC Afzal Khan, he was declared as Afghan National

Furthermore, it was also transpired that his brother namely Sarwar Khan also serving in Police Department as Constable in ERP Peshawar and conclusion of enquiry proceedings have also been obtained which are as under:-

"That in the light of document of the Constable Sarwar Khan No. 2 Afghan Refugee. According to the country rule section No.11 of 1973 it is obligatory every Government Servant must have Pakistani Nationality. Constable Sarwar Khan declared as Afghan refugee, therefore, recommended that he may be removed from service. Moreover, he has been involved in forged documents, he is also recommended for legal action through local Police."

"Hence" in the light of above it is recommended that defaulter Constable Afzal Khan be removed from service being Afghan national. Moreover, action may also be taken against defaulter official Constable Afzal Khan if he agrees to be removed from service.

Submitted please.

Dy: Superintendent of Police
HQrs: Nowshera

Dated / /2015.

Attested
Asst. Supd.
Appellant

Agreed on 03/02/16
from Dy. Supt. Police
JVC Nowshera
challenged by
lawyer



OFFICE OF THE DISTRICT POLICE OFFICER
NOWSHERA
TEL: 0923-9220102, FAX: 0923-9220103

18

Annex - D

ORDER

This order will dispose of a departmental enquiry under Police Rules-13 initiated against FC Afzal Khan No. 531, under the allegations that while posted at Police Line Nowshera, now Investigation Wing as per reliable source, he is an Afghan National and succeeded in getting Pakistani CNIC, upon which, enlisted in Police Department (FRP Hqrs, Peshawar).

In this connection, he was proceeded against departmentally through Mr. Tariq Iqbal the then DSP Akora & on his transfer entrusted to Mr. Bashir Dad Khan, the then SDPO Akora and later on entrusted to Mr. Kamran Khan DSP Akora, who after fulfilling necessary process, submitted his finding report to the undersigned vide his office No. 3486/S dated 10.11.2015, recommended that the case of delinquent Police official be presented before the Joint Verification Committee, Nowshera, vide DSP Hqrs: NSR letter No 277/ST, date 03.02.2016.

In this connection, NADRA form in respect of delinquent official Afzal Khan No. 531 and his other three family members received to this office and served upon them. After fulfillment of codal formalities, he was produced before JVC Nowshera for scrutinizing his documents. He was interviewed/ questioned and finally on 27.01.2016, the committee members of JVC declared him as Afghan National, as per ground check and in-sufficient documents produced by FC Afzal Khan No. 531.

He was heard in person in Orderly Room held in this office on 12.02.2016, wherein he failed to produce any cogent reason to satisfy the undersigned, therefore, Constable Afzal Khan No. 531 is hereby awarded Major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975 and FIR under relevant sections of law be registered against the above named Constable Afzal Khan No. 531.

OB No. 199

Dated 12.02 /2016

(Wahid Mehmood) PSP
District Police Officer,
Nowshera

No. 1181-84 /PA, dated Nowshera, the 12/02 /2016.

Copy for information and necessary action to the:-

1. Deputy Inspector General of Police, Hqrs., Khyber Pakhtunkhwa, Peshawar w/r to his office Memo: No. S/2655-57/15, dated 28.04.2015, please.
2. SP Investigation, Nowshera.
3. Pay Officer/Establishment Clerk.
4. OHC/FMC with enquiry papers (74 sheets).

Attested
Asst
Appellant

To,

The Deputy Inspector General of Police,
Mardan Region 1 Mardan .

Annex-E

19

Subject: APPEAL UNDER RULE 11 OF THE NWFP POLICE RULES 1975
AGAINST THE ORDER OB NO. 199 OF DPO NOWSHERA
12/02/2016 VIDE WHICH THE APPELLANT HAS BEEN
ILLEGALLY DISMISSED FROM SERVICE.

Respected Sir,

It is submitted very humbly as under:-

With due respect I beg to submit that I have been awarded a Major Punishment of Dismissal from service, by the District Police Officer Nowshera, for the allegation of Afghan National Vide OB No. 199, dated 12/02/2016 against which I am going to submit the present appeal on the following grounds / justifications.

1. That the inquiry was marked to DSP Akora Circle who conducted a thorough inquiry dated 20/05/2015 vide which I alongwith my brother was declared clear and were declared as legal Pakistani citizens. (Inquiry report attached).
2. That I was issued Charge Sheet regarding the misconduct in response to which I have submitted a detailed and well convincing reply but it was not paid due consideration. It was clearly stated that I and my family are Pakistani and none of us is Afghan National, but I was declared Afghan National without justification and was dismissed from service, besides a case vide FIR No. 78 dated 12/02/2016, under section 14FA/419/420 PPC P.S Azakhel, was registered against me.
3. That I had also tried to convince my officers orally but with no due consideration.
4. That I produced CNICs of my all family members including grandparents, and other relatives as proof of being a legal Pakistani National the details of which are as under:-

- i. Mr. Noor Gul S/o Mian Gul NIC No. 137-89-360385 paternal grandfather of the incumbent. (Copy attached).

Attended
Azad
Appellant

ii. Mst. Manaqoo Bibi W/o Noor Gul NIC No. 137-38-360386 paternal grandmother of the incumbent. (Copy attached).

20

iii. Mr. Awal Gul S/o Noor Gul father of the incumbent.
CNIC No. 17201-2273024-7
Old NIC No. 137-58-360383
Passport No. AH958837
Passport No. GO71457
Passport No. B332036
Death certificate dated 05/03/2015.
Sui Gas Bill.
(Copies attached).

iv. Mst. Baswar Bibi W/o Awal Gul mother of the incumbent
CNIC No. 17201-2879868-8
Domicile Certificate
Copies attached.

v. Mst. Zainab Bibi D/o Awal Gul (Sister of the incumbent)
CNIC No. 17201-2717565-6
Domicile Certificate
Copies attached

vi. Bilal Ahmad S/o Awal Gul (brother of the incumbent)
CNIC No. 17202-0360396-7
Domicile Certificate
Copies attached

vii. Mr. Raidi Gul S/o Mian Gul
CNIC No. 17301-8844197-5
Uncle of father of the incumbent
Copy attached

viii. Rehman Gul Son of Raidi Gul
CNIC No. 17301-0589432-9
Paternal Cousin of the incumbent
Copy attached

ix. Mr. Muzafar Khan S/o Mian Gul
CNIC No. 17301-0274882-9
Father uncle of the incumbent
Copies attached

x. Shehzad Gul S/o Mian Gul

*Attest
Abul
Appellant*

NIC N. 137-33-363945

Father's uncle

Copies attached

xi. Mst. Sakeena Bibi W/o Shehzad Gul

CNIC No. 17301-5953101-0

Aunt of father

Copy attached

xii. Mr. Mosa Khan S/o Muzafar Khan

CNIC No. 17101-4882403-3

Father's cousin

xiii. Khayali Gul S/o Shehzad Gul

CNIC No. 17301-0406434-1

Father's cousin

Copy attached

xiv. Noor Bahadar S/o Khayali Gul

CNIC No. 17301-5824821-6

Father's Cousin's son

Copy attached

xv. Khan Bahadar S/o Khayali Gul

CNIC No. 17301-5846915-7

Father's Cousin's son

Copy attached

xvi. Kashar Gul S/o Shehzad Gul

CNIC No. 17301-939566-9

Father's Cousin's son

xvii. Khanzada S/o Shehzad Gul

CNIC No. 17301-0241914-9

Father's Cousin's son

Copy attached

xviii. Shehzada S/o Shehzad Gul

CNIC No. 17301-1164786-1

Old NIC No.

Copies attached

xix. Jaffar Khan S/o Shehzad Gul

CNIC No. 17301-1267968-5

Old NIC No. 137-87-517033

Father's Cousin's son

(21)

*Attested
Appellant*

xx. Shair Bahadar S/o Jaffar Khan

CNIC No. 17301-5818055-7

Father's Cousin's son

Copy attached

xxi. Lahore Khan S/o Wali Mohammad

NIC No. 138-26-184603

Maternal grand father

Electricity bills (Copies attached).

xxii. Muhammad Zahir S/o Lahore Khan

CNIC No. 17201-4211409-3

Maternal uncle of the incumbent

Copy attached

xxiii. Mst. Laila W/o Mehar Gul

Maternal Aunt

CNIC No. 17201-2142828-4

Copy attached

xxiv. Mst. Taj Bibi W/o Akram

Maternal Aunt

CNIC No. 17201-2026158-2

Copy attached

xxv. Property documents of maternal grand father

Copies attached

xxvi. Property documents of father

Copies attached

5. That it is mentioning here that on attaining the age of 18 years, I was issued Pakistani CNIC from NADRA. I had passed my matriculation examination from GHS Pabbi and FA from Govt. degree college, . I was enlisted as constable in Police Department / FRP Peshawar, on 16/09/2009 on the basis of that CNIC and academic Certificates. I had passed Recruit Course, A1 examination, served the Department for 7 years and am a trained soldier. I had performed my duties upto the entire satisfaction of my superiors during my whole service and that there was no complaint of any kind against me.
6. That the refered documents have neither been verified nor considered in the inquiry which amounts to non reading and misreading of evidence, hence the impugned order is illegal and void ab initio.

22

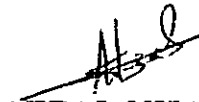
Attested
By:
Mst. Laila

7. That the impugned order of dismissal from service has been passed in clear violation of the police rules.
8. That no reasonable and plausible explanation has been made in the impugned order of the allegation, which amounts to a non speaking order, hence is an illegal order.
9. That under Rule 6 (5) of the police rules 1975 the inquiry officer shall submit his recommendations and alongwith his grounds but no report or grounds thereof has been submitted rather it was recommended for Joint Investigation Team (JIT) which was not the mandate of inquiry officer, hence the same is illegal.
10. That findings of Joint Verification Committee (JVT) are not based on any cogent reason, evidence and even family tree and NADRA record has not been considered which is against the principle of natural justice.
11. That against the illegal blocking of CNIC my writ petition is also pending adjudication before the August High Court, Peshawar, vide which comments of NADRA are still-awaited. (Copy attached).
12. That NADRA has not yet cancelled my CNIC hence my national status is still intact hence the impugned order and lodging FIR is illegal.

Therefore, I approach your goodself to kindly accept my appeal, by setting aside the order of punishment of dismissal from service awarded by the DPO Nowshera vide OB No. 199 dated 12/02/2016 and I may kindly be restored with all back benefits in service, for which I shall be highly obliged and will pray for your long life and prosperity.

Photocopies of all relevant documents are enclosed herewith.

Yours Obediently,


AFZAL KHAN
 Ex Constable No. 531
 District Police Nowshera
 R/o Mohallah Awan Village,
 Banda Nabi P.O Dagi,
 District NSR

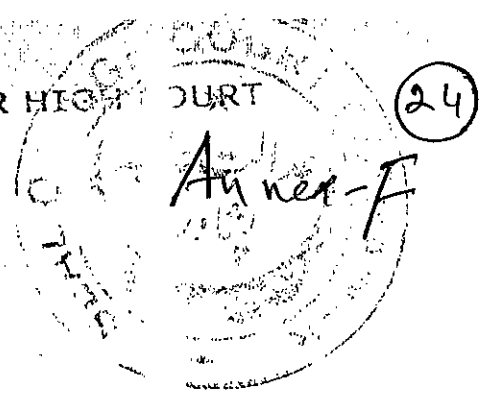
*Attested
 Appellant*

Dated 3/3/2016.

BEFORE THE HONOURABLE PESHAWAR HIGH COURT

PESHAWAR

Writ Petition No. 3263 /2015



Afzal Khan S/O Awal Gul R/O Village U/C Dagan Banda
Nabi Nowshera Petitioner

VERSES

1. Inspector General of Police (IGP) KPK, Peshawar.
2. District Police Officer (DPO) Nowshera.
3. National Data Base and Registration Authority (NADRA) through Chairman, NADRA Head Quarter Islamabad.
4. Director General NADRA, Hayatabad Peshawar.
5. Ministry of Interior through its Secretary, Government of Pakistan, Islamabad..... Respondents

*Attested
Appellant*

=====

WRIT PETITION U/A 199 OF THE
 CONSTITUTION OF ISLAMIC REPUBLIC OF
 PAKISTAN TO THE EFFECT THAT CNIC OF
 PETITIONER AND HIS PARENTS HAVE
 WRONGLY AND ILLEGALLY BEEN BLOCKED ON
 THE SO CALLED ALLEGATIONS OF BEING
 AFGHAN NATIONALS AS WELL AS INITIATION
 OF DEPARTMENTAL INQUIRY FOR
 TERMINATION OF THE PETITIONER FROM
 SERVICE IS ILLEGAL, UNLAWFUL WITHOUT
 ANY AUTHORITY AND JUSTIFICATION.

=====

ATTESTED

EXAMINER

20 DEC 2015

[Handwritten signature]

Respectfully Sheweth:

It is submitted very humbly as under:

1. That petitioner along with his family are law abiding respectable citizens of Pakistan, hence the petitioner is serving in the Police department of KPK posted at district Nowshera. (Copy of service card attached as annexure A) Verification Report, A/1 and Medical P A/2)
2. That respondent No.3 while holding the petitioner and his parents as Afghan National has blocked CNICs of the petitioner and his parents without any show cause notice or justification.
3. That respondents No.1 and 2 who are bent upon dismissing the petitioner from service has now been initiated departmental inquiry against the petitioner by charge sheeting him for misconduct. (Copy attached as annexure B)
4. That neither petitioner nor his parents and family are Afghan nationals, hence the question of misconduct or concealment of fact does not arise at all.
5. That petitioner including his parents and grandfather are the lawful citizens of this beloved land by birth. (Copies of CNICs of petitioner, Grand parents/parents, brothers/sisters, paternal/maternal Uncles, Aunties are attached as annexure C, C/1, C/2, C/3, C/4, C/5, C/6, C/7, C/8, C/9, C/10 to C/40)
6. That the petitioner being permanently domiciled at District Nowshera has got all his education here. (Copies of domicile, Metric certificate attached as annexure D, E), F/1, G/1)

Attested
Appellant

ATTESTED

EXAMINER
Poshpora High Court

22 DEC 2015

FILED TODAY

W. S. Registrar

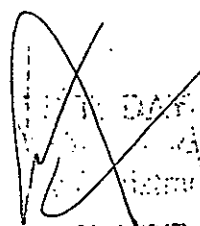
22 DEC 2015

- 7. That father of the petitioner was passed away on 25/03/2015 who has buried in the ancestral grave yard at Nowshera. (Copies of Death certificate and documents of property and personal grave-yard attached as annexure F, G, H, G/1, H/1)
- 8. That respondent No.3 has blocked CNICs of father of the petitioner after his death while that of mother and brother have also been blocked.
- 9. That aggrieved with the said illegal action and having no other adequate remedy available to the petitioner, the instant writ petition is hereby filed on the following grounds amongst others.

GROUNDS:

*Attested
Appellant*

- A. That petitioner along with his fore fathers are the lawful citizens of Pakistan by birth.
- B. That all family member of the petitioner are lawful citizens of Pakistan.
- C. That by blocking CNICs of the petitioner and his parents, respondent No.3 has exercised his authority beyond his jurisdiction by virtue of which the petitioner has been deprived of his fundamental rights.
- D. That no show cause notice whatsoever has been served on the petitioner.


 22 DEC 2015
ATTESTED
 EXAMINER
 Peshawar High Court.
 22 DEC 2015

That the petitioner has not been treated in accordance with law rather he has been discriminated which is against the letter and spirit of the constitution of

Islamic Republic of Pakistan specially Article 4 and 25 of the constitution.

- F. That family record of the petitioner which includes CNICs, Passport and domicile of all family members, parents and grand parents of the petitioner premaxima proves national status of the petitioner which has wrongly been ignored.
- G. That department of petitioner have also conducted local inquiry vide which national status of the petitioner has been confirmed. (Copy attached as annexure ² I)
- H. That respondent No.1 and 2 have no lawful authority to initiate departmental inquiry against petitioner and dismiss him from service on the so called allegations of the misconduct.
- I. That fundamental rights of the petitioner have been infringed by violating the principle of natural justice on the part of respondents, hence the petitioner has every right to knock at the doors of this Hon'ble Court.
- J. That petitioner craves for permission of this Hon'ble court to advance other points and documents at the time of arguments in support of the writ petition.

Attested
As per
Appellant

It is therefore most humbly prayed that while allowing this writ petition and by declaring blockade of CNIC of the petitioner as null and void departmental inquiry initiated on the part of respondent No.1 and 2 may graciously be declared illegal, unlawful and without any lawful authority and justification.

ATTESTED
EXAMINER
High Court
22/05/2016

Any other relief though not specifically asked for to which the petitioner is found entitled in the circumstances may also be granted

PRAYER FOR INTERIM RELIEF

By way of interim relief while suspending proceeding of departmental inquiry respondent No. 1 and 2 may graciously be enjoined and restrained from dismissing petitioner from service till pending decision of this writ petition.

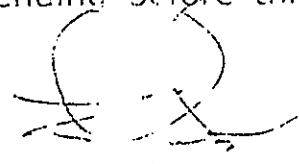
Through

PETITIONER


ZAHIDULLAH AHMAD
Advocate, High Court.

CERTIFICATE

Certified that as per instruction of my client, such like writ petition has earlier been filed or pending before this August Court.

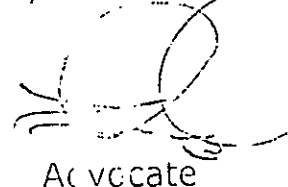


ADVOCATE

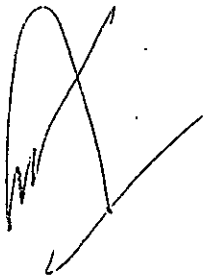
/09/2015

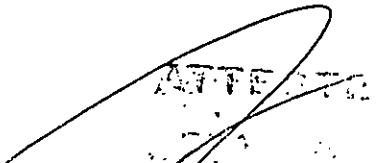
Books for reference:

1. Constitution of Islamic Republic Of Pakistan.
2. Pakistan Citizenship Act and Rules
3. National database regulatory Authority Ordinance and Rules
4. CASE LAWS ACCORDING TO NEED


Advocate

*Attested
Appellant*




ATTESTED

6

29

BEFORE THE HONOURABLE PESHAWAR HIGH COURT
PESHAWAR

Writ Petition No. 3263 / 2015

Afzal Khan

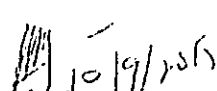
VERSES

Inspector General of Police & others

AFFIDAVIT


I Afzal Khan S/O Awal Gul R/O Village Dagai Banda Tehsil Pubbi District Nowshera hereby affirmed and declare on Oath that all the contents of this WRIT PETITION are true and correct to the best of my knowledge and belief.

No. 2489
 Certified that the above was verified on solemnly
 affirmation before me on date: 10/09/2015
 day of: SEP at 11:30 AM
 at: AWAL GUL
 who was identified by: Self
 Who is personally known to me:


 Oath Commissioner
 Peshawar High Court, Peshawar.

DEPOSED BY: Afzal Khan
 CNIC: 112 1 6180

Attested
~~Afzal Khan~~
 Appellant

TESTED


FILED TODAY
 Deputy Registrar
 14 SEP 2015

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

Annex-G

30

Writ Petition No.3263-P/2015

JUDGMENT

Date of hearing.....22-03-2016.....

Petitioner(s).....*petitioner in person*.....

Respondent(s) *(Q. Cr. P.)* by *Syed. Qaiser Ali Shah, ADC*
Muhammad Mubarak and Doctor Rumi, Assistant
Director (Legal) NADRA.

YAHYA AFRIDI, J.- Afzal Khan, petitioner, seeks

the constitutional jurisdiction of this Court, praying

that :-

"It is, therefore, most humbly prayed that while allowing this writ petition and by declaring blockade of CNIC of the petitioner as null and void departmental inquiry initiated on the part of respondents 1 and 2 may graciously be declared illegal, unlawful and without any lawful authority and justification

Any other relief though not specifically asked for to which the petitioner is found entitled in the circumstances may also be granted".

2. In essence, the grievance of the petitioner is the illegal action and inaction of the respondents regarding the Computerized National Identity Card (CNIC) of the petitioner.

3. In response, Mr. Muhammad Mubarak, the worthy Assistant Director (Legal) NADRA

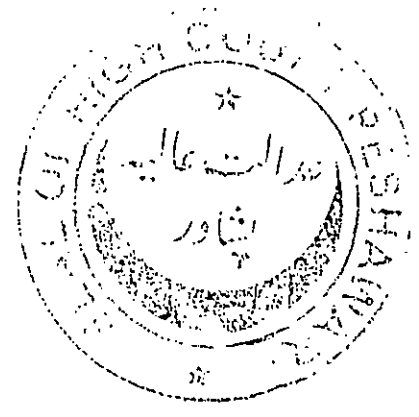
*Attested
Abdul
Appellat*

9

*ATTESTED
JUDGMENT
Mushafiqullah Khan
JUDGE*

submitted that as the *final order* in the instant case has already been passed declaring the petitioner non-national. Copy of the order passed by the respondents is handed over to the worthy counsel for the petitioner.

4. The petitioner can under section 18(3) of National Database & Registration, Ordinance, 2000 ("Ordinance") avail the appropriate remedy of appeal before the competent forum, provided therein. The appeal when filed by the petitioner should be treated in accordance with law and shall be disposed of expeditiously.



As far as the petitioner has been stated to be on bail in case FIR No.78, dated 12.02.2016 registered at Police Station, Azakhel, District Nowshera, the respondents are directed not to deport him till the final conclusion of the trial.

This petition is disposed of in the above terms.
Sd/- Yousaf Ali Khan
Sd/- Rameez Khan

Dt.22-03-2016.

F. Junt*

JUDGE
DGE
CERTIFIED TO BE TRUE COPY
F. Junt
Nowshera
Under Article 87 of
Constitution of Pakistan
31 MAR 2016

Attested
~~Appellant~~
Appellant

To,

The Secretary Ministry of Interior,
Federal Government of Pakistan,
Islamabad.

Amica-H

(32)

Subject: APPEAL U.S 18 (3) OF THE NADRA ORDINANCE 2000
AGAINST THE ORDER NO. 09 NADRA LEGAL / NN (P) / A-
2215 AND NO. 09/NADRA LEGAL /NN (P)/A-2214 DATED
29/02/2016 VIDE WHICH CNIC / OF THE APPELLANT^{and his father} HAS
WRONGLY AND ILLEGALLY BEEN CANCELLED.

Respected Sir,

It is submitted utmost respect as under:-

1. That appellant is a lawful citizen of this beloved land by birth along with his parents and forefathers.
2. That appellant and his brother namely Sarwar Khan were serving in the KPK Police Department since many years. Father of the appellant Mr. Awal Gul S/o Noor Gul having CNIC No. 17201-2273024-7 has been died on 25/03/215 however his CNIC has also been cancelled vide order No. 9 NADRA Legal / NN (P) / A-2214 dated 29/02/2016. (Copy of order is attached).
3. That on 27/02/2015 a letter was issued by Directorate General of ISI Islamabad vide which appellant along with his parents and brother Sarwar Khan were wrongly declared to be Afghan Nationals. (Copy of letter of ISI is attached).
4. That the department (KPK Police) initiated inquiry against the appellant and his brother vide which local verification through local police station Pabbi was made where in the appellant and his family were declared legal Pakistani Nationals. (Copy of verification report attached).
5. That in the mean time appellant filed a writ petition bearing W.P No. 3263 of 2015 before the August Peshawar High Court, Peshawar. (Copy attached).

Attested
Awal
Appellant

- 6. That during pendency of the writ petition NADRA cancelled CNIC of the appellant vide impugned order hence the same was disposed off vide judgment dated 22/03/2016. (Copy attached).
- 7. That the order of cancellation of CNIC of the appellant is illegal, unlawful and against the letter and spirit of the laws on the subject. Hence feeling aggrieved of the same the instant appeal is hereby filed on the following grounds amongst others.

GROUNDS:-

- A. That the impugned order of NADRA is illegal, unlawful and against the letter and spirit of the laws on the subject specially article 3, 4, 25 and 27 of the constitution of Islamic Republic of Pakistan.
- B. That the impugned order does not qualify to be a speaking order as no reason or plausible explanation has been made against the material available before the Authority.
- C. That the authority has been badly failed to point out or prove any of the illegality or irregularity as mentioned in section 18 of the Ordinance.
- D. That the impugned order is based on non-reading and misreading of evidence as the verification report effected by DSP Akora Circle Nowshera dated 22/05/2015 has been wrongly and illegally ignored. (Copy attached).
- E. That CNICs of family, parents and grant parents along with blood relations have been illegally and wrongly not considered inspite of its being the NADRA record which is detailed as below.
 - i. Mr. Noor Gul S/o Mian Gul
NIC No. 137-89-360385
Paternal grandfather of the incumbent. (Copy attached).
 - ii. Mst. Manaqoo Bibi W/o Noor Gul
NIC No. 137-38-360386
Paternal grandmother of the incumbent. (Copy attached).
 - iii. Mr. Awal Gul S/o Noor Gul

Attested
Appellant

CNIC No. 17201-2273024-7 Old NIC No. 137-58-360383

Father of the incumbent.

34

iv. Mst. Baswar Bibi W/o Awal Gul mother of the incumbent .

CNIC No. 17201-2879868-8 (Copies attached).

v. Mst. Zainab Bibi D/o Awal Gul (Sister of the incumbent)

CNIC No. 17201-2717565-6

Copies attached

vi. Bilal Ahmad S/o Awal Gul (brother of the incumbent)

CNIC No. 17202-0360396-7

Copies attached

vii. Mr. Raidi Gul S/o Mian Gul

CNIC No. 17301-8844197-5

Uncle of father of the incumbent

Copy attached

viii. Rehman Gul Son of Raidi Gul

CNIC No. 17301-0589432-9

Paternal Cousin of the incumbent

Copy attached

ix. Mr. Muzafar Khan S/o Mian Gul

CNIC No. 17301-0274882-9

Father uncle of the incumbent

Copies attached

x. Shehzad Gul S/o Mian Gul

NIC N. 137-33-363945

Father's uncle

Copies attached

xi. Mst. Sakeena Bibi W/o Shehzad Gul

CNIC No. 17301-5953101-0

Aunt of father

Copy attached

xii. Mr. Musa Khan S/o Muzafar Khan

CNIC No. 17101-4882403-3

Father's cousin

xiii. Khiali Gul S/o Shehzad Gul

Attested
Abul
Munawar

CNIC No. 17301-0406434-1

Father's cousin

Copy attached

xiv. Noor Bahadar S/o Khayali Gul

CNIC No. 17301-5824821-6

Father's Cousin's son

Copy attached

xv. Khan Bahadar S/o Khayali Gul

CNIC No. 17301-5846915-7

Father's Cousin's son

Copy attached

xvi. Kashar Gul S/o Shehzad Gul

CNIC No. 17301-939566-9

Father's Cousin's son

xvii. Khanzada S/o Shehzad Gul

CNIC No. 17301-0241914-9

Father's Cousin's son

Copy attached

xviii. Shehzada S/o Shehzad Gul

CNIC No. 17301-1164786-1

Old NIC No.

Copies attached

xix. Jaffar Khan S/o Shelizad Gul

CNIC No. 17301-1267968-5

Old NIC No. 137-87-517033

Father's Cousin's son

xx. Shair Bahadar S/o Jaffar Khan

CNIC No. 17301-5818055-7

Father's Cousin's son

Copy attached

xxi. Lahore Khan S/o Wali Mohammad

NIC No. 138-26-184603

Maternal grand father

Electricity bills (Copies attached).

xxii. Muhammad Zahir S/o Lahore Khan

CNIC No. 17201-4211409-3

35

Attested
Aswani
Appellant

Maternal uncle of the incumbent

Copy attached

xxiii. Mst. Laila W/o Mehar Gul

Maternal Aunt

CNIC No. 17201-2142828-4

Copy attached

xxiv. Mst. Taj Bibi W/o Akram

Maternal Aunt

CNIC No. 17201-2026158-2

Copy attached

(36)

F. That the JVC has not discussed or even mentioned a single document in its findings / report rather to consider or verify any document therefore, report of the JVC is mere filing in the blanks and nothing more, hence cannot be made base for depriving Nationality of the appellant. (Copy of the JVC report attached).

G. That domicile, educational record, passport of father, utility bills of grandfather and property documents have been illegally not considered which speaks volume of the malafide of the authority. (Copies attached).

H. That the impugned order is arbitrary, one sided, discriminatory and against the principle of natural justice.

I. That the impugned order is based on misreading and non-reading of evidence.

J. That the appellant and his family has been victimized for false, wrong and incorrect report of the agency which has been given preference over all laws of the land.

K. That it is not a divine rule that an agency cannot be errored, the two lines report of ISI has been considered a divine revelation which has not been corroborated by a single piece of evidence.

L. That no inquiry has either been initiated against deceased father and other family members such as brother, sister and mother of the appellant nor they have been interviewed or heard personally while

Appellant

their CNIC's too have been cancelled, hence they have been condemned unheard which is against the principle of natural justice. (Copies attached).

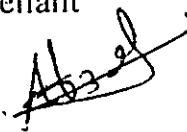
M. That appellant along with his family are the lawful citizens of this beloved land by birth, hence the CNIC's have been wrongly and illegally cancelled, which needs to be restored.

N. That other points will be raised at the time of personal hearing before your good office.

O. That since the impugned order was handed over to the appellant before the August Peshawar High Court, which is rightly mentioned in its judgment dated 22/03/2016 hence the appeal in hand is will within time. (Copy of judgment is attached).

It is therefore, most humbly prayed that on acceptance of this appeal the impugned order being illegal, unlawfully and based on material irregularities and illegalities may very graciously be set aside while CNICs of appellant and his family be restored.

Appellant



AFZAL KHAN S/o Awal Gul
R/o Banda Nabi Tehsil Pabbi
District Nowshera
CNIC No. 17201-6156503-3
Cell No. 0300-9349298

Attested
~~by~~
Appellant

Date: 18/4/2016

To,

The secretary Ministry of Interior,
Federal Government of Pakistan,
Islamabad.

~~Batal CNIC No~~
~~Zainab DDI CNIC No~~



~~Annex - I~~

Annex - I

38

Subject:

APPEAL U/S 18(3) OF THE NADRA ORDINANCE 2001 AGAINST
THE ORDER NO. 09 NADRA LEGAL / NN (P) /A-2216 DATED
29/02/2016 VIDE WHICH CNIC OF THE APPLICANT HAS
WRONGLY AND ILLEGALLY BEEN CANCELLED.

Respectfully Sir:-

It is submitted with ^{utmost} respect as under:-

1. That applicant is a lawful citizen of this beloved land by birth along with his parents and forefathers.
2. That applicant and his brother namely Afzal Khan were serving in the K.P.K Police Department since many years ~~and~~ father of the applicant Mr. Awal Gul S/o Noor Gul having CNIC No. 17201-2273024-7 has been died on 25/03/2015 however his CNIC has also been cancelled vide order No.9 NADRA Legal / NN (P) /A-2214 dated 29/02/2016. (Copy of order is attached).
3. That on 27/02/2015 a letter was issued by Directorate General of ISI Islamabad vide which applicant along with his parents and brother Afzal Khan were wrongly declared to be Afghan Nationals. (Copy of letter of ISI is attached).
4. That the department (KPK Police) initiated inquiry against the applicant and his brother vide which local verification through local Police Station Pabbi was made where in the applicant and his family were declared Legal Pakistani Nationals. (Copy of verification report attached).
5. That in the mean time applicant filed a writ petition bearing W.P No. 3262 of 2015 before the August Peshawar High Court Peshawar. (Copy attached).
6. That during pendency of the writ petition NADRA cancelled CNIC of the applicant vide impugned order hence the same was disposed off vide judgment dated 22/03/2016. (Copy attached).
7. That the order of cancellation of CNIC of the applicant is illegal, unlawful and against the letter and spirit of the laws on the subject. Hence feeling aggrieved of the same the instant appeal is hereby filed on the following grounds amongst

Appellant

Attest
Saeed Khan
Appellant

Attested
Appellant

GROUNDS:

(39)

39

- A. That the impugned order of NADRA is illegal, unlawful and against the letter and spirit of the laws on the subject specially article 3,4 25 and 27 of the Constitution of Islamic Republic of Pakistan.
- B. That the impugned order dose not qualify to be a speaking order as no reason or plausible explanation has been made against the material available before the Authority.
- C. That the Authority has been badly failed to point out or prove any of the illegality or irregularity as mentioned in Section 18 of the Ordinance
- D. That the impugned order is based on non-reading and misreading of evidence as the verification report effected by DSP Akora Circle Nowshera dated 22/05/2015 has been wrongly and illegally ignored. (Copy attached)
- E. That CNICs of family, parents and grand parents along with blood relations have been illegally and wrongly not considered inspite of its being the NADRA Record which is detailed as below.

- i. Mr. Noor Gul S/o Mian Gul
CNIC No. 137-89-360385
Paternal grandfather of the incumbent (Copy attached)
- ii. Mst. Manaqoo Bibi W/o Noor Gul
CNIC No. 137-38-360386
Paternal grandmother of the incumbent (Copy attached).
- iii. Mr. Awal Gul S/o Noor Gul
CNIC No. 17201-2273024-7 Old CNIC No. 137-58-360383
Father of the incumbent (Copy attached).
- iv. Mst. Baswar Bibi W/o Awal Gul
CNIC No. 17201-2879868-8
Mother of the incumbent (Copy attached).
- v. Mst. Zainab Bi Bi D/o Awal Gul
CNIC No. 17201-2717656-6
Sister of the incumbent (Copy attached)
- vi. Mst. Bilal Ahmad S/o Awal Gul
CNIC No. 17202-0360396-7
Brother of the incumbent (Copy attached).
- vii. Raidi Gul S/o Mian Gul
CNIC No. 17301-8844197-5
Uncle of father of the incumbent (Copy attached).
- viii. Rehman Gul S/o Raidi Gul
CNIC No. 17301-0589432-9
Paternal Cousin of the incumbent (Copy attached).
- ix. Muzafar Khan S/o Mian Gul
CNIC No. 17301-0274882-9
Father uncle of the incumbent (Copy attached).

Attest
Sawwar Khan
Appellant

Attest
Attest
Appellant

- (40)
- x. Shehzad Gul S/o Mian Gul
CNIC No. 137-33-163945
Sister of the incumbent (Copy attached)
 - xi. Mst. Sakeena Bibi W/o Shehzad Gul
CNIC No. 17301-5953101-0
Aunt of father (Copy attached)
 - xii. Mr. Musa Khan S/o Muzafar Khan
CNIC No. 17101-4882403-3
Father's cousin (Copy attached).
 - xiii. Khiali Gul S/o Shehzad Gul
CNIC No. 17301-0406434-1
Father's cousin (Copy attached).
 - xiv. Noor Bahadar S/o Khilali Gul
CNIC No. 17301-5824821-6
Father's cousin (Copy attached)
 - xv. Khan Badar S/o Khilali Gul
CNIC No. 17301-5846915-7
Father's cousin's son (Copy attached).
 - xvi. Kasher Gul S/o Shehzad Gul
CNIC No. 17301-939566-9
Father's cousin's son (Copy attached).
 - xvii. Khan Zada S/o Shehzad Gul
CNIC No. 17301-0241914-9
Father's cousin's son (Copy attached).
 - xviii. Sher Zada S/o Shehzad Gul
CNIC No. 17301-1164786-1
Father's cousin's son (Copy attached).
 - xix. Jaffar Khan S/o Shehzad Gul
CNIC No. 17301-1267968-5
Old NIC No. 137-87-517733
Father's cousin's son (Copy attached).
 - xx. Shair Bahadar S/o Jaffar Khan
CNIC No. 17301-5818055-7
Father's cousin's son (Copy attached).
 - xxi. Lahore Khan S/o Wali Muhammad
CNIC No. 137-26-184603
Maternal Grandfather (Copy attached).
 - xxii. Muhammad Zahir S/o Lahore Khan
CNIC No. 17201-4211409-3
Maternal uncle of incumbent (Copy attached).
 - xxiii. Mst. Laila W/o Mehar Gul
CNIC No. 17201-2142828-4
Maternal Aunt (Copy attached).
 - xxiv. Mst. Taj Bibi W/o Akram
CNIC No. 17201-2026158-2
Maternal Aunt (Copy attached).

*Mst. Sakeena Bibi
incumbent*

F. That the JVC has not discussed or even mentioned a single document in its findings/report rather to consider or verify any document therefore report of the JVC is mere filing in the blanks and nothing more, hence cannot be made base for depriving Nationality of the applicant. (Copy of the JVC report attached).

G. That Domicile, Educational Record, Passport of father, utility bills of grandfather and property documents have been illegally not considered which speaks volume of about the malafide of the Authority. (Copies attached).

*Attested
Appellant*



41

- H. That the impugned order is arbitrary one sided discriminatory and against the principle of natural justice.
- I. That the impugned order is based on misreading and non-reading of evidence
- J. That the applicant and his family has been victimized for false, wrong and incorrect report of the Agency which has been given preference over all laws of the land.
- K. That it is not a divine rule that an agency cannot be errored, the ^{two} low lines report of ISI has been considered a divine revelation which has not been corroborated by a single piece of evidence.
- L. That no inquiry has either been initiated against deceased father and other family members such as brother, sister and mother of the applicant nor they have been interviewed or heard personally ^{while} there CNIC's too have been cancelled, hence they have been condemned unheard which is against he principle of natural justice. (Copies attached).
- M. That applicant along with his family are the lawful citizens of this beloved land by birth hence the CNICs have been wrongly and illegally cancelled, which needs to be restored.
- N. That other points will be raised at the time of personal hearing before your good office.
- O. That since the impugned order was handed over to the applicant before the August Peshawar High Court Peshawar which is rightly mentioned ⁱⁿ is its judgment dated 22/03/2016 hence the appeal in hand is well with in time. (Copy judgment attached).

Attested
Sarwar Khan
Applicant

It is, therefore, most humbly prayed that on acceptance of this appeal the impugned order being illegal, unlawfully and based on material irregularities and illegalities may very graciously be set aside while CNICs of applicant and his family be restored.

Applicant
Sarwar Khan S/o Awal Gul
R/o Banda Nabi Tehsil Pabbi
District Nowshera
CNIC No. 17201-5001063-9
Mobile: 0321-9772898

Attested
Sarwar Khan
Applicant



17201-61565033

Annex-J (42)

Office of the Deputy Commissioner Nowshera

(Office Phone#0923-9220099, Fax#0923-9220159, Email: dconsrpk@yahoo.com)

No. 245-47 DLC/DG 22nd

To The Superintendent of Police, Investigation Nowshera.

Subject: - CLEARANCE VERIFICATION OF CNIC IN CASE FIR NO. 78 DATED 12.05.2016 U/S 419/420/14FA PPC P.S AZAKHEL DISTRICT NOWSHERA.

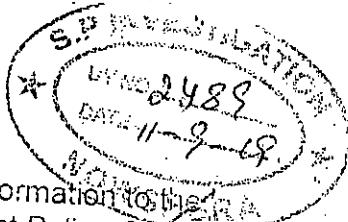
Refer to your office letter No. 4267/H.C, dated 22-07-2010 on the subject cited above.

According to Ministry of Interior notification bearing No. 8/37/2016-NADRA dated 19-04-2017 that applicants whose CNIC's are blocked were directed to appear in person before District Level Committee Nowshera along with supporting documents prior 1979 (Copy enclosed).

Therefore Mr. Afzal Khan S/o Awal Gul R/o Mohallah Awan Banda Nabi Tehsil Pabbi, District Nowshera and his family submitted supporting documents regarding blocked CNIC's prior 1979. Members of District Level Committee, Nowshera declared them cleared on basis of his Father & Grandfather MINIC duly verified by NADRA authority.

District Level Committee List and other relevant documents are enclosed herewith for appropriate action.

425-80
12/9/19



[Signature] Deputy Commissioner, Nowshera

- Even No. & Date.
Copy forwarded for information to the:
- 1- District Police Officer, Nowshera.
 - 2- PS to Commissioner Peshawar Division Peshawar.

SDPO Pabbi
O/L PS Azakhel
For info

[Signature] Deputy Commissioner, Nowshera

SD Pinner
Nowshera
6-9-19

435-5
16-9-19
[Signature]

Attested
[Signature]
Appellant

20/3/2010

Islamabad, the 19th April, 2017

43

NOTIFICATION

NADRA, in exercise of power conferred under Section 47 of National Database and Registration Authority Ordinance, 2000 (VIII of 2000), the Federal Government constituted a Review Committee headed by Deputy Speaker, National Assembly vide notification of NADRA dated 5th January 2017. On the recommendations of the Parliamentary Committee, the Federal Government is pleased to approve following mechanism for clearance of blocked CNICs:

A blocked CNIC will be cleared if applicant provides one or more of following documents:

- 1) Land record registered prior to 1978 (verified by Revenue Dept.) ✓
- 2) Local/Domicile Certificate issued prior to 1978 and verified by issuing authority ✓
- 3) Pedigree (Shajra-e-Nasab) issued & verified by Revenue Dept. ✓
- 4) Government employment certificate (or of blood relative), employed before 1990 ✓
- 5) Verified educational certificates (issued prior to 1978) ✓
- 6) Passport issued to applicant prior to 1978 ✓
- 7) Any other document issued by Government of Pakistan prior to 1978 and verified by issuing authority (including Arm License, Driving License or Manual NIC issued prior to 1978 duly verified by record) ✓

NADRA will handle routine cases while complex (Blocked in Confirm Aliens/ on Agency cases) will be dealt by District Level Committee.

Composition of District level Committee:

- 1) Deputy Commissioner/PA President
- 2) District Police Officer Member
- 3) Assistant Director NADRA Member
- 4) Rep from ISI Member
- 5) Rep from IB Member

DC of respective District will monitor the progress however responsibility of clearance will be on the Deputy Commissioner/Political Agent.

If document being provided is from district where applicant is residing then NADRA will clear in 10 x working days and otherwise NADRA shall decide case in 30 x working days.

District Level Committee will decide verification status of blocked CNICs within 30 days.

The above mentioned process will not be applicable on persons falling under purview of Citizenship Act 1951.

(Mirza Khalid Mahmood)
Deputy Secretary (Admin)

CHAIRMAN SECRETARIAT

Chairman	
PSO	6/21/4
...	
...	
...	CS/01
...	21-04-17
...	

Cooperation of Pakistan Press,
Karachi

Copy forwarded for information and necessary action to:-

- 1) Concerned Members National Assembly
- 2) Secretary, National Assembly Secretariat
- 3) Provincial Chief Secretaries including GB and AJ&K
- 4) Directorate General ISI
- 5) Directorate General IB
- 6) All Provincial IGs Police
- 7) Chairman NADRA
- 8) Deputy Speaker, National Assembly
- 9) Minister for Interior
- 10) Secretary Interior
- 11) Additional Secretary-I

OPERATIONS DIVISION	
✓ DG (Ops)	
AS (Ops)	7
AS (Ops)	5
Supdt	
Diary No:	4220
Date:	21-04
Forwarded to:	1-7-17

(Mirza Khalid Mahmood)
Deputy Secretary (Admin)

Attested
Applicant

25/3/200

Nowshera

Annex-K

Office Phone#0923-9220099, Fax#0923-9220159, Email: dccnsipk@yahoo.com)

No. 80-83 DLC/DC/NSR/2019
February, 2019

44

The Director General,
NADRA, Khyber Pakhtunkhwa,
Phase-V, Hayatabad, Peshawar.

Subject: - CLEARANCE OF BLOCKED CNIC'S.

Refer to subject cited above.

The following individual's cases appeared before the District Level Committee, DLC verified their respective documents from concerned Departments and declared them as per remarks.

S.#	Name & Father Name	CNIC #	Remarks	Document verified
1.	Mr. Sher Wali Khan S/o Muhammad Jan	17201-7120199-9	Cleared	Father & Mother RG-I
2.	Mr. Israil Khan S/o Saif Ullah	17201-2526408-7	--do--	Grand Father / Mother RG-I
3.	Mr. Raj Wali S/o Saif Ullah	17201-9433009-9	--do--	Grand Father / Mother RG-I
4.	Mr. Aftab Ali S/o Saif Ullah	17201-3012353-7	--do--	Grand Father / Mother RG-I
5.	Mr. Saif Ullah S/o Muhammad Jan	17201-8981474-9	--do--	Father & Mother RG-I
6.	Muhammad Ismail Khan S/o Saif Ullah	17201-7053113-1	--do--	Grand Father & Mother RG-I
7.	Muhammad Ibrahim S/o Saif Ullah	17201-2500142-9	--do--	Grand Father & Mother RG-I
8.	Mst. Basri Bibi D/o Saif Ullah	17201-1275577-0	--do--	Grand Father & Mother RG-I
9.	Muhammad Hayat S/o Muhammad Jan	17201-1450501-5	--do--	Father & Mother RG-I
10.	Mr. Sahib Ullah S/o Muhammad Jan	17201-5202918-1	--do--	Father & Mother RG-I
11.	Mr. Umer Said S/o Muhammad Jan	17201-7214238-5	--do--	Father & Mother RG-I
12.	Mr. Khesta Gul S/o Tor Gul	17201-2311644-5	--do--	Applicant RG-I
13.	Mr. Farhat Shah S/o Khesta Gul	17201-6459035-9	--do--	Father RG-I
14.	Mr. Rahat Shah S/o Khesta Gul	17201-8649580-5	--do--	Father RG-I
15.	Mst. Razia Beghum D/o Khesta Gul	17201-3505242-0	--do--	Father RG-I
16.	Mr. Rahim Gul S/o Khesta Gul	17201-9282061-3	--do--	Father RG-I
17.	Mr. Hazrat Gul S/o Khesta Gul	17201-0717091-7	--do--	Father RG-I
18.	Mst. Bibi Zarwan D/o Khesta Gul	17201-8106889-2	--do--	Father RG-I
19.	Mr. Abid Ali S/o Mr. Hazrat Gul	17201-6914834-9	--do--	Grand Father RG-I

Deputy Supt. PABE

25/3/2019

Attested
Appellant

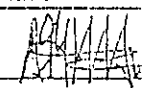

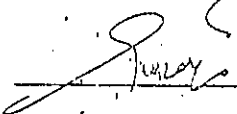
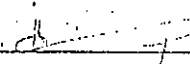
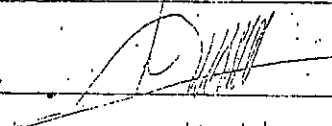
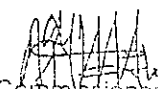
	Name & Father Name	CNIC #	Remarks	Document verified
20.	Mr. Karam Shah S/o Mr. Hazrat Gul	17201-6196852-1	Cleared	Grand Father RG-I
21.	Mr. Jawad Ali S/o Mr. Hazrat Gul	17201-7354454-1	--do--	Grand Father RG-I
22.	Mr. Irfan Shah S/o Mr. Hazrat Gul	17201-8875939-3	--do--	Grand Father RG-I
23.	Mr. Zahid Karim S/o Mr. Hazrat Gul	17201-0289674-4	--do--	Grand Father RG-I
24. ✓	Mr. Awal Gul S/o Noor Gul	17201-2273024-7	--do--	Applicant & Father RG-I
25. ✓	Mst. Baswar Bibi W/o Awal Gul	17201-2879868-8	--do--	Father RG-I
26. ✓	Mst. Zainab Bibi D/o Awal Gul	17201-2717565-6	--do--	Father & Grand Father RG-I
27. ✓	Mr. Bilal Ahmad S/o Awal Khan	17201-0360996-7	--do--	Father & Grand Father RG-I
28. ✓	Mr. Afzal Khan S/o Awal Gul	17201-6156503-3	--do--	Father / Grand Father RG-I
29. ✓	Mr. Sarwar Khan S/o Awal Gul	17201-5001063-9	--do--	Father / Grand Father RG-I
30.	Mr. Nazir Khan S/o Maeen Gul	17201-2139060-9	--do--	Father RG-I
31.	Mr. Niamat Khan S/o Awaz Khan	17201-1129631-1	--do--	Father & Mother RG-I
32.	Mr. Samar Gul S/o Sher Muhammad	17301-1115701-3	--do--	Father Arm License
33.	Mr. Sana Gul S/o Tor Gul	17201-7148439-9	--do--	Applicant Arm License
34.	Mr. Khan Muhammad S/o Sana Gul	17201-7614349-9	--do--	Father Arm License
35.	Mr. Malik Faisal Niazi S/o Kako Khan	17301-3758233-9	--do--	Father RG-I
36.	Mr. Dil Nawaz Khan S/o Qedar Khan	17201-2293367-3	--do--	Mother RG-I
37.	Mr. Tor Gul S/o Akhter Gul	17201-6284839-1	--do--	Mother RG-I
38.	Mr. Kher Gul S/o Akhter Gul	17201-2230915-1	--do--	Mother RG-I
39.	Mr. Shumaila W/o Hukam Khan	17201-2044052-3	--do--	Applicant RG-I
40.	Mst. Malala Bibi W/o Zar Gul	17201-5468657-6	--do--	Applicant RG-I
41.	Mst. Poshana Bibi W/o Islam Gul	17201-2135953-0	--do--	Applicant RG-I
42.	Muhammad Raheem S/o Akbar Khan	17201-2785479-3	--do--	Grand father RG-I
43.	Mr. Dostam Khan S/o Musaffar Khan	17201-2130591-9	--do--	Father RG-I
44.	Mr. Bahadur Khan S/o Zahir Khan	17201-2220015-9	--do--	Grand Father Arm License
45.	Mst. Noor Jehan D/o Gul Aftab	17201-2147456-2	--do--	Applicant RG-I
46.	Mr. Farooq S/o Roza Din	37405-0365821-7	--do--	Applicant Arm License
47.	Muhammad Gul S/o Farooq	17201-0269873-3	--do--	Father Arm License
48.	Mr. Rehmat Khan S/o Farooq	17201-3417541-7	--do--	Father Arm License
49.	Muhammad Khan S/o Farooq	17201-6503253-7	--do--	Father Arm License
50.	Mr. Ezat Khan S/o Farooq	17201-7557797-3	--do--	Father Arm License
51.	Mr. Saver Khan S/o Mr. Nazim Uddin	17201-2277144-1	--do--	Father RG-III
52.	Mr. Mali Jan S/o	17201-2224081-1	--do--	Applicant RG-I

Deputy Superintendent
25/3/200

Attested
Appellant

	Name & Father Name	CNIC #	Remarks	Document verified
53.	Mr. Abdul Kareem S/o Mr. Mali Jan	17201-2309475-9	Cleared	Father RG-I
54.	Mr. Akbar Khan S/o Mr. Mali Jan	17201-6157409-3	--do--	Father RG-I
55.	Mr. Abdur Raheem S/o Mr. Mali Jan	17201-9985454-9	--do--	Father RG-I
56.	Mst. Najiz Bibi D/o Mr. Sahib Shah	17201-5331682-6	--do--	Father RG-I
57.	Muhammad Hashim Khan S/o Khair Muhammad	17201-7505721-5	--do--	Applicant RG-III
58.	Mr. Nadar Khan S/o Mr. Rasool Khan	17201-9670102-1	--do--	Father RG-I
59.	Mr. Naik Muhammad S/o Mr. Gul Ahmed	17201-2167298-5	--do--	Applicant RG-I
60.	Mr. Mirza Khan S/o Mr. Naik Muhammad	17201-2167298-7	--do--	Father RG-I
61.	Mr. Lajbar Khan S/o Mr. Naik Muhammad	17201-2167299-9	--do--	Father RG-I
62.	Mr. Ghazani Khan S/o Mr. Naik Muhammad	17201-2169950-5	--do--	Father RG-I
63.	Mst Bibi Khatima W/o Shah Wali	17201-2077496-8	--do--	Mother Land Record
64.	Mr. Shah Wali S/o Lal Din	17201-2202799-3	--do--	Applicant RG-I
65.	Mr. Anwar Ali S/o Shah Wali	17201-4977219-1	--do--	Father RG-I
66.	Mst. Bas Bibi D/o Shah Wali	17201-2295103-0	--do--	Father RG-I
67.	Mst. Bibi Zainab D/o Shah Wali	17201-3748182-4	--do--	Father RG-I
68.	Mst. Zaitoon D/o Shah Wali	16101-8409980-8	--do--	Father RG-I
69.	Mr. Azghar Khel S/o Shah Wali	17201-2319785-7	--do--	Father RG-I
70.	Mr. Suieman Khel S/o Shah Wali	17201-7555712-5	--do--	Father RG-I

Submitted for further appropriate action please.

S.#	Designation	Signature
1.	Deputy Commissioner / Chairman	
2.	District Police Officer / Member	
3.	Assistant Director NADRA / Member	
4.	Deputy Director ISI / Member	
5.	Assistant Director IB / Member	
		
		Deputy Commissioner, Nowshera


Even No & Date.
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Deputy Commissioner
25/3/2016

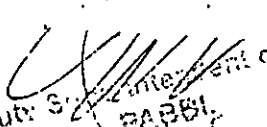
Attested
Applicant

47

- 1- Secretary to Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Peshawar.
- 2- Commissioner Peshawar Division Peshawar.
- 3- Deputy Director (Veri) Ministry of Interior National Database & Registration Authority Government of Pakistan, Regional Head Office, Khyber Pakhtunkhwa Peshawar w/r to letter No. quoted above.


Deputy Commissioner,
Nowshera

Attested
Arizel
Appellant


Deputy S. of Government of Khyber Pakhtunkhwa
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6
 SCJ/Judicial Magistrate-I, Nowshera
 COURT OF DISTRICT & SESSIONS
 Annex-L
 798/25
 05/12/19
 48

IN THE COURT OF AKBAR ALI MOHMAND,

Senior Civil Judge (J)/Judicial Magistrate-I, Nowshera

Order # 01
 05.12.2019

Prosecution submitted final report for cancellation of FIR No. 78 dated 12.02.2016 under sections 419-420 PPC/14 FA of Police Station Azakhel. It be registered. Notice be issued to investigation officer for

18/12/19

(Akbar Ali Mohmand)
 Senior Civil Judge (J)/M. Nowshera

13/1/20
 20

Order No. 02
 18.12.2019

APP for state present. Abdul Wali Inspector SHO of Police Station Shabqadar District Charsadda present and was heard

Abdul Wali stated at the bar that he has initially investigated the case however final report has been issued by Shoab Ahmad SI presently posted at Police Station Azakhel District Nowshera. He requested that Shoab Ahmad SI may be called to court for verification of his report. Shoab Khan SI be summoned for

Attested
 Akbar Ali Mohmand
 Appr. Magistrate

04/1/20

Akbar Ali Mohmand
 SCJ (J) Judicial Magistrate-I,
 Nowshera
 (AKBAR ALI MOHMAND)
 SCJ (J) Judicial Magistrate-1
 Nowshera


~~ATTESTED~~
 Examiner Copying Agency
 Branch, D.S.S. Nowshera

13 JAN 2020

Order No.03
04.01.2020

49

APP for state present. Shoaib Khan IO not present. He is
summoned for 08/1/20


Akbar Ali Mohmand
SCJ (J) Judicial Magistrate-I,
Nowshera


Order # 04
08.01.2020

APP for state present. Shoaib Khan SI
(investigation officer) present.

Prosecution has submitted final report under
section 173 for cancellation of case FIR # 78 dated
12.02.2016 under sections 419-420 PPC and 14
Foreigners Act of Police Station Azakhel, Nowshera.

Brief facts of the case are: that on 12.02.2016,
Khaista Muhammad Khan SI of Police Station Azakhel
chalked out instant criminal case against accused Afzal
Khan son of Awal Gul with allegations that District
Police Officer, Nowshera has received letter No. 6905-
NADRA-S-305 (A) dated 27.02.2015 to the effect that
one Afzal Khan constable No. 531 was inducted in
District Peshawar FRP Police on 10.07.2009 who is
presently performing his duties in Nowshera Police. He is
not Pakistani Citizen rather is an Afghan national.

Attested
Akbar Ali Mohmand
Appellate


(AKBAR ALI MOHAMMAD)
SCJ (J) Judicial Magistrate-I,
Nowshera

ATTESTED
Examiner Copying Agency
Branch: D.S.J. Nowshera

08.01.2020

District Police Officer, Nowshera marked said letter to DSP Akora Khattak for inquiry. DSP concerned conducted inquiry and has found that Afzal Khan is an Afghan national. On the basis of said inquiry, Afzal Khan has been dismissed from service vide order dated 12.02.2016.

During the course of investigation, investigation officer obtained copy of letter No: 80-83 DLC-DC Nowshera/2019 dated 19.02.2019 addressed to Director General NADRA Khyber Pakhtunkhwa according to which, CNIC of accused Afzal Khan son of Awal Gul was cleared. The Deputy Commissioner Nowshera forwarded letter No: 245-47 D.L.C/DC/NSR dated 22.08.2019 to Superintendent of Police Investigation, Nowshera according to which the District Level Committee Nowshera has cleared Afzal Khan son of Awal Gul and his family members to be Pakistani citizens. On completion of investigation, investigation officer submitted final report for cancellation of FIR on the ground that District Level Committee headed by Deputy Commissioner Nowshera has cleared accused Afzal Khan to be Pakistan citizen thus case against accused may be cancelled. Final report has been forwarded through Superintendent of Police, Investigation Nowshera and District Public Prosecutor, Nowshera to this court.

*Attested
Appellant*

(Signature)
SPO (Investigation) Magistrate-1
Nowshera

Arguments heard and file perused.

(Signature)
13 JAN 2020

Section 154 Cr PC casts a legal duty upon Station House Officer of a Police Station to register a criminal case if the commission of a cognizable offence is reported to him. Once a criminal case is registered, it has to be investigated through a Police officer competent to investigate. If, on conclusion of investigation, he comes to the conclusion that report/information is maliciously false or false owing to mistake of law or fact or to be non cognizable or matter for a civil suit, he may recommend the case for its cancellation through superintendent of Police to the Court of Magistrate of the 1st class having jurisdiction in the matter. The Magistrate may cancel the case/FIR in view of section 173 sub section (3) of the Criminal Procedure Code if he agrees with the opinion of investigation officer.

Attested
~~Afzal~~
 Appellant

Available record suggests that allegations against accused Afzal Khan son of Awal Gul are: that he is Afghan national and has dishonestly obtained Pakistani CNIC with fake documents and has succeeded in getting employment in police department District Level Committee, Nowshera has verified accused to be Pakistani citizen. Investigation officer has verified authenticity of report of District Level Committee, Nowshera. Today, Shoaib Ahmad (investigation officer) appeared before court and recorded his statement to the effect that antecedents of accused Afzal Khan have been verified by District Level Committee, Nowshera whereby he and his family members were cleared

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~~Attested~~
[Handwritten signature]

therefore he discussed the matter with police highups who recommended case for cancellation.

Since antecedents of accused Afzal Khan has been verified by District Level Committee, Nowshera and he has been cleared to be Pakistani citizen thus request of the local Police for cancellation of FIR is accepted. Resultantly, FIR # 78 dated 12.02.2016 under sections 419-420 PPC and 14 Foreigners Act of Police Station Azakhel, Nowshera stands cancelled. Copy of this order be sent to SHO Police Station Azakhel with directions to cancel FIR ibid with red ink from relevant register with number and date of this order. File be consigned to Record Room after necessary completion and compilation.

Announced:
08.01.2020

Akbar Ali Mohmand
SCJ (J)/Judicial Magistrate-I, Nowshera

SCJ (J) / Judicial Magistrate-I, Nowshera

13 JAN 2020

Attested
Appellant



Statement of Shoaib Ahmad SI of PS Aza Khel

Stated on oath that I have conducted investigation in case FIR No. 78 dated 12.02.2016 u/sections 419/420 PPC/14FA of PS Aza Khel. Accused Afzal Khan son of Awal Gul was charged for being an Afghan national and obtaining Pakistani CNIC. Antecedents of accused Afzal Khan son of Awal Gul were verified by District Level Committee Nowshera whereby accused Afzal Khan and his family members were cleared. I verified said documents from the office of Deputy Commissioner Nowshera and discussed the matter with police highups who recommended case for cancellation. I thus recommended case for cancellation with my final report.

RO & AC
08-01-2020

Shoaib Ahmad SI

[Handwritten signature]
SI PS Aza Khel

Akbar Ali Mohmand
SCJ(J) Judicial Magistrate,
Nowshera
(A/E... MAND)
SCJ(J) ... Magistrate-1
Nowshera

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~~RECEIVED~~
Examining Agency
Branch ... Nowshera

Mirsteel
Absol
Appellant

To: -

The Deputy Inspector General of Police,
Mardan Region-I Mardan.

Annex - M1

59

Subject: -

APPEAL FOR RE-INSTATEMENT IN SERVICE

Sir,

With due respect I beg to submit that I have been awarded major punishment of dismissal from service by the then DPO Nowshera vide OB No.199 dated 12-02-2016 for the allegations that while posted in Investigation wing Nowshera, I was shown an Afghan National and succeeded in getting Pakistani CNIC, upon which enlisted in Police Department (FRP HQrs) Peshawar, though I have submitted a well convincing reply to the charge sheet/ show cause notice but it was not paid due consideration and I was awarded the above cited punishment, against which I have submit an Appeal before the RPO Mardan and I was verbally directed to clear my self about the above mentioned allegation and then apply for re-instatement

2. Now I have been cleared and my documents and CNIC have been verified vide DC Nowshera letter No.80-83/DLC/DC/NSR/2019 dated 19-02-2019 (Serial No.28), photocopy attached which is worth perusal. I have also received my CNIC which was also renewed.

3. Similarly a case vide FIR No.78 dated 12-02-2016 u/s 419/420/14FA PS Aza Khel registered against me has been cancelled vide SCJ Judicial Magistrate-I, Nowshera ordered dated 08-01-2020, vide photocopy attached which is worth perusal.

4. Therefore I am going to submit the present Appeal for consideration as directed by the RPO Mardan.

5. I was put to financial loss for ever.

6. I had served the department for about 10 years and always tried to perform my duties upto the entire satisfaction of my superiors

7. I had submitted my first Appeal within 30 days.

8. I assure you sir, that I will remain dutiful/disciplined and will never give an opportunity of any complaint in future.

9. I have spent a huge amount in getting my self cleared and that I remained jobless in these days.

10. I am the only dependent of a large family and am facing great financial hardship in these price-hiking days.

Therefore, I approach your good self to kindly accept my Appeal, the order of punishment (dismissal from service) awarded by the then DPO Nowshera vide OB No.199 dated 12-02-2016 may kindly be withdrawn and I may be re-instated in service with all back benefits for which I shall be highly obliged.

I will pray for your long life and prosperity.

Yours Obediently,

(Afzal Khan)

Ex-Constable No.531

s/o Awal Gul r/o Banda Nabi
District Nowshera

Dated 14/01/2020

Attested
By
Appellant

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Afzal Khan No. 531 of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB No. 199 dated 12.02.2016. The appellant was proceeded against departmentally on the allegations that he while posted in Investigation Wing, Nowshera as per reliable source, he was an Afghan National and succeeded in getting Pakistani CNIC, upon which enlisted in Police department (FRP, HQrs, Peshawar). In this connection he was proceeded against departmentally through DSP/Akora, who after fulfilling necessary process, submitted his report to District Police Officer, Nowshera and recommended that the case of delinquent Police official be presented before the Joint Verification Committee, Nowshera. After fulfillment of codal formalities the Joint Verification Committee, Nowshera declared him as Afghan national after proper ground check. He was heard in orderly room by District Police Officer, Nowshera, wherein he failed to produce any cogent reason in his defense. Hence, he was awarded Major punishment of dismissal from service vide OB: No. 199 dated 12.02.2016 and FIR No. 78 dated 12.02.2016 u/s 419/420/14FA Police Station Azakhel was register against him.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred instant appeal. He was summoned and heard in person in Orderly Room held in this office on 15.04.2020.

From the perusal of the enquiry file and service record of the appellant, it transpired that the appellant failed to produce any evidence before the Joint Verification Committee constituted for the purpose. Despite the fact that he was provided ample opportunities. He did not produce any solid reasons in his defense. Moreover, the appellant has approached this forum at a belated stage. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being badly time barred.

Order Announced.


Regional Police Officer,
Mardan.

No. 3097 /ES, Dated Mardan the 22 - 04 - 2020.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 493/PA dated 10.02.2020. His Service Record is returned herewith.

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

In the matter

Service Appeal No. _____/2020

1. Afzal Khan, Ex-Constable No. 531, District Police Nowshera, R/O Mohalla Awan village Banda Nabi PO Dagi District Nowshera.

APPELLANT

VERSUS

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa and others.

RESPONDENTS

APPLICATION FOR CONDONATION OF DELAY

1. That the appellant / applicant has filed Service appeal alongwith above captioned application for condonation of delay.
2. That the facts enumerated and grounds taken in the body of Service appeal may kindly be considered as an integral part of this application which makes out a sufficient cause in favour of appellant in order to condone the delay if any, caused bonafildely.
3. That the appellant / applicant was awarded harsh and extreme penalty of dismissal of service on the sole ground that he being Afghan refugee (national) had fraudulently got employment in the Police Department and that it was further ordered that FIR under the relevant sections of law be registered against him and the needful was done accordingly.

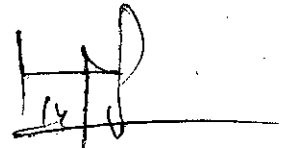
4. That In the meanwhile, it was also decided to deport the appellant alongwith his all family members and that their CNICs were also blocked. The appellant and his brother felt aggrieved by the aforesaid illegal actions, invoked the jurisdiction of Hon'ble Peshawar High Court under Article 199 of the constitution of Islamic Republic of Pakistan, 1973 praying therein that the respondent No. 1 may graciously be restrained to deport them to Afghanistan and that they being Pakistani nationals, their CNICs may kindly be cleared/restored. The Hon'ble Court while disposing of the writ petition ordered that the petitioner may not be deported from Pakistan till the conclusion of trial and that for blockage of CNICs they may also avail proper remedy by filing appeal u/s 18(3) of National Database And Registration Ordinance, 2000 before Competent Authority who shall treat them in accordance with law and shall also dispose of appeals expeditiously vide judgment dated 22-03-2016.
5. That the appellant and his brother preferred appeals with the Secretary to Government of Pakistan, Ministry of Interior, Federal Government, Islamabad. In compliance with the said order the Ministry of Interior constituted a District Level Committee Nowshera who summoned the appellants alongwith supporting documents prior 1979. They duly appeared with above documents and they were cleared vide report dated 19-02-2019. This information was also sent to Superintendent of police, (investigation) Nowshera and copy thereof was endorsed to District Police Officer, Nowshera and PA to Commissioner, Peshawar Division Peshawar vide letter dated 22-08-2019.
6. That in the light of above report, the Hon'ble trial court also cancelled the FIR in question vide judgment dated 08-01-2020. Consequently, blockage of CNICs was left over.
7. That thereafter, no further ground whatsoever remains to exist so as to intact the impugned punishment against the appellant.
8. That in view of new and quite distinct scenario, the appellant therefore accrued fresh cause of action to invoke the jurisdiction of this Hon'ble Tribunal for relief in accordance with law.

9. That the appellant was bonafidly pursuing his remedy before the proper forums in order to clear himself from the disputed frivolous allegations levelled against him in the charge sheet wherein, he ultimately succeeded and, he alongwith other family members were not only declared as Pakistani Nationals by the District Level Committee but their CNICs were also cleared. Nevertheless, delay if any caused in his protracted pursuit of justice, the same is required to be condoned so as to secure the ends of justice.

In view of the above narrated facts and grounds, it is, therefore, humbly prayed that on acceptance of this application, the delay if any may kindly be condoned to meet the ends of justice.

Appellant/ Applicant

Through:

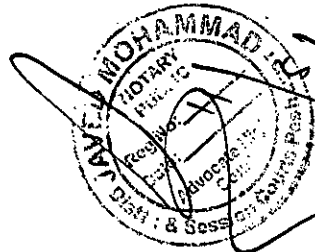


Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar

AFFIDAVIT

I, Afzal Khan, Ex-Constable No. 531, District Police Nowshera, R/O Mohalla Awan village Banda Nabi PO Dagi District Nowshera, do hereby solemnly affirm and declare that the contents of the instant application for condonation of delay are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

بعدالت

Service Appeal

مورخہ
مقدمہ
دعوی
جرم

2 منجانب ایڈووکیٹ
بنام
Muhammad Afzal
VS
Provincial Police Officers
& others

باعث تحریر آنکہ

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




آن مقام Peshawar کیلئے رجسٹرار اے لے
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 کرنے و تقرر ثالث و فیصلہ پر حلف دیے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرایں 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 مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی 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 باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے 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 سدر ہے۔

المرقوم 11th ماہ 2022ء


العہد گواہ العہد

مقام Peshawar کے لئے منظور ہے۔

Appellant

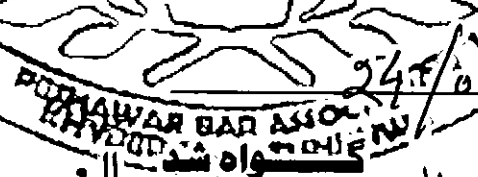
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ایڈووکیٹ <i>Adeel Hussain</i>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: BC-10-7605		رابطہ نمبر: 0343-9025029		

بعدالت جناب: حیدر پختونخواہ سروس ٹرانسپورٹ لٹیمٹڈ

منجانب: <u>افضل خان ایملانٹ</u>	دعویٰ: <u>Appeal No 4294/2020</u>
	علت نمبر:
	مورخہ: <u>24/09/2020</u>
	ج.م:
	تھانہ:

باعث تحریر آئکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ کمرستان
 آن مقام پشاور ایڈووکیٹ عبدالحمید زکریا کے واسطے پیروی و جواب دہی کارروائی متعلقہ کمرستان
 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 ثالث و فیصلہ برحلف دینے جو اب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت 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 اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور ان کا ساختہ پرداخت منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانب التوائے 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

المقام: پشاور 24/09/2020

 PUNJAB BAR ASSOCIATION
 PESHAWAR

مقام پشاور کے لیے منظور ہے۔

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

Attested & accepted

Adeel Hussain
 Advocate Supreme Court Pakistan
 BC-10-7605
 0343-9025029

6156503-3

Ex: Constable Dist. Nowshera

9/11

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

Service Appeal No. 4294/2020

Afzal Khan, Ex-Constable No. 531, District Police Nowshera r/o Mohallah Awan
village Banda.Nabi, P.O Dagi, District Nowshera.

.....Appellant

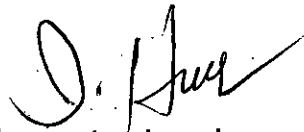
V E R S U S

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc

.....Respondents

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Reply of Respondent.	-	1-4
2.	Affidavit	-	05
3.	Copy of enquiry reports	A & B	6-7
4.	Copy of rejection order of appeal	C	08
5.	Copy of letter No. 245-47 DLC/GC/NSR, dated 22-08-2019.	D	09
6.	Copy of information letter	E & F	10-11


Inspector Legal,
Nowshera

①

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

Service Appeal No. 4294/2020

Afzal Khan, Ex-Constable No. 531, District Police Nowshera r/o Mohallah Awan
village Banda Nabi, P.O Dagi, District Nowshera.

.....Appellant

V E R S U S

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa.
2. The Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. The District Police Officer, Nowshera.

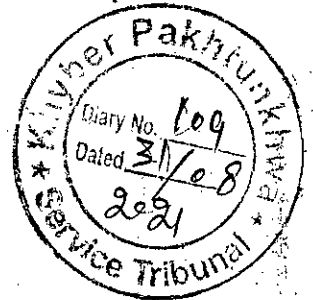
.....Respondents

REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action.
2. That the appeal is badly barred by law and limitation.
3. That the appellant has been estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.
6. That the appeal is bad for mis-joinder and non-joinder of necessary parties.



On Facts

1. Correct to the extent that appellant while posted at Police Lines, Nowshera was served with charge sheet and statement of allegations. As per reliable sources appellant was an Afghan National and succeeded in getting Pakistani CNIC, through which he got himself enlisted in Police Department.
2. Correct to the extent that appellant submitted his reply to the charge sheet but the same was found unsatisfactory. Moreover, in order to ascertain fact regarding nationality of appellant, enquiry was conducted through the then DSP Akora Khattak who recommended that case of the appellant be presented before JIT of Nowshera held in the office of DSP Hqrs: Nowshera for final opinion from all board members. Hence, enquiry was conducted by DSP Hqrs: Nowshera who after fulfillment of all codal formalities, recommended that defaulter constable be removed from service being Afghan National. During

enquiry this fact also came to surface that brother of appellant namely Sarwar Khan, who was serving in Police Department as Constable in FRP, Peshawar was declared as Afghan National. (Copy of enquiry reports are annexed as annexure "A" & "B").

3. Incorrect. Enquiry against appellant was conducted in accordance with law and rules. After fulfillment of all legal and codal formalities and perusal of record, enquiry officer recommended appellant for removal from service and taking legal action against him. Hence, on the recommendation of enquiry officer appellant was dismissed from service and a case vide FIR No. 78 dated 12-02-2016 u/s 419/420 PPC 14 F.A Police Station, Azakhel was registered against him.
4. Incorrect. Departmental appeal of appellant was rejected by the appellate authority being badly time barred. (Copy of order is annexed as annexure "C").
5. Correct to the extent that petitioner approached the Honourable Peshawar High Court, Peshawar through W.P No. 3263-P/2015 with the prayers that: -

"It is therefore, most humbly prayed that while allowing this writ petition and by declaring blockade of CNIC of the petitioner as null and void departmental enquiry initiated on the part of respondent No. 02 and 02 may graciously be declared illegal, unlawful and without any lawful authority and justification".

The said W.P was disposed of on 22-03-2016 by the Honourable Court in the following terms: -

"The petitioner can under section 18(3) of National Database & avail the appropriate remedy of appeal before the competent forum, provided therein. The appeal when filed by the petitioner should be treated in accordance with law and shall be disposed of expeditiously. As far as the petitioner has been stated to be on bail in case FIR No. 78 dated 12-02-2016 registered at Police Station, Azakhel, District Nowshera, the respondents are directed not to deport him till the final conclusion of the trial".

6. Correct to the extent that appellant moved before the Secretary, Ministry of Interior, Federal Government of Pakistan.
7. Correct to the extent that in the light of notification of Ministry of Interior vide dated 19-04-2017, Deputy Commissioner, Nowshera vide letter No. 245-47 DLC/GC/NSR, dated 22-08-2019, addressed to the Superintendent of Police, Investigation, Nowshera, declared the appellant and his family as cleared on the basis of his father and

grandfather MNIC duly verified by NADRA authority. (Copy of letter is annexed as annexure "D").

8. Correct to the extent that on the report of committee, FIR No .78 dated 12-02-2016 u/s 419/420 PPC 14 F.A Police Station, Azakhel registered against the appellant was cancelled by the learned Senior Civil Judge/Judicial Magistrate, Nowshera on 08-01-2020, as on completion of investigation, investigation officer submitted final report for cancellation of FIR on the ground that District Level Committee headed by Deputy Commissioner, Nowshera cleared appellant Afzal Khan to Pakistani citizen.
9. Para already explained hence, needs no comments.
10. Para not related, hence, needs no comments.
11. Appeal of the appellant is liable to be dismissed inter-alia on the following grounds: -


GROUNDS


- A. Incorrect. Appellant has been treated in accordance with law and rules, therefore, orders passed by the respondents are liable to be maintained.
- B. Incorrect. As discussed in the preceding paras, in order to ascertain fact regarding nationality of appellant, enquiry was conducted through the then DSP Akora Khattak who recommended that case of the appellant be presented before JIT of Nowshera held in the office of DSP Hqrs: Nowshera for final opinion from all board members. Hence, enquiry was conducted by DSP Hqrs: Nowshera who after fulfillment of all codal formalities, recommended that defaulter constable be removed from service being Afghan National. During enquiry this fact also came to surface that brother of appellant namely Sarwar Khan, who was serving in Police Department as Constable in FRP, Peshawar was declared as Afghan National.
- C. Incorrect. There was information from a very responsible department that appellant is an Afghan National, hence; a committee under the Chairmanship of DSP Hqrs: Nowshera including representative of ISI, I.B, NADRA and Afghan Commissionerate, was constituted to ascertain fact regarding the nationality of the appellant. The said committee on 27-01-2016, declared the appellant as Afghan National. (Copy of information letter is annexed as annexure "E" and Committee report is annexure "F").
- D. Para already explained hence; needs no comments.

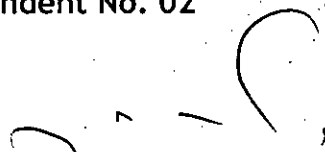
- E. Para already explained hence; needs no comments.
- F. Para already explained hence; needs no comments.
- G. Para already explained hence; needs no comments.
- H. Para already explained hence; needs no comments.
- I. Para already explained, hence, needs no comments.
- J. The respondents also seek permission of this Honourable Tribunal to advance additional grounds at the time of arguments.

Prayers

It is, therefore, most humbly prayed that on acceptance of above submissions the appeal of the appellant may very kindly be dismissed with costs, please.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No.1


Deputy Inspector General of Police,
Mardan Region-I, Mardan.
Respondent No. 02


District Police Officer,
Nowshera.
Respondent No.03

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 4294/2020

Afzal Khan, Ex-Constable No. 531, District Police Nowshera r/o Mohallah Awan village Banda Nabi, P.O Dagi, District Nowshera.

.....Appellant

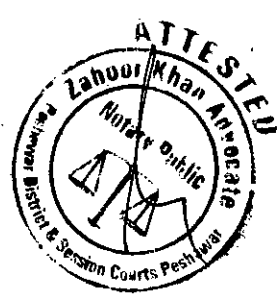
V E R S U S

- 1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa.
- 2. The Deputy Inspector General of Police, Mardan Region-I, Mardan.
- 3. The District Police Officer, Nowshera.

.....Respondents

AFFIDAVIT

We the respondents No. 1,2&3 do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal.



Zahoor Khan Anwar
 Provincial Police Officer,
 Khyber Pakhtunkhwa,
 Peshawar.
 Respondent No.1

[Signature]
 Deputy Inspector General of Police,
 Mardan Region-I, Mardan.
 Respondent No. 02

[Signature]
 District Police Officer,
 Nowshera.
 Respondent No.03

No = (6)

Annex: "A"

2

From: The Dy: Superintendent of Police,
Headquarters Nowshera.

To: The District Police Officer,
Nowshera.

No. 277/St: dated Nowshera the 03/02 /2016.

Subject: ENQUIRY REPORT OF FC AFZAL KHAN POLICE LINES NOWSHERA

Memo:

Kindly refer to your office Dy: No.3401/PA, dated 12-11-2015.

The said enquiry was marked to DSP Akora who in light of documentary evidence provided by defaulter Constable Afzal Khan and conflicting statements about his National status recommended that his case be presented before the JIT of Nowshera held in the office of DSP Hqrs: Nowshera for final opinion from all Board members. Based on that clearance, appropriate course of action be adopted by competent authority. Hence, the instant enquiry entrusted to undersigned for report.

In this connection, NADRA form in respect of delinquent official Afzal Khan and his other three family members received to this office and served upon them. After fulfillment of codal formalities he was produced before JVC Nowshera for analyzing his documents. He was four times called for interview and finally on 27-01-2016 all the Committee members categorically remarked that as per ground check and insufficient documents produced by FC Afzal Khan, he was declared as Afghan National.

Furthermore, it was also transpired that his brother namely Sarwar Khan is also serving in Police Department as Constable in FRP Peshawar and conclusion of his enquiry proceedings have also been obtained which are as under:-

"That in the light of document of the Constable Sarwar Khan No.2331 is Afghan Refugee. According to the country rule section No.11 of 1973 it is obligatory for every Government Servant must have Pakistani Nationality. Constable Sarwar Khan is declared as Afghan refugee, therefore, recommended that he may be removed from service. Moreover, he has been involved in forged, he is also recommended for legal action through local Police."

"Hence" in the light of above it is recommended that defaulter official Constable Afzal Khan be removed from service being Afghan national. Moreover legal action may also be taken against defaulter official Constable Afzal Khan if so agreed.

Submitted please.

Dy: Superintendent of Police,
HQrs: Nowshera

*Agreed on District Police Officer's report
from Dy: Superintendent of Police
Section 108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000*

Enquiry Report

This enquiry report pertains against Constable Sarwar Khan No.2331 of FRP/PR. He was appointed on 30.08.2013 in FRP/PR. A CPO letter No.2655-57 dated 28.04.2015 and this office Dairy No.542/PR dated 04.05.2015 alongwith Directorate General of ISI letter No. 6905/N/S-305(A) dated 27.05.2015, NADRA report letter No.18/12/2015-NADRA dated 10.03.2015 and Home Department report letter No. SO (police) HC/VOI VII dated 17.03.2015 received to the SP FRP/PR, which intimated that Constable Sarwar Khan as well as his all family members are Afghan refugee in further directed to Block their CNICs. All the relevant documents are attached with enquiry finding in the light of that report the charge sheet and Summary of Allegation issued by the Superintendent of Police FRP Peshawar Range vide order No.333/PA dated 04.05.2015 and I was nominated as enquiry officer.


Facts

The Charge Sheet was served upon Constable Sarwar Khan No.2331 on 07.05.2015 and he submitted his written reply on 12.05.2015 alongwith CNICs of their family members and rejected the allegation of Afghan National which is placed at P/A.

Conclusion

(A) In the light of Document of the Constable Sarwar Khan No. 2331 is Afghan refugee. According to the country rule Section No.11 of 1973 it is obligatory for every Government Servant must have Pakistani Nationality. Constable Sarwar Khan No.2331 is declared as Afghan refugee's therefore recommended that he may be Remove from service. Moreover he has been involved in forged, he is also recommended for legal action through local police.

Submitted for kind order Please.


Reserve Inspector
FRP Peshawar Range
Peshawar

Superintendent of Police FRP/PR

No = 8

Annex C,

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Afzal Khan No. 531 of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB No. 199 dated 12.02.2016. The appellant was proceeded against departmentally on the allegations that he while posted in Investigation Wing, Nowshera as per reliable source, he was an Afghan National and succeeded in getting Pakistani CNIC, upon which enlisted in Police department (FRP, HQrs, Peshawar). In this connection he was proceeded against departmentally through DSP/Akora, who after fulfilling necessary process, submitted his report to District Police Officer, Nowshera and recommended that the case of delinquent Police official be presented before the Joint Verification Committee, Nowshera. After fulfillment of codal formalities the Joint Verification Committee, Nowshera declared him as Afghan national after proper ground check. He was heard in orderly room by District Police Officer, Nowshera, wherein he failed to produce any cogent reason in his defense. Hence, he was awarded Major punishment of dismissal from service vide OB: No. 199 dated 12.02.2016 and FIR No. 78 dated 12.02.2016 u/s 419/420/14FA Police Station, Azakhel was register against him.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred instant appeal. He was summoned and heard in-person in Orderly Room held in this office on 15.04.2020.

From the perusal of the enquiry file and service record of the appellant, it transpired that the appellant failed to produce any evidence before the Joint Verification Committee constituted for the purpose. Despite the fact that he was provided ample opportunities. He did not produce any solid reasons in his defense. Moreover, the appellant has approached this forum at a belated stage. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being badly time barred.

Order Announced.

Regional Police Officer,
Mardan.

No. 3097 /ES,

Dated Mardan the 22 - 04 - 2020.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 493/PA dated 10.02.2020. His Service Record is returned herewith.

No. 627/PA
dt 30/04/2020
EC/FMC
For u. act.

NO. - 9

17201-61565033

Annex D



Office of the Deputy Commissioner Nowshera

(Office Phone#0923-9220099, Fax#0923-9220159, Email: dcons:pic@yahoo.com)

No. 245-47 DLC/DC
22/09/19

To
The Superintendent of Police
Investigation Nowshera.

Subject: - CLEARANCE VERIFICATION OF CNIC IN CASE FIR NO. 78 DATED 12.05.2016 U/S 419/420/14FA PPC P.S AZAKHEL DISTRICT NOWSHERA.

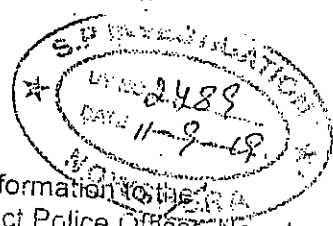
Refer to your office letter No. 4267/H.C, dated 22-07-2019 on the subject cited above.

According to Ministry of Interior notification bearing No. 8/37/2016-NADRA dated 19-04-2017 that applicants whose CNIC's are blocked were directed to appear in person before District Level Committee Nowshera along with supporting documents prior 1979 (Copy enclosed).

Therefore Mr. Afzal Khan S/o Awal Gul R/o Mohallah Awan Banda Nabi Tehsil Pabbi, District Nowshera and his family submitted supporting documents regarding blocked CNIC's prior 1979. Members of District Level Committee, Nowshera declared them cleared on basis of his Father & Grandfather CNIC duly verified by NADRA authority.

District Level Committee List and other relevant documents are enclosed herewith for appropriate action.

425-510
12/9/19



[Signature]
Deputy Commissioner,
Nowshera

- Even No. & Date.
Copy forwarded for information to the:-
1- District Police Officer, Nowshera.
2- PS to Commissioner Peshawar Division Peshawar.

SDPO Pabbi
OIC PS AO Pabbi
For attach

[Signature]
Deputy Commissioner,
Nowshera

SD Pabbi
Nowshera
6-9-19

435-5
16-9-19
[Signature]

Attested
[Signature]
Appellant

25/9/200

NO 1-10
SECRET

Annex. 'E' 13

DIRECTORATE GENERAL
INTER SERVICES INTELLIGENCE
ISLAMABAD

Subject: **Verification of National Status**

1. It is intimated that Afzal Khan and Sarwar Khan s/o Awal Gul (both are serving in KPK Police) are **confirmed Afghan Nationals**, therefore, following is recommended:-

a. CNICs of all family members of Awal Gul be blocked immediately. Detail of their CNICs are as under:-

- | | | | |
|-----|--------------------------|---|-----------------|
| (1) | Awal Gul s/o Noor Gul | - | 17201-2273024-7 |
| (2) | Afzal Khan s/o Awal Gul | - | 17201-6156503-3 |
| (3) | Sarwar Khan s/o Awal Gul | - | 17201-5001063-9 |
| (4) | Basar Bibi w/o Awal Gul | - | 17201-2879868-8 |

b. The individuals be discharged from police service and necessary departmental action be taken.

2. Forwarded for necessary action as deemed appropriate, please.

47
Mr Tariq Aleem Gill
Section Officer (NADRA)
Ministry of Interior
Islamabad

Wazir
An Feroz
21/3/15
ASR
Faisal Farooq
Lieutenant Colonel
for Director General Intelligence
(Faisal Farooq)

Number 6905/NADRA/S-305 (A) dated 27 February 2015






SECRET

NO. - 11

Annex "F" 11

COMMITTEE REPORT

Meeting of the committee comprising of the following departments has been held in the office of undersigned to verify the following person/persons, on 27-01-2016 at 05:00 AM. Their remarks are as under:-

S.No. Name of Individual	Remarks by Rep: of ISI	Remarks by Rep: of I.B	Remarks by Rep: of NADRA	Remarks by Rep: of Special Branch	Remarks by Rep: of Afghan Commissionerate
Atari Khan s/o Avial	As per ground check report and insufficient documents produced in interview, the applicant is declared as Afghan National.	As per ground check report and insufficient documents produced in interview. The applicant is declared as Afghan National.	As per ground check & All supporting document checks Applicant declared as Afghan Alien.	Declared as Afghan national as per according to decision of SVC	Declared as Afghan national.
	 27/01/2016	 27/01/2016	 27/1/16	 27/01/2016	 27/1/16

CHAIRMAN

DISTRICT NOWSHERA