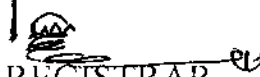


FORM OF ORDER SHEET

Court of _____

Case No.- 254/2023


S.No	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/1/2023	<p>The appeal of Mr. Muhammad Rafiq Khan resubmitted today by Mr. Saadullah Khan Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Muhammad Rafiq Khan son of Abid Ullah Jan Constable no. 704 Police Station Domail Bannu received today i.e. on 25.01.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Affidavit may be got attested by the Oath Commissioner.
- 4- Annexures of the appeal be attested.
- 5- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 6- Pages nos. 12 to 16, 22 & 23 of the appeal are illegible which may be replaced by legible/better one.
- 7- Wakalat nama in favour of appellant be placed on file.
- 8- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 365 /S.T,


Dt. 26-01 /2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv.
High Court at Peshawar.

Srs,

Re-submitted after raising the
objections.



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 254 /2023

Muhammad Rafiq Khan

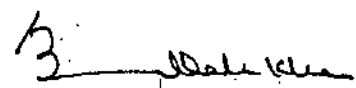
versus

RPO & Others

I N D E X

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-6
2.	FIR dated 03-10-2021	"A"	7-8
3.	Charge Sheet dated 05-10-2021	"B"	9-10
4.	Reply to Charge Sheet	"C"	11
5.	Enquiry report	"D"	12-15
6.	Final Show Cause Notice, 11-11-21	"E"	16
7.	Reply to FSCN dated 12-11-2021	"F"	17
8.	Dismissal order dated 18-05-2022	"G"	18
9.	Reinstatement of co-employee dated 18-05-2022	"H"	19
10.	Representation dated 23-05-2022	"I"	20
11.	Observation on appeal dated 20-06-22	"J"	21
12.	Enquiry report dated 29-07-2022	"K"	22-23.
13.	Service Appeal No. 1429/22	"L"	24-27
14.	Reinstatement order dated 30-12-2022	"M"	28-29
15.	Withdrawal order dated 12-01-2023	"N"	30

Appellant
Through


Saadullah Khan Marwat
Advocate
21-A, Nasir Mansion,
Shoba Bazaar, Peshawar
Ph: 0311-9266609

Dated: 25-01-2023

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S:A No. 254 /2023

Muhammad Rafiq Khan
S/O Abid Ullah Jan,
R/o Zer Janu, Lakki Marwat,
Head Constable No. 704,
Police Station Domail,
Bannu Appellant

File No. 3170
Dated 25-1-2023

Versus

1. Regional Police Officer,
Bannu Region, Bannu.
2. District Police Officer,
Lakki Marwat Respondents

⊕<=>⊕<=>⊕<=>⊕<=>⊕

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OB NO. 384, DATED 30-12-2022 OF R.
NO. 01, WHEREBY APPELLANT WAS
REINSTATED INTO SERVICE WITH IMMEDIATE
EFFECT AND PERIOD OF DISMISSAL / OUT OF
DUTY WAS TREATED AS LEAVE WITHOUT PAY:

⊕<=>⊕<=>⊕<=>⊕<=>⊕

Respectfully Sheweth;

1. That appellant was appointed as Constable on 26-07-2007 and served the department to the best of his ability and to the entire satisfaction of the superiors. On satisfactory performances he was further promoted to the post of Head Constable.
2. That on 03-10-2021, FIR No. 1327, Police Station Lakki Marwat u/s 302/34 PPC was registered against PASI, Naveed Nawaz for murder of Aleemn Shah. (Copy as annex "A")

Filed to-day
Registrar 25/1/23

3. That on 05-10-2021, appellant was served with Charge Sheet on the allegation that:-
 - i. He is facilitating PO / accused Naveed Nawaz.
 - ii. That all speaks of gross misconduct on your part and liable to be punished under Police Rule 1975. (Copy as annex "B")
4. That the said Charge Sheet was replied and appellant denied the allegations in the stated reply, stating therein that he never facilitated the said accused in the offence. (Copy as annex "C")
5. That enquiry into the matter was initiated against appellant but the same was not conducted as per the mandate of law because no statement of any witness(s) was recorded in presence of appellant nor he was afforded opportunity of cross examination what to speak of self defense. No punishment for imposition upon him was suggested what to speak of major punishment of dismissal from service. (Copy as annex "D")
6. That on 11-11-2021, appellant was served with Final Show Cause Notice, without supply of enquiry proceeding to appellant which was also replied on 12-11-2021 and denied the allegation. (Copy as annex "E" & "F")
7. That on 18-05-2022, major punishment of dismissal from service was imposed upon appellant without taking into consideration the facts and circumstances of the case by R. No. 02: (Copy as annex "G")
8. That on 18-05-2022, Co-Employee, Fahim Ullah having same role and conduct in the matter was exonerated from the charges, despite the fact that he was equally held responsible in the matter was given minor punishment of stoppage of increment. (Copy as annex "H")
9. That on 23-05-2022, appellant submitted representation before R. No. 01 for reinstatement in service with all back benefits which met dead response till date. (Copy as annex "I")

10. That on the departmental appeal, R. No. 01 passed order for re-enquiry in the criminal case with remarks:-

"Please re-enquire into it and find the actual role of the officers in incident vide letter dated 20-06-2022". (Copy as annex "J")

11. That on 29-07-2022, Additional Superintendent of Police Bannu held re-enquiry into the matter whereby in the recommendations it was held in categorical manner that all the 06 police officials are recommended for exoneration from the charges leveled against them. (Copy as annex "K")

12. That on maturity of the case, appellant filed S. A. No. 1429/22 before the hon'ble Tribunal which was admitted to regular hearing and notice of the same was issued to respondents for reply. (Copy as annex "L")

13. That in the meanwhile, re-enquiry was conducted into the matter and the appeals already submitted before the authority was accepted and they were reinstated into service with immediate effect and period of dismissal / out of duty was treated as leave without pay vide order dated 30-12-2022. (Copy as annex "M")

14. That in the meanwhile, the aforesaid appeal before the hon'ble Tribunal came up for hearing on 12-01-2023 and then in the light of the fresh recommendation dated 30-12-2022 was withdrawn with permission to file a fresh one. (Copy as annex "N")

Hence this appeal, Inter Alia, on the following grounds;

GROUND S

- a. That from the FIR dated 03-10-2022, it is very much clear that Naveed Nawaz apprehended one Almeen Shah with pistol and arrested him at the spot. One Johar Muhammad son of Dilawar Shah posing himself to be the leader of PTI of the locality, made hot words with the said PASI for arresting the said culprits.
- b. That the said deceased whirled message on Face book ID against the said PASI that he is harassing handsome people. The said PASI went to village Dalo Khet and killed the said Almeen Shah at the same time, appellant was at police post, Lakki Marwat.

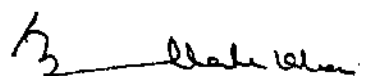
- c. That appellant never facilitated the said PASI in the commission of offence and it was his own act, if any.
- d. That charges leveled against appellant has no nexus with the same as he never facilitated the said matter.
- e. That the matter was not dealt with as per the mandate of law because neither any statement of any witness(s) was recorded in presence of appellant nor he was afforded opportunity of cross-examination.
- f. That appellant was unaware as to whether the said PASI is going for checking to Hospital or for going to other purpose.
- g. That enquiry conducted in the matter but no punishment was ever suggested by the Inquiry Officer to impose the same upon appellant, what to speak of major punishment of dismissal from service.
- h. That the authorities never dealt with the matter as per the record and circumstances and for no obvious reason, appellant was implicated in the same.
- i. That in similar circumstances, constable Fahim Ullah was exonerated from the charges by R. No 02 at the recommendation of Political vendetta and appellant was awarded with major punishment of dismissal from service.
- j. That on representation of appellant fresh enquiry was conducted and in the recommendation the enquiry officer held in the enquiry report and recommended for exoneration from the charges leveled against them. In the circumstances, no punishment was required under the law.
- k. That though R. No. 01 issued the impugned order whereby the appeals of the officials were accepted, they were reinstated into their services with immediate effect and period of dismissal / out of duty was treated as leave without pay.


- l. That when appellant was reinstated into service in pursuance of re-enquiry report dated 29-07-2022 then no legal justification ever exists to be not reinstated appellant into service with all back benefits even double punishments were imposed, i.e. reinstated into service with immediate effect instead of from the date of dismissal from service and period of dismissal / out of duty was treated as leave without pay.
- m. That appellant never absented from duty but it was the illegal order of respondents where he was kept away from duty.
- n. That after exoneration from the so called criminal charges, no stigma ever exists and the impugned order is not only illegal but is based on malafide and discrimination as one Faheem Ullah Constable was not treated at par with appellant.


It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 30-12-2022 of the R. No: 01 be set aside to the extent of double punishments i.e. reinstatement in service with immediate effect and period of dismissal / out of duty was treated as leave without pay.


Appellant

Through


Saadullah Khan Marwat

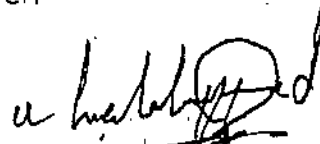

Arbab Saiful Kamal


Amjad Nawaz
Advocates

Dated: 25-01-2023

AFFIDAVIT

I, Muhammad Rafiq Khan S/O Abid Ullah Jan, Head Constable No. 704 Police Station Domail Bannu (Appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief.


DEPONENT

CERTIFICATE:

As per instructions of my client, Service Appeal No. 1428/22 has earlier been filed by the appellant before this Hon'ble Tribunal which was later on withdrawn to file a fresh one.


ADVOCATE

A 7

21-10-21

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ ذریعہ ۱۵۴ مجموعہ ضابطہ نو جداری

ضلع لکھنوت

تھانہ کئی

تاریخ وقت وقوعہ 03.10.21 وقت 12.20 بجے

نمبر 1329

۱۔	تاریخ و وقت رپورٹ	03.10.21 وقت 12.50 بجے چاکیدگی 03.10.21 وقت 13.50 بجے
۲۔	نام سکونت اطلاع دہندہ مستغیث	حفیف شاہ ولد عالمین شاہ سکند ابا خیل بھر 31/32 سال
۳۔	مختصر کیفیت جرم (مصرفہ) حال اگر کچھ لیا گیا ہو۔	PPC 302/34
۴۔	جائے وقوعہ فاصلہ تھانہ سے اور سمت	بیتھک اذان محمد نور محمد خان واقعہ داخل جانب غرب جنوب 8/9 کلومیٹر تھانہ
۵۔	نام سکونت ملزم	۱۔ نوید نواز ۲۔ عمر گل عرف مرگ پسران گل نواز سکند ولد خیل
۶۔	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع کرنے میں توقف ہو تو وجہ بیان کرہ	برسیدگی مراسلہ پر چرگزارش رپورٹ چاک کیا گیا
۷۔	تھانہ سے روانگی کی تاریخ و وقت	بمزلہ اسپیشل لمیٹر

ابتدائی اطلاع نیچے درج کرو۔ ایک تحریری مراسلہ رپورٹ بنجاب نور اسلم خان ASHO بغرض قاضی مقدمہ بدست کنسٹیبل عالمگیر 603 موصول ہو کر ذیل ہے۔ رپورٹ حفیف شاہ ولد عالمین شاہ سکند ابا خیل بھر 31/32 سیال CNIC نمبر 5-112015337131 رابطہ نمبر 3008306607 آج مورخہ 03.10.21 بوقت 12.50 بجے بمقام سٹی ہسپتال کئی مروت موجودگی بخش والد اش عالمین شاہ بھر 51/52 سال یوں رپورٹ کرتا ہے کہ امروز میں والد ام ہارون ارشد ولد گل بادشاہ سکند ابا خیل جو ہر محمد کے بیٹے گئے جو ہر محمد خان کا انتظار کر رہے ہے والد ام عالمین شاہ علیحدہ چار پائی پر بیتھک کے برآمدے میں بیٹھا تھا جبکہ سائینڈ پر دوسری چار پائی پر میں اور ہارون الرشید بیٹھے تھے۔ بوقت قریب 12.20 بیتھک کے چھوٹے دروازہ سے نوید نواز جو کہ پولیس کی وردی میں لمبوس تھا جبکہ اس کا بھائی عمر گل عرف مرگ پسران گل نواز ساکنان دلو خیل اندر بیتھک آئے دونوں کے پاس کلاشکوف ہانے تھے نوید نواز نے نورا اپنے کلاشکوف سے والد ام پر نائنگ شروع کی جس سے وہ لگ کر چار پائی پر گر پڑا جبکہ عمر گل نے نوید نواز کے نائنگ کے دوران ہم پر اپنی کلاشکوف ایم کے دکھا بعد وقوعہ ملزمان بیتھک سے نکل گئے اور ہم بوجہ خالی ہاتھ کچھ نہ کر سکے۔ اسکے نورا بعد جو ہر محمد خان ولد دلاور خان سکند دلو خیل اپنے گھر سے بیتھک کی طرف نکل آیا اور ہم نے والد ام کو سنبھال کر جو ہر محمد خان کے گاڑی میں ڈال کر سیدھا سٹی ہسپتال کئی لے آئے۔ مگر والد ام زخموں کی تاب نہ لا کر راستہ میں جان بحق ہوا تھا۔ وجہ عداوت یہ ہے کہ والد ام نے اپنے فیسیک پر امر دزدوں سے کچھ دیر قبل ملزم نوید نواز کے خلاف خوب لڑکوں کو تنگ کرنے اور بلیک میل کرنے کا پوسٹ چلا تا تھا۔ جس پر وقوعہ ہزار دہا ہوا ہے۔ وقوعہ ہزار میرے علاوہ رشتہ دار ام ہارون الرشید ولد گل بادشاہ سکند دیہہ آم کے پچشم خود دیکھا۔ میں والد ام کے قتل کرنے کا برخلاف

بمزلہ اسپیشل لمیٹر

تسليم کر کے زیر رپورٹ اپنا دستخط ثبت کیا۔ جس کی میں تصدیق کرتا ہوں۔ مقتول کا نقشہ ضرور فرد صورت حال مرتب کر کے بغرض پوسٹ مارٹمز زیر حفاظت کنسٹیبل نجیب امیر 160 حوالہ ڈاکٹر صاحب کیا جاتا ہے۔ مخموم رپورٹ سے صورت جرم PPC 302/34 کی پائی جاتی ہے۔ واضح رہے کہ نوید نواز PASI انچارج چوکی سٹی تعینات ہے۔ مراسلہ بغرض قائمی مقدمہ بدست کنسٹیبل عالیگیر 603 ارسال تھان ہے۔ KBI سٹاف سے تفتیش کجاوے۔ دستخط انگریزی نور اسلم خان ASHO تھانہ لگی مورخہ 03.10.2021 کارروائی تھانہ پس آمدہ مراسلہ حرف بحرف درج بالا ہو کر پرچہ مجرم بالا بمنزلہ اسپیشل رپورٹ چاک ہو کر نقول FIR بمراہ تفتیش حوالہ انچارج KBI سٹاف لگی کئے جاتا ہیں۔ پرچہ بمنزلہ اسپیشل رپورٹ گزارش ہے۔

ASI PS LM 03.10.021


ATC

CHARGE SHEET UNDER NWFP POLICE RULES 1975.

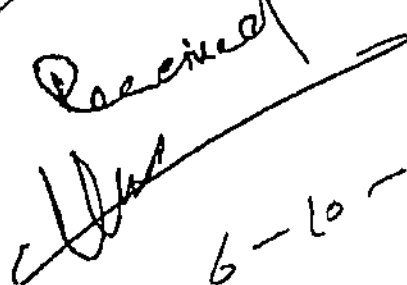
I, Imran Khan PSP, District Police Officer, Lakki Marwat as competent authority hereby charge you HC Rafeeq while posted at PP City Lakki as follow:-

- 1. That you are facilitating PO/accused Naveed Nawaz.
- 2. That all speaks of gross misconduct on your part and liable to be punished under police Rule-1975.
- 3. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) and & b of the said rules.
- 4. You are therefore directed to submit your written defense within seven days (7) of the receipt of this Charge Sheet to the Enquiry Officer.
- 5. Your written defense if any, should reach to 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, an ex-parte action shall follow against you.
- 6. Intimate whether you desired to be heard in persons.

No. 6375 / Dated Lakki Marwat the 05/10/21 2021.


District Police Officer
Lakki Marwat

Asst. Dir.


Received

6-10-21

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.

No. 6375

Dated 05/10/2021.

DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975.

I, Imran Khan PSP, District Police Officer, Lakki Marwat as competent authority am of the opinion that HC Rafeeq No.B while posted at City Lakki has rendered himself liable to be proceeded against as he committed the following commission which fall within the meaning of Section-02 (iii) of KPK Police Rules 1975.

STATEMENT OF ALLEGATIONS.

1. That he is facilitating PO/accused Naveed Nawaz.
2. That all speaks of gross misconduct on his part and liable to be punished under Police Rule-1975.

For the purpose of securitizing the conduct of the said official with reference to the above allegations D.S.Y. B.S.P is appointed as Enquiry Officer for further thorough probe into the matter.

The Enquiry Officer shall conduct proceedings in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its finding and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

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

District Police Officer
Lakki Marwat

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT.

No. 6376-77/SRC, dated Lakki Marwat the 05/10/2021.

Copy of above is submitted to the:-

1. _____ for initiating proceedings against the accused officer under Police Rules 1975.
2. HC Rafeeq with the directions to appear before the Enquiry Officer on the date time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

.....

ADWD
3

جناب عالی: بحوالہ پیدارج شیٹ نمبر 6372/SRC مورخہ 05-10-2021 بجاریہ جناب ڈسٹرکٹ پولیس آفیسر

ساحب سٹیجنگی مرہٹ معروض ہوں کہ من نمردیس نمبر B پر الزام ہے کہ (PO) ملزم ذیلہ نواز کی سہولت کاری کرتا ہے۔

جناب عالی اجواب معروض ہوں کہ من مسائل ایک ذمہ دار پولیس آفیسر سے اور پولیس چوکی کئی میں انسٹران بلائے
اگتات کے مطابق مورخہ 26/09/2021 سے من ذیلہ نواز کی سہولت کاری سے رہا ہوں بداران ذیلہ اپنے فرانس منشی کو
جھولی سہولت سے پر انسٹران بلائے تعزیری اسناد اور نقد اخراجات سے نواز ہے۔

مزید یہ کہ من مسائل نے جہاں پر منشی سے فرانس منشی سہولت کاری ہے۔ اپنی ذیلہ نواز کو۔ واری احسن انجام
دے پڑا تو نواز انسٹران بلائے تعزیری اسناد اور نقد اخراجات سے نواز ہے۔

مورخہ 03-10-2021 کو پولیس نواز PASI نے کی گئی تھی۔ بحوالہ نمبر 8 روزنامہ
03-10-2021 ہسپتال رواجی کر کے بعد اور نواز PASI کے خلاف مقدمہ نمبر 1329 مورخہ
03-10-2021 جرم PPC 302-34 کی قائم ہو رہی ہے۔ SHO صاحب بقادگی نے کی گئی سٹیجنگی
آکر نواز کے خلاف بحوالہ نمبر 19 روزنامہ 03-10-2021 فرانس منشی کی رپورٹ درج کر دی۔ جو ایک یوم

بعد کو نواز PASI نے عدالت سے BBA کر کے قائم پولیس کو پیش کر ڈارن پیش کی جو حسب ضابطہ گرفتار کیا گیا ہے۔
من پشکیل نے نواز کو ملزم کی گرفتاری کی کوشش کے علاوہ کسی قسم کی سہولت کاری یا مالہ اور فراہم نہیں کیا ہے۔
من مسائل ایک ذمہ دار پولیس آفیسر ہے۔ من مسائل کے خلاف نواز کے الزامات میں حقیقت نہیں ہے۔
لہذا استدعا ہے کہ پیدارج شیٹ نمبر بحوالہ نواز کی راجی و تعزیری نواز ہے۔

سائل محمد رفیق نمبر HC/B

Handwritten signature and text

جناب عالی!

انکو اسری ہذا کے حالات تفصیل کو لایے کہ فرمائی ہوگی۔

حنیف شاہ و مدعا میں شاہ قادیان میں مقدمہ ہذا پر خلاف
 ڈیڑھ گواہ پاسٹ ایچارج چوکی کی صورت، برادر اش عمیر گل آنا
 دلو خیل درج دستر ہو کر قتل کے حالات مختصر لکول ہیں کہ فرمائی ہوگی۔
 بمقام سٹی ہسپتال کی صورت واکد اش عالمین شاہ کے قتل کے
 رپورٹ بریلا فٹنرمان بالا کہہ کے کہ اسروز وہ، واکد اش، ہارون الرشید
 جوہر محمد کے ہسپتال میں جوہر محمد کا انتظار کر رہے تھے۔ واکد اش
 برآمد سے میں چارپائی میں بیٹھا تھا۔ جبکہ سائڈ پر دوسری چارپائی پر

وہ (مدعی) اور ہارون الرشید بیٹھے تھے۔ بوقت تیرپ ۵:۲۵ بجے ہسپتال سے

چھوٹے دروازے سے ڈیڑھ گواہ جوہر محمد کی وادی میں ملیوں کا تھا جس کا

بھائی عمیر گل آنا دلو خیل اندر پہنچے آئے۔ دلو خیل سے پاس کلا شکوف

ہائے تھے۔ ڈیڑھ گواہ نے فوراً اپنے کلا شکوف سے واکد اش عالمین شاہ

پر فائرنگ شروع کی جس سے وہ تگ سر چارپائی پر پڑا۔ جبکہ

عمیر گل نے ڈیڑھ گواہ سے فائرنگ کے دوران ان پر کلا شکوف اترنے

سے۔ بعد از وقوعہ قتل مان بھٹ سے نکلے اور بوجہ خانی یا گھوڑے

وہ (مدعی) بچو نہ سرکا۔ اس سے بعد جوہر محمد و ذر دلاور خان اپنے گھر

سے ہسپتال کی طرف نکل آیا۔ اور واکد اش بھال کرے جوہر محمد کی گاڑی میں

ڈاک سرجا ہسپتال ہی آئے۔ جبکہ واکد اش زخموں کی تاب نہ لا کر

راستہ میں جا بختی ہوا۔ وجہ معلوم نہ ہے کہ مقتول نے فیس آئی ڈی

پر وقوعہ سے پورے قبل قتل ڈیڑھ گواہ کے خلاف خوبو ٹرکوں کی ٹرین

کرنے اور بلیک میل کرنے کا ایوسٹ چلا یا تھا جس پر وقوعہ ہوا رہا ہوا۔

وقوعہ حوالہ شدہ داراشی ہارون الرشید کا چشم دہر بیلا با۔ ۵۳۵

At-As

تعمیراتی اس رپورٹ پر مقدمہ نمبر 1324 قورجہ 21/3 جس کا نمبر PPC 302/34
 تھانہ بی درج جسٹریٹس تفتیش شروع ہوئی مقدمہ ہذا میں بدین وجہ
 جسٹریٹس بی محمد عثمانی 258/۱۱۱۱ کو بحوالہ چارج شیٹ نمبر 74-6374
 مورخہ 05/10/21، فقہم اللہ 215/۴۱ کو بحوالہ چارج شیٹ نمبر 74-6373
 مورخہ 05/10/21، رفیقو B/۱۱۱۱ جاری ہوئے لفڈر نواز PAST جو مقدمہ
 میں ملزم ہے کو برقی سولٹ بیانی ہے۔ انکو ایڈیٹریڈ سٹی کو
 مارک ہو کر تفتیش و تصدیق کی خاطر میریلو ویزاویہ پر انکو ایڈیٹریڈ کو
 جاری کرتے ہوئے روزنامہ جونی سٹا جو جیت کر کے بحوالہ عدلیہ روزنامہ
 03/10/21 لفڈر نواز PAST کی شناخت سے واپسی کر رہی تھی ہے جبکہ بحوالہ
 عدلیہ روزنامہ 03/10/21 بوقت 12:10 بجے لوجہ خرابی صحت ہسپتال بی
 سٹی روگن ٹرہ شدہ پائی گئی جبکہ بحوالہ عدلیہ 10 روزنامہ 31/03
 بوقت 14:00 بجے 510 جاوید خانا تھانہ بی کی جانب سے غیر حاضر
 رپورٹ کر رہی تھی ہے۔ جس میں 510 کی طرف سے تحریر ہوا ہے کہ
 کہ مقدمہ مثل متکررہ میں جو کی خاطر آیا تاکہ لفڈر نواز PAST کی
 گہرائی عمل میں لائی جائے۔ تاہم مذکورہ ملزم کو لفڈر نواز غیر حاضر
 کر دیا گیا ہے ان ہندراج کے بارے میں جسٹریٹس محمد عثمانی 238/۱۱۱۱
 کا بیانیہ تحریر کیا گیا کہ سوالات کیے گئے۔ کہ روزنامہ میں ملزم کو لفڈر
 نواز کی واپسی آرڈر اور بیٹال روگن سے اندراج 2 میں سے لقمہ
 خورد گئے ہیں؟ جس نے بجوات کیا کہ لفڈر نواز نے اس کو (تحریروں)
 Declaration دی ہے اور روزنامہ میں اندراج کر (محمد عثمانی) نے لقمہ
 بیسی۔ مذکورہ تحریر کے سوالات/ جوابات تحریر ہوئے ہیں اور یہ لقمہ ہذا ہے۔
 یہ بات چونکہ بیانیہ خاص ہے کہ لفڈر نواز PAST میرا بیٹو کا کار
 میں آکر لگا ہے۔ اور وقوعہ اس روز کیا ہے جبکہ اس سے پہلے وہ بیٹل
 سرکاری ہیں لقمہ لگتی ہے۔ جو کہ کھد میں واپسی آئی ہے جو کہ میں
 مذکورہ PAST ملزم کے گہن میں فقہم اللہ 187/۴۱، ضیاء اللہ ۴۱ اور رفیقو B/۱۱۱۱
 کے نام لپے چارے ہیں۔ اور اس تفتیش و تصدیق کی خاطر عملاً دکھیل
 چکا کہ نہ ہندی کے بیانات تحریر ہوئے ہیں۔

Handwritten signature

دکوخیل پھانٹنا کہ بندہ ہی کے انچارج محمد اسرار بھی 16/11/24 کا بیان کیا گیا
جس سے ایسے بیان ہو گیا کہ وہ صرف قدرت اللہ، جیل خانہ 6663/FRP،
عارف خان 7619/FRP، طاہر خان 7519/FRP بزرگ وقوعہ مورخہ 03/10/21 کو

دکوخیل پھانٹنا کہ بندہ ہی پر موجود تھا کہ لٹریچر پاس پاس جوئی سٹی
انچارج پرائیویٹ ٹوٹر کار میں آیا چوبہ ڈرائیونگ خود کنٹرول کرتا تھا اور
آئیلا تھا پھانٹنا کہ کوئٹہ سے دکوخیل کی طرف گیا جیسا کہ عقبہ سرکاری
ٹویٹل گاڑی 8/10/21 میں لکھا ہے۔ یہ علم نہیں کہ سرکاری ٹویٹل میں لٹری
کوئی کون تھے لٹریچر پاس پاس سے بچے چلا گیا۔ جبکہ واپسی پر سرکاری
ٹویٹل دکوخیل پھانٹنا کی طرف نہیں آیا، مذکورہ انچارج سے ہمراہ
دیگر لٹری موجود نہیں تھا کہ ان کا وہی بیان ہے جو کہ انچارج

محمد اسرار نے دیا ہے۔ روزنامہ چوکی سٹی کی مندرجہ ذیل تاریخوں پر مذکورہ
لٹریچر پاس پاس نے بحوالہ مندرجہ روزنامہ ایس ایس ایس کوٹہ 05:06 بجے چونکہ
تعلق تھا پولیس لائن کی صورت رکھی گئی ہے، جس کی حاضر پولیس
لائن میں مطلوب تھی، مگر پولیس لائن میں اپنی حاضر پولیس لائن سے
اور مورخہ 06/10/21 کو پورٹ 07:15 بجے لائن تاخیر کی رپورٹ پر غیر حاضر
سر دیا گیا ہے، جو کہ بحال غیر حاضر ہے جس سے مورخہ 05/10/21 کو لٹری
ایئریشن سٹیج نمبر 4 کی صورت وقوعہ جیسا کہ BBA سرکاری ہے جس
میں تاریخ مورخہ 03/10/21 قمری ہے

میاں تک رفیق HCG کا تعلق ہے چارج شیٹ کے جواب میں اپنا روایتی
بیان تحریری طور پر پیش کیا ہے، جو کہ زبردستی سے ریڈر کے خواہ
کیا ہوا ہے۔ تاہم مندرجہ سوالات / جوابات کی خاطر باوجود طلبی کے حاضر
نہ آیا۔ تحریری جواب لف آنکوائری ملتا ہے

اسی طرح ٹیم ایس 187 سے بھی چند سوالات کیے گئے جو کہ کلنگ
لٹریچر پاس پاس سے عقبہ بلدیہ سرکاری ٹویٹل جانے کی تردید کرنا ہے
کہ وہ لٹریچر پاس پاس سے بچے سرکاری ٹویٹل میں نہیں گیا ہے بزرگ وقوعہ
ٹویٹل سرکاری پر ڈرائیونگ ایس 568 کی ڈیوٹی تھی جس کا بیان دیا گیا

محمد اسرار

جوہ بیان ہے کہ بروز وقوع مورخہ 3/10/21 کو اسی کی موبائل پر ڈیٹا لوٹا گئی
 مگر ڈیٹا لوٹنے سے پہلے نہیں گیا ہے جبکہ وقوعہ سے روز میں ایک چوٹی سٹی
 پرنسپل عبدالباری 245/۴۲ کی 10 سے کلر 1400 بجے تک ڈیٹا لوٹا گئی جس
 کا بھی تصدیق بیان کیا جا رہا ہے کہ لفظ ڈیٹا لوٹنے سے پہلے سرکاری موبائل
 میں لٹری نہیں لگی ہے۔ ہر دو سے بیانات تلف انٹرویو مل رہے ہیں۔
 تمام ایسے ایسے بیانات کی روشنی میں حالات کی وضاحت کی گئی ہے کہ اصل میں ڈیٹا لوٹنے سے
 نے مطابق روز ناپہنچے خرابی میں ہسپتال آئی گئی اور اسی کی یہ مگر تفتیشی انسٹی
 تفتیشی اور تحقیقی سے مطابق مذکورہ ہسپتال میں انٹری نہیں کی گئی اور ہسپتال
 سے علاج کا ریکارڈ سافٹ کاپیا ہے۔ مزید یہ کہ بروز وقوعہ چوٹی میں یہ باس
 بذبان خاصی عام لگی ہے کہ مذکورہ PASS ملٹرم نے مقتول کا موبائل تکاب
 پوسٹ پڑھنے سے بعد بذریعہ برائیسوٹ فونیکار فونک کی جانب روانہ ہوا ہے
 جس کی وجوہ سے موجود لٹری نے گرنے کی از حد کوششیں بھی کی ہیں اور ڈیٹا
 چھاپا گیا ہے نہ ہی لٹری کے مطابق ڈیٹا لوٹنے سے PASS بذریعہ برائیسوٹ
 فونیکار ڈیٹا لوٹنے کی طرف گیا ہے جبکہ اس سے پہلے موبائل سرکاری میں
 لٹری بھی لگی ہے زبردستی اس نتیجے پر پہنچا ہے کہ ریفرنس H.C. فہم خان
 187/۴۲، ضیاء السطیح 832/۴۲ بذریعہ موبائل سرکاری ڈیٹا لوٹنے سے PASS سے پہلے
 جانچلے ہیں۔ جبکہ ڈر کی وجہ سے پاسی دیکر معلومات سے تحت یا کلنر مان
 کو فائدہ پہنچانے کی خاطر حالات و واقعات کو چھپانے کی کوششیں
 کر رہے ہیں۔ جبکہ ان کے ساتھ حقیقتاً کو چھپانے میں محمد عثمان 239/۸۸۴
 ضرر چوٹی، ولی اللہ 568/۵۸۲ اور عبدالباری 245/۴۲ بھی شامل تصور کیے جاتے
 ہیں۔ ڈرائیور ولی اللہ 568 کے بیان کے مطابق کہ بروز وقوعہ اس کی
 موبائل سرکاری پر ڈیٹا لوٹا گئی۔ تاہم یہ بھی حقیقتاً ہے کہ وقوعہ میں
 ان کی پولیس ملازمان نے براہ راست صحافی طور پر حصہ نہیں لیا ہے۔
 جبکہ ضرر کے مطابق ڈیٹا لوٹنے سے PASS نے قلم خود ہسپتال روائی نہیں لگی ہے
 جو نہ سوالیہ نشان ہے، لہذا حقیقتاً کو چھپانے کی پاداش میں تصور
 پائے جائیں گے خلاف ریگولر حکمتہ کارروائی کی سفارش کی جاتی ہے

Amir

E 16

OFFICE OF THE DISTRICT POLICE

OFFICER LAKKI MARWAT

NO. 7495 / SRC
Dated 11 / 11 / 2022.

FINAL SHOW CAUSE NOTICE

You Head Constable Rafeeq No. B while posted at PP City Lakki are guilty of acts of omission as detailed below.

You are facilitating PO/accused Naveed Nawaz. Thus this speaks deviant and gross misconduct on your part.

2. In this regard, charge sheet based upon summary of allegations was issued and DSP / Hqr: Lakki Marwat was appointed as Inquiry Officer. The Inquiry Officer after conducting proper departmental enquiry submitted his findings and you were found guilty of the misconduct.
3. **NOW THEREFORE, I Shahzada Umar Abas Baber PSP**, District Police Officer Lakki Marwat call upon you through this Final Show Cause Notice within three (03) days of the receipt of this Final Show Cause Notice that as to why you should not be awarded a major punishment including dismissal from service as provided under KPK Police Rules, 1975. Also state whether you want to be heard in person.
4. In case your reply is not received within stipulated period without sufficient reasons it shall be presumed that you have no defense to offer and the undersigned would be at liberty to pass an ex-parte action against you.



Sd/-

(Shahzada Umar Abbas Babar) PSP
District Police Officer,
Lakki Marwat

E 16

B

DEPARTMENT OF
DISTRICT POLICE OFFICE
LAKKI MURVAT
No. 7095 SRC
Date 11/11/11

FINAL SHOW CAUSE NOTICE

You Head Constable Rafeeq No. B while posted at P.O. Lakki Murvat
of acts of omission and commission as detailed below:

1. You are in charge of O/accused Navzed Navaz. Thus, this speaks of your
misconduct on your part.

2. In this regard, charge sheet based upon summary of all
issued and DSP/Offr. Lakki Murvat was appointed as Inquiry Officer.
Officer after conducting proper departmental enquiry, submitted his finding
you were found guilty of the misconduct.

3. **NOW THEREFORE**, I, Shahzada Umar Akbar Babar DSP
Officer Lakki Murvat call upon you through this Final Show Cause No. 7095
three (03) days of the receipt of this Final Show Cause notice as to why you
awarded a major punishment including dismissal from Service as provided
Police Rules 1973. Also state whether you want to discharge any person.

4. In case your reply is not received within stipulated period
reasons, it shall be presumed that you have no defense to offer and
be at liberty to pursue ex-parte action against you.

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(Shahzada Umar Akbar Babar DSP)
District Police Officer
Lakki Murvat

والمنشور الفاضل في دار الفنون
مسئول دار الفنون في دار الفنون

بين جناب ابي الحسن بن علي بن ابي طالب
عنه السلام في دار الفنون في دار الفنون

المؤلف ابي الحسن بن علي بن ابي طالب
عنه السلام في دار الفنون في دار الفنون

المؤلف ابي الحسن بن علي بن ابي طالب
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المؤلف ابي الحسن بن علي بن ابي طالب
عنه السلام في دار الفنون في دار الفنون

المؤلف ابي الحسن بن علي بن ابي طالب
عنه السلام في دار الفنون في دار الفنون

دار الفنون في دار الفنون

17- 11- 521

المنشور

مسئول دار الفنون في دار الفنون

المنشور

المنشور

H.C.P. = 17- 11- 521

G

18

Babbar 1

OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT

Ph# 0969-538240, Fax# 0969-538244

ORDER:

My this order will dispose off the departmental enquiry proceedings against Head Constable Rafeeq No. 704 while posted at PP City Lakki Marwat was found to indulge in the following omission/commission as detail below:-

1. "That he is facilitating PO/accused Naveed Nawaz. Thus this speaks deviant and gross misconduct on his part.
2. In this regard, he was charged sheeted and enquiry was marked to DSP/Hqrs: Lakki Marwat for through probe into the allegations. The enquiry officer after conducting proper departmental enquiry submitted finding report stated therein that he official concerned physically not took part in the incident, however on the event of full day he went behind the accused PASI Naveed Nawaz in Govt. vehicle which speaks their secret intentions towards the incidents and also hide the facts from the Enquiry Officer, hence found guilty of the misconduct. He was served with Final Show Cause Notice to this effect. His reply to the Final Show Cause Notice was perused which was also found un-satisfactory.
3. Therefore, I Shehzada Umar Abbas Babar PSP, District Police Officer Lakki Marwat exercise of the power vested in me under KPK Police Rules-1975 hereby impose upon him major punishment of "Dismissal from Service" with immediate effect. He is directed to deposit all the Govt. articles allotted to him to the concerned branches.

O.B No. 213.

Dated: 18-05-2022.

Sd/-

(SHEHZADA UMAR ABBAS BABAR) PSP
District Police Officer
Lakki Marwat.

No. 7444-47/dated Lakki Marwat.

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

1. The Regional Police Officer, Bannu region, Bannu.
2. EC, PO, OHC & Lines Officer for necessary action.



G

OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT
PH. 0060-538240 FAX. 0060-538244
E-mail. shahkhalid2001@G.com

18

ORDER

My this order will dispose off the departmental enquiry proceedings against Head Constable Rafceq No.704 while posted at PP City Lakki was found to indulge in the following omission/commission as detail below:-

1. "That he is facilitating PO/accused Naveed Nawaz. Thus this speaks deviant and gross misconduct on his part.
2. In this regard, he was charge sheeted and enquiry was marked to DSP/Hqs: Lakki Marwat for thorough probe into the allegations. The enquiry officer after conducting proper departmental enquiry submitted finding report stated therein that the official concerned physically not took part in the incident, however on the event of full day he went behind the accused PASI Naveed Nawaz in govt. vehicle which speaks their secret intentions towards the incidents and also hide the facts from the Enquiry Officer, hence found guilty of the misconduct. He was served with Final Show Cause Notice to this effect. His reply to the Final Show Cause notice was perused which was also found un-satisfactory.
3. Therefore, I Shahzada Umar Abbas Babar PSP, District Police Officer, Lakki Marwat exercise of the power vested in me under KPK Police Rules-1975, hereby impose upon him major punishment of "Dismissal from service" with immediate effect. He is directed to deposit all the Govt. articles allotted to him to the concerned branches.

OB No. 213

Dated: 18/05/2022.

(Shahzada Umar Abbas Babar) PSP
District Police Officer
Lakki Marwat

No. 744-471 Dated Lakki Marwat the 18/05/2022.

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

1. The Regional Police Officer, Bannu Region, Bannu.
2. EC, PO, OHC & Lines Officer for necessary action.

Attest

H 19

Better copy

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OFFICE OF THE
DISTRICT POLICE OFFICER
LAKKI MARWAT

Ph# 0969-538240, Fax# 0969-538244

ORDER:

My this order will dispose off the departmental enquiry proceedings against Constable Faheem Ullah No. 215 while posted at PP City Lakki Marwat was found to indulge in the following omission/commission as detail below:-

1. "That he is facilitating PO/accused Naveed Nawaz. Thus this speaks deviant and gross misconduct on his part.
2. In this regard, he was charged sheeted and enquiry was marked to DSP/Hqrs: Lakki Marwat for through probe into the allegations. The enquiry officer after conducting proper departmental enquiry submitted finding report stated therein that he official concerned physically not took part in the incident, however on the event of full day he went behind the accused PASI Naveed Nawaz in Govt. vehicle which speaks their secret intentions towards the incident and also hide the facts from the Enquiry Officer, hence found guilty of the misconduct. He was served with Final Show Cause Notice to this effect. His reply to the Final Show Cause Notice was perused which was also found un-satisfactory.
3. Therefore, I Shehzada Umar Abbas Babar PSP, District Police Officer Lakki Marwat exercise of the power vested in me under KPK Police Rules-1975 hereby impose upon him minor punishment of "Stoppage of Increment for two (2) years" with immediate effect.

O.B No. 209.

Dated: 18-05-2022.

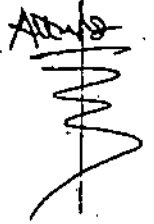
Sd/-

(SHEHZADA UMAR ABBAS BABAR) PSP
District Police Officer
Lakki Marwat.

No. 7460-63/dated lakki Marwat.

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

1. The Regional Police Officer, Bannu region, Bannu.
2. EC, PO, OHC & Lines Officer for necessary action.



بخدمت جناب ریجنل پولیس افسیسر صاحب بنوں ریجن بنوں

عنوان:- درخواست دربارے بحالی ملازمت اور منسوخ آرڈر 47-7444 مجاریہ

جناب دسترکٹ پولیس افسر صاحب ضلع لکی مروت

ثابت عالی!

معروض ہوں کہ من مسائل کے خلاف الزام ہے کہ من Hc نے ملزم نوید نواز PASI کو قوع میں FACILITATE کیا ہے۔ دریں سلسلہ مسائل ذیل گزارشات عرض کرنا چاہتا ہوں۔

1- من مسائل جو کی سٹی لکی میں بحیثیت G.D ہیڈ کنسٹیبل تعینات ہوں۔

2- قوع سے قبل نوید نواز PASI جو کی ہذا کا انچارج تعینات تھا۔

3- نوید نواز PASI نے قوع سینیٹ کی شہر سے 4/5 کلومیٹر کے فاصلہ پر دیہہ خود لوخیل میں سرزد کیا ہے۔

4- روز قوع من مسائل ہنز کاٹ نوید نواز PASI دیگر تقرری پولیس برائے گشت حدود سٹی لکی بحوالہ مدد روز نامہ 03-10-2021 بوقت 08:15 بجے روانہ ہوا۔

5- بد دوران گشت، تاکہ بندی ملزم حادثہ ولد گل اسلام سکندر کی خیل سے بالائے سنس پستول معاہدہ پیش برآمد کر کے مقدمہ قائم کیا۔ اور تفتیش کی۔

6- بوقت 12:05 نوید نواز خان PASI صاحب حسب معمول گشت ختم کر کے من Hc ہمز کاٹ PASI صاحب مدکورہ ملزم حادثہ گزار شدہ جو کی سٹی لکی

واپس آکر بحوالہ 7 روز نامہ 03-10-2021 واپسی کی رپورٹ درج کروالی ہے۔

7- من Hc نے جناب DPO صاحب لکی مروت کے مجاریہ چارج شیٹ کا مفصل جواب تحریر کیا۔

8- حسب اہم جناب DPO صاحب لکی مروت DSP/HQ لکی مروت نے باقاعدہ انکوائری کی۔

9- انکوائری ایئر صاحب نے انکوائری مکمل کر کے فائل رپورٹ بخدمت جناب DPO صاحب لکی مروت بھجوا یا۔

10- انکوائری ایئر صاحب نے من مسائل کے خلاف FACILITATION الزام ثابت نہ ہوا۔

11- من کو جناب DPO صاحب نے فائل شو کا نوٹس جاری کیا۔ جس کا من مسائل نے مفصل جواب عرض کیا۔

12- دریں حالات کے باوجود کہ میرے خلاف الزام انکوائری ایئر صاحب نے ثابت نہ کیا بلکہ الزام سے بری تحریر فرمایا۔ جناب DPO صاحب نے بھی

آرڈر ہذا میں ذکر فرمایا۔ جناب DPO صاحب نے من مسائل کے بارے DISMISSAL FROM SERVICE کے احکامات جاری فرمائے۔

13- جناب DPO صاحب لکی مروت نے من مسائل کو Dismissal From Service جبکہ کنسٹیبل انہیم اللہ 215 کو Stoppage of

Increment for two (2) years جس من مسائل کے ساتھ انکوائری میں بلکل ایک جیسا تھا جس کی آرڈر 63-7460-63 مراہ لف ہیں۔

عالیجاہ:- معروض ہوں کہ من مسائل کے خلاف الزام ثابت نہ ہونے کے بغیر جناب DPO صاحب آرڈر ہذا جاری فرمایا۔

لہذا استدعا ہے کہ من مسائل کے سروں پر بحالی اور جناب DPO صاحب کے آرڈر کے منسوخی کے احکامات صادر فرماویں۔

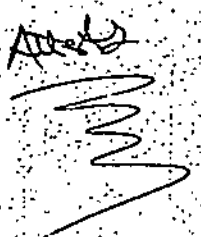
کرم بخش ہوگی۔

صورت
۳۳

العارض

سابقہ ہیڈ کنسٹیبل محمد رفیق 704 متعینہ جو کی سٹی لکی مروت





J

24

From: The Regional Police Officer,
Bannu Region, Bannu

To: The Addl. S.P Bannu.

No. 618/PA, dated Bannu the 20/06/2022

Subject: ORDERLY ROOM - REINQUIRY IN CASE TIR NO-1829/2021 DATED
03.11.2021 U/S 302/34 PPC/P/S LAKKI

Memo: On 16th June 2022 during Orderly Room the police officers who were
awarded punished by DPO-Lakki appeared before the Regional Police Officer Bannu with
appeals and findings of enquiry conducted by DSP/HQ Lakki were perused and recorded
following remarks:-

Addl. SP/Bannu.

"Plz re-enquire into it and find the actual role of these officers in incident"

- i. Muhammad Usman LHC No. 338
- ii. Rafeeq Head HC No. 704 ✓
- iii. Enheem Ullah FC No. 215
- iv. Wali Ullah FC No. 568
- v. Abdul Bari FC No. 245
- vi. Zia Ullah FC No. 832

I am further directed to enclose herewith a copy of findings of enquiry
previously conducted by DSP/HQ Lakki and a complaint moved by Syed Ibrar Hussain Khan
on the subject for perusal, please

Encl: As above. (15 sheets)

Handwritten signature/initials

Handwritten signature
Regional Police Officer
Bannu Region
Bannu

K 22

BETTER COPY

Phone No: 0928-9270027

Fax No: 0928-9270045

OFFICE OF THE
ADDITIONAL SUPERINTENDENT OF POLICE,
BANNU

No.213/ASP

Dated 29/07/2022

To: The Regional Police Officer,
Bannu Region, Bannu.

Subject: ORDERLY ROOM-REINQUIRY IN CASE FIR NO.139/2021 DATED
03.10.2021 U/S 302/34 PPC PS LAKKI.

Memo: Kindly refer to RPO Bannu letter No. 618/PA, dated 20.06.2022, on
the subject noted above.

Respected Sir,


As per your kind order, the undersigned re-enquired in case FIR No
1329/2021, dated 03.10.2021, registered u/s 302/34 PPC in PS Lakki. The detail
of enquiry is furnished as under: -

PROCEEDINGS:

The undersigned thoroughly studied all the documents pertaining to the
subject case including the case file FIR No. 1329/2021 of PS Lakki, all the papers of
previous enquiries charge-sheets, orders of departmental punishments etc. The PS
Lakki and PP city (PS Lakki) record was also perused. All the six accused officials
were summoned, heard in person and their statements were got recorded after
putting some questions on them. Similarly, I.O of the case SI Munowar Khan was also
summoned along with case file. He was also heard in detail and his statement was
also obtained. I also went through the contents of complaint moved by one Syed Ibrar
Hussain Shah to Worthy RPO, Bannu. Copies of all the relevant documents have been
placed on the enquiry file in hand.

CONCLUSION:

During the course of re-enquiry, all the six accused police officials
have not been found guilty of the charges levelled against them. Neither any one of
the accused was present on the spot/place of occurrence nor facilitated P.O/accused
Naveed Nawaz. Likewise, neither any one of the accused has been charged for the
offence by the complainant of FIR nor concealed the facts from enquiry officers. The
movement of police mobile, from PP City, soon after the departure of accused
Naveed Nawaz from the PP, cannot incriminate the under re-enquiry accused police
officials with the incident of case FIR No. 1329/2021, PS Lakki. Because the
movement of police mobile was for routine patrol and not towards the place of
occurrence. As per statement of the I.O no involvement of the under re-enquiry police

Attest


officials has been found in case FIR No.1329 or in the murder of deceased Aalameen Shah. Complete Challan has already been submitted in the case against two accused only (1) PASI Naveed Nawaz and (2) his brother Umer Gul. Had any one of the under re-inquiry accused police officials been involved in the case he would have been charged/implicated in the instant case.

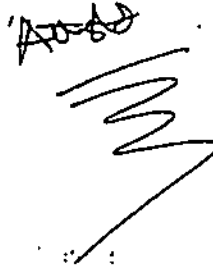
Hence, it is concluded that murder of Aalameen Shah is the personal issue of PASI Naveed Nawaz and his brother Umer Gul and not the issue of under re-enquiry police officials as none of them had any enmity or personal grudges with deceased party.

RECOMMENDATIONS:

Keeping the above facts and figures in view, all the under re-enquiry 06 police officials are recommended to be exonerated from the charges leveled against them.

Submitted please.

Sd/-
Additional Superintendent of Police,
Bannu



L 24

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. _____/2022

Muhammad Rafiq Khan
S/O Abid Ullah Jan,
R/o Zer Janu, Lakki Marwat,
EX- Head Constable No. 704,
Police Post City, Police Station City,
Lakki Marwat Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1335

Dated 19-9-2022

Versus

1. District Police Officer,
Lakki Marwat.
2. Regional Police Officer,
Bannu Region, Bannu. Respondents

⊕<=>⊕<=>⊕<=>⊕<=>⊕

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OB NO. 213, DATED 18-05-2022 OF R.
NO. 01, WHEREBY APPELLANT WAS DISMISSED
FROM SERVICE AND REPRESENTATION OF

Filed to-day APPELLANT WAS NOT HONORED TILL DATE:

⊕<=>⊕<=>⊕<=>⊕<=>⊕

Registrar
19/9/2022

Respectfully Sheweth:

1. That appellant was appointed as Constable on 26-07-2007 and served the department to the best of his ability and to the entire satisfaction of the superiors. On satisfactory performances he was further promoted to the post of Head Constable.
2. That on 03-10-2021, FIR No. 1327, Police Station Lakki Marwat u/s 302/34 PPC was registered against PASI, Naveed Nawaz for murder

(Handwritten signature)

3. That on 05-10-2021, appellant was served with Charge Sheet on the allegation that:-
 - i. He is facilitating PO / accused Naveed Nawaz.
 - ii. That all such speaks of gross misconduct on his part and is liable to punishment under Police Rules. (Copy as annex "B")
4. That the said Charge Sheet was replied and appellant denied the allegations in the stated reply, stating therein that he never facilitated the said accused in the offence. (Copy as annex "C")
5. That enquiry into the matter was initiated against appellant but the same was not conducted as per the mandate of law because no statement of any witness(s) was recorded in presence of appellant nor he was afforded opportunity of cross examination what to speak of self defense. No punishment for imposition upon him was suggested what to speak of major punishment of dismissal from service. (Copy as annex "D")
6. That the authority was not satisfied with the aforesaid enquiry, so on 18-10-2021, subsequent enquiry was initiated not per the mandate of law and in this enquiry too, no punishment was ever suggested for imposition of appellant. (Copy as annex "E")
7. That on 11-11-2021, appellant was served with Final Show Cause Notice, without supply of enquiry proceeding to appellant which was also replied on 12-11-2021 and denied the allegations. (Copy as annex "F" & "G")
8. That on 18-05-2022, major punishment of dismissal from service was imposed upon appellant without taking into consideration the facts and circumstances of the case by R. No. 01. (Copy as annex "H")
9. That on 18-05-2022, Co-Employee, Fahim Ullah having same role and conduct in the matter was exonerated from the charges, despite the fact that he was equally held responsible in the matter



10. That on 23-05-2022, appellant submitted representation before R. No. 02 for reinstatement in service with all back benefits which met dead response till date. (Copy as annex "J")
11. That on the departmental appeal, R. No. 02 passed order for re-enquiry in the criminal case with remarks:-
- "Please re-enquire into it and find the actual role of the officers in incident vide letter dated 20-06-2022". (Copy as annex "K")

Hence this appeal, Inter Alia, on the following grounds;

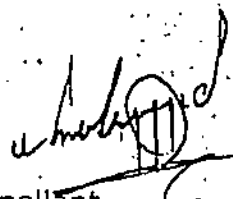
GROUND S

- a. That from the FIR dated 03-10-2022, It is very much clear that Naveed Nawaz apprehended one Almeen Shah with pistol and arrested him at the spot. One Johar Muhammad son of Dilawar Shah posing himself to be the leader of PTI of the locality, made hot words with the said PASI for arresting the said culprits.
- b. That the said deceased whirled message on Facebook ID against the said PASI that he is harassing handsome people. The said PASI went to village Dalo Khel and killed the said Almeen Shah at the same time, appellant was at police post, Lakki Marwat.
- c. That appellant never facilitated the said PASI in the commission of offence and it was his own act, if any.
- d. That charges leveled against appellant has no nexus with the same as he never facilitated the said matter.
- e. That the matter was not dealt with as per the mandate of law because neither any statement of any witness(s) was recorded in presence of appellant nor he was afforded opportunity of cross-examination.
- f. That appellant was unaware as to whether the said PASI is going for checking to Hospital or for going to other purpose.

Attest


- g. That double enquiries were conducted in the matter but no punishment was ever suggested by the Inquiry Officer to impose the same upon appellant, what to speak of major punishment of dismissal from service.
- h. That the authorities never dealt with the matter as per the record and circumstances and for no obvious reason, appellant was implicated in the same.
- i. That in similar circumstances, constable Fahim Ullah was exonerated from the charges by R. No 01 at the recommendation of Political vendetta and appellant was awarded with major punishment of dismissal from service.
- j. That neither original nor appellate order was per the mandate of law, so are liable to set aside. The same are based on malafide and discrimination.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 18-05-2022 of the R. No. 01 be set aside and appellant be reinstated in service with all consequential benefits.



Appellant

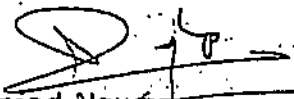
Through



Saadullah Khan Marwat



Arbab Saiful Kamal



Amjad Nawaz

Advocates

Dated: 19-09-2022

Advocate


M 28

ORDER:

This order will dispose of departmental appeals, preferred by six (06) accused officials, i.e. (1) Ex:LHC Muhammad Usman No.238; (2) Ex:FC Wali Ullah No.568; (3) Ex:FC Zia Ullah No.832; (4) Ex:FC Abdul Bari No.245; (5) Ex:HC Rafeeq No.704 & (6) FC Faheemullah No.215 of District Police Lakki Marwat, wherein they have prayed for setting aside the orders of major punishment of "Dismissal from service of the foremost five officials" and order of minor punishment of "Stoppage of increment for two (2) years" pertaining to the last one official imposed upon them by DPO Lakki Marwat vide OB No.208 dated 16.05.2022, No.210 dated 18.04.2022, No.212 dated 18.05.2022, No.211 dated 18.04.2022, No.213 dated 18.05.2022 & No.209 dated 18.05.2022 respectively in a joint enquiry conducted against them by DSP HQ Lakki vide No.257 dated 09/11/2021 in case FIR No.1329 dated 03.10.2021 u/s 302/34 PPC RS Lakki on the following allegations noted against each their names:-

S.No.	Name & Rank / No.	Allegation(s)	Punishment Awarded
1.	Ex:HC Rafeeq No.704	That he is facilitating PO/accused Naveed Nawaz. Thus this speaks deviant and gross misconduct on his part.	Dismissed from Service
2.	Ex:LHC Muhammad Usman No.238	That he is facilitating PO/accused Naveed Nawaz. Thus this speaks deviant and gross misconduct on his part.	Dismissed from Service
3.	Ex:FC Wali Ullah No.568	That on the event of full day he followed PASI Naveed Nawaz to the crime scene and now he hiding facts which show his connivance with the accused. Thus this speaks deviant and gross misconduct on his part.	Dismissed from Service
4.	Ex:FC Zia Ullah No.832	That on the event of full day he followed PASI Naveed Nawaz to the crime scene and now he hiding facts which show his connivance with the accused. Thus this speaks deviant and gross misconduct on his part.	Dismissed from Service
5.	Ex:FC Abdul Bari No.245	That on the event of full day he followed PASI Naveed Nawaz to the crime scene and now he hiding facts which show his connivance with the accused. Thus this speaks deviant and gross misconduct on his part.	Dismissed from Service
6.	FC Faheemullah No.215	That he is facilitating PO/accused Naveed Nawaz. Thus this speaks deviant and gross misconduct on his part.	Stoppage of increment for two (2) years

Comments from DPO Lakki Marwat vide his letter No.708/EC dated 26/05/2022 (Ex:FC Rafeeq No.704) No.706/EC dated 26/05/2022 (Ex:FC Wali Ullah No.568) No.707/EC dated 26/05/2022 (Ex:FC Zia Ullah No.832) No.708/EC dated 20/06/2022 (FC Faheemullah No.215) No.709/EC dated 26/05/2022 (Ex:LHC Muhammad Usman No.238) & No.705/EC dated 26/05/2022 (Ex:FC Abdul Bari No.245) were received and the complete enquiry file was asked

... which was personal. On 16/04/2022 the appellants were handed in orderly room and the papers were checked at Addl SP Banner via this office. Memo No. 18 PA dated 29/06/2022 with the direction "to re-assign into it and find the actual role of these officers in incident". The reply of Addl SP (1) concluded proper departmental enq. may and case. He also concluded that all the concerned police officers have not been found guilty of the charges levelled against them. He submitted his finding - via Memo No. 213/ASP dated 29/07/22 stating that even though not all any one of the witnesses were present on the spot place of occurrence nor facilitated P.O. access. Naval Nairiz, Ekawala, neither any of the appellants have been subjected to the scrutiny by the enquiry officer. It is not concluded that these have any disciplinary action. The movement of vehicle from PP City, Makkh, from date the deposit was made. Naval Nairiz from the 10 cannot mentionate the under re-assigning. Memo No. 213/ASP dated 29/07/22. No. 1779/2021. DS in SP. Banner the movement of police vehicle was on the way towards the place of occurrence. No par statement of the IO in Parliament of the under re-assigning police officials has been submitted via Memo No. 1784 or in the number of district. Assistant S. in Complaints Section has being the responsibility of the IO. In the number of DS in SP. Naval Nairiz and 1784 is not in the case. The case no. 1779/2021 is being ongoing against the officer. He is not in the case. He is not in the case. He is not in the case.

... 1. Special Meeting ... to exercise of the powers vested in the officer ... in 2014, having not asked the ... of ... involved ... services with immediate effect. ... case was treated as ...

ORDER ANNOUNCED
Sl. No. ...
Date ...

No. ... dated ...

... for ... and ...

Signature of ...
Name of ...
Rank

Signature of ...
Name of ...
Rank

Regional Police Officer
Banner Region
Banner

N

A. No. 1429/2022 30
M. Rafiq vs Govt



12.01.2023

Mr. Arbab Saiful Kamal, Advocate for the appellant present.

Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

02. Learned counsel for the appellant submitted office order OB No. 384 dated 30.12.2022 whereby the appellant has been reinstated into service with immediate effect and the period of dismissal from service treated as leave without pay. In this respect he also submitted an application for withdrawal of the instant service appeal with the permission to file a fresh. Application is allowed subject to all just and legal objections. Consign.

03. Pronounced in open court at Peshawar and given under my hand and seal of the Tribunal this 12th January, 2023.

(Mian Muhammad)
Member (E)

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 20-01-23
Number of Page 10/2
Copying Fee 5/-
Urgent 5/-
Total 10/-
Name _____
Date 20-01-23
Date of Delivery of Copy 20-01-23

بعد التّ جتای سرورس ٹریڈ پورٹل صورت پورس سرورس پشاور

منجانب ایڈوائس

محمد رفیق خان بنام محمد کھوکھڑ

دعویٰ اپیل

باعث شکریہ ایٹیکہ

مسترد مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی رکن کاروائی متعلقہ آن مقام پشاور کیسٹم اسٹیشن صاحب خان سرورس ایڈوائس ہائی کورٹ کو وکیل مقرب کر کے اقرار کیا جاتا ہے کہ صاحب مہر و شرف کو مقربہ کی کاروائی کا کابل اختیار ہو گا نیز وکیل صاحب کو کرنے والی نامہ و تقریر ثالث و فیصلہ بر خلاف یہی جواب دہی اور اقبال دعویٰ اور لکھنؤ ڈگری کرنے اجراء اور دعویٰ چیک ڈرہیم اور رضی دعویٰ اور درخواست ہر قسم کی تعلیق اور اس پر دستخط کرنے کا اختیار ہو گا نیز لکھنؤ عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور دستخطی نہیں دارے کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا اختیار ہو گا اور لکھنؤ ضرورت مقربہ ہو گا کے رکن یا پیروی کاروائی کے واسطے اور وکیل یا منتار قانونی کو اپنے ہمراہ یا اپنی بجائے تفریق کا اختیار ہو گا اور اس پر مقربہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پروا مندرجہ منظور قبول ہو گا و دوران مقربہ میں جو خرچہ و تر جانہ التوا مقربہ کے سبب ہو گا اس کے مستحق وکیل صاحب مہر و شرف ہوں گے نیز بقایا دفعہ چہرہ کی وصولی کرنے کا بھی اختیار ہو گا اگر کوئی تاریخ پیشی مقام درجہ پر ہو یا عد سے باہر ہو تو وکیل صاحب یا ہمز نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

25-1-23 المرقوم

التّ بعد التّ بعد التّ بعد

ارباب نیگ انکمال
ایڈوائس

محمد رفیق خان
ایڈوائس

Handwritten signature

محمد نواز
ایڈوائس