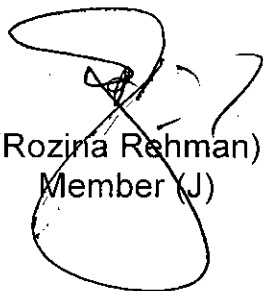


16.11.2021


Appellant alongwith counsel present.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Shamrez khan S.I (Legal)for respondents present.

After hearing the arguments at some length, a proposition has developed that it would be in fitness of things to postpone the hearing of this case unless the underlying case involving criminal charge against the appellant is disposed of by the competent Court. Because of this proposition, it will serve no purpose to keep this case pending for proceedings. Therefore, the appeal is adjourned sine die with liberty to the appellant to seek its restoration as and when the criminal case is disposed of, if he is so advised.



(Rozina Rehman)
Member (J)



Chairman
Camp Court, A/Abad


21.09.2021

Clerk of learned counsel for the appellant present. Mr. Shamraiz, ASI (Legal) alongwith Mr. Riaz Ahmed Pindakhel, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant submitted an application for adjournment on the ground that learned counsel for the appellant is unable to appear before the Tribunal today due to death of his brother. Adjourned. To come up for arguments before the D.B on 16.11.2021 at Camp Court Abbottabad.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT ABBOTTABAD



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

19.01.2021

Due to COVID-19, the case is adjourned for the same on 17.02.2021 before D.B.



READER


17.02.2021

Nemo for appellant.

Noor Zaman Khattak learned District Attorney alongwith Shamrez A.S.I for respondents present.

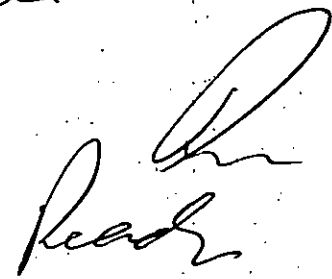
Notice be issued to appellant/counsel for 20.04.2021 for arguments, before D.B at Camp Court, Abbottabad.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad


(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

20.4.21

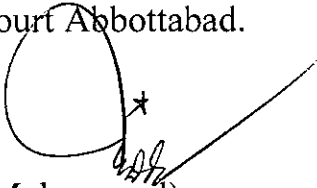
Due to covid-19, case is adjourned to 21-8-21 for the same.

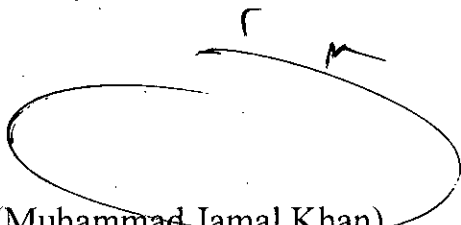

Reader

16.11.2020

Counsel for the appellant is present. Mr. Usman Ghani, District Attorney alongwith Mr. Shamriaz Khan, ASI for respondents present.


The Lawyers community is not appearing in the Tribunal for the reason that they are observing sough of the Hon'able Chief Justice, Peshawar High Court, Peshawar, therefore, the case is adjourned to 19.01.2021 for arguments before D.B at camp court Abbottabad.



(Mian Muhammad)
Member(E)


(Muhammad Jamal Khan)
Member(J)
Camp Court Abbottabad

22.01.2020

Appellant in person present. Mr. Ziaullah, DDA for the respondents present. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 20.02.2020 before D.B at camp court Abbottabad.


Member


Member
Camp Court A/Abad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

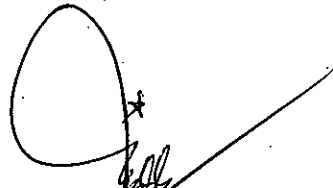
Due to summer vacation case to come up for the same on
16 19 20 at camp court abbottabad.

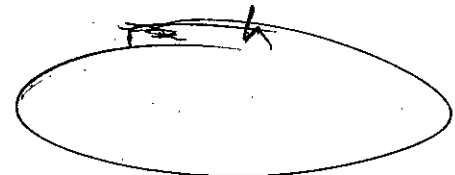
16.09.2020

Miss Zoofi Shah, Advocate is present on behalf of counsel for the appellant. Mr. Usman Ghani, District Attorney alongwith Mr. Atif Ali, IHC for respondents present.

According to the Junior to counsel for the appellant her senior counsel has proceeded to the august Supreme Court of Pakistan and is not available today, therefore, could not attend the Service Tribunal. Request for adjournment. The request is acceded to.

Adjourned to 16.11.2020 for arguments before D.B at camp court Abbottabad.


(Mian Muhammad)
Member(E)


(Muhammad Jamal)
Member
Camp Court A/Abad

23.10.2019

Appellant in person present. Learned counsel for the appellant is not present. Mr. Usman Ghani, District Attorney alongwith Mr. Abid Hussain, Constable for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourn. To come up for arguments on 17.12.2019 before D.B at Camp Court, Abbottabad.

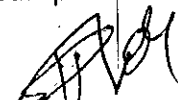

Member



Member
Camp Court Abbottabad

17.12.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Shamraiz Khan, ASI for the respondents present.

Perusal of the record reveals that the appellant was imposed major penalty of dismissal from service vide order dated 21.09.2015. The appellant filed departmental appeal on 14.10.2015 but the copy of order of departmental authority is not available on the record rather the copy of order dated 05.03.2017 passed by the revisional authority i.e Inspector General of Police is available on the record but the copy of revision petition is also not available on the record. Representative of the department is directed to furnish order of departmental authority regarding appeal dated 14.10.2015, if any, and copy of the revision petition to the Inspector General of Police by the appellant, if any, be produced on 22.01.2020 before D.B at Camp Court Abbottabad.


(Hussain Shah)
Member
Camp Court Abbottabad


(M. Amin Khan Kundi)
Member
Camp Court Abbottabad

22.01.2020

Appellant in person present. Mr. Ziaullah, DDA for the respondents present. Clerk to counsel for the appellant submitted rejoinder which is placed on file. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 20.02.2020 before D.B at camp court Abbottabad. Appellant be put on notice for the date fixed.

Member

Member
Camp Court A/Abad


19.06.2019

Counsel for the appellant and Muhammad Bilal, DDA
alongwith Shamraiz Khan, ASI for the respondents present.

Learned counsel for the appellant requests for
adjournment as he could not prepare the brief due to his
engagement in many cases before the Honourable High Court
today.

Adjourned to 20.08.2019 for arguments before the
D.B at camp court, Abbottabad.



Member


Chairman
Camp court, A/Abad

20.08.2019

Appellant in person present. Mr. Muhammad Bilal
learned Deputy District Attorney alongwith Mr.
Shamraiz Khan, ASI for respondents present. Appellant
submitted an application for adjournment. Adjourned on
payment of cost of Rs. 2000/- to be paid on behalf of the
appellant to the respondents. To come up for arguments
on 23.10.2019 before D.B at camp court Abbottabad.


Member


Member
Camp Court A/Abad

577/2018


18.12.2018

Appellant in person present. Mr. Shamraiz Khan, ASI alongwith Mr. Usman Ghani, District Attorney for the respondents present. Written reply not submitted. Requested for further time. Adjourned. To come up for written reply/comments on 21.02.2019 before the S.B at camp court, Abbottabad.


Member
Camp court A/Abad

21.02.2019

Appellant in person present. Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Shamriaz Khan, ASI for the respondents present. Written reply on behalf of respondents submitted. Adjourned to 17.04.2019 for rejoinder and arguments before D.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

17.04.2019

Counsel for the appellant & Muhammad Bilal, DDA alongwith Shamraiz Khan, ASI for the respondents present.

Learned counsel for the appellant submitted rejoinder to parawise comments of the respondents which is placed on record. Learned counsel requests for adjournment to argue the instant matter. Adjourned to 19.06.2019 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad

20.07.2018

Appellant Waqar Ahmad in person alongwith his counsel Mr. sardar Aman Khan, Advocate present and heard on preliminary.

Contends, that after lodging of criminal case against the appellant, he also attempted to lodge a cross-case but his request was not entertained. Further contended that on simple allegation made in the so-called FIR major penalty of termination from service has been imposed and that too without complying with the legal formalities required for a regular enquiry.

Points raised need consideration. The appeal is admitted for regular hearing, however, subject to all the legal objections particularly the question of limitation, if raised by the respondents. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 16.10.2018 before S.B at camp court, Abbottabad.

Appellant Deposited
Security Process Fee


Chairman

Camp court, A/Abad

16.10.2018

Appellant Waqar Ahmad in person present. Mr. Shamraiz Khan, ASI alongwith Mr. Usman Ghani, District Attorney for the respondents present. The above mentioned representative of the respondents made a request for adjournment. Granted. To come up for written reply on 18.12.2018 before S.B at camp court, Abbottabad.




Chairman

Camp Court, A/Abad

5

Form-A
FORM OF ORDERSHEET

Court of _____
Case No. 577/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	26/04/2018	<p>The appeal of Mr. Waqar Ahmad presented today by Sardar Aman 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 26/4/18</p>
2-	15-5-2018	<p>This case is entrusted to Touring S. Bench A. Abad for preliminary hearing to be put up there on <u>20-7-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No. 577 /2018

Waqar Ahmed Constable No. 1189 Police Line Abbottabad son of Ghulam Murtaza Caste Pathan, resident of Maira Rehmat Khan Tehsil & District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through, Secretary Home and Tribal Affairs Department Peshawar and others.

...RESPONDENTS

SERVICE APPEAL

INDEX

S.#	Description	Page #	Annexures
1.	Service Appeal with affidavit	1 to 10	
2.	Stay application	11 to 12	
3.	Copy of FIR No. 499	13 To 14	"A"
4.	Copy of FIR No. 53 dated 19/10/2015	15 To 16	"B"
5.	Copies of Show Cause Notice and reply	17 To 20	"C" & "D"
6.	Copy of order dated 21/09/2015	21	"E"
7.	Copy of departmental appeal	22 To 24	"F"
8.	Copy of the letter dated 05/09/2017	25	"G"
9.	Copy of writ petition and order dated 08/03/2018	26 To 36	"H" & "I"
10.	Wakalatnama	37	

Dated: 24/4 /2018

Through

...APPELLANT

(SARDAR AMAN KHAN)

Advocate Supreme Court of Pakistan,
Abbottabad

1

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 625

Dated 26-4-2018

Service Appeal No. 577-A 2018

Waqar Ahmed Constable No. 1189 Police Line Abbottabad son of Ghulam Murtaza Caste Pathan, resident of Maira Rehmat Khan Tehsil & District Abbottabad.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through, Secretary Home and Tribal Affairs Department Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police Hazara Region Abbottabad.
4. District Police Officer Abbottabad.

...RESPONDENTS

Filed to-day

[Signature]
Registrar
26/4/18

SERVICE APPEAL UNDER ~~Section~~ 4 OF KPK SERVICE TRIBUNAL ACT, 1974, FOR ISSUANCE OF A DECLARATION/ DIRECTION TO THE EFFECT THAT ORDER BEARING NO.235 DATED 21/09/2015 ISSUED BY THE RESPONDENT NO. 4 WHEREBY THE RESPONDENT NO. 4 VIDE IMPUGNED ORDER DISMISSED THE APPELLANT FROM SERVICE, WHICH WAS CHALLENGED BY THE APPELLANT BEFORE DIG (RESPONDENT NO. 3) BY WAY OF APPEAL,

WHICH IS STILL PENDING SINCE FROM 14/10/2015, THE INSPECTOR GENERAL OF POLICE KPK (RESPONDENT NO.2) WITHOUT ANY JUSTIFICATION INADVERTENTLY AND WITHOUT CONFIRMING THE STATUS OF APPELLANT'S IN TIME PENDING APPEAL, ISSUED LETTER NO. S/5403-04/17 DATED 05/09/2017 MENTIONED THEREIN "BEING TIME BARRED FOR ABOUT 02 YEARS" IS ILLEGAL, UNLAWFUL, WITHOUT LAWFUL AUTHORITY, ARBITRARY, PERVERSE, AGAINST THE LAW, FACTS AND CIRCUMSTANCES OF THE CASE, DISCRIMINATORY AND HENCE, INEFFECTIVE UPON THE RIGHTS OF APPELLANT. HENCE, LIABLE TO BE STRUCK DOWN, AND RESPONDENT NO.3 MAY GRACIOUSLY BE DIRECTED TO DECIDE APPELLANT'S APPEAL STRICTLY IN ACCORDANCE WITH LAW, MERITS AND ON CIRCUMSTANCES OF THE APPELLANT'S CASE BY ALLOWING HIM OPPORTUNITY OF PROPER HEARING.

PRAYERS:- ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE IMPUGNED ORDER NO. 235 DATED 21/09/2015 ISSUED BY RESPONDENT NO.4 AND LETTER DATED 05/09/2017 OF THE RESPONDENT NO. 2 MAY GRACIOUSLY BE ORDERED TO BE SET ASIDE AND RESPONDENTS BE

DIRECTED TO REINSTATE THE APPELLANT IN SERVICE WITH ALL BACK BENEFITS BY DECIDING THE FATE OF APPELLANT'S APPEAL IN ACCORDANCE WITH LAW. ANY OTHER RELIEF DEEMED FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE.

May it please your lordships; -

1. That the appellant was appointed as Constable in District Police Abbottabad and during the service, the appellant was transferred in Elite Force.
2. That midnight of 27-28th December 2014, some unknown persons trespassed the house of the appellant, after inquiry who declared themselves as employees of Forest Department and are searching about the illicit timber.
3. That thereafter, on the behest of Officials of Forest Department, local police of Police Station Nawanshehr, registered FIR No. 499 dated 28/12/2014 under Section 341/342/324/365/427/186/148/149 PPC Police Station Nawanshehr, Abbottabad. Copy of FIR is annexed as Annexure "A".

4. That the appellant also reported the matter to the local police but he refused to register the case against the culprits, thereafter the appellant submitted an application under Section 22-A Cr.PC before the court of Justice of Peace Abbottabad, on which, the learned Justice Peace Abbottabad directed the local police to register the case against the accused persons and thereafter the case FIR No. 53 dated 19/10/2015 was registered accordingly. Copy of FIR No. 53 dated 19/10/2015 is annexed as Annexure "B".
5. That on the basis of FIR No. 499, the appellant was charge sheeted and also served with show Cause Notice No. 2509 dated 03/03/2015. The appellant submitted the reply of the show cause notice dated 03/03/2015. Copies of Show Cause Notice and reply are annexed as Annexure "C" & "D".
6. That the respondent No. 4 without hearing the appellant, on the findings of so-called inquiry, vide impugned order No. 235 dated 21/09/2015 dismissed the appellant from service. Copy of order dated 21/09/2015 is annexed as Annexure "E".
7. That feeling aggrieved the appellant, preferred departmental appeal before the respondent No. 3 but

till now, the appellant has not received any response from the quarter concerned. Copy of departmental appeal is annexed as Annexure "F".

8. That during pendency of appeal before the worthy DIG Hazara (Respondent No. 3) the office of the worthy Inspector General of Police, KPK (Respondent No. 2) issued letter No. S/5403-04/17 dated 05/09/2017, mentioning that, appeal of the appellant is time barred. Copy of the letter dated 05/09/2017 is appended as Annexure "G".

9. That, faced with the above situation, the appellant filed writ petition No.1055-A/2017 before Peshawar High Court, Abbottabad Bench, which was dismissed on the basis of jurisdiction with direction to approach this Honourable Tribunal vide order dated 08/03/2018. Copy of writ petition and order dated 08/03/2018 are attached as Annexure "H" & "I".

Hence, the instant writ petition is being filed, inter-alia, on the following grounds:-

GROUND S; -

a. That, impugned act/order of respondents No. 2 & 4 are illegal, unlawful, without lawful authority, arbitrary, perverse, against the principle of natural justice, hence, ineffective

upon the rights of the appellant and is thus liable to be set-aside.

- b. That the impugned acts/orders of respondents are a sheer example of misreading, non-reading, non-consideration and wrong evaluation of material available on file. Hence, liable to be set-aside.
- c. That, the impugned acts/orders of dismissal from service passed by the respondent No. 2 & 4 is a worst example of misuse of powers/ authority.
- d. That the inquiry officer conducted one sided inquiry and given no opportunity of hearing to the appellant to prove his innocence.
- e. That the respondent No. 4 failed to consider this aspect of the case that at the time of issuance of dismissal order of the appellant, case FIR No. 499 was under trial and respondent No.4 in hurry and slipshod manner issued dismissal order of the appellant.

- f. That the respondent No. 4 also failed to consider that mere involvement in a criminal case, unless not convicted by the court is not fatal for dismissal from service, hence, the respondent No.4 has failed to act in accordance with law as such, the appellant deserves to be reinstated.
- g. That respondents have not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article-4 of the Constitution of Islamic Republic of Pakistan 1973 and unlawfully removed from service the appellant, which is unjust, unfair, illegal, hence not sustainable in the eye of law.
- h. That under Section-24-A of General Clauses Act, 1897, where any authority is vested with the power to make any order, such power shall be exercise reasonably, fairly, justly and for the advancement of the purposes of the enactment under which the power is conferred but in the case in hand the power was not exercised as such rather the same was misused arbitrarily to

the detriment of appellant without any rhyme or reason, therefore, the impugned order and the act of respondents is not legally maintainable.

- i. That it is inalienable right of every citizen to be treated in accordance with law and especially when placed in similar position with the other persons, thus, the impugned order being nullity in the eye of law is liable to be struck down.
- j. That there is no other efficacious, speedy or adequate remedy available to appellant except the instant constitutional petition.
- k. That the other grounds shall be urged at the time of arguments with the leave of this Honourable Court.

It is therefore, humbly prayed that on acceptance of the instant service appeal, the impugned order No. 235 dated 21/09/2015 issued by respondent No. 4 and letter dated 05/09/2017 of the respondent No. 2 may graciously be ordered to be set aside and respondents be directed to reinstate the appellant in service with all back benefits by

deciding the fate of appellant's appeal in accordance with law. Any other relief deemed fit and proper in the circumstances of the case



...APPELLANT

Through

Dated: 24/4 /2018



(SARDAR AMAN KHAN)

Advocate Supreme Court of Pakistan,
Abbottabad

VERIFICATION:-

Verified on oath that the contents of forgoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court



...APPELLANT

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

Service Appeal No. _____-A/2018

Waqar Ahmed Constable No. 1189 Police Line Abbottabad son of Ghulam Murtaza Caste Pathan, resident of Maira Rehmat Khan Tehsil & District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through, Secretary Home and Tribal Affairs Department Peshawar and others.

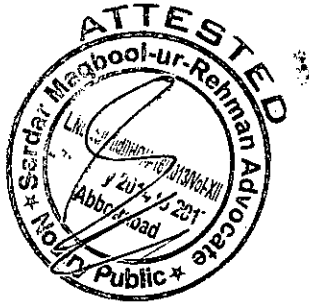
...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Waqar Ahmed Constable No. 1189 Police Line Abbottabad son of Ghulam Murtaza Caste Pathan, resident of Maira Rehmat Khan Tehsil & District Abbottabad, do hereby solemnly affirm and declare that the contents of foregoing service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


DEPONENT



24/4/018

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

Service Appeal No. _____-A/2018

Waqar Ahmed Constable No. 1189 Police Line Abbottabad son of Ghulam Murtaza Caste Pathan, resident of Maira Rehmat Khan Tehsil & District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through, Secretary Home and Tribal Affairs Department Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

APPLICATION FOR SUSPENSION OF OPERATION
OF IMPUGNED ORDER DATED 21/09/2015, TILL
FINAL DISPOSAL OF THE APPEAL.

Respectfully Sheweth;-

1. That the above titled service appeal is being filed before this Honourable Court, contents of the same may kindly be treated as an integral part of this application.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in his favour.

3. That if the operation of impugned order is not suspended, the appellant would suffer irreparable loss and purpose of filing of accompanying service appeal will become infructuous.

It is, therefore, humbly prayed that on acceptance of the instant application, the operation of impugned order dated 21/05/2018 may graciously be suspended, till final disposal of titled service appeal.

Dated: 24/4 2018

Through

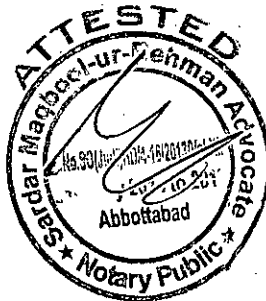
...APPELLANT

(SARDAR AMAN KHAN)
Advocate Supreme Court of Pakistan,
Abbottabad

AFFIDAVIT:

I, Waqar Ahmed Constable No. 1189 Police Line Abbottabad son of Ghulam Murtaza Caste Pathan, resident of Maira Rehmat Khan Tehsil & District Abbottabad, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

DEPONENT



ابتدائی اطلاعی رپورٹ

P

کوئٹہ (قابل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ 152 مجموعہ ضابطہ فوجداری
تھانہ نواں شہر ضلع ایبٹ آباد
نمبر علت 499 وقت وقوعہ 28/12/2014 وقت 01:10 بجے رات

۱	وقت رپورٹ 28/12/2014 وقت 03:30 بجے	چانگدگی پرچہ 28/12/2014 وقت 19:00 بجے
۲	نام و سکونت اطلاع دہندہ مستغیث	سر دار محمد سلیم SDFO ایبٹ آباد 3-13101-6337273 مدنی رابطہ نمبر 0346-9676309
۳	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو	زبردفعہ 186، 149، 148، 327، 365، 324، 342، 341 PPC 189
۴	جائے وقوعہ فاصلہ تھانہ سے اور سمت	میراگلی جانب شرق بقاصلہ 24/25 کلومیٹر تھانہ
۵	نام و سکونت ملزم	
۶	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا، تو وجہ بیان کرو	تحریری درخواست پر مقدمہ قائم ہوا
۷	تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل ڈاک

ابتدائی اطلاع بچے درج کرو

بوقت صدر تحریری درخواست ازاں مستغیث مندرجہ خانہ نمبر 2 باواسطت محمد یوسف ASHO موصول ہو کر ذیل ہے
بخدمت جناب SHO صاحب تھانہ نواں شہر ایبٹ آباد جناب عالی گزارش ہے کہ آج مورخہ 27/12/2014 بوقت 20:00 بجے جناب کنزرویٹر صاحب لوہر ہزارہ سرکل کی ہدایت پر ہمراہ سٹاف DFC پڑول سکواڈ اور DFO گلی کی سربراہی میں جنگل کا کول (i) اور (ii) 7 کی طرف روانہ ہوئے تو مجھے Infomeri نے بذریعہ موبائل فون مطلع کیا کہ میرا رحمت خان کی طرف 8-10 فٹ پر جن پر ساری لکڑی لوڈ ہے آئیں گی اس پر میں بعد ہمراہ SDFO ٹھنڈیانی اور سٹاف میرا رحمت خان کی طرف روانہ ہوئے جب بمقام میراگلی پہنچے تو ملزمان نچریں بگا کر بلویہ کا کول لے گے جنکا پیچھا کیا مگر وہ ہاتھ نہ لگی تو میں سٹاف کو لے کر کا کول جنگل کی طرف روانہ ہو گیا جب ہم کا کول جنگل (i) 7 کے اندر پہنچے تو تاریخ 28/12/2014 بوقت 01:10 بجے رات پر عبدالرشید FG کے موبائل پر شمار ڈرائیور کی فون آئی کہ میرا راستہ روک کر تقریباً 15 لوگوں نے حملہ کر دیا اور سرکاری گاڑی نمبر 1247 کے شیشے اور سیٹ توڑ دی اور مجھے کلاشنکوف کے بٹ اور لات کے مارے میں اور تمام لوگ کلاشنکوف پستولوں سے بمسلسلہ ہیں اس پر میں بقیہ سٹاف میراگلی کی طرف تیزی سے روانہ ہوا جو میں ہم میراگلی پہنچے تو ان 15 مسلحہ اشخاص نے ہمیں پینڈز اپ

Attested

کر کے ہم پر حملہ آور ہوئے اور مارنا شروع کر دیا ان اشخاص کو ہم نے بخوبی شناخت کیا نثار ڈرائیور پر وقار نے دو فائر بارادہ قتل کیے۔

(i) نواز ولد جاوید سکنہ میرا رحمت خان بمسکھ کلاشکوف (2) عامر ولد رستم عرف گزکا سکنہ رحمت خان اسلمہ کلاشکوف و چاقو بھی،

(3) - وقار ولد غلام مرتضیٰ سکنہ ایضاً بمسکھ پستول (4) خرم ولد ہادیون سکنہ ایضاً بمسکھ پستول (5) دانیال ولد غلام مرتضیٰ سکنہ ایضاً بمسکھ کلاشکوف (6) عبدالرحمن عرف مانا ولد الف دین سکنہ ایضاً بمسکھ پستول (7) نیاز ولد عمیر خان سکنہ ایضاً بمسکھ پستول جبکہ (8) نامعلوم ملزمان کو سامنے آنے پر شناخت کر سکتے ہیں سعید اختر اور عارف غریب کو موقع سے اغواء کر کے لے گئے عامر ولد رستم نے چاقو سے وار کر کے بزار حسین شاہ کی دائیں ہاتھ کی انگلی اور درمیانی پنجی کر دیا جب کہ وقار خرم اور بلال مجھ پر حملہ آور ہوئے اور گتیں تان کر زمین پر بٹھا دیا پھر ان 15 ملزمان نے تمام سٹاف کو گن پوائنٹ پر اکٹھا کر کے زمین پر بٹھا دیا جو بھی ملازم اپنی جگہ سے حرکت کرتا وقار پستل اسکی کپٹی پر رکھ کر نیچے بٹھا دیتا ان تمام ملزمان نے ہمیں تقریباً 03 گھنٹے تک یہ حال بنائے رکھا اسی اثناء میں محمد یوسف ایڈیشنل SHO نواں شہر بمعہ نفری پولیس موقع سے ہمیں بازیاب کروایا جو نبی پولیس کی موبائل موقع کے قریب پر پہنچی تو تمام ملزمان ہمیں چھوڑ کر موقع سے فرار ہو گئے ہم پر ملزمان کیخلاف کارسز کار کوزمی کرنے اور نار چر کرنے کا ویدار ہوں تمام ملزمان عادی جرائم پیشہ اور دیگر ہیں دستخط انگریزی سردار محمد سلیم SDFO ایبٹ آباد 25/12/2014 درخواست کی پشت پر دوست خان نے ذیل تحریر کیا بخدمت افسران انچارج صاحب وقار نواں شہر جناب عالی مضمون درخواست کے سریدست صورت جرم 341، 342، 324، 365، 327، 148، 149، 186، 189، PPC کی پائی جاتی ہے مقدمہ درج رجسٹر کر کے نقل پر چہ بغرض تفتیش حوالہ انچارج شعبہ تفتیش کیا جاوے دستخط انگریزی محمد یوسف خان ASHO تھانہ نواں شہر 28/12/2014 کاروائی تھانہ موصولہ درخواست پر مقدمہ عنوان بالا قائم ہو کر نقل پر چہ معہ نقل درخواست بغرض تفتیش حوالہ DTV سٹاف کیا جاتا ہے پر چہ گزارش ہے۔

صفدر زمان

MHC.PS.Nsr

28/12/2014

RECORDED

گورنمنٹ پبلک سیکولر ہائی اسکول، لاہور، سیشن 20.06.2011 (فارم نمبر 24-15)

فارم نمبر 24-15 (1)

ابتدائی اطلاعی رپورٹ

P-15

مدنی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 جرم خاصا بطور چوہدری

خواہ مخبر ضلع ایسٹ لاہور

تاریخ وقت و قیام 28/12/12 وقت صوبہ 01-05-12

13	علت 53	نت رپورٹ 28/12/12 وقت 20:40	مجاہد ایس ایس 19/12/12 وقت 00-14 بجے
تا اطلاع دہندہ مستثنیٰ		وفاقی رکنہ ولد عزیز محمد عرفی	قوم چیمپان سکنز میرا روٹ خان
تا جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔			457/34
جرم قابل تفتیش سے اور مت		خانز مدنی واقع میرا روٹ خان	بشرق بقاعلم 24/12/12 کلہ میرا روٹ خان
تا ملزم			
تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو		در بیان ملزم عدالت عدالت صوبہ لاہور	4 بجے
رواگی کی تاریخ و وقت		بیرن شاہ	

ابتدائی اطلاع

برائے ایس ایس 19/12/12 وقت 20:40 بجے۔ مجاہد ایس ایس 19/12/12 وقت 00-14 بجے۔

مجاہد ایس ایس 19/12/12 وقت 00-14 بجے۔ مجاہد ایس ایس 19/12/12 وقت 00-14 بجے۔

مجاہد ایس ایس 19/12/12 وقت 00-14 بجے۔ مجاہد ایس ایس 19/12/12 وقت 00-14 بجے۔

مجاہد ایس ایس 19/12/12 وقت 00-14 بجے۔ مجاہد ایس ایس 19/12/12 وقت 00-14 بجے۔

بشادت شاہ
ASHO ps ngr
19-1-12

سر 19/12/12 وقت 20:40 بجے۔ مجاہد ایس ایس 19/12/12 وقت 00-14 بجے۔

مجاہد ایس ایس 19/12/12 وقت 00-14 بجے۔ مجاہد ایس ایس 19/12/12 وقت 00-14 بجے۔

مجاہد ایس ایس 19/12/12 وقت 00-14 بجے۔ مجاہد ایس ایس 19/12/12 وقت 00-14 بجے۔

مجاہد ایس ایس 19/12/12 وقت 00-14 بجے۔ مجاہد ایس ایس 19/12/12 وقت 00-14 بجے۔

[Handwritten Signature]

REGISTERED

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19-1-1981
ASHA P. 131
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16
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ابتدائی اطلاعی رپورٹ

کوڈ (فائل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدوزیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری
تھانہ نوال شہر
نمبر علت 53
وقت وقوعہ 28/12/2014 وقت قریب 01:00 بجے

۱	وقت رپورٹ 28/12/2014 وقت 20:40 بجے	چاکیڈگی پرچہ 19/01/2015 وقت 14:00 بجے
۲	نام و سکونت اطلاع دہندہ مستغیث	وقار احمد ولد غلام مرتضیٰ قوم پشمان سکند میرا رحمت خان
۳	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو	PPC 457/34
۴	جائے وقوعہ فاصلہ تھانہ سے اور سمت	خانہ مدعی واقع میرا رحمت خان شرق بفاصلہ 24/25 کلومیٹر از تھانہ
۵	نام و سکونت ملزم	
۶	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	دریافت بحوالہ مد نمبر 18 روز نامہ 04/01/2015 بعد حکم عدالت مقدمہ قائم ہوا
۷	تھانہ سے رواگئی کی تاریخ و وقت	سینیل ڈاک

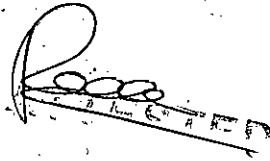
ابتدائی اطلاع نیچے درج کرو

مستغیث مندرجہ خانہ نمبر 2 نے ایک تحریری درخواست دی جو برائے اندراج روز نامہ امجد IHC کے تھانہ بھیجوائی جو بحوالہ مد 18 روز نامہ 04/01/2015 درج روز نامہ ہو کر نقل رپٹ بغرض دریافت کارروائی حوالہ امجد IHC کی گئی جو امجد IHC دریافت ہذا میں مصروف تفتیش تھا کہ مستغیث نے درخواست زیر دفعہ 22A بعد الت ASJ-VII میں دائر کی جس پر بعد الت جناب ASJ-VII صاحب ایٹ آباد نے نقل رپٹ کی پشت پر ذیل تحریر کیا جناب عالی درخواست ازاں وقار احمد ولد غلام مرتضیٰ سکند میرا رحمت خان پر دریافت (i) 057 ض ف بحوالہ مد 18 روز نامہ 04/01/2015 تھانہ نوال شہر شروع کی گئی جو دوران دریافت درخواست دہندہ نے درخواست 22A ض ف دائر کی جو آج مورخہ 19/01/2015 کو حکم عدالت ASJ VII ایٹ آباد نمبر 35/16/01/2015 نسبت اندراج مقدمہ موصول ہوئی جو مذکورہ کی درخواست 22-A عدالت نے منظور فرمائی لہذا بمطابق حکم عدالت دریافت درخواست پر صورت جرم PPC 457/34 کی پائی جاتی ہے۔ مقدمہ رجسٹر کر کے برائے تفتیش حوالہ شعبہ تفتیش کیا جاوے کیفیت نمبر 1 تا 3 ضمنی نمبر 1 کا حصہ تصور ہوگی دستخط انگریزی امجد علی IHC تھانہ نوال شہر 19/01/2015 کارروائی تھانہ موصولہ نقل رپٹ مد 18 روز نامہ 04/01/2015 حکم عدالت ASJ-VII صاحب پر بمطابق تحریر امجد IHC مقدمہ عنوان بالا قائم ہو کر نقل پرچہ معہ نقل رپٹ مد نمبر 18 روز نامہ 04/01/2015 حکم عدالت کیفیت نمبر 1 تا 3 دریافت دریافت (i) 157 بغرض تفتیش حوالہ DTV سٹاف کیا جاتا ہے۔ نقل رپٹ ذیل ہے پرچہ گزارش ہے۔

بشارت شاہ

ASHO.PS.NSR

19/01/2015



FINAL SHOW CAUSE NOTICE

P-10

17

I, Syed Fida Hassan Shah, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority under Police Rules (amended vide NWFP gazette, 27th January 1976), do hereby serve you Constable Waqar Ahmad No. 1121, (Untrain) of Elite Force as follows;

You were charged in case FIR No. 499, dated 28.12.2014, U/S 341/342/324/365/427/148/149/186/189, PPC Police Station Nawansher, district Abbottabad also remained absent from duty without any leave or prior permission w.e. from 28.12.2014 to 15.01.2015 (total 18 days).

i. That consequent upon the completion of enquiry conducted against you by Acting SP/Elite Force Hazara, you were given full opportunity of hearing but failed to satisfy the Enquiry Officer.


ii. On going through the finding and recommendation of the enquiry officer, the material available on record, I am satisfied that you have committed the omission/commission specified in Police Rules (amended vide NWFP gazette, 27th January 1976) and charges leveled against you have been established beyond any doubt.

2. As a result therefore I, Syed Fida Hassan Shah, Deputy Commandant Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority have tentatively decided to impose major penalty upon you including dismissal from service, under Police Rules (amended vide NWFP gazette, 27th January 1976) of the said ordinance.

3. You are therefore, directed to show cause as to why the aforesaid penalty should not be imposed upon you.

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

5. A copy of the finding of the Enquiry Officer is enclosed.



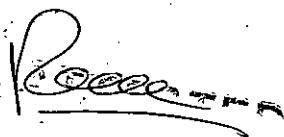
(SYED FIDA HASSAN SHAH)

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar

No. 2509 /EF, dated Peshawar the 03/03 /2015.

Constable Waqar Ahmad No. 1121 of Elite through MHC Elite HQ



CHARGE SHEET

P-18

I, Syed Fida Hassan Shah, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, hereby charge you Constable Waqar Ahmad No. 1121, (Untrain) as follows;

You are involved in case FIR No. 499, dated 28.12.2014, u/s 341/342/324/365/427/148/149/186/189, PPC Police Station Nawansher, district Abbottabad, and remained absent from EPTC Hakeem Abad Nowshera without any leave or prior permission w.c. from 28.12.2014 till this date.

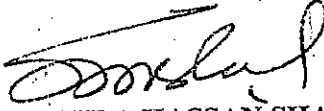
2. By reason of the above, you appear to be guilty of misconduct under the Police Rules (amended vide NWFP gazette, 27th January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

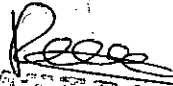
3. You are therefore, directed to submit your defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.

4. 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 in that case ex-parte action shall be taken against you.

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.


(SYED FIDA HASSAN SHAH)
Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar.


ATTESTED

بحوالہ مشمولہ چارج شیٹ و شو کاز نوٹس نمبری 2509 مورخہ 03/03/2015 پر معروض خدمت ہوں۔ کہ مورخہ 25/12/2014 کو جملہ ٹرینیز کے ساتھ رخصت پر گھر آیا تھا۔ مورخہ 28/12/2014 کو رخصت سے واپسی تھی۔ 27-28/12/2014 کی درمیانی شب تقریباً ایک بجے رات میں اپنے گھر میں موجود سویا ہوا تھا کہ گھر کے باہر تارے کتوں کے بھونکنے کی آوازوں پر اٹھ کر کمرے سے باہر دیکھا تو ہمارے صحن میں دو افراد موجود تھے۔ میرے ان آدمیوں کو اپنے گھر کی چار دیواری کے اندر صحن میں دیکھتے ہی چور سمجھ کر میں نے شور کیا اور میرے شور شرابہ پر میرا بھائی بلال بھی اٹھ کر کمرے سے باہر آیا۔ ہم دونوں نے شور مچایا، دیگر محلہ داران بھی بے دار ہو گئے اور آ گئے، جن کو ہم نے قابو کیا۔ جملہ افسران اور اہلکاران سفید پرچات میں تھے۔ معلومات پر پتہ چلا گھر میں داخل ہونے والے سعید اور عارف اپنے افسران بالا کی ایما پر ہمارے گھر میں داخل ہوئے۔ عارف اور سعید کے علاوہ اُن کے ساتھ ابرار شاہ، سردار سلیم، ممتاز، رشید، جمشید، مجتبیٰ شاہ بھی باہر موجود تھے۔ جس کے ساتھ میرے بھائی اوز دیگر محلہ داران کی توں تکرار ہوئی جنہوں نے اپنی غلطی کو تسلیم کر کے معافی مانگی اور چلے گئے۔ رات تقریباً ساڑھے تین بجے کا وقت ہو گا کہ ناصر نامی DFC تھانہ نواں شہر نے مجھے فون کیا کہ آپ کہاں پر ہیں، میں نے اسے بتایا کہ میں گھر پر آیا ہوں جس نے مجھے کہا ہم میرا گلی میں آئے ہوئے ہیں اور آپ ادھر آ جاؤ۔ جب میں گھر سے اٹھ کر میرا گلی پہنچا تو وہاں پر محکمہ جنگلات والے اور ایڈیشنل SHO نواں شہر موجود تھے جس پر محمد یوسف خان ایڈیشنل SHO کے ساتھ سلام دُعا کی۔ اسی دوران سردار سلیم SDFO نے کہا کہ یہ بھی ہے جس پر مورخہ 28/12/2014 کو تقریباً پونے چار بجے ایڈیشنل SHO صاحب نے کہا کہ آپ کے خلاف محکمہ جنگلات والوں نے شکایت کی ہے جن کو میں نے اصل صورت حال بتلائی جس پر یوسف خان ASHO نے کہا کہ تھانہ میں ہی جا کر بات کریں گے، جب تھانہ پہنچا تو میں نے برخلاف اہلکاران محکمہ جنگلات اپنے گھر گھسنے کی تحریری درخواست دی جو میری درخواست کو پس پشت ڈال کر محکمہ جنگلات سے تحریری درخواست تھانہ میں لے کر میرے خلاف مقدمہ درج کر دیا جس پر مورخہ 30/12/2014 مجھے جیل بے جا میں رکھ کر مورخہ 30/12/2014 کو عدالت پیش کر کے اور ایک یوم پولیس حراست کے بعد 31/12/2014 کو عدالت پیش کر کے جوڈیشل ریمانڈ پر بند جیل


Raza
ATTACHED

مانسہرہ کر دیا اسی دوران بذریعہ وکیل میں نے درخواست زیر دفعہ 22A ض ف عدالت دی جو عدالت کے حکم پر محکمہ جنگلات کے اہلکاروں کے خلاف مقدمہ رجسٹر ہوا۔ مورخہ 13/1/2015 کو سیشن کورٹ ایبٹ آباد سے میری ضمانت منظور ہو گئی۔ رہائی کا حکم ہوا اور مورخہ 15/1/15 کو ایبٹ سنٹر نوشہرہ حکیم آباد حاضری کی۔ محکمہ جنگلات کے افسران اور اہلکاران نے صلاح مشورہ کر کے میرے خلاف جھوٹا مقدمہ درج رجسٹر کروایا ہے جبکہ اس کے برعکس وہ ہمارے چار دیواری کے اندر غیر قانونی طریقے پر داخل ہوئے ہیں۔

حضور والا! چونکہ مقدمات زیر تجویز عدالت ہیں۔ بنا بریں استدعا ہے کہ برائے نوازش تا فیصلہ عدالت میرے خلاف جاری کردہ محکمت انکواری Pending رکھی جا کر مجھے معطلی سے بحال فرمایا جا کر ایبٹ کورس میں دوبارہ شامل کیا جائے اور نہ ہی میرا یا میرے دیگر رشتہ داران کا ٹرمافیا سے تعلق ہے۔ جلد شریف شہری ہیں اور قانون کی پاسداری کرتے ہیں۔

جواب عرض ہے۔


ATTESTED


وقار احمد بیٹ نمبر 1121/1473

ANNEXURE "E"

P-22 21

ORDER.

This office order will dispose of the departmental enquiry against Constable Waqar No 1189 who had involved himself in case FIR No 499 dated 28-12-2014 U/S 341/342/324/365/427/148/149/186/189 PPC PS Nawashehr.

He was issued Charge Sheet alongwith Statement of allegations by Deputy Commandant Elite Force Khyber Pakhtunkhwa, and Mr. Javed Iqbal Acting SP Elite Force Hazara was deputed as Enquiry Officer, who conducted proper departmental enquiry against the delinquent officer and recorded the statements of all concerned. He has provided ample opportunity to the delinquent officer to defend the allegations leveled upon him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings, wherein allegations stood proved. Consequently he was issued Final Show Cause Notice by Deputy Commandant Elite Force Khyber Pakhtunkhwa. Subsequently the delinquent Constable was transferred to this District and his enquiry has also been received. He was summoned to appear in Orderly Room and was given a patient hearing but he had nothing plausible to say in his defence.

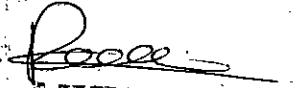
Forgoing in view, the undersigned is of the considered opinion that there are no chances that Constable Waqar No 1189 will become a good Police Officer. His further retention in service is bound to affect the discipline of the entire force. Therefore, in exercise of the powers vested in the undersigned under Rules 2(iii) of Police Disciplinary Rules-1975, I, Sher Akbar, S.St, P.S.P, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of dismissal from service with immediate effect.

Order announced.


District Police Officer, Abbottabad

O.B No 235


Dated 13 / 13 / 2015.


ATTESTED

ایڈیشنل SHO کے ساتھ دعا سلام کی۔ اس دوران سردار سلیم S.D.F.O نے کہا کہ یہ بھی ہے۔ جس پر مورخہ 28/12/2014 کو تقریباً پونے چار بجے ایڈیشنل SHO صاحب نے کہا کہ آپ کے خلاف محکمہ جنگلات والوں نے شکایت کی ہے۔ جن کو میں نے اصل صورت حال بتلائی۔ جس پر یوسف خان ایڈیشنل SHO نے کہا کہ تھانہ میں ہی جا کر بات کریں گے۔ جب تھانہ پہنچا تو میں بر خلاف اہلکاران محکمہ جنگلات اپنے گھر میں گھسنے کی تحریری درخواست دی۔ جو میری درخواست تھانہ میں لے کر میرے خلاف مقدمہ درج کروادیا۔ اور میرے درخواست پر میری جانب سے کوئی مقدمہ درج نہ کیا۔ اور تا کردہ گناہ میں مورخہ 30/12/2014 تک مجھے جس بیجا میں تھانہ میں رکھا کر مورخہ 30/12/2014 کو عدالت میں پیش کر کے ایک یوم پولیس حراست لے کر 31/12/2014 کو عدالت میں پیش کر کے جوڈیشل ریمانڈ پر بند جیل مانسہرہ کر دیا۔ اسی دوران میں نے بذریعہ وکیل بر خلاف ملازمان محکمہ جنگلات اپنی دی ہوئی درخواست پر مقدمہ درج کروانے کا حکم حاصل کرنے کے لئے زیر دفعہ 22(A) ضف درخواست دلا دی۔ اور بذریعہ وکیل ہی اپنی ضمانت کے لئے بھی عدالت سیشن میں درخواست دلا دی۔ اور مورخہ 13/01/2015 کو سیشن کورٹ ایبٹ آباد سے میری ضمانت منظور ہو گئی۔ اور رہائی کا حکم ہو کر رہائی پاتے ہی مورخہ 15/01/2015 کو میں نے ایلیٹ سنٹر نوشہرہ حکیم آباد میں حاضری کر دی۔

(۳) یہ کہ محکمہ جنگلات کے افسران اور اہلکاران نے صلاح مشورہ کر کے میرے خلاف جھوٹا مقدمہ درج کر دیا تھا۔ جبکہ اس کے برعکس ہماری چار دیواری کے اندر غیر قانونی طور پر رات کے وقت میرے گھر میں داخل ہونے والوں کے خلاف جو اپنے آپ کو محکمہ جنگلات کے ملازمین ظاہر کرتے تھے۔ نے قانونی کارروائی کرانے کی بجائے ان کی انتہائی مت سماجت کرنے اور عاجزی اختیار کرنے پر میرے حملہ کے لوگوں نے ہماری مت سماجت کر کے میرے مکان کے اندر سے پکڑے جانے والے مسیماں سعید اور عارف کو ان کے حوالے کر دیا تھا۔ جس سے ناجائز استفادہ حاصل کر کے ہم الہیاں دیہہ کو دبانے اور ہمیں ان کی کم نظری کی سوچ جو میرے پولیس ملازم ہونے وجہ سے کہ میں ان کے بڑے افسران کے پاس یا عدالت میں یا پولیس کو ان کے خلاف کسی کارروائی کا تحریک کر دوں گا۔ مجھے روکنے کے لئے اور اپنے آپ کو کسی ممکنہ کارروائی سے بچانے کے لئے اپنے دیگر بیٹی بندوں کے ذریعے پولیس تھانہ نواں شہر کو اطلاع دے کر ہمارے خلاف جھوٹی اور من گھڑت کہانی پر مبنی جھوٹا مقدمہ درج کروادیا تھا۔ اور پولیس تھانہ نواں شہر سے ملی پھلنگر کے اپنی طرف سے ہمارے خلاف مقدمہ درج کروا کر میری درخواست کو کھوہ کھاتے میں ڈال کر مجھے ناجائز طور پر ناجائز حراست پولیس میں رکھوا کر جیل بھجوا دیا۔ جو میرے جیل سے رہا ہو کر اپنی ڈیوٹی پر جانے کے بعد فاضل عدالت جناب سیشن جج صاحب ایبٹ آباد نے میری طرف سے 9 ملزمان کے خلاف مقدمہ درج کرانے کی درخواست زیر دفعہ 22(A) ضف پر مقدمہ درج کرنے کا حکم مورخہ 19/01/2015 کو صادر فرمادیا۔ جس پر پولیس نے مدعی مقدمہ علت نمبر 499 مورخہ 28/12/2014 بجرام PPC 341/342/324/365/427/186/148/149 تھانہ نواں شہر اسی سردار محمد سلیم SDFO سمیت کل نو ملزمان کے خلاف مقدمہ علت نمبر 53 مورخہ 19/01/2015 جرم PPC 457/34 تھانہ نواں شہر نے درج کر کے ہر دو مقدمات میں چالان عدالت کو بھجوا دیئے ہیں۔ جو زیر سماعت عدالت ہیں۔

(۴) یہ کہ مقدمہ علت 499 مورخہ 28/12/2014 بجرام PPC 341/342/324/365/427/186/148/149 تھانہ نواں شہر میں مجھے تا کردہ گناہ میں ملوث کر دیئے جانے اور اس مقدمہ کے مدعیوں کے گھر میں رات کے وقت دیواریں پھلانگ کر میرے گھر میں ناجائز اور غیر قانونی طور پر بغیر کسی قانونی جواز کے داخل ہونیکے جرم میں مدعیوں بالا کے خلاف عدلیہ کی ضلعی عدالت کے حکم پر


ATTESTED

مقدمہ علت نمبر 53 مورخہ 19/01/2015 جرم PPC 457/34 تھانہ نواں شہر درج رجسٹرڈ ہو جانے اور اس میں جملہ مدعیاں و گواہان مقدمہ علت نمبر 499 جس میں ماسوائے زبانی متضاد شہادتوں کے میری ملزمنٹ بلکہ میرے ہاتھ دیگر نام نہاد ملزمان جو چھوٹ پر بنائے گئے۔ کے خلاف سزا ہونے کا کوئی ثبوت نہیں ہے۔ اور اگر کوئی ثبوت ہوتا بھی تو بھی از روئے قانون انصاف میرے مقدمہ میں ملوث ہونے کی وجہ سے مقدمہ کے مجاز عدالت سے فیصلہ تک میرے خلاف حکمانہ کا دعویٰ کی کوئی پیش رفت انصاف کے تقاضوں کے منافی اور صریحاً جانبداری پر محیط ثابت ہو کر عدالت سے کالعدم اور منسوخ ہوگی۔ جو قبل از وقت غیر قانونی طور پر میرے خلاف جاری کیا گیا۔ غیر قانونی، غیر شرعی اور غیر اخلاقی، ظالمانہ حکم و سمسٹ بحوالہ آرڈر بک نمبر 235 مورخہ 21/09/2015 مجاریہ از دفتر جناب DPO صاحب قابل کالعدم اور قابل منسوخ ہے۔

استدعا ہے کہ انصاف کے تقاضوں کے بروئے کار لا کر میری ڈسمسٹ کا آرڈر بک نمبر 235 مورخہ 21/09/2015 مجاریہ از دفتر جناب DPO صاحب کالعدم و منسوخ فرمایا جا کر مجھے تاریخ ڈسمسٹ سے ملازمت پر بحال فرمایا جا کر میرے واجبات مجھے ادا کئے جا کر انکو ازری مقدمہ تا فیصلہ عدالت پنڈنگ رکھے جانے کا حکم صادر فرمایا جاوے۔ دعا گور ہوں گا۔

وقار احمد کنشیل نمبر 1189 پولیس لائن ایبٹ آباد ولد غلام مرتضیٰ قوم پشیمان سکنہ میرا رحمت خان تحصیل و ضلع ایبٹ آباد

14-10-015

Peace
ATTESTED

Received

Signature
APA 14-10-15



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

No. S/ 5403-04/17, dated Peshawar the 05th 10th 2017.

To : The Regional Police Officer,
 Hazara Region, Abbottabad.

Subject: APPEAL (EX-FC WAQAR AHMAD NO. 1189)

Memo :

The appeal of Ex-FC Waqar Ahmad No. 1189 of District Police Abbottabad for reinstatement into service has been processed / examined at Central Police Office, Peshawar and filed by the competent authority being time barred for about 02 years.

The applicant may please be informed accordingly.

His service record is also returned herewith for your office record please.

Encl: Service Roll
 Fauji Missal
Enquiry file

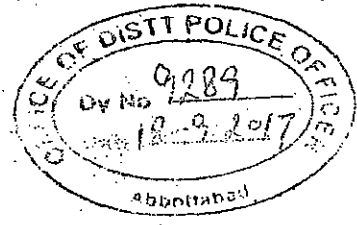
(Signature)
 (ARIF SHAHBAZ KHAN)
 AIG/Establishment,
 For Inspector General of Police,
 Khyber Pakhtunkhwa, Peshawar.

Cc to

DPO, Abbottabad w/r to his office memo: No. 7279, dated 23.08.2017 for information please.

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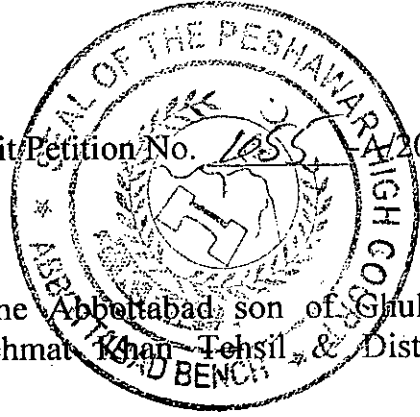
*NOI 3725/A,
 dated 14-9-2017.
 DPO A. Ahsan
 for information.
 (Signature)
 R/O H3415*



(Signature)
 ATTESTED

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Writ/Petition No. 1055/2017



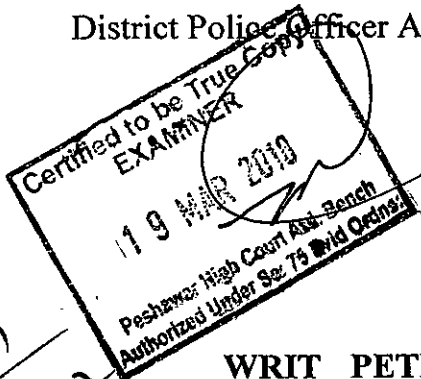
Waqar Ahmed Constable No. 1189 Police Line Abbottabad son of Ghulam Murtaza Caste Pathan, resident of Maira Rehmat Khan Tehsil & District Abbottabad.

...PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through, Secretary Home and Tribal Affairs Department Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police Hazara Region Abbottabad.
4. District Police Officer Abbottabad.

...RESPONDENTS



no. 5184
27/10/17

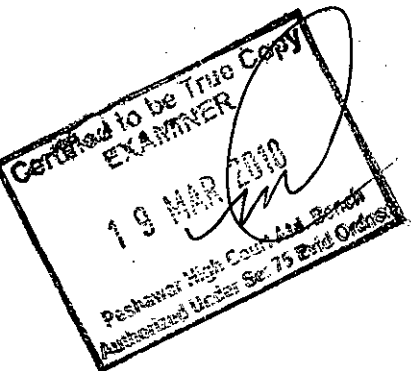
WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973, FOR ISSUANCE OF A DECLARATION/ DIRECTION TO THE EFFECT THAT ORDER BEARING NO. 235 DATED 21/09/2015 ISSUED BY THE RESPONDENT NO. 4 WHEREBY THE

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

RESPONDENT NO. 4 VIDE IMPUGNED ORDER DISMISSED THE PETITIONER FROM SERVICE, WHICH

P-27

WAS CHALLENGED BY THE PETITIONER BEFORE DIG (RESPONDENT NO. 3) BY WAY OF APPEAL, WHICH IS STILL PENDING SINCE FROM 14/10/2015, THE INSPECTOR GENERAL OF POLICE KPK (RESPONDENT NO.2) WITHOUT ANY JUSTIFICATION INADVERTENTLY AND WITHOUT CONFIRMING THE STATUS OF PETITIONER'S IN TIME PENDING APPEAL, ISSUED LETTER NO. S/5403-04/17 DATED 05/09/2017 MENTIONED THEREIN "BEING TIME BARRED FOR ABOUT 02 YEARS" IS ILLEGAL, UNLAWFUL, WITHOUT LAWFUL AUTHORITY, ARBITRARY, PERVERSE, AGAINST THE LAW, FACTS AND CIRCUMSTANCES OF THE CASE, DISCRIMINATORY AND HENCE, INEFFECTIVE UPON THE RIGHTS OF PETITIONER. HENCE, LIABLE TO BE STRUCK DOWN, AND RESPONDENT NO. 3 MAY GRACIOUSLY BE DIRECTED TO DECIDE PETITIONER'S APPEAL STRICTLY IN ACCORDANCE WITH LAW, MERITS AND ON CIRCUMSTANCES OF THE PETITIONER'S CASE BY ALLOWING HIM OPPORTUNITY OF PROPER HEARING.



PRAYERS:- ON ACCEPTANCE OF THE INSTANT WRIT PETITION, THE IMPUGNED ORDER NO. 235 DATED 21/09/2015 ISSUED BY RESPONDENT NO. 4 AND LETTER DATED 05/09/2017 OF THE

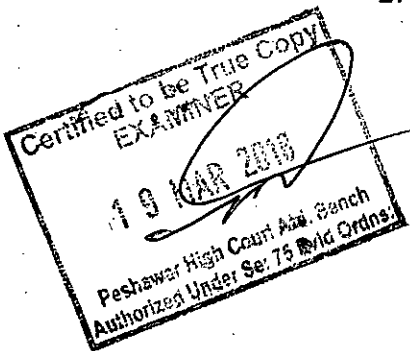
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**ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ASBOTTABAD BENCH**

RESPONDENT NO. 2 MAY GRACIOUSLY BE ORDERED TO BE SET ASIDE AND RESPONDENTS BE DIRECTED TO REINSTATE THE PETITIONER IN SERVICE WITH ALL BACK BENEFITS BY DECIDING THE FATE OF PETITIONER'S APPEAL IN ACCORDANCE WITH LAW. ANY OTHER RELIEF DEEMED FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE.

May it please your lordships; -

1. That the petitioner was appointed as Constable in District Police Abbottabad and during the service, the petitioner was transferred in Elite Force.
2. That midnight of 27-28th December 2014, some unknown persons trespassed the house of the petitioner, after inquiry who declared themselves as employees of Forest Department and are searching about the illicit timber.
3. That thereafter, on the behest of Officials of Forest Department, local police of Police Station Nawanshehr, registered FIR No. 499 dated 28/12/2014 under Section 341/342/324/365/427/186/148/149 PPC



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 ADDITIONAL REGISTRAR
 PESHAWAR HIGH COURT
 ABBOTTABAD BENCH
 27/12

p-30

7. That feeling aggrieved the petitioner, preferred departmental appeal before the respondent No. 3 but till now, the petitioner has not received any response from the quarter concerned. Copy of departmental appeal is annexed as Annexure "F".

8. That during pendency of appeal before the worthy DIG Hazara (Respondent No. 3) the office of the worthy Inspector General of Police, KPK (Respondent No. 2) issued letter No. S/5403-04/17 dated 05/09/2017, mentioning that, appeal of the petitioner is time barred. Copy of the letter dated 05/09/2017 is appended as Annexure "G".

9. That, faced with the above situation, the petitioner has now come to this Honourable Court with the instant petition in hand, seeking setting aside of the impugned act of respondents being unwarranted at law and facts, inter-alia, on the following grounds:-

GROUND: -

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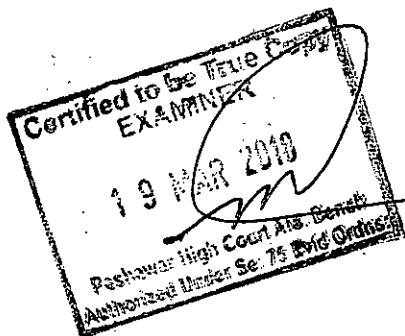
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH

17/11

a. That, impugned act/order of respondents No. 2 & 4 are illegal, unlawful, without lawful

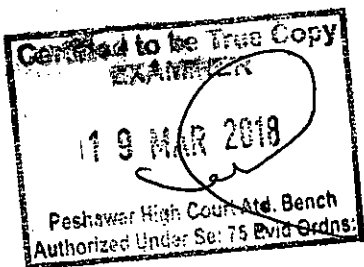
authority, arbitrary, perverse, against the principle of natural justice, hence, ineffective upon the rights of the petitioner and is thus liable to be set-aside.

- b. That the impugned acts/orders of respondents are a sheer example of misreading, non-reading, non-consideration and wrong evaluation of material available on file. Hence, liable to be set-aside.
- c. That, the impugned acts/orders of dismissal from service passed by the respondent No. 2 & 4 is a worst example of misuse of powers/authority.
- d. That the inquiry officer conducted one sided inquiry and given no opportunity of hearing to the petitioner to prove his innocence.
- e. That the respondent No. 4 failed to consider this aspect of the case that at the time of issuance of dismissal order of the petitioner, case FIR No. 499 was under trial and respondent No.4 in hurry and slipshod manner issued dismissal order of the petitioner.



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 ADDITIONAL REGISTRAR
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 ADDITIONAL BENCH
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- f. That the respondent No. 4 also failed to consider that mere involvement in a criminal case, unless not convicted by the court is not fatal for dismissal from service, hence, the respondent No.4 has failed to act in accordance with law as such, the petitioner deserves to be reinstated.
- g. That respondents have not treated the petitioner in accordance with law, rules and policy on the subject and acted in violation of Article-4 of the Constitution of Islamic Republic of Pakistan 1973 and unlawfully removed from service the petitioner, which is unjust, unfair, illegal, hence not sustainable in the eye of law.
- h. That under Section-24-A of General Clauses Act, 1897, where any authority is vested with the power to make any order, such power shall be exercise reasonably, fairly, justly and for the advancement of the purposes of the enactment under which the power is conferred but in the case in hand the power was not exercised as such rather the same was misused arbitrarily to the detriment of petitioner without any rhyme or



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 ADDITIONAL REGISTRAR
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 ADDITIONAL BENCH
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reason, therefore, the impugned order and the act of respondents is not legally maintainable.

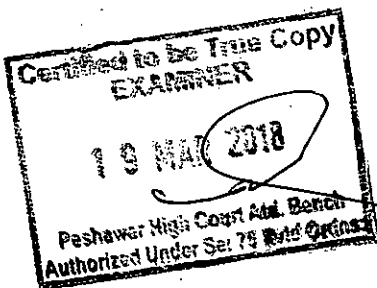
i. That it is inalienable right of every citizen to be treated in accordance with law and especially when placed in similar position with the other persons, thus, the impugned order being nullity in the eye of law is liable to be struck down.

j. That there is no other efficacious, speedy or adequate remedy available to petitioner except the instant constitutional petition.

k. That notice of writ petition has been sent to the respondents through registered post AD. Copies of notice and postal receipts are attached herewith as Annexure "H".

l. That a court fee stamp of Rs. 500/- is attached.

m. That the other grounds shall be urged at the time of arguments with the leave of this Honourable Court.

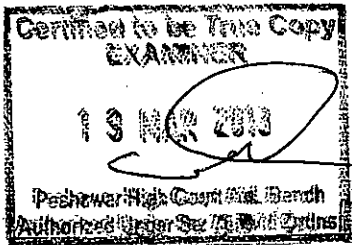


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 ADDITIONAL REGISTRAR
 PESHAWAR HIGH COURT
 ABBOTTABAD BENCH
 9/3/18

It is therefore, humbly prayed that on acceptance of the instant writ petition, the impugned order No. 235 dated 21/09/2015 issued by respondent No. 4 and letter dated 05/09/2017 of the respondent No. 2 may graciously be ordered to be set aside and respondents be directed to reinstate the petitioner in service with all back benefits by deciding the fate of petitioner's appeal in accordance with law. Any other relief deemed fit and proper in the circumstances of the case

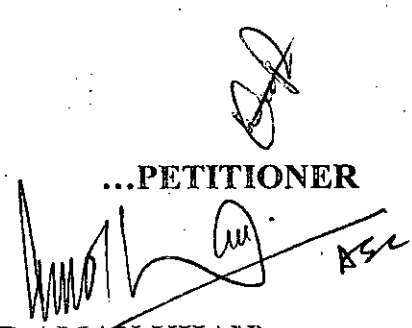
INTERIM RELIEF:-

It is further prayed that in the meanwhile respondents be directed to reinstate the petitioner in service with all back benefits.



Dated: 25/10/2017

Through

...PETITIONER

(SARDAR AMAN KHAN)
Advocate Supreme Court of Pakistan,
Abbottabad

VERIFICATION:-

Verified on oath that the contents of forgoing writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

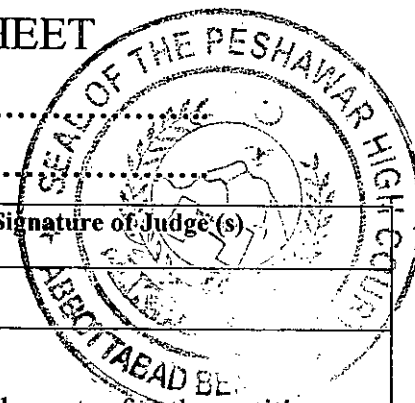

...PETITIONER

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ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
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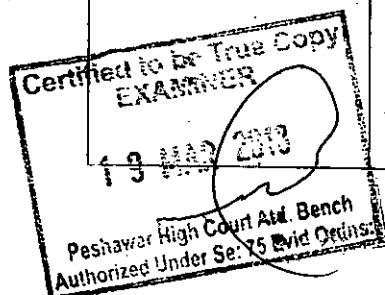
PESHAWAR HIGH COURT, ABBOTTABAD BENCH.**FORM OF ORDER SHEET**

Court of.....

Case No.....of.....



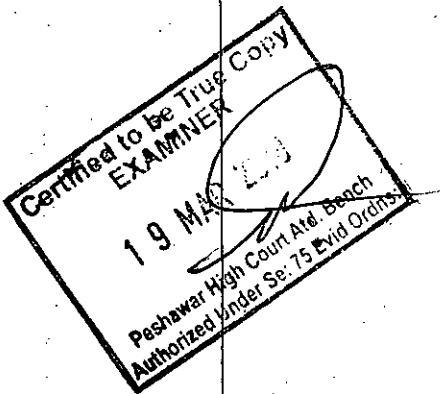
Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	2
08.03.2018	<p><u>WP No. 1055-A/2017 (Motion).</u></p> <p>Present: Sardar Aman Khan, Advocate, for the petitioner.</p> <p>Mr. Yasir Zahoor Abbasi, Assist: AG for respondents.</p> <p>***</p> <p><u>LAL JAN KHATTAK, J.</u> Petitioner through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 has prayed for issuance of a writ to the effect that:</p> <p><i>"On acceptance of the instant writ petition, the impugned order No. 235 dated 21.09.2015 issued by the respondent No. 4 and letter dated 05.09.2017 of the respondent No. 2 may graciously be ordered to be set aside and respondents be directed to reinstate the petitioner in service with all back benefits by deciding the fate of petitioner's appeal in accordance with law. Any other relief deemed fit and proper in the circumstances of the case".</i></p> <p>2. Succinctly, facts of the case are that on the basis of FIR No. 499 dated 28/12.2014, respondent No. 4 conducted an inquiry pursuant to which vide impugned order dated 21.09.2015 petitioner was dismissed* from service, whereagainst he has filed the instant petition.</p> <p>3. Arguments heard and record gone through.</p> <p>4. Perusal of the case record would show that</p>



against the impugned order petitioner had filed a departmental representation which was filed by the competent authority for its being barred by time.

4. Admittedly, the petitioner was a civil servant and dismissal from service is one of the terms & conditions of the service of a civil servant and if the petitioner is aggrieved from the order of his dismissal then he has to approach the service tribunal constituted for the purpose and not to this Court as jurisdiction of this Court is clearly barred by Article 212 of the Constitution of Islamic Republic of Pakistan, 1973.

5. In view of the above, the instant writ petition, being bereft of any merit, is hereby dismissed in limine.



الحاج سردار بہادر خان (مرحوم) لاء ایسوسی ایٹس

بعدالت صاحب محمد صاحب سردار بہادر خان صاحب

بمقدمہ قمارچہ بنام حکومت برآمدہ

مورخہ 24 اپریل 2018ء منجانب

دعویٰ اپیل انگریزی اور خواست آرٹ پٹیشن سردار بہادر خان

بجزم

مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی مقام لپٹا ور

سردار امان خان ایڈووکیٹ سپریم کورٹ آف پاکستان بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صادر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز پکھری کے اوقات کے آگے یا پیچھے ہونے پر منظر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرداختہ صاحب مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل انگریزی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرانے کا ہر قسم کا بیان دینے اور سپرد ثالثی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کو اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ درخواست حکم امتناعی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ پیروی مختار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا ایگزیکٹو کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیار حاصل ہوں گے۔ صاحب موصوف کو، پوری فیسیارنچ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کی سند ہے۔ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور کرتے ہوئے اپنے دستخط انشان انگوٹھا ثبت کر دیے ہیں۔ نیز بصورت فوری وکیل صاحب موصوف میری اہماری کوئی دعویداری نسبت فیس ہائے دارتائش پر نہ ہوگی۔ لہذا اذکالت نامہ تحریر کر دیا ہے تاکہ سند ہے۔

المرقوم: 24/4/18

مقام لپٹا ور کے لئے منظور ہے۔

ATTESTED & ACCEPTED



Sardar Aman Khan

Advocate Supreme Court of Pakistan

Call # 0321-9800878

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

Service Appeal No. 577/2017

Waqar Ahmed Constable No. 1189 Police Lines, Abbottabad
son of Ghulam Murtaza Caste Pathan, Resident of Maira
Rehmat Khan, Tehsil & District Abbottabad

...Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa Peshawar, through
Secretary, Home & Tribal Affairs Department Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa
Peshawar.
3. Deputy Inspector General of Police/ RPO Hazara Region,
Abbottabad.
4. District Police Officer, Abbottabad.

.....Respondents

Parawise Comments on behalf of Respondents

Respectfully Sheweth:

PRELIMINARY OBJECTION:-

1. That the appeal is badly time barred.
2. That the appellant has no cause of action.
3. That the appellant has not come to this Tribunal
with clean hands.
4. That the appeal is bad for mis-joinder and non-
joinder of necessary parties.
5. That the appellant is estopped by his own conduct.
6. That the appeal is barred by law.
7. That the appellant has suppressed the material
facts from the Honourable Tribunal hence not
entitled for any relief and appeal is liable to be
dismissed without further proceeding.

UP ON FACTS:-

Para No.1. No comments.

Para No.2. That on the day of occurrence 27-28 December, 2014 some officials of Forest Department conducted raid upon the house of appellant for searching of illicit timber. The appellant resisted them from execution of their lawful duty.

Para No.3. That on the report of forest officials, local Police of PS Nawan Sher registered a case vide FIR No. 499 dated 28.12.2014 u/s 341/ 342/ 324/ 365/ 427/ 186/ 148/ 149 PPC against the appellant.

Para No.4 No comments.

Para No.5. That the appellant was involved in above mentioned criminal case hence, being involved in criminal case the department initiated departmental proceedings against the appellant.

Para No.6. Incorrect, proper departmental proceeding was conducted. The appellant had provided personal hearing opportunity but he failed to produce any plausible explanation regarding his defence.

Para No.7. That the appeal of the appellant had been entertained by Respondent No. 3 and filed due to badly time barred.

Para No.8. That the appeal of the appellant was rejected due to 02 years time barred.

Para No.9. Incorrect, the appeal of the appellant was also dismissed from the Honourable Peshawar High Court, Abbottabad Bench being time barred. (Copy of order is annexed as annexure "D").

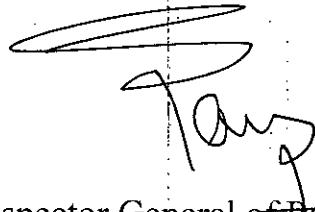
GROUND.

- a. That, acts/ orders of respondents are lawful and having been observed all legal & code formalities.
- b. That, acts/ orders of respondents are in accordance with law. All material facts have been fully examined.
- c. That, act / orders of the respondent are fully supported by law.
- d. That, proper departmental enquiry was conducted by providing personal hearing opportunity to the appellant.
- e. That, respondent No. 4 exercised his power in accordance with law, there is no bar on departmental proceedings during the pendency of trial of criminal case.
- f. Reply has already furnished in preceding para.
- g. That, respondents have treated the appellant in accordance with law, no prejudice has been caused to the appellant. Dismissal order of the appellant is based on merit.
- h. Reply has already furnished in preceding para.
- i. That, proper departmental proceedings were carried out wherein the appellant was found guilty and awarded punishment accordingly.

- j. That the appellant wave his right of appeal before the proper forums, which is now time barred and non maintainable in the eyes of law.
- k. That, other grounds shall be raised before the Tribunal at the time of arguments.

PRAYER.

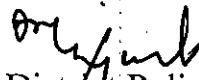
It is therefore, respectfully prayed that appeal of the appellant is without merit and badly time barred hence, is liable to be dismissed with cost.



Inspector General of Police
Khyber Pakhtunkhwa Peshawar
(Respondent No. 1 & 2)



Dy: Inspector General of Police,
Hazara Region, Abbottabad
(Respondent No.3)



District Police Officer
Abbottabad
(Respondent No. 4)

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

Service Appeal No. 577/2017

Waqar Ahmed Constable No. 1189 Police Lines,
Abbottabad son of Ghulam Murtaza Caste Pathan,
Resident of Maira Rehmat Khan, Tehsil & District
Abbottabad

...APPELLANT

VERSUS

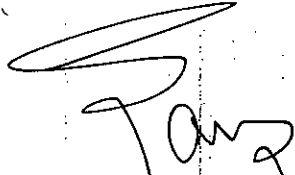
1. Govt. of Khyber Pakhtunkhwa Peshawar, through
Secretary, Home & Tribal Affairs Department Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa
Peshawar.
3. Deputy Inspector General of Police/ RPO Hazara Region,
Abbottabad.
4. District Police Officer, Abbottabad.


.....RESPONDENTS

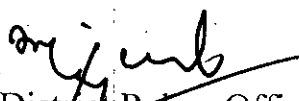
AFFIDAVIT.

We, do hereby affirm on oath that the contents of
written reply are true to the best of our knowledge & belief
and nothing has been concealed from the honorable Service
Tribunal.

Submitted please.


Inspector General of Police
Khyber Pakhtunkhwa Peshawar
(Respondent No. 1 & 2)


Dy: Inspector General of Police,
Hazara Region, Abbottabad
(Respondent No.3)


District Police Officer
Abbottabad
(Respondent No. 4)

PH: 0992-931050

Fax: 0992-931050

OB - NO - 235

21-9-15

M23

DEPARTMENTAL ENQUIRY

BRIEF OF FACTS.

A report of involvement of Constable Waqar Ahmad No. 1121 in case FIR No. 499 dated 28-12-2014, u/s 341/342/324/365/427/148/149/186/189, PPC Police Station Nawansher, was initiated by the District Police Officer Abbottabad vide his Endst: No. 18216 dated 30-12-2014 after his arrest in the criminal case and same was also sent to the Deputy Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar by under signed vide office bearing No. 6 dated 08-01-2015.

Proper summary of allegation was issued and served upon the defaulter Constable and under signed was appointed as Enquiry officer by the Deputy Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar vide No. 351-57 dated 13-01-2015.

Constable Waqar Ahmed No. 1121 produced his written reply without bearing his signature and probably drafted by any lawyer mentioning there in that, on 25-12-2014 he came home on leave from training center and in midnight of 27/28-12-2014 while sleeping at home, two persons entered his home. He assumed them thieves but latter on they were identified as forest officials. He made complaint to SHO concerned but same was turned down by local police. At same time case against him along with his relatives was registered vide reference above and he got arrested in it. After 15 days on 13-01-2015 he was bailed by the order of High court. Meanwhile, a case was got registered under 22A against forest staff on his complaint.

On 16-02-2015 Sardar Saleem, the concerned SDFO was also called along with the Constable Waqar Ahmed No. 1121. The said officer is a complaint in FIR against the Constable. Both were heard and SDFO produced his written statement (annexed). While signature was also obtained on the statement of defaulter Constable.

CONCLUSION

It is concluded after hearing both the parties and going through the documents that, Constable Waqar Ahmed No. 1121 is fully involve in a criminal act. He fired upon a forest official and is quiet misfit for police service.

Ri
ISSUE F-S-N
By Commandant
25/2/15

Superintendent of Police,
Elite Force, Hazara Region
Abbottabad

No = 67
dtd = 23-2-2015

SUMMARY OF ALLEGATIONS

I, Syed Fida Hassan Shah, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority, am of the opinion that Constable Waqar Ahmad No. ¹¹²³1121, (Untrain) has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (amended vide NWFP gazette, 27th January 1976).

SUMMARY OF ALLEGATIONS

He is charged in case FIR No. 499, dated 28.12.2014, u/s 341/342/324/365/427/148/149/186/189, PPC Police Station Nawansher, district Abbottabad and remained absent from EPTC Hakeem Abad Nowshera without any leave or prior permission w.c.from 28.12.2014 till this date.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations Mr. Javed Iqbal Khan Acting SP Elite Force, Hazara is appointed as Enquiry Officer.

3. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (25 days) after the receipt of this order.

4. The accused shall join the proceedings on the date, time, and place fixed by the Enquiry Officer.

(SYED FIDA HASSAN SHAH)

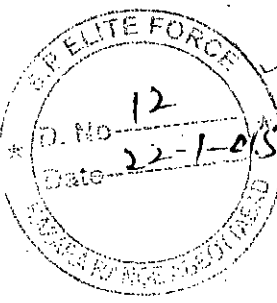
Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.

No. 351-57 /EF, dated Peshawar the 13/01/2015.

Copy of the above is forwarded to the:-

1. Principal, EPTC Hakeem Abad Nowshera.
2. Acting Superintendent of Police, Elite Force, Hazara.
3. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
4. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar for stop pay.
5. SRC/FMC, Elite Force Khyber Pakhtunkhwa Peshawar.
6. FC Waqar Ahmad No. 1121, of Elite through reader Acting SP Elite Hazara.



*Reader
Call for proceedings
19/1/15*

(SYED FIDA HASSAN SHAH)

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar

CHARGE SHEET

I, Syed Fida Hassan Shah, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, hereby charge you Constable Waqar Ahmad No. 1121, (Untrain) as follows;

You are involved in case FIR No. 499, dated 28.12.2014, u/s 341/342/324/365/427/148/149/186/189, PPC Police Station Nawansher, district Abbottabad, and remained absent from EPTC Hakeem Abad Nowshera without any leave or prior permission w.e.from 28.12.2014 till this date.

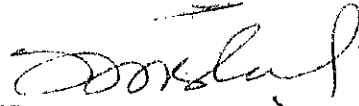
2. By reason of the above, you appear to be guilty of misconduct under the Police Rules (amended vide NWFP gazette, 27th January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

3. You are therefore, directed to submit your defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.

4. 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 in that case ex-parte action shall be taken against you.

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.



(SYED FIDA HASSAN SHAH)

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.

بیان سردار محمد سلیم SDFo کے طریقہ کار میں دوسری ایبٹ آباد

جناب عالی - گزارش ہے جو کہ 27/2014 اور 28/2014 کی درمیانی سبب 2200 بجے
 جناب کنزرویٹور صاحب کوثر نواز سرکل کی ہدایت پر میراہ سٹاف، SDFo ہیڈ کوارٹر
 اور SDFo ٹیلیز کی سربراہی میں جنگل کاکول (27) اور (28) کی طرف
 روانہ ہوئے تو جے informer نے بذریعہ جوابائل فون مطلع کیا کہ میراہ سٹاف
 خان کی طرف 8/10 بجے جن پر عمارتی کھڑی لوڈ ہے آئی ہے۔ اس پر
 میں میراہ SDFo کھنڈ بانی اور سٹاف میراہ سٹاف خان کی طرف روانہ ہوئے۔ جب ہم
 عتام میراہ گئی دیکھی تو فزول فیریں جھٹکا کر بلولہ کاکول لے گئے۔ ان کا بیٹھا
 کیا کہ وہ چاقو سے نکل گئے تو میں سٹاف کو سید کاکول جنگل کی طرف
 چلا گیا، جب ہم کاکول جنگل (27) کے اندر پہنچے تو بتاریخ 28/2014 بوقت
 1:10 بجے رات کو عبدالرشید (F) کے جوابائل پر شمار ڈرائیور کی فون آئی کہ
 میرا رامتہ روک کر تقریباً 15 لوگوں نے علم کر دیا ہے۔ اور سرکاری گاڑی
 بجی 1247 کے شیشے اور لائٹس توڑ دیں اور جے کلڈ سٹونوں کے بیٹ اور لائٹ
 قلعے مار رہے ہیں۔ اور تمام لوگ کلڈ سٹونوں اور لیتولوں سے مسلح ہیں۔
 اس پر میں بلیم سٹاف میرا گئی کی طرف تیزی سے روانہ ہوا۔ جو پہنچے ہم
 میرا گئی پہنچے تو ان 15 مسلح اشخاص نے ہمیں ہیڈ ڈراپ کرا کے ہم پر حمل
 آور ہونے اور ہارنا شروع کر دیا۔ ان اشخاص کو ہم نے بجوبی شناخت کیا
 شمار ڈرائیور پر وفار نے دو فائر بااروہ تیل سے

- 1- نوروز ولد جاوید سکند میرا رہت خان سلیم کلڈ سٹون
- 2- عامر ولد رستم عرف "وٹا" " کلڈ سٹون (اجا تو)
- 3- وفار ولد غلام مرتضیٰ " " " کلڈ سٹون
- 4- فہم ولد ہارون " " " سلیم لیتول
- 5- بلال ولد غلام مرتضیٰ " " " لیتول
- 6- عبدالرحمان عرف مانا ولد الفوین میرا رہت خان سلیم لیتول
- 7- نیاز ولد میر خان میرا رہت خان سلیم لیتول
- 8- نامعلوم ملاقات جن میں سے 5 کو بعد میں مکمل آئی کے بعد شناخت

جسے 8 نامعلوم ملاقات جن میں سے 5 کو بعد میں مکمل آئی کے بعد شناخت

03459613950
 0344-9948135
 0324-563332
 0324-9447603
 0746-9579532
 0343-8956988
 0745-8387691

مفتی صاحب

0992-9310325
 0346-9676309
 13101-6337273-3

16/02/2015
 SDFO Atal
 سڈیو ایٹل

16/2/15
 SDFO
 Superintendent of Police
 Elite Road, Abbottabad

مفتی صاحب کے نام سے ایک درخواست ہے جس میں کہا گیا ہے کہ ایک شخص نے ایک گاڑی کو لوٹ لیا ہے اور اسے ایک گاڑی میں چھپا دیا ہے۔ اس شخص کو پکڑا جائے اور اسے سزا دی جائے۔

اس شخص کے نام سے ایک درخواست ہے جس میں کہا گیا ہے کہ ایک گاڑی کو لوٹ لیا ہے اور اسے ایک گاڑی میں چھپا دیا ہے۔ اس شخص کو پکڑا جائے اور اسے سزا دی جائے۔

اس شخص کے نام سے ایک درخواست ہے جس میں کہا گیا ہے کہ ایک گاڑی کو لوٹ لیا ہے اور اسے ایک گاڑی میں چھپا دیا ہے۔ اس شخص کو پکڑا جائے اور اسے سزا دی جائے۔

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

Waqar Ahmed, Constable No. 1189 Police Lines, Abbottabad son of Ghulam Murtaza, Caste Pathan, resident of Maira Rehmat Khan, Tehsil & District Abbottabad.

....APPELLANT

VERSUS

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

...RESPONDENTS

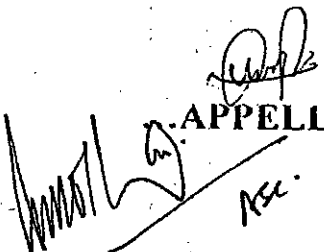
REJOINDER ON BEHALF OF APPELLANT

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S.#	Description	Page Nos.	Annexure
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Dated: 17-04 2019

Through


APPELLANT
RSC.

(SARDAR AMAN KHAN)
Advocate Supreme Court of Pakistan,
Abbottabad

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

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...RESPONDENTS

SERVICE APPEAL

REJOINDER ON BEHALF OF APPELLANT

It may please your lordships;-

Rejoinder on behalf of petitioner is as under;-

PRELIMINARY OBJECTIONS:

1. Para No. 1 the appeal of the appellant is well within time.

2. That appellant being aggrieved person and have been proceeded in illegal manner has got cause of action.
3. The appellant comes to this Honourable Tribunal with cleans hands supported by documentary prove.
4. The appeal has been properly filed against the necessary parties.
5. The appellant being aggrieved of one sided proceedings carried out by respondents department approached the proper forum but no such legal and judicious decision had been made till date, hence the title appeal is accordance with law/ statute governing the matter.
6. The titled appeal is in accordance with law and statute.
7. The appellant comes to this Honourable Tribunal with material facts and documentary evidence who has been proceeded against without affording opportunity of proper hearing and without deciding

the matter in accordance with law and of the case and has technically been knocked out by the respondent through non speaking order.

UPON FACTS:-

1. Para No. 1 of the petition is correct.
2. Para No. 2 of the petition is correct, comments are wrong the appellant never resisted its just a stigma upon the appellant.
3. Para No. 3 of the petition as well as comments are correct.
4. Para No. 4 of the petition is correct, comments is silent, hence prove to admitted.
5. Para No. 5 of the petition is correct, the appellant was charge sheeted on the basis of FIR No. 499, lodged by Forest Department, without considering the cross FIR lodged by the appellant through a valid order passed by the Honourable Justice of Peace. The Appellant replied the show cause notice on the same date.

6. Para No. 6 of the petition is correct, comments are wrong, fabricated, concocted and aimed to penalize the appellant on the charges neither proved nor decided.
7. Para No. 7 of the petition is correct, comments are wrong as during pendency of the criminal case the no such decision had been made by the appellant authority which was filed within time.
8. Para No. 8 of the petition is correct, during pendency of the appeal before respondent No. 3 the worthy Inspector General of Police without hearing the appellant and on the basis of one sided recommendation of worthy DIG Hazara dismissed the appeal on the same ground on being time barred without consulting the record, the status of pendency criminal cases and without summoning the appellant.
9. Para No. 9 of the petition is correct, comments is wrong and misinterpretation of the orders of the Honourable Peshawar High Court, in which the

matter was referred to the worthy Tribunal under Article 212 of the constitution.

GROUNDS:-

- a) Para "a" of the grounds of petition is correct, and comments are wrong.
- b) Para "b" of the grounds of petition is correct, and comments are wrong.
- c) Para "c" of the grounds of petition is correct, and comments are wrong.
- d) Para "d" of the grounds of petition is correct, and comments are wrong.
- e) Para "e" of the grounds of petition is correct and comments are wrong.

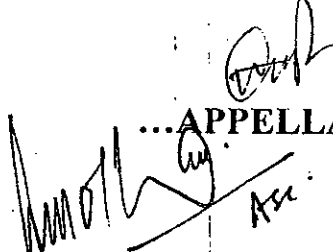
- f) Para "f" of the grounds of petition is correct and comments are wrong.
- g) Para "g" of the grounds of the petition is correct and comments are wrong.
- h) Para "h" of the grounds of petition is correct and comments are wrong.
- i) Para "i" of the grounds of petition is correct, and comments are wrong.
- j) Para "j" of the grounds of petition is correct, comments are wrong.
- k) Para "k" of the grounds of the petition is correct.

It is therefore, most humbly prayed, that on acceptance of the instant service appeal, the impugned order No. 235, dated 21/09/2015 issued by respondent No. 4 and letter dated 05/09/2017 of the respondent No. 2 may graciously be ordered to be set-aside and

respondents be directed to reinstate the appellant in service with all back benefits by deciding the date of appellant's appeal in accordance with the law. Any other order/ relief deemed fit and proper in the circumstances of the case.

Dated: 17-04-2019

Through


...APPELLANT
Asst

(SARDAR AMAN KHAN)
Advocate Supreme Court of Pakistan,
Abbottabad

VERIFICATION;

Verified that the contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed therein.


...APPELLANT

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Waqar Ahmed, Constable No. 1189 Police Lines, Abbottabad son of Ghulam Murtaza, Caste Pathan, resident of Maira Rehmat Khan, Tehsil & District Abbottabad.

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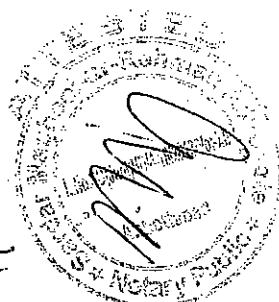
...RESPONDENTS

REJOINDER ON BEHALF OF APPELLANT

AFFIDAVIT

I, Waqar Ahmed, Constable No. 1189 Police Lines, Abbottabad son of Ghulam Murtaza, Caste Pathan, resident of Maira Rehmat Khan, Tehsil & District Abbottabad, do hereby solemnly affirm and declare on oath that the contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


DEPONENT



9

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

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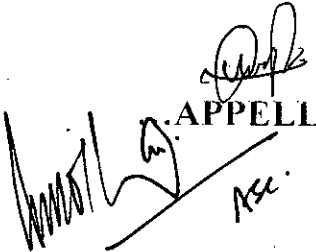
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Dated: 17-04 /2019

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AKK.

(SARDAR AMAN KHAN)
Advocate Supreme Court of Pakistan,
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9. Para No. 9 of the petition is correct, comments is wrong and misinterpretation of the orders of the Honourable Peshawar High Court, in which the

matter was referred to the worthy Tribunal under Article-212 of the constitution.

GROUND:-

- a) Para "a" of the grounds of petition is correct, and comments are wrong.
- b) Para "b" of the grounds of petition is correct, and comments are wrong.
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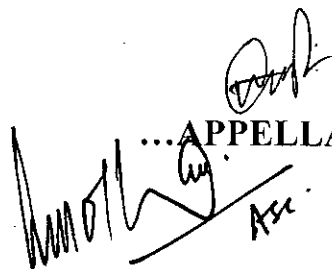
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Dated: 17-04-2019

Through

 ...APPELLANT
RSC

(SARDAR AMAN KHAN)
Advocate Supreme Court of Pakistan,
Abbottabad

VERIFICATION:

Verified that the contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed therein.


...APPELLANT

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Waqar Ahmed, Constable No. 1189 Police Lines, Abbottabad son of Ghulam Murtaza, Caste Pathan, resident of Maira Rehmat Khan, Tehsil & District Abbottabad.

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...RESPONDENTS

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AFFIDAVIT

I, Waqar Ahmed, Constable No. 1189 Police Lines, Abbottabad son of Ghulam Murtaza, Caste Pathan, resident of Maira Rehmat Khan, Tehsil & District Abbottabad, do hereby solemnly affirm and declare on oath that the contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


DEPONENT

