

07.12.2021


Appellant present in person.

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

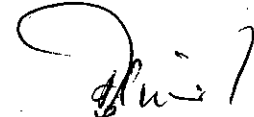
Former requested for withdrawal of the instant service appeal as his grievance has been redressed. In this regard, an application seeking withdrawal of appeal was also submitted.

In view of above, instant service appeal is hereby dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

Announced.  
07.12.2021



(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Swat.



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

04.10.2021


Nemo for appellant.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Khawas Khan S.I for respondents present.

Preceding date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for 07.12.2021 for arguments before D.B at Camp Court, Swat.



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

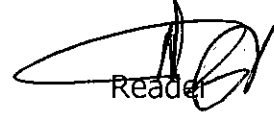


(Rozina Rehman)  
Member(J)  
Camp Court, Swat



5.01.2021

Due to COVID 19, the case is adjourned to  
2 .03.2021 for the same as before.

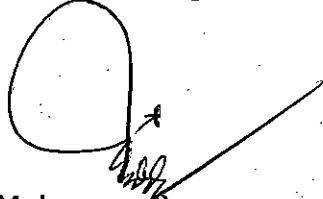
  
Reader

02.03.2021

Nemo for appellant.

Noor Zaman Khan Khattak learned District Attorney for respondents present.

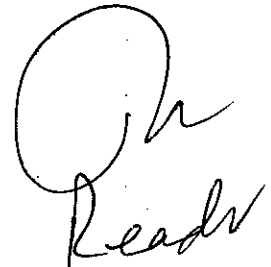
Preceding date was adjourned on a Reader's note while today, lawyers community is on strike, therefore, appellant/counsel be put on notice. Case is adjourned to 3/5/2021 for arguments before D.B at Camp Court, Swat.

  
(Mian Muhammad)  
Member (E)  
Camp Court, Swat

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

Due to covid-19 therefore to  
come up for the same on

04/10/2021/

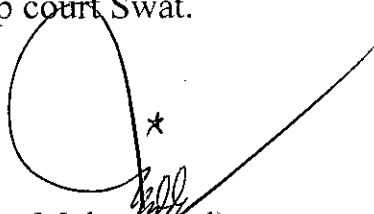
  
Reader

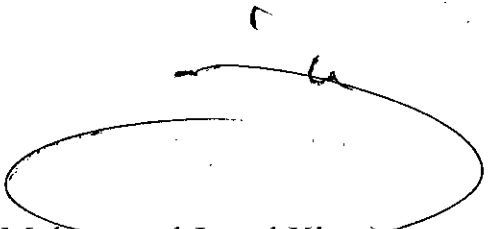
06.10.2020

Neither the appellant nor her counsel is present. Mr. Usman Ghani, District Attorney for respondents present.

Arguments could not be heard due to strike of the District Bar Association, Swat.

Adjourned to 03.11.2020 for arguments before D.B at camp court Swat.

  
(Mian Muhammad)  
Member(E)


  
(Muhammad Jamal Khan)  
Member  
Camp Court Swat


03.11.2020

Nemo for appellant.

Muhammad Jan learned Deputy District Attorney alongwith Khawas Khan Inspector for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 05.01.2021 for arguments, before DB at Camp Court, Swat.

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

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

04.03.2020

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 08.04.2020 before D.B at Camp Court, Swat.

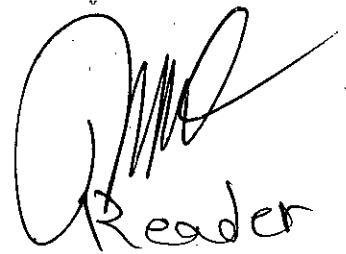


Member



Member  
Camp Court, Swat.

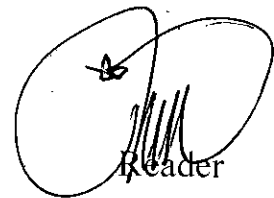
Due to Corona virus tour  
to camp court swat has been  
cancelled to come up for the  
same on 03/04/20



Reader

03.06.2020


Due to Covid-19, the case is adjourned. To come up for the  
same on 06.08.2020, at camp court Swat.



Reader

04.11.2019


Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG, along with Mr. Mir Faraz, DSP (Legal) for the respondents present. Representative of respondents submitted para-wise reply on behalf of respondents No. 1 to 3 which is placed on record. Case to come up for rejoinder and arguments on 04.12.2019 before D.B at Camp Court Swat.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

04.12.2019


Lawyers are on strike on the call of Bar Association. Adjourned. To come up for further proceedings/arguments on 08.01.2020 before D.B at Camp Court, Swat.


  
Member

  
Member  
Camp Court, Swat

08.01.2020

Appellant in person and Mr. Hussain Ghani, District Attorney along with Mr. Muhammad Ishaq, Head Constable for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 04.03.2020 for further proceedings/arguments before D.B at Camp Court Swat.

  
(Hussain Shah)  
Member  
Camp Court Swat

  
(M. Amin Khan Kundi)  
Member  
Camp Court Swat

08.08.2019

Mr. Kamran Khan, Advocate on behalf of counsel for the appellant present.

An application for transfer of the appeal to Camp Court Swat has been submitted. It is noted in the application that the appellant belongs to Swat while some of the respondents are also performing their official duty at Swat.

The application is allowed and the office is directed to post instant appeal before Touring Bench at Swat on 04.09.2019.

  
Chairman

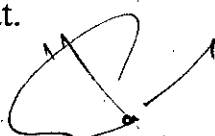
04.09.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Ex-Constable) has filed the present service appeal against the order dated 01.01.2019 whereby respondent No.3 terminated the contract of the appellant.

Points urged need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 04.11.2019 before S.B at Camp Court, Swat.

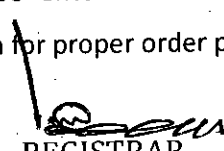
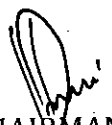

Appellant Deposited  
Security & Process Fee  
6/9/19

  
Member  
Camp Court, Swat

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 600/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/05/2019	<p>The appeal of Mr. Taj Muhammad presented today by Mr. Muhammad Javed 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 9/5/19</p>
2-	10/05/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/06/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
21.06.2019		<p>None present on behalf of the appellant. Notice be issued to appellant and his counsel for attendance and preliminary hearing for 08.08.2019 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>

21/5/19



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

Service Appeal No. 600 /2019

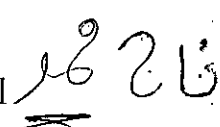
Taj Muhammad .....Appellant

**VERSUS**

Provincial Police Officer and others .....Respondents

**INDEX**

S. #	Description of Documents	Annexures	Pages
1.	Service Appeal		1-7
2	Affidavit		8
3	Addresses of the Parties		9
5	Application for condonation of delay		10-11
6	Copy of the Mad Report No. 21 dated 29/09/2018	"A"	12
7	Copy of the order dated 01/01/2019	"B"	13
8	Copy of the departmental appeal	"C"	14
9	Copy of the FIR	"D"	15
10	Wakalat Nama		16

Appellant  
Through Counsel 

**Muhammad Javaid Khan**  
Advocate, Supreme Court of  
Pakistan

Office: Allah-o-Akbar Masjid,  
College Colony, Saidu Sharif, swat  
Cell: 0343-9607492

①

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

Service Appeal No. 600 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 734

Dated 09/05/2019

Taj Muhammad S/o Sahib Zada R/o Lakhar, Post Office  
Fateh Pur, Tehsil and District Swat

.....Appellant

**VERSUS**

- 1) Provincial Police Officer Government of Khyber Pakhtunkhwa at Central Police Office (CPO) Peshawar.
- 2) Deputy Inspector General of Police / Regional Police Officer (RPO) Malakand Region at Saidu Sharif, Swat
- 3) District Police Officer Swat at Gulkada, Saidu Sharif, District Swat

.....Respondents

Filed to-day

Registrar

9/5/19

Service Appeal Under Section 4 of Service Tribunal Act read with other relevant provisions against the impugned order dated 01/01/2019 issued by respondent No.3, whereby the appellant has

been dismissed from service illegally, and unlawfully and unconstitutional.

PRAYER:

On acceptance of this service appeal the impugned order dated 01/01/2019 of respondent No. 3 may be declared illegal, unlawful and the appellant may be reinstated in service with all back benefits including the salaries etc. of the intervening period.

Any other relief, deemed fit and necessary in the given circumstances of the case may also be awarded in favor of appellant against respondents.

Respectfully Sheweth:

The appellant submits as under:

1. That the appellant was appointed as constable on 11/10/2010.
2. That from the date of appointment till the date of the impugned order dated 01/01/2019, the appellant performed his

duties honestly, bravely to the utmost satisfaction of superior officers.

3. That the bad days of the appellant started when on 29/09/2018, the SMG rifle allotted to Constable Anwar Zeb No. 2854/R, disappeared. (Copy of the Mad Report No. 21 dated 29/09/2018 is attached herewith as annexure "A")
4. That thereafter, an enquiry on the back of the appellant was conducted illegally, unlawfully and unconstitutionally, without following the codal formalities.
5. That the appellant was then dismissed from service vide order dated 01/01/2019 illegally, unlawfully and unconstitutionally. (Copy of the order dated 01/01/2019 is annexure "B")
6. That the appellant then filed a departmental appeal within ten days to the respondent No.2, which has not been

decided up till now. (Copy of the departmental appeal is annexed herewith as annexure "C").

7. That the impugned order dated: 01/01/2019 is illegal, unlawful, against facts available, unwarranted inter alia on the following grounds amongst others.

**GROUND:**

- i) That the impugned order dated 01/01/2019 is illegal, unlawful, unconstitutional, and base on mala-fide which is very much clear from the record on file.
- ii) That a criminal case FIR No. 456, dated 04/05/2018, U/S 409-PPC, P.S Khurshid Khan Shaheed Khwazakhela, District Swat is still under the investigation. (Copy of the

FIR is attached herewith as annexure

"D").

- iii) That no formal enquiry has been conducted before the imposition of major penalty of dismissal from service, which is illegal, unlawful and unconstitutional.
- iv) That the appellant has never been associated with any sort of enquiry nor given opportunity to cross examine the witnesses if any, hence the principals of natural justice as well as principals laid down in Article 10 (a) of the constitution has been blatantly violated.
- v) That from the face of the record, it is very much clear that the appellant has been made escape goat, just to save the actual accused if any.

vi) That other grounds not specifically raised will be argued with the permission of this Honorable Court at the time of arguments.

8. That this appeal is being filed against the order dated: 01/01/2019 of respondent No. 3, against which a departmental appeal has been filed within ten days before respondent No.2, which has not been decided as yet, hence this Honorable Tribunal has got jurisdiction and this appeal is well within time.

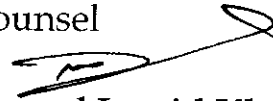
It is therefore humbly prayed:-  
that On acceptance of this service appeal the impugned order dated 01/01/2019 of respondent No. 3 may be declared illegal, unlawful and the appellant may be reinstated in service

with all back benefits including the salaries etc. of the intervening period.

Any other remedy which is just, appropriate and efficacious may also be awarded in favor of the appellant please.



**Appellant**  
Through Counsel



**Muhammad Javaid Khan**  
Advocate, Supreme Court of  
Pakistan

*Dated: 06/05/2019*



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

Service Appeal No. \_\_\_\_\_/2019

Taj Muhammad .....Appellant

**VERSUS**


Provincial Police Officer and others .....Respondents

Service Appeal

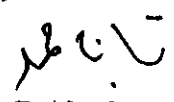
AFFIDAVIT

I, Taj Muhammad S/o Sahib Zada R/o Lakhar, Post Office Fateh Pur, Tehsil and District Swat, do hereby solemnly affirm and declare on oath that all the contents of this Service Appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Honorable Court.

Identified by,

  
Muhammad Javaid Khan  
Advocate, Supreme Court of Pakistan

DEPONENT

Taj Muhammad  




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

Service Appeal No. \_\_\_\_\_/2019

Taj Muhammad .....Appellant

**VERSUS**

Provincial Police Officer and others .....Respondents

**Service Appeal**

**ADDRESSES OF THE PARTIES**

**ADDRESSES OF THE APPELLANT**

Taj Muhammad S/o Sahib Zada R/o Lakhar, Post Office  
Fateh Pur, Tehsil and District Swat  
CNIC: 16602-5673657-7  
Cell:

**ADDRESS OF THE RESPONDENTS:**

1. Provincial Police Officer Government of Khyber Pakhtunkhwa  
at Central Police Office (CPO) Peshawar.
2. Deputy Inspector General of Police / Regional Police Officer  
(RPO) Malakand Region at Saidu Sharif, Swat
3. District Police Officer Swat at Gulkada, Saidu Sharif, District  
Swat

نہج

**APPELLANT**  
Through Counsel



**Muhammad Javaid Khan**  
Advocate, Supreme Court of  
Pakistan

(10)

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

Service Appeal No. \_\_\_\_\_/2019

Taj Muhammad.....Appellant

**VERSUS**

Provincial Police Officer and others .....Respondents

**APPLICATION FOR CONDONATION OF DELAY OF FEW**  
**DAYS IN FILING THE INSTANT SERVICE APPEAL.**

Respectfully Sheweth:

The applicant / appellant submits as under:-

1. That the above Service appeal has been filed before this Hon'ble Tribunal, in which no date of hearing has yet been fixed.
2. That the contents of the above mentioned Service Appeal along with the contents of the annexures may be considered as an integral part of this application.
3. That there may be a few days in filing the instant service appeal, which is not deliberate.
4. That valuable rights of the appellant are involved in the present service appeal.
5. That if the condonation prayed for is not granted, then there will be an irreparable loss to the applicant / Appellant.

It is therefore respectfully prayed that on acceptance of this application an order prayed for may be passed.

Any other remedy which is just, appropriate and efficacious may also be awarded in favor of Appellant please.

تاج محمد

APPELLANT  
Through Counsel

*[Signature]*

Muhammad Javaid Khan  
Advocate, Supreme Court of  
Pakistan

**Affidavit:**

*It is stated on oath that contents of this application are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Hon'ble Court.*

Deponent

*[Signature]*

Taj Muhammad



ضلع سوات

تھانہ خورشید خان شہید

نقلہ 21 روزنامہ 29.09.2018

مد 21 آمد / رپورٹ SHO وقت 16:00 بجے مورخہ 29.09.2018 اس وقت کنسٹیبل انورزیب R/2854 متعینہ تھانہ خورشید خان شہید بہ حاضر دفتر آکر یوں رپورٹ کرتا ہے۔ کہ مجھ پر تھانہ کے کوت مال خانہ سے بمورخہ 08.09.2018 رائیفل از قسم SMG نمبری 19055990 ڈیوٹی کیلئے تقسیم تھا۔ مورخہ 09.09.2018 کو بوجہ ایمر جنسی گھر خود گیا تھا۔ رائیفل متذکرہ کو میں نے اپنے رہائشی کمرہ نزد تھانہ پرائیویٹ بلڈنگ میں اپنے بکسہ میں رکھا تھا۔ جب گھر خود سے واپس آیا تو بکسہ کا ملاحظہ کر کے بکسہ کے اندر رائیفل متذکرہ غائب پایا۔ کافی معلومات و پتہ براری کے بعد دستیاب نہ ہو سکا۔ میرے ساتھ کمرہ میں کنسٹیبلان (1) سیف اللہ R/2178، (2) برکت علی R/2103، (3) تاج محمد SPF/2910 رہائش پذیر ہیں۔ اسی طرح ہمارے اسی بلڈنگ میں دوسرے کمرہ میں کنسٹیبل سیف اللہ R/369 بھی رہائش پذیر ہے۔ میرا کسی کے ساتھ کوئی عداوت نہیں ہے، لیکن میرا شک ہی کہ رائیفل متذکرہ بالا کنسٹیبلان بالا یا کسی اور نے پس و پیش کیا ہے۔ برائے اطلاع رپورٹ لکھنے آیا ہوں۔ رپورٹ لکھی جاویں غور ہوئیں۔ نشان انگوٹھا کاروائی تھانہ پس حسب گفتہ سائیکل رپورٹ درج صدر ہو کر پڑھ کر سنایا سمجھایا گیا، جس نے درستگی کا انگوٹھا مثبت کی جسکی میں تصدیق کرتا ہوں۔ تھانہ کے ساتھ پیوست پرائیویٹ بلڈنگ کل 6 کمروں پر مشتمل ہے۔ جس میں پولیس اہلکاران کرایہ پر رہائش پذیر ہے۔ رپورٹ کنندہ کا رپورٹ درج روزنامہ ہو کر نقلہ علیحدہ مرتب کر کے بغرض مناسب حکم آنسیران بالا کے خدمت میں ارسال ہوگی۔

جناب عالی!

نقل بمطابق اصل ہے۔

MHC-PS-KKS

c. r. e

Annex B

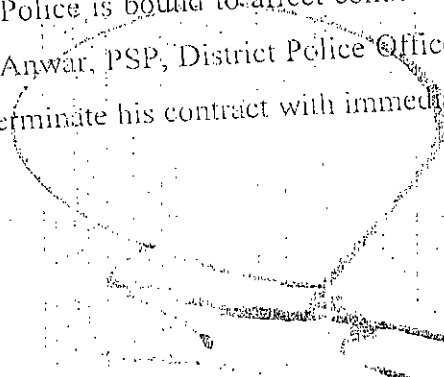
13

OFFICE OF THE DISTRICT POLICE OFFICER, SWAT  
ORDER SHEET OF SPO TAJ MUHAMMAD NO. 2910

This order will dispose of departmental enquiry against SPO Taj Muhammad No. 2910 of this district Police. He while posted to Police Station Khwaza Khela was alleged of gross misconduct as it was reported that official rifle bearing No. 19055990 (made in China) allotted to Constable Anwar Zeb No. 2854 had been stolen away from him (Anwar Zeb) on 26-09-2018. A preliminary enquiry was carried out into the matter by SDPO Khwaza Khela Circle who reported that Constable Anwar Zeb No. 2854, being custodian of the rifle was completely responsible for missing of the same but role of the delinquent SPO in the incident could not be ruled out as he was roommate of Constable Anwar Zeb and was present at the time of occurrence.

He was issued notice vide this office No. 156/PA, dated 22-10-2018 and SDPO Khwaza Khela Circle was appointed as Enquiry Officer to carryout proper enquiry against the delinquent SPO. The Enquiry Officer after doing the needful reported that role of the SPO in missing of the rifle could not be ruled out. He recommended appropriate punishment for the SPO under discussion.

The Enquiry Report reveals that the delinquent Constable was roommate of Constable Anwar Zeb No. 2854 who was in possession of the Govt. rifle. It has also been reported that the Constable under enquiry was present at the time of occurrence therefore his involvement in missing of the rifle could not be ruled out. This is blatant violation of discipline and code of conduct for a Police Officer. His behavior is detrimental to discipline and his further retention in Police is bound to affect conduct of other personnel of the force. Hence, I, Syed Ashfaq Anwar, PSP, District Police Officer, Swat being competent authority, am constrained to terminate his contract with immediate effect.



District Police Officer  
Swat

OB No. 01  
Dated 1-1-2019

\*\*\*\*\*

Copy to CSI for necessary action.

C.T.C

بمخبر جناب وعزت الماب ڈی، ٹی، جی صاحب بمقام سید و شریف سوات

عنوان: درخواست در بارہ بحالی محکمہ پولیس میں بحیثیت کانسٹیبل

جناب عالی!

سائل حسب ذیل عرض رسان ہے!

- (01) یہ کہ سائل تھانہ KKS میں بحیثیت گنر دیگر نفری پولیس (a) انور زیب (b) برکت علی (c) تاج محمد کے ساتھ ایک ہی کمرہ میں رہائش پذیر تھا۔
- (02) یہ کہ سائل مورخہ 23-09-018 حسب معمول ڈیوٹی پر موجود تھا۔
- (03) یہ کہ سائل کے ساتھ انور زیب کانسٹیبل نے رابطہ کر کے اسے بتلایا کہ مجھ پر تقسیم شدہ سرکاری رانقل SMG غائب ہو چکا ہے موبائل گاڑی میں چیک کریں۔
- (04) یہ کہ سائل نے بعد چھان بین کانسٹیبل انور زیب کو بتلایا کہ رانقل مذکورہ سے لاعلمی ظاہر کی۔
- (05) یہ کہ سائل کے عدم موجودگی میں انور زیب سے رانقل پس و پیش ہو چکا ہے۔
- (06) یہ کہ سائل اس معاملہ میں بالکل بے گناہ ہے
- (07) یہ کہ سائل کی بے گناہی کو نظر انداز کرتے ہوئے بحوالہ OB نمبر 01 محررہ یکم جنوری 2019 محکمہ پولیس سے کنٹریکٹ ختم کر دیا گیا ہے۔

سائل نے سال 2010 سے محکمہ پولیس میں ایک نے داغ ماضی گزارا ہے اور محکمہ پولیس میں مزید نوکری کرنے کا از حد شوق رکھتا ہے۔ اس طرح سائل ایک غریب اور مفلس خاندان ایک واحد کفیل ہے اور گھر میں دوسرا کوئی کام کاج کا قابل نہیں ہے لہذا بذریعہ درخواست ہذا استدعا ہے کہ سائل کی بیوی بچوں پر مرحمت فرما کر سائل کو دوبارہ محکمہ پولیس میں اپنے ہی عہدہ پر دوبارہ بحال کرنے کا حکم صادر فرمائیں۔

تاج محمد

العبد

تاج محمد سابقہ بلک نمبر 2910/SPF تھانہ KKS ضلع سوات

رابطہ نمبر: 0340-2301246

۲۰۱۹  
۱۰/۱۰/۱۹

آرڈر نمبر 11 "Annex D"

نام	ولدیت	سکونت
CNIC نمبر	سوال نمبر	
نام	ولدیت	سکونت
CNIC نمبر	سوال نمبر	
نام	ولدیت	سکونت
CNIC نمبر	سوال نمبر	

معدودہ (حال اگر کچھ لیا گیا ہو)۔  
 بقاعدہ سے اور متعلقہ ایجنسیوں سے ملے ہوئے نمبروں اور  
 اس کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو  
 لی تاریخ و وقت  
 بہ سبیل ڈاک

ابتدائی اطلاع نیچے درج کرو۔ کانسٹیبل انورزیب 2854 نے کوالم صدر 29  
 9/18 اور گلدرج کی جے ایم ڈبلیو کے مدد سے آصف انور شیو SHO مورہ 9/26 وقت 16:00  
 وقت کانسٹیبل انورزیب 2854 صنعتی علاقہ کے تمام دفاتر آکر یوں دیورج کرتا ہے کہ  
 تمام کے کوٹ مال نظام سے مورہ 9/18 کی رائیفل از قسم SMG بڑی 1905599 نمبر پر لیا  
 گیا تھا مورہ 9/18 کو بوجہ ایجنسی نمبر خود لیا گیا۔ رائیفل متذکرہ کو صیغہ ایجنسی کے  
 تمام پرائیویٹ ملڈ ٹف میں اسے لکھ کر لیا گیا تھا جب کہ خود سے لایا گیا۔ تو  
 یہ کرنا کہہ کر انڈر رائیفل متذکرہ غائب پایا گئی معلومات، پتہ ہماری کے بعد دستیاب  
 کیا گیا۔ صیغہ سے کسی نمبر میں کشیدان (1) صیغہ (2) 2173 (3) بکٹ علی 2103 (3) تاج علی 2910  
 میں پتہ ہے۔ اس طرح تینوں اس بلا ٹف میں دو سہ نمبر میں کانسٹیبل صیغہ 368 میں  
 میں پتہ ہے۔ صیغہ کسی کے سائی کوئی کاروائی نہیں ہے بلکہ صیغہ کے رائیفل متذکرہ بالکل  
 مان مان یا کسی اور کے پاس نہیں لیا ہے۔ عدالت کے علاوہ دیورج کے تعلق آئی ہیں۔ دیورج کے  
 چونکہ انٹرنیشنل ماروائی تھانہ میں جب گرفتہ کانسٹیبل انورج درج صدر ہو کر رہے تھے  
 لیا گیا جہاں درستی لیا گیا تھا۔ صیغہ کے تعلق آئی ہیں۔ تھانہ کے ساتھ ہی  
 وقت ملڈ ٹف کل کے نمبروں پر مشتمل ہے جس میں پولیس ایگنٹان کریم پر ایجنسی لڈ ہے  
 کے نمبر کا دیورج درج انورج ہے کہ تھانہ کے مورث کرتے ہیں مناسب حکم رضوان بالا  
 دست میں ارسال ہوئی۔ حساب عالی املاک اس کے دیورج مان پر انکو ایجنسی ایگنٹان بالا کے  
 تھانہ کے دیورج سے رائیفل سرقم ہونا پائی گئی ہے۔ جب حکم رضوان بالا مقدمہ مجرم مان درج  
 مانا ہے۔ تھانہ کے تفتیشی شعبہ تفتیش کو حوالہ کی جاتی ہے۔ ایجنٹان مان کو اطلاع دی جا رہی ہے




SHO P.S. MMS  
 04-05-019

C.P.C

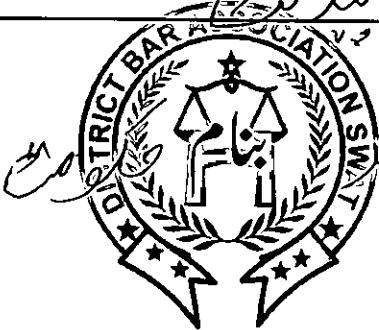


Rs: 10/-

نوٹ: اس کالٹ ہار کی ذمہ داری ہاتھ نہیں ملے گی۔

 <p>بار کونسل نمبر: _____          بار ایسوسی ایشن نمبر: _____          رابطہ نمبر: 03439607492</p>	<p>سیریل نمبر: 48797</p>   <p><b>ڈسٹرکٹ بار ایسوسی ایشن سوات</b></p>
--	---

بعدالت جناب:

<p>منجانب: <u>محمد ابرار</u></p>  <p>تاریخ: _____</p>	<p>دعویٰ اور خواست: <u>سند و سبب</u></p> <p>علت نمبر: _____</p> <p>مورخہ: _____</p> <p>جرم: _____</p> <p>تھانہ: _____</p>
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### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام پشاور کیلئے محمد ابرار اور محمد ابرار کے مقرر کر کے  
 اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ  
 کرنے و تقرر ثالث کرنے، دعویٰ، جواب دعویٰ، اقبال دعویٰ، اور درخواست برائے سرسبزگی مقدمہ، منسوخی ڈگری  
 یکطرفہ، اجراء و پیروی کرنے کا اختیار ہوگا نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ  
 مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہزارہ یا اپنے بجائے تقریر کا اختیار ہوگا  
 اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداختہ منظور قبول ہوگا، بدوران  
 مقدمہ جو خرچہ و ہر جائزہ کی بھی سب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی  
 مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم  
 پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے،  
 لہذا وکالت نامہ لکھ دیا کہ سند رہے

کے لئے منظور ہے۔

مقام پشاور

تاریخ: \_\_\_\_\_  
 محمد ابرار صاحب رازدہ

ایڈوکیٹ دستخط: \_\_\_\_\_

المرقوم: \_\_\_\_\_

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

**Service Appeal No. 600/2019**

Taj Muhammad S/O Sahib Zada R/O Lakhar, Post Office Fatehpur, Tehsil and District, Swat

..... Appellant

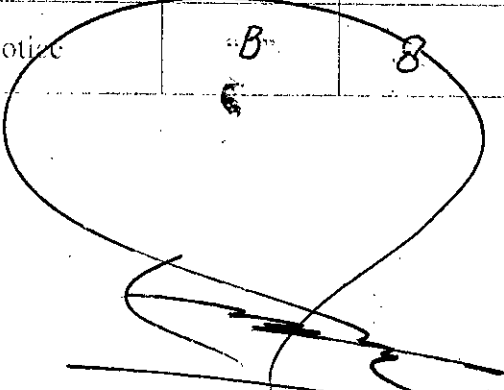
**VERSUS**

1. District Police Officer Swat.
2. Deputy Inspector General of Police, Malakand at Saidu Sharif Swat.
3. Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.

..... Respondents

**INDEX**

S.No:	Description of Documents	Annexure	Page
1	Para-wise Comments	-	1-3
2	Affidavit	-	4
3	Authority Letter	-	5
4		-	2
5	Copy of Enquiry	A	6-7
6	Copy of Show Cause Notice	B	8

  
District Police Officer, Swat  
(Respondent No. 3)

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

**Service Appeal No. 600/2019**

Taj Muhammad S/O Sahib Zada R/O Lakhar, Post Office Fatehpur, Tehsil and District, Swat

..... **Appellant**

**VERSUS**

1. District Police Officer Swat.
2. Deputy Inspector General of Police, Malakand at Saidu Sharif Swat.
3. Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.

..... **Respondents**

**PARAWISE REPLY BY RESPONDENTS**

Respectfully Shewith,

**PRELIMINARY OBJECTIONS**

1. That the appeal is badly barred by Law & limitation.
2. That the appellant has got no Cause of action and locus standi to file the present appeal.
3. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the instant appeal is not maintainable in its present form.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.

**FACTS:**

1. Correct to the extent the appellant was appointed as a Constable in Special Police Force on contract basis. Being a contract employee he is not entitled to prefer any sort of appeal in this honorable Tribunal.
2. Pertains to record, hence needs no comments.
3. Correct to the extent that SMG rifle allotted to Constable Anwar Zeb was found missing/stolen from the room where appellant and Anwar Zeb & other were residing together. Furthermore, the reputation of the appellant was not good and the role of appellant in missing of rifle could not be ruled out which is blatant violation of discipline and code of conduct for Police personnel.

4. Incorrect. Preliminary enquiry through Sub Divisional Police Officer, Circle Khwazakhela was conducted wherein the appellant and others were found responsible for missing of Government SMG rifle, subsequently Show Cause Notice under rule 5 (3) of KPK Police Rule 1975 was issued to the appellant and reply of appellant to the Show Cause Notice was found unsatisfactory. Copies of preliminary enquiry and Show Cause Notice are enclosed as annexure "A" and "B".
5. Incorrect. Appellant and other officials were awarded appropriate punishment after observing all codal formalities required under the KPK Police Rules 1975.
6. Pertain to record, hence needs no comments.
7. Incorrect. The Orders of respondents are well reasoned, speaking and based on facts and the same has been wrongly challenged before this honorable Tribunal through unsound reasons.

**GROUND:**


- i. Incorrect. Orders of the respondent are legal, lawful and based on facts and rules. There is no malafide on the part of respondents while dealing the serious misconduct of appellant.
- ii. Correct to the extent that Government property was found missing/stolen by the appellant and others, therefore besides departmental action, criminal case FIR No. 465 dated 04/05/2019 U/S 409 PPC P.S Khurshid Khan Shaheed has also been registered and the appellant and others officials have been found responsible for the offence U/S 409 PPC.
- iii. Incorrect. Enquiry through Sub Divisional Police Officer, Circle Khwazakhela was conducted against the appellant and others, wherein the charges of missing the rifle were established against the appellant and thereafter valid and legal order for imposition of punishment was passed.
- iv. Incorrect. All the opportunities of personal hearing and defence were provided to the appellant during course of departmental probe.
- v. Incorrect. The appellant and other responsible officials being custodian of rifle were given considerable time to trace the rifle but they failed to recover the same.

vi. That the respondents may be allowed to add any other grounds at the time of hearing of the appeal.

8. Pertains to record, hence needs no comments.

**PRAYER:**

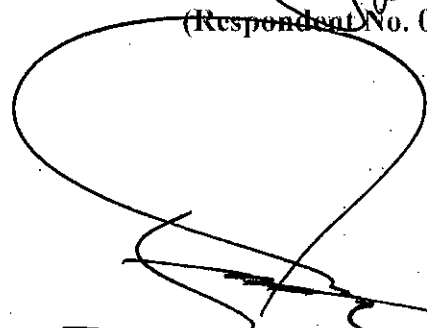
Keeping in view the above facts and circumstances, it is humbly prayed that the appeal of appellant being devoid of legal force may kindly be dismissed with costs.



**Provincial Police officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 01)**



**Deputy Inspector General of Police  
Malakand Region  
(Respondent No. 02)**



**District Police Officer Swat  
(Respondent No. 03)**

**Service Appeal No. 600/2019**

Taj Muhammad S/O Sahib Zada R/O Lakhar, Post Office Fatehpur, Tehsil and District, Swat

..... Appellant

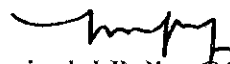
**VERSUS**

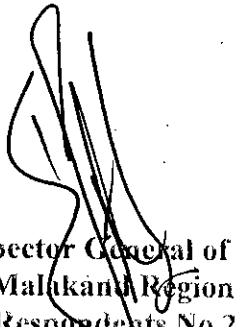
1. District Police Officer Swat.
2. Deputy Inspector General of Police, Malakand at Saidu Sharif Swat.
3. Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.

..... Respondents

**AFFIDAVIT**

We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/ belief and nothing has been kept secret from the honorable Tribunal.

  
**Provincial Police Officer  
Khyber Pakhtunkhwa Peshawar  
(Respondents No.1)**

  
**Deputy Inspector General of Police,  
Malakand Region  
(Respondents No.2)**

  
**District Police Officer, Swat  
(Respondents No.3)**

Service Appeal No. 600/2019

Taj Muhammad S/O Sahib Zada R/O Lakhar, Post Office Fatehpur, Tehsil and District, Swat

..... Appellant

**VERSUS**

1. District Police Officer Swat.
2. Deputy Inspector General of Police, Malakand at Saidu Sharif Swat.
3. Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.

..... Respondents

**AUTHORITY LETTER**

We, the above respondents do hereby authorize Mr. Mir Faraz Khan DSP/Legal Swat & Mr. Khawas Khan SI Legal to appear before the Tribunal on our behalf and submit reply etc in connection with titled Service Appeal.



Provincial Police officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 1)



Deputy Inspector General of Police  
Malakand Region  
(Respondent No. 2)



District Police Officer Swat  
(Respondent No. 3)



3  
Annex A

**OFFICE OF THE SUB DIVISIONAL POLICE  
OFFICER CIRCLE KHWAZA KHELA SWAT**

Email: sdpokkc@gmail.com

Ph: 0946-745106

To: The District Police Officer,  
District Swat.  
No: 2123/R, Dated: 13/12/2018.  
Subject: **FINDING REPORT.**

Memorandum:

**1-PRELUDE:**

1. This departmental report will dispose of the departmental proceeding initiated against SPF constable Taj Muhammad No; 2910 police station Khursheed Khan Shaheed with the charge that official rifle bearing No; 19055990 allotted to constable Anwar Zeb No; 2854 had been stolen away on 26.09.2018.  
A preliminary enquiry was carried out into the incident by SDPO Khwaza Khela Circle. The enquiry report revealed that constable Anwar Zeb No; 2854 being the custodian of the rifle was completely responsible for missing of the same but his role in the incident could not be ruled out as he was roommate of constable Anwar Zeb and were present at the time of occurrence, therefore his role is suspected in missing of the rifle which is against discipline and warrants strict departmental action, hence show cause notice issued to him.
2. The competent authority worthy DPO swat issued notice to the SPF constable Taj Muhammad No; 2910 police station Khursheed Khan Shaheed vide memo No; 156/PA, dated 22.10.2018 and the undersigned appointed as enquiry officer to securitize the conduct of the said official with reference to the above allegations.

**2-PROCEEDING OF ENQUIRY:**

1. Having received the notice against the delinquent official Taj Muhammad No; 2910 police station Khursheed Khan Shaheed the undersigned officially communicated the same to the delinquent official with the directions to appear before the enquiry officer within seven days along with documentary evidence etc. if any in defense to rebut the allegations levelled against him.
2. He was given ample opportunity of personal hearing before the enquiry officer to defend the charge levelled against him.
3. During enquiry statements of the following officials recorded.

S, No	Name and Designation	Remarks
01	SPF Taj Muhammad No; 2910	The delinquent official
02	HC Imaran No; 1059	MHC police station Khursheed Khan Shaheed
03	HC Khan Baz No; 1339	KHC police station Khursheed Khan Shaheed
04	Constable Fazal Haq No; 3137	KFC police station Khursheed Khan Shaheed
05	Constable Anwar Zeb No; 2854	Drive police station Khursheed Khan Shaheed
06	Constable Saifullah No; 2178	Police station Khursheed Khan Shaheed
07	Constable Rasheed Khan No; 3124	Drive police station Khursheed Khan Shaheed
08	Constable Saifullah No; 369	Police station Khursheed Khan Shaheed
	Constable Barkat Ali No; 2103	Police station Khursheed Khan Shaheed

**3-BREIF FACT OF THE ENQUIRY:**



Aneza

The delinquent official in his statement shown completely ignorance regarding his involvement in the incident. Similarly the rest officials roommates also denied their involvement in the missing of official SMG No; 19055990 their statements and cross examination are worth perusal.

**4-FINDING & RECOMMENDATION OF THE ENQUIRY OFFICER:**

Statement and record revealed that four officials namely Anwer Zeb No; 2854, Saifullah No; 2178, Barkat No; 2103 and Taj Muhammad No; 2910 were staying in the same room from where the official SMG No; 19055990 reportedly found missing, while another constable Saifullah No; 2178 was residing in a separate adjacent room in the same building. The delinquent official Taj Muhammad No; 2910 having the same powers and immunities and liable to the same duties and responsibility and subject to the same authorities as a regular police officer. No stress pass/entry of strange person reported to the room and neither any proof produced by the delinquent official during cross examination. It is the duty of police officer to ensure the protection of life and property of the citizen, while in the allegations levelled against him, the official failed to ensure the safe custody of official SMG issued to one Anwer Zeb for official duty. If official is showing such irresponsible conduct on his part during duty hours then how he will be able to protect the life and property of a common citizens.

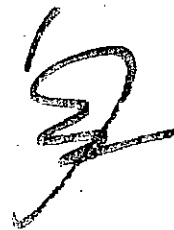
During enquiry no clue or evidence came to surface regarding the involvement of stealing/missing of the SMG on the part of the delinquent official Taj Muhammad No; 2910, however negligence has been stand proved against him.

It is therefore beside other roommates negligence on the part of the delinquent official has been stand proved and he is recommended for awarding appropriate punishment please.



**Sub: Divisional Police Officer,  
Circle Khwaza Khela Swat.**

Agreed. Diminished plz



Annex "A"

60

Annex "B"

OFFICE OF THE DISTRICT POLICE OFFICER, SWAT.

NOTICE.

You, SPO Taj Muhammad No. 2910 (contract employee) while posted to Police Station Khwaza Khela have committed the following act of misconduct:

Whereas, it was reported that official rifle, bearing No. 19055990, allotted to Constable Anwar Zeb No. 2854 had been stolen away from his possession on 26-09-2018. A preliminary enquiry was carried out into the incident by SDPO Khwaza Khela Circle. The Enquiry Report revealed that Constable Anwar Zeb, being the custodian of the rifle, was completely responsible for missing of the same but your role in the incident could not be ruled out as you are roommate of Constable Anwar Zeb and were present at the time of occurrence; hence your role is suspected in missing of the rifle which is against discipline and warrants strict departmental action. You are therefore issued this show cause notice.

You are therefore, served with this notice to submit written reply within seven (7) days of the requirements/terms & condition for the contract employees, otherwise you will be terminated from service after expiry of seven (7) days from the date of issuance of this notice.

District Police Officer

156

B.A. dated Gulistan No. 29-10-2018.

Copies of above to the:-

- 1) SDPO Khwaza Khela, for enquiry & report immediately.
- 2) SPO Taj Muhammad No. 2910 (Contract employee) of Police Station Khwaza Khela to appear before the Enquiry Officer.

\*\*\*\*\*

156/PA  
از دفتر صاحب  
22.10.018

محکمہ مشورہ کارکنان

عرض قدرت ہو کہ ہم ریاضل گاڑی سے کاری میں کسٹیشن ہارام میں  
 3 سیم جاویں 690 (3 بہرت 64 (4) شیعہ عن 690 (3) حاشیہ ایمان 690  
 کے ساتھ گزرن ڈیوٹی انجام دینا ہوں عرض  $\frac{9}{18}$  8 کو میں ڈرائیور  
 رشید خان، الورزیب کے ساتھ یو ایس اے میں جانے خواہیں گاڑی سے کاری  
 کو ساتھ لایا عرض  $\frac{9}{18}$  کو وقت 6:00 بجے گاڑی سے کاری سے  
 بدلے اگر کہیں میں ڈرائیور الورزیب کے ساتھ ریاضل نہیں دیکھا  
 عرض  $\frac{9}{18}$  کو میں کو خود میں تھا کہ ڈرائیور الورزیب نے وہاں  
 سٹراپ کیا کہ میری ٹیکس سے کس کے ریاضل جو وہ کیا ہے اس بار  
 مجھے پتہ چلا کہ ڈرائیور الورزیب سے کس کے ریاضل جو وہ کیا ہے  
 ریاضل کے پاس کے بارے میں اس کے علم ہوں یہی میرا  
 بیان ہے

واجب



OFFICE OF THE  
**REGIONAL POLICE OFFICER, MALAKAND**  
**SAIDU SHARIF SWAT.**  
 Ph: 0946-9240381-88 & Fax No. 0946-9240390  
 Email: [digmalkand@yahoo.com](mailto:digmalkand@yahoo.com)

**ORDER:**

This order will dispose off appeal of SPF Constable Taj Muhammad No. 2910 (contract basis) of Swat District for reinstatement in service.

Brief facts are that official rifle SMG which was allotted to Constable Anwar Zeb No. 2854 was stolen from rented room near to Police Station KKS on 26/09/2018. The DPO Swat initiated enquiry against all the seven officials including the appellant SPF Constable Taj Muhammad No. 2910 on the charge that both of them are living in the rented room near to the Police Station KKS are responsible for missing rifle and subsequently removed from service vide DPO Swat office OB No. 1 dated 01/01/2019.

The appellant preferred an appeal before this office. His case was perused heard in person in orderly room held on 23/10/2019 and it was decided that the cost of the rifle will be recovered from the responsible Constable whose name the rifle is allotted. While the appellant SPF Constable Taj Muhammad No. 2910 is hereby re-instated into service with immediate effect and period for which he remained out of service is counted as leave without pay being contract employ.

Order announced.

Regional Police Officer,  
 Malakand Region, Saidu Sharif Swat

No. 11961 / 16,

Dated 05 / 11 2019.

Copy of above for information and necessary action to District Police Officer.

Swat.

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 - 4/10/19

3/10/19

بعدالت جناب سروس ٹریبونل خیبر پختونخوا کیمپ کورٹ بمقام گلگدہ  
سید و شریف ضلع سوات

تاج محمد بنام محکمہ پولیس وغیرہ

درخواست بمراد واپس لینے مقدمہ عنوان بالا

جناب عالی! ذیل عرض ہے۔

(۱) یہ کہ مقدمہ عنوان بالا عدالت حضور میں زیر سماعت ہے جس میں آج تاریخ پیشی مقرر

ہے۔

(۲) یہ کہ مقدمہ عنوان بالا میں محکمہ نے سائل / مدعی کو اپنی جگہ پر بحال کیا ہے۔

(۳) یہ کہ سائل / مدعی اب مزید مقدمہ بازی کرنا نہیں چاہتا اور مقدمہ بالا کو بلا مزید

کارروائی واپس لینا چاہتا ہے۔

لہذا استدعا ہے کہ بمنظوری درخواست لہذا مقدمہ بالا کو بلا مزید کارروائی

داخل دفتر کرنے / واپس لینے حکم صادر فرمایا جائے۔

تاج محمد

عربیضہ:

سائل: تاج محمد ولد صاحب زادہ

سکنہ لاخار، ڈاکخانہ فتح پور، تحصیل خوازہ حیلہ ضلع سوات

مورخہ 07-12-2021