

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 5692/2020

Date of Institution ... 13.05.2020

Date of Decision ... 29.07.2021

Wajid Ex-Constable, No. 1189, Police Station Usterzai, Kohat.

... (Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others.

... (Respondents)

MR. TAIMUR ALI KHAN

Advocate

... For Appellant

MR. MUHAMMAD RASHEED

Deputy District Attorney

... For Respondents

MR. SALAH-UD-DIN ...

MEMBER (JUDICIAL)

MR. ATIQ-UR-REHMAN WAZIR ...

MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant, while serving as constable in police department, was charged in a criminal case U/S 302/34 PPC dated 25-12-2017 and based on such reason, disciplinary proceedings were initiated against him, which ultimately resulted into imposition of major penalty of dismissal upon the appellant vide order dated 09-08-2018. The appellant filed departmental appeal on 29-07-2019 after confirmation of his pre-arrest bail granted by the trial court on 24-05-2019. His departmental appeal was rejected vide order dated 17-08-2019. The appellant filed review petition, which was also rejected vide order dated 21-04-2020. Feeling

aggrieved, the appellant filed the instant service appeal with prayers that he may be re-instated with all back benefits.

02. Written reply/comments were submitted by respondents.

03. Learned counsel for the appellant has contended that upon registration of FIR against the appellant, the respondents were required to suspend the appellant under CSR-194-A, till conclusion of criminal case pending against him, but the respondent did not wait for conclusion of the criminal case, rather initiated disciplinary proceedings at the back of the appellant. He further contended that no regular inquiry was conducted and the appellant was condemned unheard; that no charge sheet/statement of allegations as well as any show cause was served upon the appellant. Learned counsel for the appellant argued that the appellant filed departmental appeal after conformation of his pre-arrest bail, which was rejected. He further argued that the appellant was granted acquittal by the trial court vide judgment dated 07-12-2019 and as per rule 16.3 of Police, 1934, when a police official has been tried and acquitted by a criminal court, he shall not be punished departmentally on the same charges. Learned counsel for the appellant argued that the appellant filed departmental appeal after confirmation of his pre-arrest bail and filed review petition after acquittal from the criminal charges, as it would have been a futile attempt on the part of the appellant to challenge his removal from service before earning acquittal in the relevant criminal case and it would be unjust and oppressive to penalize civil servant for not filing his departmental appeal before earning his acquittal in criminal case which had formed the foundation for his removal from service. Reliance is placed on PLD 2010 SC-695. Learned counsel for the appellant explained that after acquittal of the appellant, there was no material available with the respondents to maintain the major penalty of removal from service. Reliance is placed on 2003 SCMR 207, 2007 SCMR 192, 2002 SCMR 57 and 1993 PLC (CS) 460. On the question of limitation, learned counsel for the appellant

argued that the impugned order have been passed retrospectively i.e. from the date of registration of FIR against him, therefore the same is void and limitation does not run against the impugned order. Learned counsel for the appellant has prayed that the impugned orders are against law, fact and principle of natural justice hence may be set aside and the appellant may be re-instated in service with all back benefits.

04. Learned Deputy District Attorney appearing on behalf of the respondents has contended that the appellant was directly charged in an FIR U/Ss 302/34 PPC and there is no ambiguity of his involvement in a criminal case. He further contended that besides the instant case, the appellant has several bad entries in his service record. Learned Deputy District Attorney argued that the pre-arrest bail was confirmed on the basis of compromise with the complainant party, which is evident from the court order dated 14-05-2019. He further argued that the appellant was acquitted from the criminal case by extending him the benefit of doubt, which does not amount to honorable acquittal. Learned Deputy District Attorney explained that the instant appeal is badly time barred, as the impugned order was issued on 09-08-2018, whereas the appellant filed departmental appeal on 29-07-2019 after delay of eleven months, hence his departmental appeal was rejected being barred by time. Learned Deputy District Attorney prayed that the appellant was proceeded against as per law and rule and his appeal being devoid of any force may be dismissed.

05. We have heard learned counsel for the parties and have perused the record.

06. Record reveals that on registration of criminal case vide FIR No. 667 dated 25-12-2017, under sections 302/34 PPC, against the accused, disciplinary proceedings were initiated against him under Police Rules, 1975 for his involvement in a criminal case. The respondents were required to have suspended the appellant

under CSR-194-A, till the conclusion of criminal case pending against him, however they straight away initiated disciplinary action against the appellant. We are conscious of the fact, that the appellant was not available at that particular time for disciplinary proceeding, however it appears that the absence of the appellant was not willful, rather the same was due to the fact that he was implicated in a murder case by his opponents. In such a situation, it would have been appropriate for the respondents to have waited for decision of the criminal case by a competent court of law. It is also settled law that dismissal of civil servant from service due to pendency of criminal case against him would be bad unless such official was found guilty by competent court of law. Contents of FIR would remain unsubstantiated allegation, and based on the same, maximum penalty could not be imposed. Reliance is placed on PLJ 2015 Tr.C. (Services) 197, PLJ 2015 Tr.C. (Services) 208 and PLJ 2015 Tr.C. (Services) 152. Similarly, as per rule 16.3 of Police Rules, 1934, when a police official has been tried and acquitted by a criminal court, he shall not be punished departmentally on the same charges. The Apex Court in various judgments have held that if a civil servant is dismissed on account of his involvement in criminal case then he would have been well within his rights to claim re-instatement in service after acquittal from that case. Reliance is placed on 2017 PLC (CS) 1076. As is evident from their comments, the respondents instead of adopting proper legal way, proceeded the appellant in haste and did not afford appropriate opportunity of defense as was required under the provisions of the rules, rather conducted proceedings only to the extent of fulfillment of codal formalities, hence the appellant was condemned unheard. Circumstances however, warranted consideration of his case as per law and rule. To this effect, the respondents violated rule 6 (1) (b) of Police Rules, 1975, as framing of charge and its communication to civil servant along with statement of allegations was not mere a formality but was a mandatory requirement, which was to be followed. Reliance is placed on 2000 SCMR 1743; In

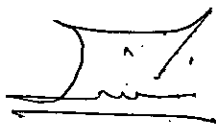
PLJ 2016 Tr.C (Services) 326, it has been held that when a power is conferred on a public functionary and it is exercisable for benefit of any affected party then that party gets an implied right to move for exercise of such power. In case of imposing major penalty, principle of natural justice requires that a regular inquiry is to be conducted in matter and opportunity of defense is to be provided to civil servant proceeded against, which however was not done in case of the appellant. It was noted that the appellant was acquitted of the criminal charges by the trial court vide its judgment dated 07-12-2019. In 2012 PLC (CS) 502, it has been held that if a person is acquitted of a charge, the presumption would be that he is innocent person. Moreover, after his acquittal, there was no material available with the authorities to maintain such penalty. Reliance is placed on 2003 SCMR 207 and 2002 SCMR 57, 1993 PLC (CS) 460. We are also mindful of the question of limitation, as the appellant filed departmental appeal after confirmation of his pre-arrest bail, ~~but the Supreme Court of Pakistan in its judgment reported as PLD 2010 SC 695 has held "that it would have been a futile attempt on part of civil servant to challenge his removal from service before earning acquittal in the relevant criminal case. It was unjust and oppressive to penalize civil servant for not filing his departmental appeal before earning his acquittal in criminal case, which had formed the foundation for his removal from service".~~ Moreover, it is a well settled legal proposition that decision of cases on merits is always encouraged instead of non-suiting litigants on technical reasons including ground of limitation. Reliance is placed on 2004 PLC (CS) 1014 and 1999 SCMR 880.

07. In order to justify their stance, the respondents had projected the appellant with a tainted past, whereas on the strength of PLJ 2005 Tr.C (Services) 107 and PLJ 2016 Tr.C. (Services) 324, it cannot be made a ground for awarding penalty to a government servant. Moreover, the appellant was acquitted of the charges by a trial court and all acquittals are honorable and there can be no


acquittals, which may be said to be dishonorable. Reliance is placed on 1998 SCMR 1993. The only charge, on the basis of which, the appellant was proceeded against was his involvement in a criminal case, however the same has vanished away due to acquittal of the appellant by competent court of law.

08. In view of the foregoing discussion, the instant appeal is accepted and the appellant is re-instated in service. The intervening period is treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
29.07.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



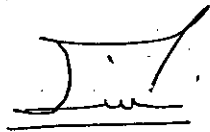
(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)

ORDER
29.07.2021

Appellant alongwith his counsel Mr. Taimur Ali Khan, Advocate, present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted and the appellant is re-instated in service. The intervening period is treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
29.07.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)




(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

16.07.2021

Appellant alongwith his counsel Mr. Taimur Ali Khan, Advocate, present. Mr. Arif Saleem, Steno alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Arguments heard. To come up for order before the D.B on 29.07.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

5692/20

07.10.2020

Counsel for the appellant and Addl. AG alongwith Arif Saleem, ASI for the respondents present.

Representative has furnished parawise comments on behalf of the respondents. Placed on record. The matter is assigned to D.B for arguments on 30.12.2020. The appellant may submit rejoinder, in the meanwhile.

30.12.2020

Due to summer vacation, case is adjourned to 01.04.2021 for the same as before.

Chairman

Reader

01.04.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Arif Salim Stenographer for respondents present.

Issue involved in the instant case is pending before Larger Bench of this Tribunal, therefore, case is adjourned. To come up for arguments on 16/07/2021 before D.B.

(Atiq ur Rehman Wazir)
Member (E)

(Rozina Rehman)
Member (J)

10.07.2020

Counsel for the appellant present.

Contends that on 09.08.2018 the appellant was dismissed from service but from the date of his absence. Hence, due to retrospectivity of operation of order it was rendered void. On 07.12.2019, the appellant was acquitted from criminal charge and without further loss of time a petition under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 was preferred. Besides the departmental appeal the revision petition also could not prevail and was rejected on 21.04.2020. While dealing with the revision petition the competent authority regarded the acquittal of appellant to be based on compromise and, therefore, was not considered worth reliance. Learned counsel referred to the judgment reported as PLD-2010-Supreme Court-695 and contended that the appellant could approach the competent authority after his acquittal, therefore, there was no element of delay on his part.

Subject to all just exceptions including the delay, if any, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 09.09.2020 before S.B.


Chairman

09.09.2020

Junior to counsel for the appellant and Addl. AG alongwith Bilal Ahmad, H.C for the respondents present.

Representative of the respondents seeks further time to submit reply/comments. Adjourned to 07.10.2020 on which date the requisite reply/comments shall positively be submitted.




Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5699 /2020


IS.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/06/2020	<p>The appeal of Mr. Wajid resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10/07/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Wajid received today i.e. 13.05.2020 by Taimur Ali Khan, Advocate is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

- 1- Appeal and application for condonation of delay are not signed by the appellant which may be got signed.
- 2- Affidavit in r/o appellant is not attested by the oath commissioner which may be attested.
- 3- Annexure-A and C are illegible which may be replaced by legible one
- 4- Appeal is not flagged which may be flagged.
- 5- Annexures of the appeal are not attested which may be attested.
- 6- Page number may be done properly.
- 7- Departmental appeal mentioned in para-3 of the facts against the impugned order dated 09-08-2018 is not attached, which may be attached.

No. 1136 /S.T,


Dt. 14-05 /2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Taimur Ali Khan Adv, Peshawar.


Respected Sir.

Please allowed 15 days more for submission of case


(15) days time further extended, 6/2020

Respected Sir

- 1- Removed.
- 2- Removed.
- 3- Annexure - A & C are become legible one.
- 4- Removed.
- 5- Removed.
- 6- Removed.
- 7- departmental appeal is present at page 10


01/06/2020.

Re-
completed



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. **5692**/2020

Wajid

V/S

Police Deptt:

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S. No.	Documents	Annexure	P. No.
01	Memo of appeal	-----	1-3
02	Condonation of delay application	-----	4-5
03	Copy of FIR	A	6
04	Copy of BBA order	B	7-8
05	Copy of dismissal order dated 09.08.2018	C	9
06	Copy of departmental appeal	D	10-12
07	Copy of rejection order	E	13
08	Copy of judgment dated 07.12.2020	F	14-24
09	Copy of revision	G	25-26
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APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

&

(ASAD MAHMOOD)
ADVOCATE HIGH COURT

Room No. FR 8, 4th Flour,
Bilour plaza, Peshawar cantt:
Cell# 0333-9390916

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 5692/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3821

Dated 13-05-20

Wajid, Ex-Constable, No.1189,
Police Station Usterzai, Kohat.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Kohat Region, Kohat.
3. The District Police Officer, Kohat.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 21.04.2020, WHEREBY THE REVISION OF THE APPELLANT FOR REINSTATEMENT UNDER 11-A OF POLICE 1975 AMENDED IN 2014 HAS BEEN REJECTED AND AGAINST THE ORDER DATED 17.08.2019, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 09.08.2018 "WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE" HAS BEEN REJECTED FOR NO GOOD GROUNDS.

Filed to-day
Registrar
13/5/2020

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 21.04.2020, 17.08.2019 AND 09.08.2018 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Re-submitted to -day
and filed.

Registrar
13/5/2020

RESPECTFULLY SHEWTH:

FACTS:

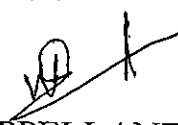
1. That the appellant joined the police force in the year 2008 and has completed all his due training etc and performed his duty with great devotion and honesty, whatsoever assigned to him and also have good service record throughout.
2. That the appellant was falsely charged in criminal case vide FIR No.667 dated 25.12.2017 U/S 302/324PPC, Police Station Cantt: Kohat. **(Copy of FIR is attached as Annexure-A)**
3. That the BBA of the appellant has confirmed on 24.05.2019 and after confirmation of BBA, the appellant went to join his duty but he was informed that he has been dismissed from service vide order 09.08.2018 from the date of his absence without communicating charge sheet and show cause notice to the appellant. The appellant filed departmental appeal against order dismissal order which was rejected 17.08.2019 for no good grounds. **(Copies of BBA order, dismissal order dated 09.08.2018, departmental appeal and rejection order are attached as Annexure-B,C,D&E)**
4. That the appellant was acquitted on merit by competent court of law after facing proper trial on 07.12.2019 and after acquittal the appellant also field revision under 11-A of Police Rules 1975 amended in 2014 which was also rejected on 21.04.2020 for no good grounds. **(Copies of judgment dated 07.12.2020, revision and order dated 21.04.2020 are attached as Annexure-F,G&H)**
5. That now the appellant come to this august tribunal on the following grounds amongst others.

GROUND:

- A) That the impugned order dated 21.04.2020,17.08.2019 and 09.08.2018 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has been B) condemned unheard and has not been treated according to law and rules.
- C) That the appellant was never associated with the inquiry proceeding, if so conducted against the appellant. Even the inquiry report was not provided to the appellant which is against the prescribed procedure.

- D) That no charge sheet and statement of allegations were not communicated to the appellant, which is violation of law and rules.
- E) That even the show cause notice was not communicated to the appellant, which is against the norms of justice and fair play.
- F) That the appellant is involved in criminal case and the respondent department should suspended him till the conclusion of criminal case pending against the appellant under CSR-194-A, but the respondent department dismissed him from service without waiting to conclusion of criminal case pending against him, which is violation of CSR-194-A.
- G) That the appellant was dismissed from service on the basis of involvement in criminal case in which the appellant was acquitted by the competent court of law after proper trial, therefore there remain no ground to penalize the appellant.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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


APPELLANT
Wajid

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

& 
(ASAD MAHMOOD)
ADVOCATE HIGH COURT

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2020

Wajid

V/S

Police Deptt:

.....
**APPLICATION FOR CONDONATION
OF DELAY IN THE INSTANT APPEAL.**


RESPECTFULLY SHEWETH:

1. That the instant appeal is pending before this Honourable Tribunal in which no date is fixed so far.
2. That the appellant was involved in criminal case and was dismissed from service from the date of his absence, which means that impugned dismissal order is retrospective order and as per superior courts judgments such like order is void order and no limitation runs against such like orders.
3. That the appellant was involved in criminal case and after confirmation of BBA, he filed departmental appeal which was rejected due to time barred and after acquittal he also filed revision which was also rejected due to time barred, but as per Apex Court judgment, the litigants can file departmental appeal after confirmation of BBA/Bail or after acquittal from the criminal case.
4. That the august Supreme Court of Pakistan has held that decision on merit should be encouraged rather than knocking-out the litigants on technicalities including limitation. Therefore, appeal needs to be decided on merit (2003, PLD (SC) 724).
5. That the the instant appeal may kindly be decide on merit as the appellant has good cause to be decided on merit.

It is therefore most humbly prayed that on the basis of above submission, the instant appeal may be decided on merit by condoning the delay to meet the ends of justice.


APPELLANT

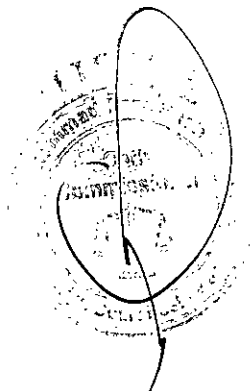
THROUGH:


(TAIMUR ALI KHAN)
ADVOCATES PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief and nothing has been concealed from this august Tribunal.


DEPONENT



6
B

A

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردستی 1955459 0332-9803955

تاریخ و وقت رپورٹ	667
نام و سکنٹ اطلاع دہندہ	وخت 13:30 بجے
مختصر کیفیت جرم (محدود) حال اگر کچھ لیا گیا ہو	عائیدتی پر 12:25 بجے وقت 14:00 بجے
جائے وقوعہ یا صلہ تھا نسبت اور دست	لنر جہاں لہند 25 سال سکنہ کھانڈی
نام و سکنٹ ملزم	سزور صمانہ جھول
کارروائی جو تفتیش کی متعلق ہو	مقدمہ 302-34
تھا نہ سے روانگی کی تاریخ و وقت	بر صمد کی ہر اسے ہم دیا جا رہا ہے

ابتدائی اطلاع نیچے درج کرو۔

اس وقت ایک کھر می ہر اسے ہم دیا جا رہا ہے۔

بلکہ ہر اسے ہم دیا جا رہا ہے۔

مقدمہ 302-34

بر صمد کی ہر اسے ہم دیا جا رہا ہے۔

Ar

B.B.A on 3.10.2019 submitted

B
②
⑦



OS-----12
08.05.2019

Present;

Tanseer Ali, APP for the State.
Accused/petitioner with counsel.
Complainant in person.

Mr. Aman Khan Bangesh Advocate, counsel for the complainant requested that the compromise between the parties. In at last stage therefore requested for an adjournment. Final adjournment granted. To come up for production of compromise for dated 20-5-19.

⑤

ASJ-III, KOHAT

CO-13
20-5-19

P. Tanseer Ali, before. Seated. To come up on 20/5/19

Syed Harisuddin
Additional District & Sessions Judge III
Kohat

OS-----14
24.05.2019

Present:

Ali, APP for the State.
Accused/petitioners with counsel.
Complainant with counsel.
Record received.

Accused/petitioners Wajid and Mir Nawaz are seeking pre arrest bail in case FIR # 667 dated 25.12.2017 u/s 302/34 PPC of the PS, Cantt., Kohat.

ATTESTED TO BE TRUE COPY

WJ
COPING BY EXAMINER
KOHAT

ATTESTED
[Signature]

50

Today Muhammad Ruman

(complainant/brother of deceased Fazal Mehmood) appeared before the court and stated that he had charged accused/petitioners for the commission of the offence. Now he has got no objection upon confirmation of their BBA. In this regard his statement has been recorded and placed on file.

Complainant/brother of deceased has shown his no objection upon the confirmation of BBA of the accused/petitioners. The offence is also compoundable. In view of above circumstances and by taking into consideration the statement of complainant/brother of deceased, I am inclined to consider these facts to confirm the pre-arrest bail of the accused/petitioners. Thus this petition is allowed and ad-interim bail already granted to the accused/petitioners is hereby confirmed on the existing bonds. Copy of this order be placed on judicial file. File be consigned to Record Room after its completion.

ANNOUNCED
24.05.2019

SYED HAMID QASIM
ASJ-III, KOHAT

ATTESTED
[Signature]

ATTESTED TRUE COPY
[Signature]
COPING BR...
[Signature]

16)



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No 7607-10 /PA dated Kohat the 08/8/2018

ORDER

This order is passed on the departmental enquiry against Constable Wajid No. 1189 of this District Police under the Khyber Pakhtunkhwa, Police Rules, 1975 Amendment 2014.

Brief facts-are that he was involved in criminal case vide FIR No. 667 dated 25.12.2017 u/s 302/34 PPC PS Cantt, which is a gross misconduct on his part.

Charge Sheet & Statement of Allegations was issued and Mr. Rokhanzeb DSP Lachi Kohat was appointed as enquiry officer to proceed against him departmentally. The E.O conducted a departmental enquiry and recommended the accused constable for major punishment.

He was served with Final Show Cause Notice through SHO PS Cantt on his home address. The SHO PS Cantt was reported that accused constable is proclaimed offender in a murder case and he left his village and gone to some unknown place and he is still at large. According to the report of SHO there is no hope to surrender himself to the court in near future.

In view of above I, Sohail Khalid District Police Officer, Kohat in exercise of the power conferred upon me, is hereby award him a major punishment of "Dismissal from Service" from the date of his absence. Kit etc issued to the constable be collected and report.

ATTESTED

DISTRICT POLICE OFFICER,
KOHAT 08/8/18

OB No. 844
Date 08-8-2018

No 7607-10 / PA dated Kohat the 08-8-2018.

CC:-

R.I, Reader, Pay officer, SRC and OHC for necessary action.

10/08/18

روانہ

حیدر
روانہ
دینا
مصطفیٰ

D/O Kohat -

D 10 10

10

THE DEPUTY INSPECTOR GENERAL OF POLICE KOHAT
REGION KOHAT

APPEAL UNDER RULE 11 OF THE POLICE RULES 1975
(AMENDED 2014) AGAINST ORDER OF THE WORTHY
DISTRICT POLICE OFFICER KOHAT VIDE OB NO. 844 DATED
08-08-2018, WHEREIN THE APPELLANT WAS AWARDED
MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE
WITHOUT LEGAL JUSTIFICATION.

Respected Sir,

Respectfully the appellant may be allowed to submit the following for your kind sympathetic consideration:

FACTS:

1. That the appellant was enrolled as constable at the Kohat police strength in the year 2008.
2. That the appellant during his service qualified the Basic Recruit Course.
3. That the appellant during his service served the police department with dedication and keenness.
4. That the appellant during his service earned a number of commendation certificates besides the cash rewards.
5. That the senior officers always reposed confidence in the appellant and was assigned a number of sensitive and risky duties.
6. That during service the appellant was falsely charged in a case vide FIR No. 667 dated 25-12-2017 U/S 302/34 PPC P.S Cant.
7. That the appellant was charged for involvement in the above cited criminal case.
8. That after conclusion of enquiry, the appellant was dismissed from service from the date of absence.
9. That the impugned order being open to legal and factual question is called in question the following grounds:

ATTESTED
[Signature]

(11) (120)

GROUNDS OF APPEAL:

- a) That the impugned order of punishment is against law, facts and evidence on record, hence it is liable to be set aside.
- b) That from the order of dismissal from service, the appellant came to know that departmental enquiry was initiated against him.
- c) That the impugned order has indicated that notice through SHO P.S Cantt was sent at the home address of the appellant, however, in fact no notice was received by the appellant nor any of his near relative.
- d) That the alleged departmental enquiry was initiated against the appellant one sidedly and unilaterally.
- e) That in fact the appellant has been denied the right of defence. Hence, the principles of justice have not been satisfied. On account of this important factor the impugned order has become legally defective and deserves to be brushed aside.
- f) That the appellant was falsely charged in the murder case. When the complainant party satisfied about innocent of the appellant, he (Muhammad Ruman) complainant recorded statement in the court and expressed no objection that if the appellant is released on bail, he will have no objection.
- g) That vide order of the Additional Session Judge Kohat dated 24-05-2019, the bail before arrest of the appellant was confirmed.
- h) That the enquiry officer was required to have waited for the out come of the case. By not doing so, the enquiry officer has fell into material error and the enquiry could not be concluded in a legal way.
- i) That it is very astonishing that charge against the appellant is that he is involved in a murder case but the punishment was awarded for remaining absent from service.
- j) That absence of the appellant from service was not the subject matter of the enquiry but even then the appellant was awarded punishment for remaining absent from service and thus the competent authority has fell into a material illegality which has vitiated the entire enquiry and the punishment order.
- k) That under 10A of the constitution of Pakistan, fair, independent and transparent trial (enquiry) is the

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fundamental right of the appellant. The appellant has been denied fair enquiry hence the fundamental right of the appellant has been violated and rendered the impugned order legally defective.

- l) That the impugned order is also legally defective on the score that the punishment has been awarded by the competent authority retrospectively. The hon'ble Supreme Court vide SCMR 1985 page 1178 has held that the retrospectively punishment being patently unlawful and void, hence such order could not be given effect to.
- m) That if an order is void, limitation in such case is not attracted. Reference to the Pakistan Law Case (PLC) 2011 page 203.
- n) That the appellant has rendered more or less ten years service in the police department and the unilateral dismissal from service has inflicted irreparable financial loss upon the appellant.
- o) That the family and children of the appellant have been forced to starvation for the no fault on the appellant or his children and family.
- p) That on the humanitarian ground as well, the appellant deserves to be re-instated in service.
- q) That the appellant may also be allowed to appear before your good-self for personal hearing.

PRAYER:

It is therefore, humbly prayed that in the interest of law and justice, the impugned order dated 08-08-2018 being void, unlawful and unconstitutional may be set aside and the appellant may be re-instated in service with all back benefits. The appellant will pray for your long life and prosperity for this act of kindness.

Dated 29-07-2019

Yours Obediently

ATTENDED

Muhammad Wajid
Ex. Constable No. 1189
S/o Idress Khan
Village Kaghazai, Hangu Road Kohat
Cell: 0334-8323047

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POLICE DEPTT:

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Wajid No. 1189 of Operation Kohat against the punishment order, passed by DPO Kohat vide OB No. 844, dated 08.08.2018 whereby he was awarded major punishment of dismissal from service for the allegations of his direct involvement in a criminal case vide FIR No. 667, dated 25.12.2017 u/s 302/34 PPC PS Cantt, Kohat.

He preferred an appeal to the undersigned through Jail Superintendent, Kohat, upon which comments were obtained from DPO Kohat and his service record was perused.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same has also been established by the E.O in his findings. Being a member of disciplined force, he was not supposed to indulge himself in criminal activities. Therefore, his appeal being devoid of merits and time-barred is hereby rejected under Police Rules 16.30(2).

Order Announced
08.08.2019

[Signature]
(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

No. 7327 /EC, dated Kohat the 17/08 /2019.

Copy for information and necessary action to the DPO Kohat w/r to his office Memo: No. 13983/LB, dated 02.08.2019. His service roll and Fauji missal / enquiry file is returned herewith.

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FIR for action
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[Signature]
(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

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[Signature]

19/8/2019

IN THE COURT OF ARBAB AZIZ AHMAD,
JUDGE MODEL CRIMINAL TRIAL COURT/ADDITIONAL SESSIONS
JUDGE-II, KOHAT.

Sessions Case No. 154/2018

Date of institution: 17.03.2018

Date of decision: 07.12.2019

The State through Muhammad Roman s/o Muzafar Khan aged
about 28/29 years r/o Kaghzai, Kohat.

(Complainant)

Versus

1. Wajid aged about 27/28 years s/o Idrees
2. Mir Nawaz aged about 65/67 years s/o Ashraf both resident
of Kaghzai, Kohat.

(Accused facing trial)

Present: -

Mr. Zahoor Khan, A.P.P for the State

Mr. Faiz Muhammad Khattak, Advocate, for the accused.

JUDGMENT

Accused, Wajid and Mir Nawaz have faced the trial in case, registered U/S 302/34 PPC, vide FIR No. 667 dated 25.12.2017 at Police Station Cantt, Kohat.

2. Brief facts of the case as per FIR Ex.PA, are that on 25.12.2017 at 13:30 hours, complainant, Muhammad Roman (PW-01), while present with the dead body of his brother, Fazal Mehmood (deceased) reported the matter to Tahir Nawaz, ASHO (PW-02) at the emergency room of LMH, Kohat, that on the eventful day, after the jirga's decision/verdict, when, he alongwith his deceased brother, Fazal Mehmood, started construction at the place of occurrence,

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accused, Wajid and Meer Nawaz came there who intended to restrain them from work and on exchange of hot words, they infuriated, out of whom, accused, Mir Nawaz caught hold of his brother (deceased) while accused, Wajid, took out his pistol and fired at him with the intention to commit his *Qatl-i-amd*, as a result of which, he (deceased) got hit and died at the spot. Motive behind the occurrence was disclosed as dispute over landed property. He charged the accused facing trial for the commission of offence. The report of complainant was reduced in shape of Murasila, Ex.PA/1 and was sent to the police station for registration of the case, hence, the instant case.

3. After requisite investigation and arrest of accused facing trial, supplementary challan was submitted against them, who were summoned and after compliance of provisions of section 265(c) Cr.P.C, formal charge was framed against them. to which they pleaded not guilty and claimed trial. Thereafter, the prosecution was directed to produce its evidence.

4. In order to prove the guilt of the accused, the prosecution produced as many as 09-witnesses, the gist of their evidence is reproduced hereunder: -

I. PW.01, Muhammad Roman s/o Muzaffar Khan aged about 26 years r/o village Kaghzai District Kohat, deposed as

"On the day of occurrence after decision of the jirga I alongwith my deceased brother, Fazal Mehmood were starting construction work on the place of occurrence when in the meanwhile accused Wajid son of Idrees and Mir Nawaz son of Ashraf, our co-villagers came there and forbidden us not to do the construction work and on this during the exchange of hot words the accused became annoyed. Accused Mir Nawaz caught hold of my brother Fazal Mehmood and accused Wajid took out

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pistol and fired at my brother Fazal Mehmood, with which he got hit and died on the spot. The occurrence was witnessed by other person who were present at the spot at the time of occurrence. Motive for the occurrence is dispute over land. After the occurrence, I with the help of other people took the dead body of my brother to LMH, Kohat where I reported the matter to the local police which was scribed in shape of Murasila Ex.PA/1. Today I have seen my report which correctly bears my signature. I charge the accused for the commission of offence."

II. PW.2, Tahir Nawaz, SI, Police Lines, Kohat, deposed as
 "During those days I was posted as ASHO PS Cantt, Kohat. On the day of occurrence, I was on routine gasht. Upon receiving information I came to LMH, Kohat where dead body of Fazal Mehmood was lying emergency room and his brother Muhammad Roman reported the matter to me which I recorded in shape of Murasila, Ex.PA/1. The complainant after admitting the same to be correct signed the same. I sent the Murasila to the PS for registration of case. I prepared injury sheet, Ex.PW.2/1 and inquest report, Ex.PW.2/2 of the deceased and referred the dead body to the doctor for PM examination. The above documents rightly bear my signatures."

III. PW.3, Qismat Khan, SHO, PS Jarma, deposed as
 "I have submitted supplementary challan against the accused facing trial which is correct and correctly bears my signature."

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IV. PW-4, Ihsan Ullah Khan s/o Rab Nawaz aged about 30/31 years r/o Hassan Abad, Shah Pur, Kohat, deposed as

"I identified the dead body of deceased Fazal Mehmood before the doctor and police. My statement was recorded by the police, u/s 161 Cr.P.C."

V. PW.5, Aftab Ahmad No.744/IHC Police Lines, Kohat, deposed as

"On the receipt of murasila, I reduced its contents verbatim in the shape of FIR, Ex.PA. Today I have seen the FIR, which is correct and correctly bears my signature."

VI. PW.6, Dr. Khalid Noor, LMH, Kohat, deposed as

"On 25.12.2017, I conducted post mortem examination on the dead body of deceased Fazal Mehmood s/o Muzaffar Khan aged about 28/29 years r/o Kaghazai, Kohat and found the following: -

External Appearance: - Fresh dead body with blood stained clothes.

No other wounds or bruise noted, except one entry wound at right side of middle of neck and one exit wound on left side shoulder blade.

Cranium and Spinal Cord: - No injury on scalp and skull, 2nd cervical vertebrae fractured.

Thorax: - Left lung damaged.

Abdomen: - Large intestines and its contents stools.

Muscles, Bones, Joints: - Fractured 2nd vertebrae, oesughagus and larynx.

Remarks: - There is one entry wound about ½ inch in size at right side of neck and one exit wound on left side of shoulder blade, size about 02 inches. No charring

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marks found on entry wound. In my opinion death occurred due to damage to spinal cord, ruptured blood vessels leading to heavy blood loss. No other wound of bruise found on body.

Probable time between injury and death: - Between two to three minutes.

Probable time between death and PM: - About 45 minutes after injury. Today I have seen the post mortem report, which is correct and correctly bears my endorsement and is Ex.PM. The same consists of six sheets. Injury sheet, Ex.PM/1 also bears my endorsement."

VII. PW.7, Qayyum Khan No.47 Police Station Gumbat, deposed as

"On 28.12.2017, the IO handed over to me the last worn blood stained garments of the deceased as well as blood stained earth, which I took to the FSL, via road certificate, Ex.PW.7/1 and handed over the same to the FSL authorities, safely. Similarly, I was entrusted warrant u/s 204 Cr.P.C. against the accused Wajid and Mir Nawaz. I searched for them in the locality and surrounding areas but they were not available in the vicinity and were evading their legal and lawful arrest. In this respect, I recorded statements of elders of the locality on back of the warrant, issued against the above named accused and returned third copy of warrant to the Court concerned with my reports on back of the same. The warrants are Ex.PW.7/2 and PW.7/3, respectively, whereas, my reports on back of the same are Ex.PW.7/4 and Ex.PW.7/5, respectively. I was also examined by the IO u/s 161 Cr.P.C. Similarly, I was also entrusted with the proclamation notices u/s 87 Cr.P.C. against the above

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named accused. I proceeded with the same according to law and returned third copy of notice to the Court concerned with my reports on back of the same. The notices are Ex.PW.7/6 and PW.7/7, respectively, whereas, my reports on back of the same are Ex.PW.7/8 and Ex.PW.7/9, respectively. The accused have gone into hiding and are avoiding their lawful arrest and there is no prospect of their arrest in the near future."

VIII. PW.8, Arshad Mehmood, SI/OII, Police Station Billitang, Kohat, deposed as

"In those days, I was posted at PS Cantt, Kohat. After registration of the FIR, investigation was entrusted to me. I proceeded to the spot and prepared site plan, Ex.PB at the pointation of complainant. During spot inspection, I secured blood stained earth from the place of deceased, Fazal Mehmood and sealed the same into parcel No. 1, Ex.P-1, in the presence of marginal witnesses, vide recovery memo, Ex.PW.8/1. I made house search of the accused, vide search memo, Ex.PW.8/2. I also took into possession the last worn blood stained garments of the deceased, vide recovery memo, Ex.PW.8/3, in the presence of marginal witnesses and sealed the same into parcel No. 2, Ex.P-2. I also prepared list of legal heirs of the deceased, which is Ex.PW.8/4. I vide my application, already exhibited as Ex.PW.1/1, sent the blood stained clothes of the deceased to the FSI, via road certificate, already exhibited as Ex.PW.7/1 and received the FSL report, Ex.PZ. As the accused Wajid and Mir Nawaz were absconding, so, I vide my applications, Ex.PW.8/5 and Ex.PW.8/6, applied for issuance of warrants u/s 204 Cr.P.C. and proclamation notices u/s 87 Cr.P.C. After completion of investigation, I handed over the case file to

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the SHO for submission of complete challan against the accused u/s 512 Cr.P.C. Today I have seen the relevant documents, which are correct and correctly bear my signatures.”

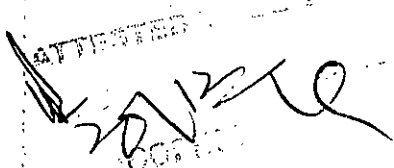
IX. PW.9, Mazhar Hussain, IIC, Police Station Cantt, Kohat, deposed as

“In those days, I was posted at PS Cantt, Kohat. I am marginal witness to the recovery memo, already exhibited as Ex.PW.8/1, vide which the IO during spot inspection secured blood stained earth from the place of deceased, Fazal Mehmood and sealed the same into parcel No. 1, already exhibited as Ex.P-1. I am also marginal witness to the house search memo, already exhibited as Ex.PW.8/2, vide which the IO made house search of the accused. Similarly, I am also marginal witness to the recovery memo, already exhibited as Ex.PW.8/3, vide which the IO took into possession the last worn blood stained garments of the deceased and sealed the same into parcel No. 2, already exhibited as Ex.P-2. Today I have seen the recovery memos, which are correct and correctly bear my signatures.”

5. After close of prosecution evidence, statements of the accused were recorded under section 342 Cr.P.C. They denied all the charges leveled against them, claimed their innocence and contended to have been falsely charged in the instant case. However, they neither opted to be examined on oath nor they produced any evidence in their defense.

6. Learned A.PP for the State argued that the prosecution has fully succeeded in proving the case against the accused facing trial. He went on to say that all the material available on the file and all statements of PWs are in consonance with one another without any contradiction or doubt. He further argued that the accused facing

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trial are proved to be guilty of cold blooded murder thus deserves to be sentenced in accordance with law.

7. On the other hand, learned counsel for the accused facing trial argued that the prosecution has miserably failed to prove the case against the accused facing trial. He further argued that the evidence of the prosecution is full of dents and doubts and no conviction, whatsoever, can be based on it. He further argued that it is a case of no evidence and prayed for acquittal of the accused.

8. I have heard the arguments of learned A.PP for the State and defence counsel with reference to the evidence brought on the file and also perused the record.

9. Admittedly, the whole prosecution case hinges upon the sole testimony/statement of complainant, Muhammad Roman (PW-01), who is closely related to the deceased being his brother. No doubt, conviction can be recorded on the testimony of sole related witness but for the safe administration of criminal justice, evidence of such related witness must be supported by independent and worth reliable corroborative evidence however in the instant case the statement of complainant is not getting support from any corroborative evidence rather medical evidence totally negates the version of complainant.

10. Albeit, the complainant while appearing as PW.01 reiterated the same facts as given by him in his initial report, Ex. PA/1 but in his cross-examination, he admitted that he lodged the report after consultation and deliberation with his relatives. He further admitted that before shifting the dead body of deceased from the spot to the hospital he firstly went to police station, Cantt and informed the local police about the occurrence. Despite the fact that after the occurrence the complainant allegedly went to the police station but his report was not lodged there rather he was directed to take the dead body to the hospital, which cast serious doubt about the genuiness of prosecution

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case. It is held by the Hon'ble, Apex Courts time and again that the report in a murder case lodged outside the police station is always suspicious, giving rise to an inference that it was arranged deliberately to procure the witness/witnesses and to set up him/them first eyewitness/witnesses.

11. The ocular evidence furnished by complainant, Muhammad Roman (PW.01), is highly inconsistent with medical evidence and site plan. The complainant (PW.01) in his cross-examination stated that the deceased sustained injuries on his chest and abdomen. He further stated that the deceased sustained 3/4 firearm injuries on his person but as per Dr. Khalid Noor (PW.06), observed only a single entry wound at right side of middle of neck with its exit on a left side shoulder blade. Likewise, as the complainant in his cross-examination stated that the accused fired from hand to hand distance, therefore, from such a closed range firing wounds on the person of deceased should have charring marks but Dr. Khalid Noor (PW.06) stated in his examination-in-chief that there was no charring marks with the entry wound. Likewise, in the site plan, Ex.PB, the deceased was not shown hand to hand with the accused facing trial, Wajid, to whom effective role of firing was attributed rather the said distance was shown as three paces. In the circumstances, the medical evidence as well as site plan, Ex.PB, totally negates the ocular testimony furnished by the complainant (PW.01).

12. As per *Murasila*, Ex.PA/1, the occurrence took place on 25.12.2017 at 12:30 hours, which was reported to Tahir Nawaz, SI, at 13:30 hours, who, while appearing as PW-2, stated that he drafted the "*Murasila*", prepared injury sheet and inquest report and referred the dead body to the doctor for PM examination but this version is totally denied by the medical officer, Dr. Khalid Noor, PW.6, when he stated in his cross-examination that he conducted autopsy at the dead body.

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of deceased at 01:02 pm. Thus, conduct of autopsy on the dead body of deceased about 30 minutes prior to the report indicates towards the absence of complainant on the spot at the time of incident, procurement of his attendance during this time and lodging of report after deliberation and consultation.

13. It is pertinent to mention here that as per order dated 24.05.2019 of learned Addl: Sessions Judge-III, Kohat the complainant Muhammad Roman (PW.01), appeared before the court and recorded his statement, wherein, he raised no objection on the confirmation of bail before arrest of the accused facing trial. Likewise, complainant, Muhammad Roman also appeared before this Court on 04.12.2019, recorded his statement, wherein, he stated that he is no more interested to prosecute the accused facing trial and raised no objection on their acquittal. Similarly, the prosecution produced one Ihsan Ullah Khan as PW.04, who admitted in his cross-examination that the parties have effected compromise outside the court by fixing Rs.2,000,000/- as *Badl-i-Sulah*, out of which, the complainant has already received Rs. 1,000,000/- while, Rs.1,000,000/- is still outstanding. He further stated in his cross-examination that the complainant is now the guardian of children of the deceased while widow of the deceased is in the *Nikah* of the complainant.

14. In view of the above, the evidence available on file is not sufficient to convict the accused for the commission of any offence. As aftermath of the above discussed circumstances, the prosecution has badly failed to prove the case against the accused facing trial. Resultantly, the accused facing trial, Wajid and Mir Nawaz are hereby given the benefit of doubt and accordingly acquitted of the charges leveled against them. They are on bail, therefore, their sureties are relieved from the liability of bail bonds. Case property be disposed of as per law on expiry of period of Appeal /Revision.

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(ARBAB AZIZ AHMAD)
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15. The police Record be returned and file of this court be consigned to the Sessions record room after its necessary completion and compilation.

Pronounced in open Court at Kohat and given under my hand and the seal of the Court on this 07th day of December, 2019.

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(ARBAB AZIZ AHMAD)
Additional Sessions Judge-
II/Judge Model Criminal Trial
Court, Kohat

CERTIFICATE

(ARBAB AZIZ AHMAD)
Judge Model Criminal Trial Court

Certified this judgment consists of (11) pages. Each page has been checked, corrected and signed by me, wherever necessary.

A.B. 24
07.12.2019

(ARBAB AZIZ AHMAD)
Additional Sessions Judge-
II/Judge Model Criminal Trial
Court, Kohat

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(ARI AB AZIZ AHMAD)
Judge Model Criminal Trial Court
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**BEFORE THE INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA PESHAWAR**

SUBJECT: REPRESENTATION FOR RE-INSTATEMENT IN SERVICE

Respected Sir,


With due respect, the petitioner prefers the instant representation for your kind consideration and order as deemed fit. Facts leading to the present representation are as under:

Facts:

1. The petitioner while serving in police department at Kohat was allegedly involved in a murder case vide FIR No. 667 dated 25-12-2017 U/S 302/34 PPC P.C Cantt Kohat. The petitioner was proceeded against departmently on the above count and dismissed from service by DPO Kohat vide OB No. 844 dated 08-08-2018. (copy enclosed)
2. The petitioner filed an appeal before the regional police officer Kohat which was rejected vide order dated 08-08-2018. (copy enclosed)
3. The petitioner faced the trial before the learned Additional Session Judge Kohat and acquitted in the above mentioned case vide judgment dated 07-12-2019. (copy enclosed)

Grounds for re-instatement in service:

The petitioner was dismissed from service by DPO Kohat on account of his alleged involvement in a murder

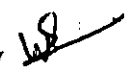
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case. The petitioner faced the trial before the competent court of law and earned acquittal in the case. Involvement of the petitioner in the murder case was the only ground on which he had been dismissed from service by DPO Kohat. Such ground subsequently disappeared through the acquittal of the petitioner making the petitioner re-emerge as a fit and proper person entitled to continue with his service. In support of my contention, reliance is placed on PLJ 2011-SC-280 (copy enclosed)

Prayer:

In view of the above submissions, it is prayed that the petitioner may kindly be re-instated in service with effect from the date of his dismissal from service with all back benefits please.

Yours Obediently 
Ex-Constable Wajid No. 1189
S/o Idrees Khan
R/o Kaghazai, P.S Cantt Kohat
Cell: 0334-8323047

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

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No. S/ 1600 /20, dated Peshawar the 21/4/2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Ex-FC Wajid No. 1189**. The petitioner was dismissed from service by District Police Officer, Kohat vide OB No. 844, dated 08.08.2018 on the allegations of involvement in criminal case vide FIR No. 667, dated 25.12.2017 u/s 302/34 PPC Police Station Cantt: Kohat. His appeal was rejected being time barred by Regional Police Officer, Kohat vide order Endst: No. 7327/EC, dated 17.08.2019.

Meeting of Appellate Board was held on 05.03.2020 wherein petitioner was heard in person. During hearing petitioner contended that he has been acquitted of the charges by the court of Additional Session Judge, Kohat vide judgment dated 07.12.2019.

His petition is time barred. Moreover, he was charged in 302 PPC case and acquitted on the basis of compromise. The acquittal from the court does not absolve the petitioner from the liability. Therefore, the Board decided that his petition is hereby rejected.

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

Sd/-

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

No. S/ 1601-7 /20,

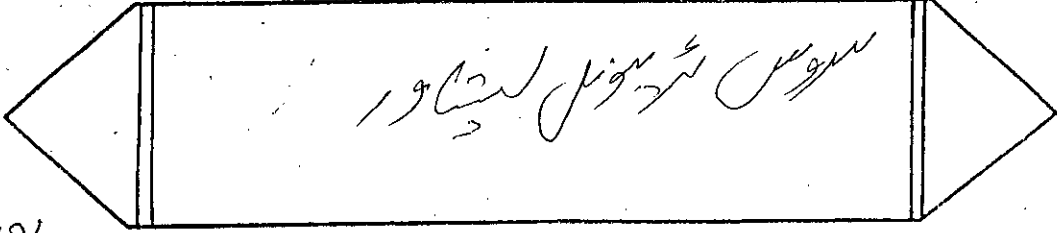
Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Roll and one Fauji Missal/Enquiry File of the above named Ex-FC received vide your office Memo: No. 2227/EC, dated 07.02.2020 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

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

بعدالت



2، مخزن و احد
واحد بنام محمد بولس

مدرجہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لیٹل اور کیلئے محمد علی خان اور اسد محمد اور محمد علی خان کی طرف سے
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 ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار 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 بااختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر 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 سند ہے۔

Attested
&
Accepted

المرقوم _____ ماہ _____ 20 _____

_____ گ _____ واہ العب

کے لئے منظور ہے۔

بمقام

(Handwritten signature)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 5692/2020
Wajid Ex-Constable No. 1189

..... Appellant

VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar and others

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS.

Respectively Sheweth:-

Parawise comments on behalf of Respondents are submitted as under:-

Preliminary Objections:-

- i. That the appellant has got no cause of action.
- ii. The appellant has got no locus standi.
- iii. The appellant is estopped to file the present appeal are his own act.
- iv. That the appeal is not maintainable in the present form.
- v. That the appellant has not come to this Hon: Tribunal with clean hands.
- vi. That the appeal is time barred and liable to be dismissed.

FACTS:-

1. Pertains to record. However, the appellant has several bad entries in his service record, besides dismissal from service. Extract from service record is **annexure A**.
2. Incorrect, the complainant Muhammad Roman vide his report FIR No. 667 dated 25.12.2017 u/ss 302, 34 PPC, Police station Cantt Kohat directly charged the appellant alongwith his co-accused for the murder of his brother named Fazal Mehmood. Copy of FIR is attached.
3. The appellant after the commission of offence remained fugitive from law and subsequently secured pre-arrest bail from the court of law. The pre-arrest bail of appellant was confirmed on the basis of compromise with the complainant party, which is evident from court order dated 14.05.2019 annexed with the memorandum of appeal.

4. The appellant was acquitted from the criminal case by extending benefit of doubt, which does not amount to honorable acquittal. Further added that the appellant was on bail and did not file departmental appeals against the impugned order within stipulated period, which were processed by the departmental appellate authorities, found devoid of merits, badly time barred and correctly rejected.
5. The appellant did not approach this honorable Tribunal with clean hands and estopped to file the appeal for his own act.

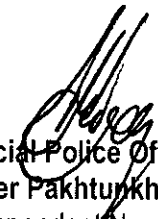
GROUND:-

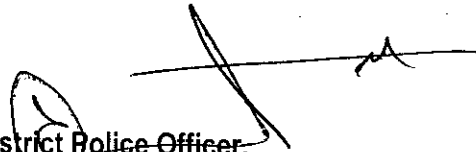
- A. Incorrect, the orders passed by the respondents in accordance with law and rules after proper departmental proceedings.
- B. The appellant was served with charge sheet and statement of allegation and final show cause notice at his home address, which were received by his father duly signed and endorsed by DFC, but the appellant failed to appear before the inquiry officer or respondent No. 3. Copy of receipt is **annexure A**.
- C. The appellant had absconded after the commission of offence, however, on confirmation of his bail before arrest, he was at liberty to pursue / join the inquiry proceedings or to approach the competent authority for re-inquiry, but he deliberately avoided his lawful rights, kept mum over it after unexplained long delay approached the departmental appellate authorities and this honorable Tribunal as well.
- D. Incorrect, the charge sheet and final show cause notice were communicated to the appellant at his home address.
- E. Incorrect, final show cause notice was served at home address of the appellant which was received, signed by his father and duly endorsed by DFC concerned, copy is already **annexed A**.
- F. The appellant being member of a disciplined force had committed a heinous crime and gross misconduct as well. Furthermore, criminal and departmental proceedings are distinct in nature, which can be run side by side.
- G. The appellant was directly charged by complainant for the murder of his brother. Bail before arrest of the appellant was confirmed on the basis of compromise, which speaks of that the appellant had also entered into compromise with the complainant during trial out of the court in order to save his skin in departmental proceedings, which is manipulated for the purpose. It is added that the appellant was acquitted by extending benefit of doubts, which does not amount his acquittal honorably.

Prayer:-

In view of the above, factual, legal and limitation, it is prayed that the appeal is devoid of legal force may graciously be dismissed with costs.

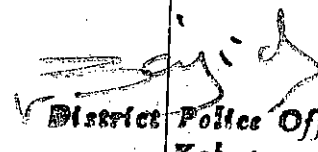
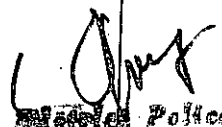

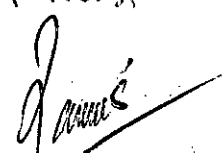

Regional Police Officer,
Kohat, Region
(Respondent No. 2)


Provincial Police Officer,
Khyber Pakhtunkhwa,
(Respondent No. 1)


District Police Officer,
Kohat
(Respondent No. 3)

PUNISHMENT

3357
8-4-20

No. of entry (such as promotion, transfer, dismissal, etc)	Initials of attesting officer in attestation of columns 9 and 10	Leave taken:- nature and duration and rate of leave salary drawn, with the initials of the attesting officer	Reference to any recorded punishment or censure, reward or praise of the Government servant as well as to any interruption in service. If suspended whether period of suspension will count towards leave and pension with signature of the attesting officer	Remarks
10	11	12	13	14
		Charge:- Absented himself from duty w/o any leave or permission w.e.f. 26 ¹ / ₈ to 31 ¹ / ₈ .		
		Punishment:- Awarded a minor punishment of 3 days E/drill & 2 days C/w/pay.		
		B.No. 37 dated 19/5/08.	 District Police Officer Kohat	
		Charge:- Absented himself from duty w/o any leave or permission w.e. from 15 ¹ / ₈ to 17 ¹ / ₈ .		
		Punishment:- Awarded a minor punishment of "Fine" Rs. 5/-		
		B.No. 16 dated: 13/1/09.	 District Police Officer Kohat	
		Charge:- Absented himself from duty w.e. from 5-1-09 to 6 ¹ / ₀₉ .		
		Punishment:- Awarded a minor punishment of "Fine" Rs. 70/-		
		B: No. 151 d: 17/2/09	 District Police Officer Kohat	
		Charge:- Absented himself from duty w.o. from 9 ¹ / ₀₉ to 10 ¹ / ₀₉ .		
		Punishment:- Awarded a minor punishment of "Fine" Rs. 40/-		
		No. 151	 District Police Officer Kohat	

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Initials of attesting officer in attestation of columns 9 and 10	Leave taken: - nature and duration and rate of leave salary drawn, with the initials of the attesting officer	Reference to any recorded punishment or censure; reward or praise of the Government servant as well as to any interruption in service. If suspended whether period of suspension will count towards leave and pension with signature of the attesting officer	Remarks
11	12	13	14
	<p align="center"><u>ORDER</u></p> <p>Brief fact he was involved in Criminal case no. U.P.R no. 667 dt. 25.12.17 U/S 302/34 PPC Ps Court.</p> <p>Sanctioned: Dismissal from Service from the date of his absence with etc. as per collect & report.</p>	<p align="right">District Police Officer Kohat</p>	
<p>OTB no. 844 dt 8-8-18</p>	<p align="center"><u>ORDER</u></p> <p>Appeal is rejected by D/S.P Kohat no 7397/PC 7-2-19</p>	<p align="right">District Police Officer Kohat</p>	

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District Police Officer

Name of Appointment and Establishment	Whether substantive or officiating and whether permanent or temporary.	If officiating, here state substantive appointment, if any	Pay in substantive appointment	Additional pay for officiating	Other emoluments falling under the term "Pay"	Date of Appointment	Initials of attesting officer in attestation of columns 1 to 7
1	2	3	4	5	6	7	8
<p style="text-align: center;"><u>ORDER</u></p> <p>Dep't = appeal against the punishment order vide O/S No. 544 dt 18.8.08 when awarded Major punishment of dismissal from service, allegation direct involvement in criminal case FIR No. 667 dt 25.12.07. U/s 302/34 PPC P.S. Comd = Kohat. His appeal being devoid of merits & time barred is hereby "rejected" under Police Rules 16.30(v) vide W/PPO, Kohat order No. 7327/EC dt 17.8.09.</p> <p style="text-align: right;">District Police Officer Kohat</p> <p style="text-align: center;"><u>ORDER</u></p>							

Name of Appointment and Establishment	Whether substantive or officiating and whether permanent or temporary	If officiating, here state substantive appointment, if any	Pay in substantive appointment	Additional pay for officiating	Other emoluments falling under the term "Pay"	Date of Appointment	Initials of attesting officer in attestation of columns 1 to 7
1	2	3	4	5	6	7	8
		<p>Charge: - Absented himself from 09-02-2011 to 11-02-2011</p> <p>Punishment: - He is therefore treated as Leave w/o pay.</p> <p>OB No 254 dt. 18-04-2011</p>					<p><i>[Signature]</i> District Police Officer Kohat</p>
		<p>Charge: - Absented himself from office on 18-02-2011 to 20-2-2011 i.e for 02 days Ps Bhitang.</p> <p>Punishment: - He is therefore, Fine Rs = 300/- and the period of absence is treated as Leave with out pay.</p> <p>OB No 352 dt. 13-5-2011</p>					<p><i>[Signature]</i> District Police Officer, Kohat</p>
		<p>Charges: - Absented him self from officing 10-09-2011 to 12-09-2011 (i.e 2)</p> <p>Punishment: - He is therefore Fine Rs. and period of absence is treated leave without pay.</p> <p>OB No 765 dt. 8-10-2011</p>					<p><i>[Signature]</i> District Police Officer, Kohat</p>

Name of Appointment and Establishment	Whether substantive or officiating and whether permanent or temporary	If officiating, here state substantive appointment, if any	Pay in substantive appointment	Additional pay for officiating	Other emoluments falling under the term "Pay"	Date of Appointment	Initials of attesting officer in attestation of columns 1 to 7
1	2	3	4	5	6	7	8
	<p>Suspended 28 Case 2 to Police Dine vide OB 117 27.12.17</p>						


District Police Officer
Police

ابتدائی اطلاعی رپورٹ

قائم نمبر

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 153A مجسٹریٹ ہسپتال پشاور صاحب بر 13/2286/ نام نمبر تعداد ایک ہزار چتر زمرہ 2011-6 (قائم طور پر)

تھانہ	667
تاریخ و وقت رپورٹ	12/17
نام و سکونت اطلاع دہندہ	12/17
مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	13:30
جائے وقوعہ فاصلہ تھانہ سے اور سمت	28/29 سال سکونہ ماغذی
نام و سکونت ملزم	PC 302-34
کارروائی جو تفتیش کے متعلق طلبہ اطلاع دہندہ کے پاس وقت پر موجود تھی	نزد خانہ نقل فصل خود واقع ماغذی بفاصلہ پک وکلو
تھانہ سے روانگی کی تاریخ و وقت	بہر سہی مہر اسلم بہر دیا جاتا ہے۔

ابتدائی اطلاع پتے درج کرو۔ بطور مسئلہ رپورٹ

ظاہر نواز 4540 خانہ کنب بطور مسئلہ رپورٹ کے لئے کیشل نمناز علی شاہ 303 کو اس وقت ایک کمر 44 میں صاحب خانہ کنب دوران کنب و قومیہ کے لئے پھر مہر آہ نوری نے 44 کو کونٹا آ گیا پھر جنسی روم میں نفسی اذیت نقل خود و ظفر خان بعد 28/29 سال سکونہ ماغذی جو خود یا کنب کئی مقبول بہر ادراش محمد رومان و ظفر خان بعد 28/29 سال سکونہ ماغذی کی رپورٹ کرنا سکے امروز بعد ختم ہر گم کے مع بہر ادراش نقل خود جائے وقوعہ بہر پتہ پتائی کام شروع کر رہے تھے کہ اس دوران مسلمان کا واحد ولد ادریس (2) پھر نواز ولد اشرف ساکنان دیہہ ام آکر بود و قومیہ میں عام سے ختم کرنا چاہا اور بالوں بالوں میں ختم ہو کر پھر نواز نے بہر ادراش سے وہ ننگ کر جہاں کئی ہوا۔ وقت وقوعہ بہر وجود دیگر دو گوں کا ختم دیا ہے۔ وہ اراضی بہر نمازی ہے۔ میں بہر ادراش نقل خود کے نقل کا بہر طرف ملنے جان و اہل بہر نواز کو بہر ادراش سے فریاد ہوئی۔ دستخط انگریزی رپورٹ کنندہ منافی نامہ نمبر 7-1955459-3032-3032-9803955-0332 کی روائی پولیس حسب گفتہ سائل پولیس درج بالادہ کمر بہر ہنگر دست لیا کر کے ذمہ لیا گیا ہے۔ خود دستخط کیا جسکی جس لہر ہی کرنا ہوں۔ مقبول کے کاغذات فرٹ تیار کر کے ذمہ حفاظت کیشل منشیہ جہد 252 لہر ہی پولیس درج ہوا الہ ڈاکٹر صاحب کی مہنوں روئے سے صورت بہر مہر بالادہ پتائی جاتی ہے۔ مہر اسلم لہر جنی قائمی خود بطور مسئلہ رپورٹ کے لئے کیشل نمناز علی شاہ 303 ارسال خانہ ہے۔

مذکورہ بالا درج ذیل مفاد نص ہو الہذا KBI سٹاف کیا جاوے دستخط کرنا ضروری ہے
25/12/17 کاروائی ضمانت آئندہ صدر اسلام سٹاف کرف درج بالا سوکرہ
بالا جاک سوکرہ لعل مہر صدر اسلام نص ہو الہذا KBI سٹاف کیا جائے
مہر بطور سبیل رویت گزارش ہے۔

AR
MHC-PS-6
25-12-17

دستخط

مہر

اطلاع کے لیے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگایا جائے گا۔ اور اسے تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الف یا پ سرخ روشنائی سے بانقلاب نام
ایک لازم یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں، لکھنا چاہئے۔

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 5692/2020
Wajid Ex-Constable No. 1189

..... Appellant


VERSUS


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar and others

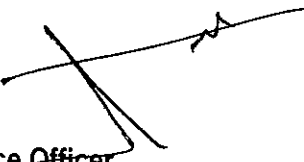
..... Respondents

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.


Regional Police Officer,
Kohat Region
(Respondent No. 2)


Provincial Police Officer,
Khyber Pakhtunkhwa,
(Respondent No. 1)


District Police Officer,
Kohat
(Respondent No. 3)



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 1573 /ST
Dated: 09/08 /2021

All communications should be
addressed to the Registrar KPK Service
Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Kohat.

Subject: JUDGMENT IN APPEAL NO. 5692/2020, MR. WAJID.

I am directed to forward herewith a certified copy of Judgement dated
29.07.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

POLICE DEPTT:

KOHAT REGION


ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Wajid No. 1189 of Operation Kohat against the punishment order, passed by DPO Kohat vide OB No. 844, dated 08.08.2018 whereby he was awarded major punishment of dismissal from service for the allegations of his direct involvement in a criminal case vide FIR No. 667, dated 25.12.2017 u/s 302/34 PPC PS Cantt, Kohat.

He preferred an appeal to the undersigned through Jail Superintendent, Kohat, upon which comments were obtained from DPO Kohat and his service record was perused.


I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same has also been established by the E.O in his findings. Being a member of disciplined force, he was not supposed to indulge himself in criminal activities. Therefore, his appeal being devoid of merits and **time-barred** is hereby **rejected under Police Rules 16.30(2).**

Order Announced
08.08.2019


(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

No. 7327 /EC, dated Kohat the 17/08 /2019.

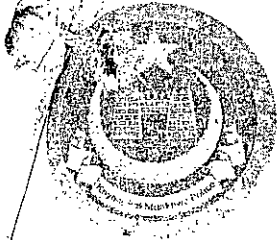
Copy for information and necessary action to the DPO Kohat w/r to his office Memo: No. 13983/LB, dated 02.08.2019. His service roll and Fauji missal / enquiry file is returned herewith.

DIP/legals, SPC
FIR 302/34


6857
20/8/19

19/8/2019


(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No 7607-10 /PA dated Kohat the 08 / 8 /2018

ORDER

This order is passed on the departmental enquiry against Constable Wajid No. 1189 of this District Police under the Khyber Pakhtunkhwa, Police Rules, 1975 Amendment 2014.

Brief facts are that he was involved in criminal case vide FIR No. 667 dated 25.12.2017 u/s 302/34 PPC PS Cantt, which is a gross misconduct on his part.

Charge Sheet & Statement of Allegations was issued and Mr. Rokhanzeb DSP Lachi Kohat was appointed as enquiry officer to proceed against him departmentally. The E.O conducted a departmental enquiry and recommended the accused constable for major punishment.

He was served with Final Show Cause Notice through SHO PS Cantt on his home address. The SHO PS Cantt was reported that accused constable is proclaimed offender in a murder case and he left his village and gone to some unknown place and he is still at large. According to the report of SHO there is no hope to surrender himself to the court in near future.

In view of above I, Sohail Khalid District Police Officer, Kohat in exercise of the power conferred upon me, is hereby award him a major punishment of "**Dismissal from Service**" from the date of his absence. Kit etc issued to the constable be collected and report.

DISTRICT POLICE OFFICER,
KOHAT

OB No. 844
Date 8-8 /2018

No 7607-10 / PA dated Kohat the 08 - 8 - 2018.

CC:-

R.I, Reader, Pay officer, SRC and OHC for necessary action.

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روانہ

مصلح روپ
دینا
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پوشند
عبدال

نقل فائل سٹوکار نوٹس و ہول بیسٹ - واحد منبرا بیسٹ

الہ آباد جسٹس اولہ محمد شرف اللہ کانڈی
NIC:-14301-9265038-3
Mbl:-0336-9643465

ادریس

ضاب عالی

سٹوکار نوٹس کس نقل مسمیٰ ہار سے نقل حسب ضابطہ لکھی

رپورٹ عرض سے
DFC-PF cantt
date-14-6-018

ضاب عالی

رپورٹ ہار DFC مفصل ہے

سٹوکار نوٹس و ہول بیسٹ و ہول بیسٹ

Jave
SHO/cantt



OFFICE OF THE
DISTRICT POLICE OFFICE
KOHAT

Tel: 0922-9260116 Fax 9260125

No. 4041 /PA dated Kohat the 24/4 /2018

FINAL SHOW CAUSE NOTICE

1. I, **Abbas Majeed Khan Marwat, District Police Officer, Kohat** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, **Constable Wajid No. 1189** as fallow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 40381-82/PA dated 31.12.2017.
- ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

Being involved in Criminal Case vide FIR No. 667 dated 25.12.2017 u/s 302/34 PPC PS Cantt, which is a gross misconduct on your part.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules **ibid**.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.
5. The copy of the finding of inquiry officer is enclosed.

DISTRICT POLICE OFFICER,
KOHAT

[Signature]
24/4

THE
OFFICE
60125
2018

SHO PS Cantt

No 4127 /PA
Dated 26-4/2018.

330
5-ellf

Subject: -

FINAL SHOW CAUSE NOTICE

Memo: -

Enclosed find herewith a Final Show Cause Notice (in duplicate) against Constable Wajid No. 1189 to serve upon him on his home address. One copy of the same duly signed by him and return to this office for further necessary action. His home address is as under:

Constable Wajid No. 1189 S/O Idrees Khan
R/O Kaghazai Police Station Cantt district Kohat.


DISTRICT POLICE OFFICER,
KOHAT 26/4/18

SHO PS Cantt

No 4127 /PA
Dated 26-9/2018.

Subject: -

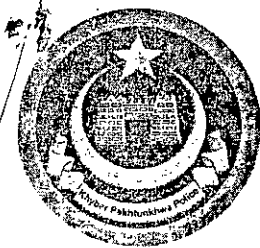
FINAL SHOW CAUSE NOTICE

Memo: -

Enclosed find herewith a Final Show Cause Notice (in duplicate) against Constable Wajid No. 1189 to serve upon him on his home address. One copy of the same duly signed by him and return to this office for further necessary action. His home address is as under:

Constable Wajid No. 1189 S/O Idrees Khan
R/O Kaghazai Police Station Cantt district Kohat.


DISTRICT POLICE OFFICER,
KOHAT 21/25/18.



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No 4041 /PA dated Kohat the 24/4/2018

FINAL SHOW CAUSE NOTICE

1. I, **Abbas Majeed Khan Marwat, District Police Officer, Kohat** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, **Constable Wajid No. 1189** as follow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 40381-82/PA dated 31.12.2017.
- ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

Being involved in Criminal Case vide FIR No. 667 dated 25.12.2017 u/s 302/34 PPC PS Cantt, which is a gross misconduct on your part.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules **ibid.**

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. The copy of the finding of inquiry officer is enclosed.

DISTRICT POLICE OFFICER,
KOHAT

[Handwritten Signature]
24/4

DEPARTMENTAL ENQUIRY AGAINST CONSTABLE WAJID NO. 1189

<u>DATE OF ENLISTMENT</u>			
<u>DETAIL OF GOOD & BAD ENTRIES</u>	Good Entries		
	Bad Entries	Minor	Major
<u>ALLEGATIONS (PUC Flag A)</u>	Being involved in Criminal Case vide FIR No. 667 dated 25.12.2017 u/s 302/34 PPC PS Cantt, which is a gross misconduct on your part.		
<u>CHARGE SHEET/ STATEMENT OF ALLEGATIONS (Flag B) AND WRITTEN REPLY (Flag C)</u>	Issued and served upon the defaulter official and Mr. Rokhanzeb SDPO Lachi, Kohat was appointed as Enquiry Officer.		
<u>FINDING / RECOMMENDATION OF ENQUIRY OFFICER (Flag D)</u>	The Enquiry Officer conducted departmental enquiry and submitted finding report and recommended for punishment.		
<u>FINAL SHOW CAUSE NOTICE</u>	May Issue Final Show Cause Notice or otherwise?		

W/DPO, KOHAT

[Signature]
/PA 20/4

73

[Handwritten mark]

Sub Divisional Police Officer,
Circle Lachi Kohat

District Police Officer Kohat.

No: 52 / PA dated Kohat the 17.02.2018

Subject: DEPARTMENTAL INQUIRY AGAINST CONSTABLE
WAJID 1189 P.S CANTT

Memo:

Enclose please find herewith a departmental enquiry against constable Wajid No.1189 P.S Cantt is submitted for favour of worth perusal please.



Sub Divisional Police Officer,
Circle Lachi Kohat

Encl:

The subject inquiry was referred to this office vide endst no.40381-82 dated 22.12.2017 by worthy DPO Kohat to this office, in order to ascertain the act of misconduct / dereliction in murder case against subject accused of PS Cantt Kohat.

2. Short facts are that the subject accused was charged for murder of Fazal Muhammad and booked vide FIR No.667 dated 25.12.2017 u/s 302/34 PPC PS Wah Cantt. From the day, he charged in the murder case, remained absent from his lawful duty, recorded vide DD No.5 dated 25.12.2017

3. The record reflects 02 charges against the accused constable Wajid No.1189, depicted as under:

- a. Charge in murder case
- b. Absence from lawful duty w.e.f 25.12.2017, till day.

4. As per available record, the accused constable avoids his legal arrest in the murder case and was proceeded with u/s 204 Cr.PC vide court order dated 01.01.2018 and proclamations u/s 87 Cr.PC dated 02.01.2018, executed on 04.01.2018. His name has also been recorded, in register no.4 at serial no.44/2017 in PS Cantt.

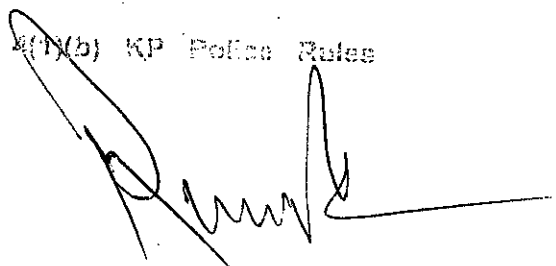
5. The accused constable was called repeatedly but did not appear or response hence in view of proclamation u/s 87 Cr.PC, he is proceeded with ex-parte.

6. While mentioning that as per law and principle, any accused who deliberately avoids his legal arrest, he shall lose his normal rights, therefore, deserves no concession at all.

7. In circumstances, the act of misconduct for his absence from lawful duty, is being established / proved, beyond any reasonable doubt.

8. Submitted for award of punishment, provided in 4(1)(b) KP Police Rules (amended) 1975.

9. Relevant record is enclosed herewith.


Rokhan Zeb
DSP Lachi (Investigating Officer)



14/12
3-1-18

Office of the
District Police Officer,
Kohat

No 40381-87PA

Dated 31-12/2017

CHARGE SHEET.

1. **ABBAS MAJEED KHAN MARWAT, DISTRICT POLICE OFFICER, KOHAT**, as competent authority under Khyber Pakhtunkhwa Police Rules 1975 (amendments 2014) am of the opinion that you **Constable Wajid No. 1189** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

Being involved in Criminal Case vide FIR No. 667 dated 25.12.2017 u/s 302/34 PPC PS Cantt, which is a gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of Police Rules 1975.

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

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

4. A statement of allegation is enclosed.

Dr. A. Khan

14-1-2018 - *[Signature]*

[Signature]
DISTRICT POLICE OFFICER,
KOHAT *[Signature]* 31/12



Office of the
District Police Officer,
Kohat

No _____/PA

Dated _____/2017

DISCIPLINARY ACTION

I, **ABBAS MAJEED KHAN MARWAT, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **Constable Wajid No. 1189** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

Being involved in Criminal Case vide FIR No. 667 dated 25.12.2017 u/s 302/34 PPC PS Cantt, which is a gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations Inspector/Laiki Rukhan Z. ed. is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,
KOHAT** 29/12

No. 40381-82/PA, dated 31-12-2017.

Copy of above to:-

1. Inspector/Laiki Rukhan Z. ed. The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused Officer:-** with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

کاؤنٹر فائل

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 1482 جھوٹا خط نوٹھاری 1955459-7

0332-9803955

تھانہ	گھنٹے	تاریخ و وقت	محل وقوع
667	667	25/17	کوٹھات
1	تاریخ و وقت رپورٹ	25/17	کوٹھات
2	نام و سکونت اطلاع دہندہ	13:30	ہائیدگی پورہ 25/17
3	مختصر کیفیت جرم (موردفہ) حال اگر کچھ لیا گیا ہو۔		چچر رومان ولد مظفر خان بعد 28 سال سکنتہ کاغذی
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت		302-34
5	نام و سکونت ملزم		مزد خانہ مقبول فضل محمود واقعہ کاغذی بھلاہ 5/17 کوٹھات پشاور
6	کارروائی جو تفتیش کے متعلق ہو اور اطلاع دہندہ کی طرف سے		اس سرف سکنان کاغذی
7	تھانہ سے روانگی کی تاریخ و وقت		پہر سبکی مراسلہ پورہ دیا جا رہا ہے۔

ابتدائی اطلاع پر درج کرو۔ بطور سہیل رپورٹ

اس وقت ایک کمرہ می مراسلہ مہتابہ طاہر نواز 4845 تھانہ کتب بطور سہیل رپورٹ کے لئے کینسل کینسل مہتابہ علی شاہ 3333 موصول کر درج ذیل ہے۔

مختصر صاف صاف 5/17 صاحبہ تھانہ کتب دوران گشت وقوعہ کی اطلاع ملنے پر مہتابہ نوری نے 1482 کوٹھات آ یا پھر جنسی روم میں تعین اذان قتل چچر دولہ مظفر خان بعد 28 سال سکنتہ کاغذی جو چھوڑا کڑکئی مقبول بہادر امین چچر رومان ولد مظفر خان بعد 28 سال سکنتہ کاغذی رپورٹ کرنا ہیکہ امروز بعد ضیاع ہر گے کے ہی مع بہادر امین فضل محمود جائے وقوعہ پر پھرتی کام شروع کر رہے تھے کہ اس دوران مہتابہ ران واہد ولد ادیس (5) میر نواز ولد اسرف سکنان دیہ ام آکر پورے وقوعہ میں کام لے کر جانچا اور باتوں باتوں میں حصہ ہو کر میر نواز نے بہادر امین فضل کو ٹیکڑا اور واہد نے پستول نکال کر بہادر امین فضل محمود بہر بار ارادہ قتل فائرنگ کی جب سے وہ بگ کمرہاں کئی ہوا۔ وہ وہ وقوعہ پر چھوڑ دیکر دو گولوں کا شیم دیا ہے۔ وہ مہتابہ اراضی پر تہاڑ ہے۔ میں بہادر امین فضل محمود کے قتل کا مہتابہ نے ملزماں و اولاد میر نواز با لہ خود آرہوں۔ دستخط انگریزی رپورٹ کتہہ 5 مہتابہ مہتابہ 1955459-7

مہتابہ علی شاہ 3332 کوٹھات پولیس صاحب گفٹہ سائل رپورٹ درج بالا ہو کر پھر ہر گے کوٹھات کے ذمہ رپورٹ کے ذمہ لیا جاسکی جس لہذا ہی کرنا ہوں مقبول کے کاغذات فرگ تیار کر کے ذمہ حفاظت کینسل مہتابہ علی شاہ 3332 لہذا ہی پورہ مہتابہ کو الہ ڈاکٹر صاحب کی مہتابہ رپورٹ سے صورت بہتر مہتابہ علی شاہ ہے۔ مراسلہ لہذا ہی فائل کی خدمت بطور سہیل رپورٹ کے لئے کینسل مہتابہ علی شاہ 3332 ارسال تھانہ ہے۔

P.T.

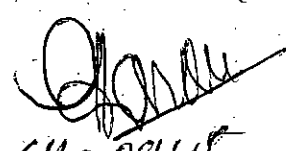
مخانیہ اسٹریٹی

تقدیم ۹ روز نامہ 25-12-17

مخانیہ اسٹریٹی
بلاک 56-1
پتہ

عد ۹ آف/ریپورٹ مختیار احمد ۱۸۸۴ فورم 25-12-17 کے وقت ۱۴۱۳۵، یک اس وقت
 خلیل حسین 1200/244 گارڈ کمانڈر صبا و شہناز گارڈ سے حسب ہدایت ۱۸۸۴
 مخانیہ آکر اپنے ساتھ ایکٹو وکٹسکوف نمبر 26085691-1-56-56
 فیکس چارج پر 30 عدد کارٹوس 762 بورڈ لکڑی سے کیے اور طائر کیا کہ کنیٹیل
 واحد اعتبار 1189 کے ہیں جبکہ رجسٹر لٹیم اسلام کوٹ چیک کر کے پیر کنیٹیل واحد
 اعتبار 1189 پر ایکٹو وکٹسکوف 3 عدد وارم 40 کارٹوس الیٹو یو ٹی کے ہیں
 پٹنل نمبر وکٹسکوف وہی لٹیم نمبر وکٹسکوف یا یا کیا جبکہ دو عدد وارم
 60 عدد کارٹوس 762 بورڈ نمبر کنیٹیل کے زعفرانیا پے گارڈ کمانڈر خلیل
 حسین سے دستخط کیا جاتا ہے الدستخط گورنری گارڈ کمانڈر گارڈ کمانڈر کے دستخط انگور
 ثبت کر کے روانہ جائے لیکناتی گارڈ صبا و شہناز دو پہر اسٹریٹی یا یاں روانہ
 کیا جبکہ آفہ وکٹسکوف 26085691-1-56-56 عدد فیکس چارج 30
 کارٹوس 762 بورڈ اول کوٹ کے پٹنل جبکہ دو وارم 60 عدد کارٹوس 762 بورڈ
 سرکار پتہ زعفرانیا پٹیل واحد اعتبار 1189 لٹیا پٹے رپورٹ درج روز نامہ پٹے

Shahid
M102-PSU
25-12-17

542
Forwarded

SHO-PSU
25-12-17

مقامہ استرزی

نقل و روزنامہ 25/12

صبر

قد 8 و الیسی / رپورٹ انسپکٹر گل صنان SHO حوض 25/12 وقت 11:20 بجے
 میں صدر پراپان بحوالہ قد 27 روزنامہ بند شدہ امروزہ گتت علامت سے
 والیسی آیا گتت علامت کر کے دوران گتت SHO مقامہ کینٹ محمد علی انسپکٹر
 نے بتزیر وقت اطلاع دی کہ کینٹیل واحد احتمال 1189 متعینہ گارد صناوشاہ
 نواز دیمہ استرزی پراپان مقامہ کینٹ کے مقدمہ علت 667 حوض 25/12
 302/34 میں حسب دعویداری نامزد ملزم ہے اور مذکورہ کی گرفتاری
 مطلوب ہے اس سلسلہ میں فوری طور پر گارد کمانڈر خلیل حسین 444 سے
 رابطہ کیا گیا جس نے بتایا کہ کینٹیل واحد احتمال 1189 بعد افتتاح ڈیوٹی بوقت
 06:00 بجے کے بعد گارد ہذا سے بغیر اجازت کے کہیں چلا گیا ہے اور بوقت
 09:30 بجے تک انتظار کیا گیا مگر والیسی نہ آنے پر بحوالہ قد کی روزنامہ 25/12
 رپورٹ غیر فہمندی درج روزنامہ کی ہے گارد کمانڈر کو ہدایت ہوئی کہ مذکورہ
 کینٹیل کارسگاری سامان اسلحہ اپولینشن ہروئے رسید داخل کوت مقامہ ہذا
 کریں دیگر گتت کر کے حیرت گزری

SHO / U.2
 report & confirm
 regarding
 officing arms
 in st. dep.

صناب عالی
 نقل مطابق اصل
 Shahid
 25-12-17

29.12.17
 2

Sir
 Forwarded
 [Signature]
 SHO-PSUS
 25-12-17

مقامہ استرزی

نقلد کا روزنامہ 25/12/17

ضلع کوہاٹ

عدی آفداریورٹ عینہ جعفری کا رد ایچ آر حنا شاہینواز خلیل حسین 12/17/2017

حور 25/12/17 وقت 09:35 بجے درج حکم میں بحیثیت گارڈ ایچ آر حنا شاہینواز ڈیوٹی سرانجام دے رہا ہوں جبکہ میں حسب معمول گارڈ ہذا میں موجود تھا گارڈ کنٹیلڈن کو صین کرنے پرنسپل واجد اصبال 1189 گارڈ ہذا میں عدم موجودگی یا یا گیا جس کے جواباً ٹل فون نمبر 8323047-8334 پر رابطہ کر کے جو بند آ رہا ہے سرکار کنٹیلڈن عینہ جعفری کے گارڈ سے جملہ گیا ہے جس کے خلاف رپورٹ عینہ جعفری درج روزنامہ ہو کر نقلد بظرف مناسب کارروائی افغان پالہ کو علیحدہ ارسال ہوگی اب میں اپنے جائے تعیناتی گارڈ حنا شاہینواز استرزی یا یاں روانہ ہوں

جناب عالی
نقل بمطابق اصل
shahid
M.M. PSUST
25-12-17

جناب عالی
کنٹیلڈن سرکاروں تنخواہ بند کیا گیا
رپورٹ کرنا ہے
29/12/17
جناب عالی

412
Forwarded
[Signature]
M.M. PSUST
25-12-17

حوالہ نقلد 8-9-25 روزنامہ 25/12/17 مقامہ استرزی، ضروری خدمت ہوں، مقامہ استرزی کا کنٹیلڈن واجد اصبال 189 سکنہ ماغزی علیہ کہہ مقامہ کنٹ کا رالشی جو کہ حنا شاہینواز گارڈ استرزی میں ڈیوٹی پر مامور تھا۔ مقامہ کنٹ میں حوالہ مقدمہ عدت 667 مورخہ 25/12/17 جرح 302/34 PPC مقامہ کنٹ میں حاضر ملزم ہے۔ مقامہ استرزی سے عینہ جعفری رپورٹ تشریح ہے۔ مناسب حکم صادر فرمائیں۔

Pay stopped. Suspended
JSSU charge sheet and
Summary of Allegation.

D.P.O. KOHAT
28-12-2017

[Signature]
A.H.K.T
27.12.17

1112
Dated 29.12.2017

0922-9260274

0922-9260275

The Superintendent of Police,
Investigation Wing, Kohat.

To: The District Police Officer Kohat.

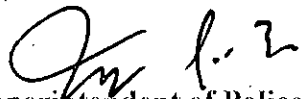
No. 6735/GC, Dated Kohat the 27/12 /2017.

Subject: CASE FIR NO. 667 DATED 25.12.2017 U/S 302/34 PPC PS CANTT.

Memo:

It is submitted that Constable Wajid No. 1189 s/o Idrees r/o Kaghazai presently posted in police station Usterzai has been charged in the above cited case.

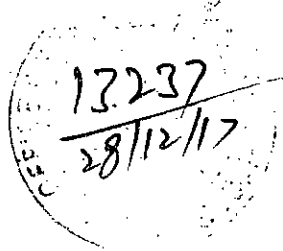
It is therefore, requested that his pay may be stopped and departmental proceeding may kindly be initiated against him please.



Superintendent of Police
Investigation Wing, Kohat

No. 6736 /GC,

Copy to OII PS Cantt for information and necessary action.

PA/OHE
Issue charge sheet




District Police Officer
27/12

POLICE DEPTT:

DISTRICT KOHAT

ORDER

Constable Wajid No. 1189 of this district Police is hereby suspended and closed to Police Lines Kohat due to his involvement in case FIR No. 667 dated 25.12.2017 u/s 302/34 PPC PS Cantt with immediate effect.

OB No. 1117

Date 29-12-1 /2017


DISTRICT POLICE OFFICER,
KOHAT 29/12

No _____/PA dated Kohat the _____ 2017.

Copy of above is forwarded to Reader/SRC/OHC for necessary action.

1,
4
20

کاروائی رولوسٹی

صفحہ نمبر 667 رقم 34 / 302 کا قلمبند
25-12-17

نام: واہد اللہ ولد ادریس سید طغیانی

1-1-18 درج ذیل وصول وارنٹ 204 ضاف

1-1-18 درج ذیل وصول وارنٹ 204 ضاف

2-01-18 درج ذیل وصول وارنٹ 204 ضاف

2-01-18 درج ذیل وصول ایشیارات 87 ضاف

2-01-18 درج ذیل وصول ایشیارات 87 ضاف

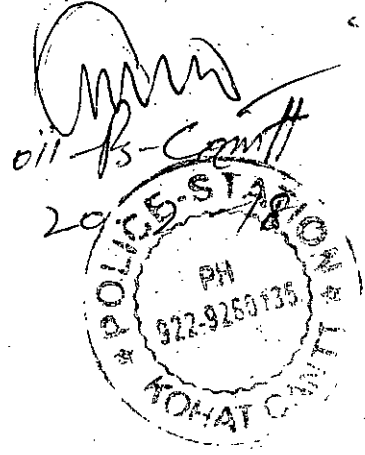
4-01-18 درج ذیل ایشیارات

پہنچنے والے خلاف کاروائی رولوسٹی بہ طریقہ باقاعدگی میں

رہتی ہے۔ جو کہ 4 رولوسٹیوں کا قلمبند ہے جسے 44

2017

بہر وقت کیلئے کوئی بھی



بیان آئین قیوم خان 47
KBI DFL

بدریافت بیان کیا کہ مجھے وارنٹ 204 صفی بیگم واجد ولد ارشد سید
کاغذی بمقدم عدالت 667 حورم 17/25/12 صبرم 34/302/PP قحانہ کنڈ
ارشد خان اہ قحانہ کنڈ نے بغرض تعین مارک ہو کر میں نے وارنٹ 204 صفی
کی تعین علاقہ میں حسین ضابطہ کر کے وارنٹ 204 کی تعین علاقہ
میں صفی حوالہ اہ قحانہ کنڈ کر کے بعد عدالت سے اسٹیمپ 87 صفی
جاری ہو کر اسٹیمپ ایک کافی عدالت کے نوٹس بود ڈیہر حسین کیا
دوسرا کافی حلزم کے گھر کے دروازے پر حسین کیا سیر کافی پر
علاقہ میں مشہوری کر کے اسٹیمپ کافی بعد تعین کے ارشد خان
اہ قحانہ کنڈ کو حوالہ کی ہے یہ میرا بیان ہے

~~QATTA~~

قیوم خان 47
KBI

خانہ جماعتی

صوبہ پنجاب

درخواست نمبر 302/34 وارنٹ برائے حلف

مقدمہ نمبر 667 مورخ 25/12/17 رقم 302/34 خانہ جماعتی

بتک: واجد ولد ادین سنگہ ماغذیا

صبرقادر ولد ارشد سنگہ

ضیاء علی

مقدمہ نمبر بالا سے ملک مان بالا بعد ارنکاپہرم
کے رولوشن پر عمل سے، پولیس کی جائز گرفتاری سے
گھنٹہ کرنا ہے۔

بہ شدت حاصل ہوتی ملک مان بالا وارنٹ برائے حلف
جاری کرنے کا حکم صادر فرمایا جائے

Ps - court
01-01-2018

forwarded (iv)
1-1-18

Order:- Be issued as
111/2018 per legal formalities.

Civil Judge XII, Kohat
111/18

بعد الٹ جوڈیشل مجسٹریٹ صاحبہ ایف۔ ایف۔ کوہاٹ

مقدمہ نمبر 667 - 25 جولائی 2017ء جس میں 302/34 کی رقم عطا کرنی

بنام { 5 } میر خیر از ولد ایشرف سترہ منڈلی

واریشٹ 204 صف

140/511 کی رقم عطا کرنی

مقدمہ نمبر 667 - 25 جولائی 2017ء جس میں 302/34 کی رقم عطا کرنی

بنام { 5 } میر خیر از ولد ایشرف سترہ منڈلی

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جوڈیشل مجسٹریٹ صاحبہ ایف۔ ایف۔ کوہاٹ

11/18

Riaz Aslam
Civil Judge XII, Kohat

وزیر اعلیٰ اور وزیر اعلیٰ کے نام سے
کے نام سے وزیر اعلیٰ کے نام سے
کے نام سے وزیر اعلیٰ کے نام سے

محمد رفیق

۱۔ مولانا محمد رفیق کوئیٹو کے نام سے

1992-1994-14301

3339633911

محمد رفیق

وزیر اعلیٰ اور وزیر اعلیٰ کے نام سے
کے نام سے وزیر اعلیٰ کے نام سے
کے نام سے وزیر اعلیٰ کے نام سے

عبدالحمید

۲۔ عبدالحمید کوئیٹو کے نام سے

0333 9511313

14301-2000197-7

وزیر اعلیٰ اور وزیر اعلیٰ کے نام سے
کے نام سے وزیر اعلیٰ کے نام سے
کے نام سے وزیر اعلیٰ کے نام سے

۳۔ عبدالحمید کوئیٹو کے نام سے

03339636974

14301-3081227-9

وزیر اعلیٰ اور وزیر اعلیٰ کے نام سے
کے نام سے وزیر اعلیٰ کے نام سے
کے نام سے وزیر اعلیٰ کے نام سے

عبدالحمید

بعد الٹ ہو کر پیش عدالت میں آئے کوہاٹ

مقدمہ نمبر 667 صورت 12/25 جرم 302/34 قسط نمبر 1

بنام { @ واحد ولد ادریس کنہ ماٹھی

ورثت 204 ضف

کاٹھن

مقدمہ نمبر بالا میں ملزم بالا حسب قاری رقم

کر کے روپرو میں عدالت میں

Handwritten signature

جو کہ پیش عدالت میں آئے کوہاٹ

11118

Riaz Aslam
Civil Judge XII, Kohat

فلم و فوٹو
نق

زید ولد اورنگ ستینہ ماغدی کو ذرا کی
پانیا ہونا تو اسے ماغدی کا بیٹا کہہ کر اور کتھن
یوں کہتے تھے اور عمارت کا نام سے بلاتے

سید محمد

کا قریبی دوست تھی تو اسے زید ولد کہتے تھے

1-92-1994-1431

3339633911

علاء ولد اورنگ ستینہ ماغدی کو ذرا کی طور پر
کہتے تھے ہونا تو اسے ماغدی کا بیٹا کہتے تھے
عبدالغنی سے کہتے تھے اور وہ اسے
سید امجد ولد فضل سہیل ستینہ ماغدی کو صاحب

7-197-2000-1430

0333-9511313

علاء ولد اورنگ ستینہ ماغدی کو صاحب ہونا تو اسے
عبدالغنی سے کہتے تھے اور وہ اسے
سید امجد ولد فضل سہیل ستینہ ماغدی کو صاحب

علاء ولد اورنگ ستینہ ماغدی کو صاحب ہونا تو اسے
عبدالغنی سے کہتے تھے اور وہ اسے
سید امجد ولد فضل سہیل ستینہ ماغدی کو صاحب

9-227-308-1430

3339636974

Signature

DF-1282-CANT
2-1-18

درخواست
مقامی
نمبر



قلم کو خطی

قلم کو خطی

درخواست نمبر وصول ایشیادان ۵۷ ضاف

حق اولاد 667 $\frac{12}{17}$ 25 صبرم 302/33

بنا ۱۰ واید ولد ادرید سکنہ ماہندی

۲) میرغواذ ولد اشرفا سکنہ ۵

بنایا

قلم کو خطی بلایا حیدرمان بلایا لیدو قلم کو خطی

حق اولاد وارڈن ۲۰۲۰ ضاف عدالت سے جاری ہو کر

تعمیر کیا گیا ہے ۲۰۲۰ کے حکم و بلایا دیکھو

کھری لکھی جانے لگی ہے قلم کو خطی سے

اشیادان بلایا قلم کو خطی ایشیادان ۵۷ ضاف

جاری کرنے کا حکم صادر کیا گیا ہے

02-01-2018

Forwarded in
App
2-1-18



Be me

0-
2.1.18

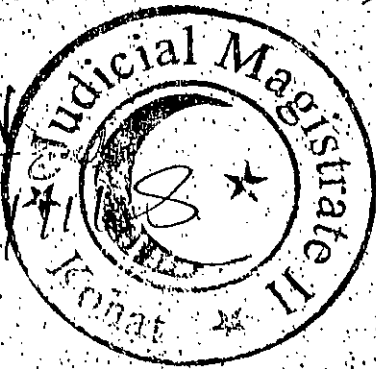
اشتراک ترقی دفعہ 87 CRPE

تقریباً 667 مورچے $\frac{12}{17}$ 25 مہرہ 302 کھانہ کشت
مقامی واحد ولد ارضی سہ ماہی

پراگاہ بھارت بروئری اسوں اسری رائی کٹی کہ منظم سہ شریک انعام
ہنگامہ گنیاجے بیگم منظم ہالا کے فلاح وارثہ

سر کے تقسیم سب سہ ماہی طور پر سہ ماہی منظم ہالا دیدا واقعہ ہرورہ ہرورہ ہرورہ
اسی خاصہ گہری تادی سے گہری تادی ہے

گہری تادی سے گہری تادی ہے گہری تادی ہے گہری تادی ہے
گہری تادی ہے گہری تادی ہے گہری تادی ہے گہری تادی ہے



کوٹہ 2

مقامی سرکاری سرحدوں میں ملزم ولد اور لیسہ
کے گھریلو اشتہار کے کارکن اور لیسہ اشتہار
رہنما

مقامی سرحدوں میں ملزم ولد اور لیسہ

03339641912
14301-1973453-5

مقامی سرحدوں میں ملزم ولد اور لیسہ
کے گھریلو اشتہار کے کارکن اور لیسہ

مقامی سرحدوں میں ملزم ولد اور لیسہ

03348280921
14301-0798861-5

مقامی سرحدوں میں ملزم ولد اور لیسہ
کے گھریلو اشتہار کے کارکن اور لیسہ



مقامی سرحدوں میں ملزم ولد اور لیسہ

03369597757
14301-81097772

مقامی سرحدوں میں ملزم ولد اور لیسہ
کے گھریلو اشتہار کے کارکن اور لیسہ

DFC - KBI - Cantt
4-1-18

اشتراک زبرد دفعہ 87 CRPC

تقریباً 667 ملازمین 25 ¹²/₁₇ مہرم 302 / 34 جگہ کنست

مقام میں ملازمین کے ساتھ ساتھ

مقامی طور پر ملازمین اور ان کے خاندان کے افراد کو ملازمین کے لئے

مقرر کیا گیا ہے تاکہ ملازمین، بالائے ذکر کے خلاف وارد ہونے

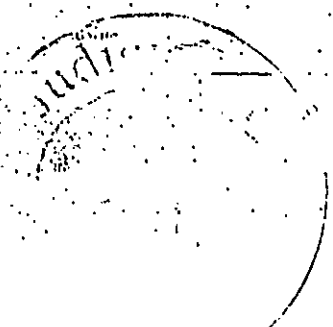
کے وقت ان کے ساتھ ساتھ ملازمین کے خاندان کے افراد کو ملازمین کے لئے

مقرر کیا گیا ہے تاکہ ملازمین کے خاندان کے افراد کو ملازمین کے لئے

مقرر کیا گیا ہے تاکہ ملازمین کے خاندان کے افراد کو ملازمین کے لئے

J.M. II کوٹاہ

2/



Handwritten notes in the left margin, including the word 'کونست' (Const) and other illegible text.

ڈی آئی ایم اے سرکاری سرچرٹی میں ملازم میر نور و ولد اشرف
خان سنگھ مانڈی کی ریشٹری مانی فلر ہے جو غائب ہے
یہ سب ثابت ہے اور ریشٹری سرکاری ریکارڈ میں ہے

کا سرکار دار و ولد ڈی آئی ایم اے سرکار خانہ چھوڑا جا رہا ہے
ڈی آئی ایم اے

14301-1973453-5

0333941912

ڈی آئی ایم اے سرکار سرچرٹی میں ملازم میر نور و ولد اشرف
خان سنگھ مانڈی کی ریشٹری مانی فلر ہے جو غائب ہے
یہ سب ثابت ہے اور ریشٹری سرکاری ریکارڈ میں ہے

کا سرکار دار و ولد ڈی آئی ایم اے سرکار خانہ چھوڑا جا رہا ہے
ڈی آئی ایم اے

14301-0798861-5

03348280921

ڈی آئی ایم اے سرکار سرچرٹی میں ملازم میر نور و ولد اشرف خان
خان سنگھ مانڈی کی ریشٹری مانی فلر ہے جو غائب ہے
یہ سب ثابت ہے اور ریشٹری سرکاری ریکارڈ میں ہے

کا سرکار دار و ولد ڈی آئی ایم اے سرکار خانہ چھوڑا جا رہا ہے
ڈی آئی ایم اے

14301-8109777-1-

03369597757

ملازم میر نور و ولد اشرف خان سنگھ مانڈی کی
سرسرٹی میں ملازم میر نور و ولد اشرف خان
خان سنگھ مانڈی کی ریشٹری مانی فلر ہے جو غائب ہے
یہ سب ثابت ہے اور ریشٹری سرکاری ریکارڈ میں ہے

(32)

Statement of D.F.C

Stated that in reference to Case FIR No. 667 Dated 25-12-

U/S PC 302/34 PS Can II

I have been entrusted with the execution of warrant of U/s 204 Cr.P.C in respect of accused ① 105 S/o ① اریس

R/o ② 127 عائزہ ② اشرف

for the execution of said warrant, I went to the locality village / area where the accused was / were living. I search him / them through out in the entire locality but he / they could not be traced as he / they has / have gone into hiding. The warrant U/s 204 Cr.P.C could not be executed.

RO & AC

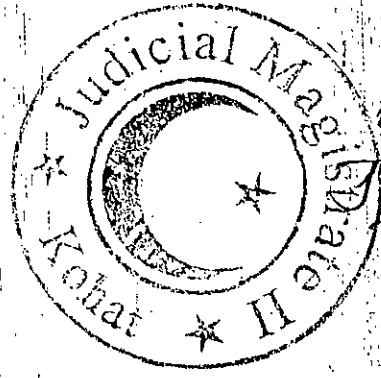
DU: 2-1-18-

DFC WATZ

N

ORDER

Being satisfied from the statement on Oath of D.F.C above named this court is of the view that the accused is / are avoiding his / their lawful arrest. Therefore proclamation U/s 87 Cr.P.C is hereby issued against the accused above named. The D.F.C concerned is directed to affix the copy of proclamation on the notice board of the court, the outer door of the house of the accused in accordance with law.



N
Date 2/1/18

رپورٹ ضمنی

4/1/18

① نسیم قیوم خان $\frac{47}{1481}$ کاٹا چھاپو فی نے بدر باؤنٹا بیان کیا کہ مقدمہ عدالت
 صفحہ 667 $\frac{12}{17}$ 25 ص 302434 کاٹا چھاپو فی نے وائس

204 صفا بنام: والدہ و لا ادریس میر نواز و لا استغیا اللہان
 عند فی لفظ نسیم مارٹ پور جکی لعل صبا خالد بیوک عبدالرشید
 انابا پور ایجنڈر، گدی پوری در خواست میر عبدالرشید ملکمان بالآخر خلاف
 شہادت جہ صفا جوں کے عبدالرشید جی ملکمان جی شہادت
 شہادت حاصل کرے، یا مای عبدالرشید لعل لعل میر صبیان بی بی
 جی ملکمان کے گورنر کے دروازوں میر صبیان بی بی شہادت میر علی
 میر شہریار کے خلاف مقدمہ سے شہادت کے پیمانے لکھتا ہے
 لعل لعل کے بعد لعل، اب لعل شہادت کو خواہم جی میر صبیان

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POLICE DEPTT:

DISTRICT KOHAT

ORDER

Constable Wajid No. 1189 of this district Police is hereby suspended and closed to Police Lines Kohat due to his involvement in case FIR No. 667 dated 25.12.2017 u/s 302/34 PPC PS Cantt with immediate effect.

OB No. 1117
Date 29-12-2017


DISTRICT POLICE OFFICER,
KOHAT 29/12

No _____ /PA dated Kohat the _____ 2017.

Copy of above is forwarded to Reader/SRC/OHC for necessary action.

2 of 18
لو سنک
عین
طسوم

صعطل روسر
لائی رول

No: 0922-9260274

No: 0922-9260275

From: The Superintendent of Police,
Investigation Wing, Kohat.

To: The District Police Officer Kohat.


No. 6735/GC, Dated Kohat the 27/12 /2017.

Subject: CASE FIR NO. 667 DATED 25.12.2017 U/S 302/34 PPC PS CANTT.

Memo:

It is submitted that Constable Wajid No. 1189 s/o Idrees r/o Kaghazai presently posted in police station Usterzai has been charged in the above cited case.

It is therefore, requested that his pay may be stopped and departmental proceeding may kindly be initiated against him please.

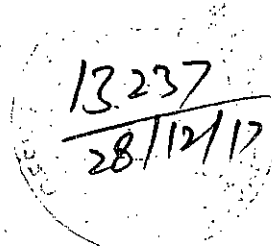

Superintendent of Police
Investigation Wing, Kohat

No. 6736 /GC,

Copy to OII PS Cantt for information and necessary action.

PA/OHE

Issue charge sheet



27/12

POLICE DEPTT:

DISTRICT KOHAT

ORDER

Constable Wajid No. 1189 of this district Police is hereby suspended and closed to Police Lines Kohat due to his involvement in case FIR No. 667 dated 25.12.2017 u/s 302/34 PPC PS Cantt with immediate effect.

OB No. 1117

Date 28-12 /2017


DISTRICT POLICE OFFICER,
KOHAT 28/12

No 40383-85/PA dated Kohat the 31-12 2017.

Copy of above is forwarded to Reader/SRC/OHC for necessary action.

~~19/8/16~~

~~Impugned order 29/3/12~~
~~dt 25/6/2012 (P/20)~~

Wajid:

Impugned order - 9/8/2018
 Bail - 24/5/2019.
 D.A - 29/7/2019.
 Rejected - 17/8/2019.
 Acquittal - 7/12/2019.
 under 11A under ~~11A~~ 2/4/2020.
~~Rejected~~ -
 S.A within 30 days - 13/5/2020

~~involved in criminal case.~~

As per CSR 194. The appellant was required to be suspended, but was not suspended.
 Police Rule 1934 - 16:3. After acquitted by criminal court, he should be re-instated if charges are the same.

2017 PLC CS 1076

Court has ample power for condonation of delay 1999 SCMR 880.
 Retrospective void order.

2003 PLD SC
 2010 PLD SC 695(H) Proper time for Deptt appeal is after exoneration.
 proceedings at the back of the appellant
 Rule - 6(1)(b) Police Rule 1975.
 2005 SCMR

BDA - FIR - Directly charged (P/6)
 P/8 - BB - Acquittal 17/12/2019
 P/9 - on the basis of impugned order and law provisions

Invoiced 9/8/18
Dept appeal 29/7/19 after delay
of 11 months -

Appeal rejected 17/8/19 on time
limitations -

PLD 572

Abscondance -
S.A. No. _____ 23/2013
Decided 20/5/2015.

~~Moral Turpitude~~

Dept + Criminal + civil by civil.

Charge sheet / statement of allegation + show cause
notice served.

Rebuttal:

2012 Plc - 165 All ~~has~~ acquitted

are honorabile.

1989 SCMR 1993(D)

In Police rule no mention of
misconduct - Definitions.

Condonation of delay applications -

which the appellant preferred departmental appeal on 30.8.2012, with a considerable delay and this Tribunal had no powers to condone the delay made before the departmental appellate authority. He further stated that admittedly the appellant remained absconder for a long period and did not perform duty, hence he was not entitled for any back benefits. He stressed that under Rule 54 of Fundamental Rules, the competent authority has got the discretionary power to either allow or dis-allow any such benefits and in circumstances of the case, intervening period of the appellant had rightly been treated as leave without pay. He requested that the appeal may be dismissed.

6. We have heard arguments of the learned counsel for the parties and perused the available record with their assistance.

7. The Tribunal is of the view that departmental appeal of the appellant dated 30.8.2012 against the impugned order dated 07.01.2012 was admittedly time-barred before the departmental appellate authority. Under the law this Tribunal has no powers to condone the delay before the departmental appellate authority. The appellant after involvement in criminal case should have surrendered himself but he remained fugitive from law for a long period of more than five years. The appellant did not perform any duty during the period from 20.10.2003 to 21.10.2009 (6 years), therefore, he is not entitled to receive salary etc. for that period.

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8. In view of the above, the appeal being devoid of merits and not maintainable is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record.

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Government of Pakistan Cabinet Secretariat Establishment Division No. 3/10/2010-R-II Islamabad, the
17th March, 2010

OFFICE MEMORANDUM Subject: REPEAL OF REMOVAL FROM SERVICE (SPECIAL POWERS)
ORDINANCE, 2000

The undersigned is directed to state that the Removal from Service (Special Powers) Ordinance, 2000 has been repealed vide Section 2(1) of the Act No. III of 2010 (printed over leaf). It received the assent of the President on 51st March, 2010.

Under sub-section (2) of Section 2 of the Act *ibid*, all proceedings pending under the repealed Ordinance immediately before the commencement of Act No. III of 2010 against any person whether in government service or corporation service shall continue under the repealed Ordinance.

Under sub-section (3) of Section 2 of the Act *ibid*, all fresh disciplinary proceedings from 5th March, 2010 onwards relating to persons in government service, to whom the Civil Servants Act, 1973 (LXXI of 1973) and the Government Servants (Efficiency & Discipline) Rules, 1973, apply, shall be governed under the aforesaid Act and the rules made thereunder and persons in corporation service shall be governed under the law applicable to them and rules and by-laws made thereunder.

-4. Ministries/Divisions are requested to kindly bring the above instructions to the notice of all concerned for information and compliance. ir (A y133- s ir Section Officer R-II) All Secretaries/Additional Secretaries Incharge, Ministries/Division

Appeal # 5684/20
 Waqid vs Govt.
 D/A/ absence
 For Respondent

Sr. No.	Date of order/proceedings	Order or other proceedings with signature of Judge/Magistrate
1	2	D/A Time barred (cannot condone delay) / Salary
1.	20.05.2015	<p>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>PESHAWAR.</u></p> <p>Service Appeal No.23/2013, Muhammad Alam Versus the District Education Officer, Charsadda etc.</p> <p><u>JUDGMENT</u></p> <p><u>ABDUL LATIF, MEMBER.-</u> Appellant with counsel (Mr. Gohar Ali, Advocate) and Mr. Muhammad Jan, Government Pleader with Javed Ahmad, Supdt. for the respondents-department present.</p> <p>2. The appellant Muhammad Alam filed the instant appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 07.1.2012, whereby he has been reinstated in service w.e.f. 22.10.2009 instead of 20.10.2003 with all back benefits.</p> <p>3. Brief facts of the case are that the appellant was the employee of Education Department District Charsadda, who was charged in a criminal case U/S 302/324/148/149-PPC, vide FIR No. 471, dated 20.10.2003 P.S Sardheri, District Charsadda. He was put under suspension, however, he went to hide and lateron arrested and then acquitted from the charges on the basis of compromise vide order dated 7.9.2010 of the Addl. Sessions Judge-I, Charsadda. After his acquittal, the</p>

Appellant approached the respondents-department for his reinstatement in service and he was accordingly reinstated w.e.f. 22.10.2009, however, the intervening period w.e.f. 20.10.2003 to 21.10.2009 was treated as leave without pay, vide order dated 07.1.2012 of respondent No.1. Feeling aggrieved, the appellant filed departmental appeal on 30.8.2012 before respondent No. 2, which was not decided within the stipulated time, hence the present appeal before this Tribunal.

4. The learned counsel for the appellant stated that the impugned order was against law and rules on the subject. That under the rules monthly salary and annual increments of the appellant could not be stopped during suspension period. He further stated suspension was not an offence, if so then respondents-department should have issued charge sheet and show cause notice etc. to him. The learned counsel for the appellant stressed that the appeal was within time, however, if there was any delay in filing the appeal, the appellant had already filed application for condonation of delay, accompanied with the appeal. He requested that the appeal may be accepted. He relied on 2007-SCMR-855, 2014-SCMR-1843 and 2015-SCMR-77.

5. The learned Government Pleader resisted the arguments the arguments of the learned counsel for the appellant and stated that the impugned order was issued on 07.1.2012, against