16.04.2019 Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present service appeal U/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 24.08.2018 whereby he was awarded major penalty of dismissal from service. The appellant has also assailed the order dated 07.01.2019 through which his departmental appeal against the punishment order was dismissed/rejected.

Points urged need consideration. The present appeal is admitted for regular hearing subject to all the 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 on 29.05.2019 before S.B.

Member

29.05.2019 Counsel for the appellant present.

Learned counsel for the appellant states that he has been instructed by the appellant for withdrawal of instant appeal as he has been reinstated into service. Therefore, the appeal has become infructuous.

Dismissed as withdrawn. File be consigned to the record room.

Chairman

ANNOUNCED

29.05.2019

Form-A

# FORM OF ORDER SHEET

Court of _____

Case No. 120/2019

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|---|---|---|
| 1 | 2 | 3 |
| 1- | 28/1/2019 | The appeal of Mr. Khan Zeb presented today by Mr. Saghir Iqbal Gulbella Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.<br>REGISTRAR 28/1/19 |
| 2- | | This case is entrusted to S. Bench for preliminary hearing to be put up there on 11-3-19.<br>CHAIRMAN |
| 11.03.2019 | | Clerk to counsel for the appellant present and seeks adjournment on the ground that learned counsel for the appellant is not available. Adjourn. To come up for preliminary hearing on 16.04.2019 before S.B<br>Member |

# BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In Re S.A 120 /2019

Khan Zeb EX-ASI

**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa and others

## INDEX



Appellant

Through

**Saghir Iqbal Gulbela**
**Javed Iqbal Gulbela,**
**&**
**Arbab Fakhr-e-Alam**
Advocates, High Court
Peshawar.

Dated: 22/01/2019

**Off Add:** *9-10A Al-Nimrah Centre, Govt College Chowk Peshawar*

(1)

# BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In Re S.A 120 /2019

Khan Zeb Ex-ASI No. 1509, Incharge PP Tarnab, PS Chamkani, Peshawar.

----------(*Appellant*)



**VERSUS**

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar
2. Additional Inspector General of Police Khyber Pakhtunkhwa Peshawar (CCPO).
3. Capital city police officer, Peshawar
4. Senior Superintendant of Police (Operation) Peshawar.
5. District Police Officer Peshawar

----------(*Respondents*).



**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT -1974 AGAINST THE IMPUGNED DISMISSAL ORDER NO. 1089-94/PA, DATED 24/08/2018 WHEREBY THE APPLICANT WAS DISMISSED FROM SERVICE ILLEGALLY AND UNLAWFULLY AND THE DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE ABOVE IMPUGNED DISMISSAL ORDER WAS ALSO BEEN DISMISSED IN A CLASSICALLY, CURSORY AND WHIMSICAL MANNER VIDE IMPUGNED OFFICE ORDER NO. 71-77/PA, DATED 07/01/2019, PESHAWAR.**

(2)

**Respectfully Sheweth;**

1. That the appellant was inducted into service of the Police Department, after going through the mandatorily required test and interviews, almost 19 years back.

2. That since recruitment in this prestigious Force, the appellant left no stone unturned in performance of his duties and his ever proved his mental, wetted skill and potential for rendering meritorious services and this is the reason that the appellant has always won the appreciation of his high ups. (Certificates of appreciation are annexed as annexure "A").

3. That the allegation leveled against the Petitioner were that

   i. *"A preliminary enquiry conducted by SDPO Chamkani vide his office memo No. 150/St dated 17/05/2018 that he while posted as I/C PP Tarnab has stopped vehicle bearing No. 2311/SW having 18 large size Michelin tyres and subsequently released him after taking bribe of worth Rs. 241000/- from him through Constable Yasir 4038 & SPO Jehanzeb 1363.*

ii. *By doing so, they have committed gross misconduct and render themselves liable for disciplinary action."*

The appellant submitted his reply in quite detail in true scenario was detail therein and proved his innocence therein. **(Copy of statement of allegation, charge sheet and statement of appellant are annexed as annexure "B, C & D")**

4. That to the appellant final show cause Notice was issued which was replied in quiet detail and true scenario was detailed therein and the appellant not only totally denied the allegations of the Respondent but also proved his innocence before the competent Authority. **(Copies of Final Show cause Notice and reply is annexed as annexure "E & F").**

5. That the applicant properly replied to the final show cause Notice, and the appellant proved his innocence during departmental enquiry and the enquiry officer in the final finding/ recommendation of enquiry declared the appellant as innocent as well as further declared that all the allegations against the appellant is not only baseless but is fake and without any putting. **(Copy of the finding/ recommendation of the inquiry officer in**

**departmental enquiry is annexed as annexure "G")**

6. That the enquiry officer declared the appellant as innocent after thorough investigating the case of the appellant but strangely even then the respondent dismissed the appellant from service vide impugned order No. 1089-94/PA dated 24/08/2018 which is not only illegal, void ab-initio, but is also unlawful and not sustainable in the eye of law. (Copy of dismissal order No. 1089-94/PA dated 24/08/2018 is annexed as annexure "H")

7. That the appellant being aggrieved preferred a departmental appeal quite well in time to Chief Capital City Police Officer Peshawar, against the dismissal order of Senior Superintendant of Police (operations) Peshawar, but the same has been dismissed in a classically, whimsical and cursory manner, which is not only illegal, unlawful, void ab-initio but is also against the rules and policy of the Government as well as ineffective upon the rights of the appellant vide impugned office order No. 71-77/PA dated 07/01/2019 Peshawar. (Copies of departmental appeal and its dismissal office order No. 71-77/PA dated 07/01/2019 are annexed as "I" & "II")

8. That now the appellant being aggrieved come to this Hon'ble court for setting aside the impugned office dismissal order and for reinstated into service with all back benefits on the following grounds inter alia:-

## Grounds:

A. That the dismissal order is wrong, illegal, vide ab-initio and is not sustainable at all.

B. That the impugned dismissal order is unwarranted, illogical and against the Rules, Laws and Policy of the Government, so therefore not maintainable at all.

C. That even after inquiry the inquiry officer declared the appellant as innocent and also declare the allegation against the appellant as baseless, fake and without any proof / evidence, that's why the impugned dismissal order is illegal, void ab-initio and against the law, hence not sustainable in the eye of law and liable to be set aside.

D. That malafide of the respondent is even clearly proved from the departmental appeal of the appellant has been dismissed in a classical, whimsical and cursory manner, which is not only illegal, unlawful, void ab-

initio but is also against the rules and policy of the Government as well as ineffective upon the rights of the appellant.

**E.** That the appellant proved his innocence while replying to the Show Cause notices, but even than the Respondent drastically, dismiss the prayer of the appellant which is not only illegal, void ab-initio but is also against the fundamental rights guaranteed and protected by the constitution of Islamic Republic of Pakistan 1973.

**F.** That according to law when the inquiry officer after conducting inquiry declared innocence of the appellant from the allegation then the respondent has no jurisdiction/ powers to dismiss the appellant from service, therefore, the dismissal order is unlawful, illegal and liable to be set aside.

**G.** That the appellant belongs to a poor family, and is the only earning hand in the whole family to look after them.

**H.** That the appellant has 19 year's service and that too unblemished, without any complaint ever against, on part of the appellant.

**I.** That from every angle the appellant is liable to be re-instated into service with all back benefits.

**J.** That from every respect of law all the impugned dismissal orders are not sustainable in the eye of law, that is why impugned orders may not only be set aside but the appellant be also re-instated into his service with all his back benefits.

**K.** That any other ground not raised here may graciously be allowed at the time of arguments.

**It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned dismissal order from service No.** 1089-94/PA dated 24/08/2018 and the impugned office order No. 71-77/PA dated 07/01/2019 Peshawar whereby the departmental appeal of the appellant was dismissed, **may graciously be set aside and by doing so the appellant may very graciously be reinstated into service with all back benefits.**

**Any other relief not specifically asked for may also graciously be extended in favour of the appellant in the circumstances of the case.**

Appellant

Through

**Saghir Iqbal Gulbela**
**Javed Iqbal Gulbela,**

**&**
**Arbab Fakhr-e-Alam**
Advocates, High Court
Peshawar.

Dated: 22/01/2019

**NOTE:-**

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

**Advocate.**

(9)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2019

Khan Zeb EX-ASI

**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa and others

**AFFIDAVIT**

I, **Khan Zeb ASI No. 1509, Incharge PP Tarnab, PS Chamkani, Peshawar**, do hereby solemnly affirm and declare that all the contents of the accompanied **appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

***DEPONENT***

Identified By:

**Javed Iqbal Gulbela**
Advocate High Court
Peshawar.

ATTESTED
Zahid Ullah Khan Marwat Advocate
Oath Commissioner
Distt. Courts Peshawar

19

9-A

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2019

Khan Zeb EX-ASI

**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa and others

# ADDRESSES OF PARTIES

**APPELLANT**

Khan Zeb ASI No. 1509, Incharge PP Tarnab, PS Chamkani, Peshawar

**ADDRESSES OF RESPONDENTS**

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar
2. Additional Inspector General of Police Khyber Pakhtunkhwa Peshawar (CCPO).
3. Capital city police officer, Peshawar
4. Senior Superintendant of Police (Operation) Peshawar.
5. District Police Officer Peshawar.

Appellant

Through

**Saghir Iqbal Gulbela**
**Javed Iqbal Gulbela,**
**&**
**Arbab Fakhr-e-Alam**
Advocates, High Court
Peshawar.

Dated: 22/01/2019

Annexure — "A"

(2)

NO. 58/PSO TO W/IGP OFFICE

# Khyber Pakhtunkhwa Police

ATTESTED

## Commendation Certificate

**CLASS I**

**Granted by**

**Inspector General of Police, Khyber Pakhtunkhwa**

To IHC KHAN ZEB PESHAWAR

Son of FAZAL-UR-REHMAN

District PESHAWAR

in Recognition of CASE FIR NO.741 DATED 13.9.2014 U/S 506/337A/354/15AA-365A PPC

PS PISHTAKHARA(CASH REWARD OF RS.5000/-).

Dated 31/10/2014

Inspector General of Police
KHYBER PAKHTUNKHWA PESHAWAR.

No. 16-PSO

# Khyber Pakhtunkhwa Police

## Commendation Certificate

**CLASS I**

**Granted by**

**Inspector General of Police, Khyber Pakhtunkhwa**

To KHAN ZAIB I/C PP UMEED ABAD.

Son of

District PESHAWAR

in Recognition of HIS GOOD PERFORMANCE OF DUTY

(CASH REWARD OF RS.3000/-).

Dated 02/02/2015

Inspector General of Police
KHYBER PAKHTUNKHWA PESHAWAR.

# CAPITAL CITY POLICE PESHAWAR

## COMMENDATION CERTIFICATE

Class II
is awarded to

Mr. ASI KHANZEB I/C PP TAJ ABAD S/O FAZAL REHMAN

R/O ABBOTTABAD

In Recognition of

FOR GOOD PERFORMANCE IN CASE FIR NO. 1220, DATED 09.10.2015 U/S 342/148/149 PPC PS PISHTAKHARA AND RECOVERED THE ABDUCTEES FROM THE BESETMENT OF ACCUSED HOUSE

Cash Reward Rs=2000/-

OB No. 4241

DATED 13/11/ 2015

CAPITAL CITY POLICE OFFICER
PESHAWAR

ATTESTED

# CAPITAL CITY POLICE PESHAWAR

## COMMENDATION CERTIFICATE

Class III
is awarded to

Mr. Asi Khan Zaib S/O Fazal-ur-Rehman

R/O I/C Umaid Abad PS Pishtakhara

In Recognition of

his good Performance of duty in Case vide FIR No. 741 dt 24.9.2014 U/s 365-A 15AA/354/337A/506 PS P.Khara he is awarded C.C. III with Cash Reward Rs. 1000/-

OB No. 3866

DATED 10.12.2014

CAPITAL CITY POLICE OFFICER
PESHAWAR

Senior Superintendent of Police
Operation Peshawar

(3)

# CAPITAL CITY POLICE PESHAWAR

## COMMENDATION CERTIFICATE

Class-III
is awarded to

Mr. Asi Khan Zaib S/O Fazal-Ur-Rehman

R/O Police station PishTakhara

In Recognition of

His good Performance of duty in Case FIR No. 640 dated 8.8.2014 U/s 302/324/34 PS PishTakhara, he is awarded CC-III with Cash Reward Rs. 1000/-

OB No. 3730
DATED 01.12.2014

CAPITAL CITY POLICE OFFICER
PESHAWAR

Senior Superintendent of Police
Operation Peshawar

(15)

# CAPITAL CITY POLICE PESHAWAR

## COMMENDATION CERTIFICATE

Class-III

is awarded to

Mr. Asi Khan Zeb S/O

R/O I/c Police Post Taj Abad

**In Recognition of**

For his efficient performance of duty in DD 07 dt 06/11/15 PS Pishtakhra, he is granted CC III with cash reward of Rs 2000/-.

OB No: 4511

DATED 16-12-2015

Senior Superintendent of Police
(Operations)
Peshawar

ATTESTED

(19)

# CAPITAL CITY POLICE PESHAWAR

## COMMENDATION CERTIFICATE

Class III

is awarded to

Mr. ASI KHAN ZEB S/O

R/O H/C PP TAJ ABAD

**In Recognition of**

For his efficient performance of duty in case FIR No. 1051 dt 26.08.2015 U/S 324/353/7ATA/15AA PS Pishtakhara, he is granted CC III & cash Rs 1500/-.

OB No: 3485
DATED 15-09-2015

Senior Superintendent of Police
(Operations)
Peshawar

Senior Superintendent of Police
Operation Peshawar

# CAPITAL CITY POLICE PESHAWAR

## COMMENDATION CERTIFICATE

Class III
is awarded to

Mr. Asi khan zeb S/O _____

R/O 1/c PP shagai Ps Regi

**In Recognition of**

For his good Performance of duty in case FIR No. 850 dt: 16.06.2016 u/s 302-34 Ps mathra, he is granted CC-III with cash reward Rs: 500/-

OB No. 799

DATED 26.02.2018

Senior Superintendent of Police
(Operations)
Peshawar

(18)

## DISCIPLINARY ACTION

Annexure-"B"

(B)

I, Senior Superintendent of Police Operations, Peshawar as competent authority, am of the opinion that **ASI Khanzeb Khan I/C PP Tarnab alongwith Constable Yasir No. 4038 and Constable Jehanzeb No. 133 SPO PS Chamkani Peshawar** have rendered themselves liable to be proceeded against, as they committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

### STATEMENT OF ALLEGATIONS

i) A preliminary enquiry conducted by SDPO Chamkani vide his office memo No.150/St dated 17.05.2018 that he while posted as I/C PP Tarnab has stopped vehicle bearing No. 2311/SW having 18 large size Michelin tyres and subsequently released him after taking bribe of worth Rs. 241000/-from him through Constable Yasir 4038 & SPO Jehanzeb 1363.

ii) By doing so, they have committed gross misconduct and render themselves liable for disciplinary action.

For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations ASP Gulbahar is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

The Enquiry Officer shall in-accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.

SR SUPERINTENDENT OF POLICE,
(OPERATIONS), PESHAWAR

No. 45 E/PA, dated Peshawar the 25 / 05 /2018.

Copy to the above is forwarded to the Enquiry Officer for initiating proceeding against the accused under the provision of Police Rules 1975

(19)

Annexure-"C"

## CHARGE SHEET

Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against **ASI Khanzeb Khan I/C PP Tarnab alongwith Constable Yasir No. 4038 and Constable Jehanzeb No. 133 SPO PS Chamkani Peshawar.**

And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I Senior Superintendent of Police, Operations, Peshawar hereby charge you **ASI Khanzeb Khan I/C PP Tarnab alongwith Constable Yasir No. 4038 and Constable Jehanzeb No. 133 SPO PS Chamkani Peshawar** on the basis of following allegations:

- A preliminary enquiry conducted by SDPO Chamkani vide his office memo No.150/St dated 17.05.2018 that you while posted as I/C PP Tarnab has stopped vehicle bearing No. 2311/SW having 18 large size Michelin tyres and subsequently released him after taking bribe of worth Rs. 241000/-from him through Constable Yasir 4038 & SPO Jehanzeb 1363.
- By doing so, you have committed gross misconduct and render yourself liable for disciplinary action.

I hereby direct you further under Rule 6 (I) (b) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why the action should not be taken against you and also stating at the same time whether you desire to be heard in person.

In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.

SR SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR

ATTESTED

(2)

Annexure – D (9)

بیان از ان خان زیب ASI پولیس لائنز پشاور

میں مسمی خان زیب ASI متعینہ پولیس لائنز پشاور اس بیان کی رو
اقرار کرتا ہوں کہ میں ASI جب انسپران بالا کے احکامات کے مطابق ا
پیرکی تھرشاب نارم پشاور اپنے فرائض سرانجام دے رہا تھا تو اس د
مورخہ 03/10/18 کو ہمدران گشت انسپران بالا کے احکامات کے مطابق
گھر روڈ پشاور زن کی بندی کر کے گاڑیوں موٹر سائیکل کی چیکنگ شروع کر کے
نمبری 46 92 پشاور سے بلحاظ کو نشیدہ آئے ہوئے کبھی نہ چیکنگ
کھڑی کر کے جس میں سے مسمی مفرور ملزم ولد ملک خان سکنہ ا
حال ہری پور کے قبضہ سے عدد تھان کپڑا نمبر ملکی، نمبر ملزم محمد ا
سکنہ سرگودھا حال چینلپیرو کے قبضہ سے دو عدد تھان نمبر ملکی کپڑا
(اسٹام) ملزم قبضہ سے دس عدد تھان نمبر ملکی کپڑا آ
جو تھرے (خان کشم پیڈ) برآمد ہو کر جبکہ موٹر کار نمبری 7139
جبکہ ڈرائیونگ سیٹ پر حاجی گل داد نمبر سکنہ تھا غلام کر
تھا جبکہ موٹر کار ⑤ عدد بارہ بک شدل پر مشتمل
عدد جو تھرے نمبر بلحاظ (خان کشم پیڈ) کپڑا برآمد ہو کر جبکہ
خان کشم پیڈ سے ان موٹر کار نمبر مشروبہ بالا کشم حکام کو حوا
کیلئے جس کی لہذا میں تحریر میں دوران مسمیان ① گل زرخان ولد ملک
اخوند آباد نمبری ② حبیب الرحمان ولد علی رحمان سکنہ
③ عاقب ولد سید پیر خان سکنہ چینلپیرو نے جس کی آگہی
شروع کر کے دوران بالا خان کشم پیڈ سامان چھوڑنے کی کوشش
بہ نسبت ہو کر مال نہ چھوڑنے کی صورت میں شناخت شدہ
دین میں ASI نے انتباہ کے تحریر تحصیل کا فیصلہ کرتے ہوئے جبکہ
بالا افراد کو بحوالہ مدمہ ہذا روزنامچہ 16/10 بابر پیر دفتر
حصہ اس کی خاطر با مقدمہ ضمانت کرنے کیلئے چالان عدالت
اور جبکہ دوران بالا سامان خان کشم پیڈ بحوالہ مدمہ 15 روزنا
03/18 کشم انسپکٹر شہزاد خان کو حوالہ کرتے اس سے دوران
میں دوران بالا خان کشم پیڈ سامان کی وصولی کا دستخط کر
اسی طرح مورخہ 03/18 کو ہمدران گشت کو 2311 نمبری
رکنے کا اشارہ کر کے ہمدران چیکنگ گاڑی لیز کورولا سے
تھان کپڑا ⑧ بوری چائے ⑨ عدد بڑے ٹرنک
پیڈ برآمد ہو کر ہمدران نے گرفتار
ہمدران کی سکنہ
کشم پیڈ سامان اتار کر جبکہ کشم حکام کو حوالہ کرنے کیلئے
جبکہ
اقرار
اتار کر چھوڑ دیا گیا جبکہ

OFFICE OF THE
SENIOR: SUPERINTENDENT OF POLICE,
(OPERATIONS),
PESHAWAR
Phone. 091-9213054

Annexure- E

## FINAL SHOW CAUSE NOTICE
(Under Police Disciplinary Rules, 1975)

1. I, Senior Superintendent of Police, Operations, Peshawar as competent authority, under the Police disciplinary Rules 1975, do hereby serve you IHC Khanzeb Khan No. 1509 the then I/C PP Tarnab PS Chamkani as follows:-

2. (i) That consequent upon the completion of departmental enquiry conducted against you by Mr. Hassain Jahangir Watto, ASP Gulbahar, Peshawar.

   (ii) Ongoing through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the said officers;

   I do not agree with the findings of the Enquiry Officer and am satisfied that you have committed the follow misconducts:

   That you while posted as I/C PP Tarnab has stopped vehicle bearing No. 2311/SW having 18 large size Michelin tyres and subsequently released him after taking bribe of worth Rs. 241000/-from him through Constable Yasir 4038 & SPO Jehanzeb 1363.

3. As a result thereof I, as Competent Authority decided to impose upon you major/minor penalty including dismissal from service under the said Rules.

4. You are, therefore, require to Show Cause as to why the aforesaid penalty should not be imposed upon you.

5. If no reply to this notice is received within 7-days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

6. You are at liberty to be heard in person, if so wished.

SR: SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR

No. 1075 /PA dated Peshawar the 16 - 08 - , 2018

ATTESTED
(Adv)

(23) Annexure – F (8)

جناب عالی!

مستغیث کو فائنل شوکاز نوٹس معہ وضاحت ہوں کہ میں نے اس سے قبل سلسلہ انکوائری جناب ASP صاحب گلبہار کو شوکاز نوٹس کا جواب دیا تھا جو کہ مفصل ہونے کیساتھ ساتھ حقیقت پر مبنی ہے لہذا وہی سابقہ شوکاز کا جواب ہی اس فائنل شوکاز نوٹس کا جواب تصور کیا جائے اور میں ASI حلف جو انکوائری تاحال جاری ہے کو فائنل کرنے کی استدعا کرتا ہے۔

Ehsan

تھانہ زیب ASI/ISO

Adv

(24) Annexure- G

OFFICE OF THE
ASSISTANT SUPERINTENDENT OF POLICE
GULBAHAR CIRCLE PESHAWAR

NO. 05 /E/S, DATED PESHAWAR THE 04/07/18

: - DISCIPLINARY ACTION AGAINST ASI KHANZEB I/C PP TARNAB, CONSTABLE YASIR NO.4038 AND CONSTABLE JEHANZEB NO.133 SPO PS/CHAMKANI.

Please refer to your office Memo: No. 45/E/PA (SSP/Operations), /2018 on the subject cited above.

IENT OF ALLEGATIONS

Preliminary enquiry conducted by SDPO Chamkani vide his office memo: No.150/St: dated 17.5.18 that he while posted as I/C PP Tarnab has stopped vehicle bearing No.2311/SW having 18 large size Michelin tires and subsequently released him after taking bribe of worth Rs.241000/- from him through Constable Yasir 4038 & SPO Jehanzeb 1363.

By doing so, they have committed gross misconduct and renders themselves liable for disciplinary action.

On the basis of the above allegations, charge sheet and summary of ons against them were prepared by the Worthy Senior Superintendent of perations Peshawar and the undersigned was appointed as enquiry officer.

NG/RECOMMENDATION:-

From the perusal of documents, statements & evidence on record, iersigned came to the conclusion that:-

1. The alleged ASI & Constables did seize the tyres and merchandise but they handed over the same to customs officials and made a proper entry in the "daily diary" as well.
2. As far as the allegation of bribery is concerned, the complainant couldn't substantiate his complaint through any cogent or incriminating evidence against the alleged ASI & Constables.
3. In view of the aforementioned facts, the undersigned is the opinion that the allegations leveled against the alleged ASI & Constables could not be proved. This enquiry may be filed in the best interest of justice.

OFFICE OF THE

ASSISTANT SUPERINTENDENT OF POLICE
GULBAHAR CIRCLE PESHAWAR

NO. 05 /E/S, DATED PESHAWAR THE 04/07/18

**Subject: - DISCIPLINARY ACTION AGAINST ASI KHANZEB I/C PP TARNAB, CONSTABLE YASIR NO.4038 AND CONSTABLE JEHANZEB NO.133 SPO PS/CHAMKANI.**

**Memo:**

Please refer to your office Memo: No. 45/E/PA (SSP/Operations), dated / /2018 on the subject cited above.

**STATEMENT OF ALLEGATIONS**

i. Preliminary enquiry conducted by SDPO Chamkani vide his office memo: No.150/St: dated 17.5.18 that he while posted as I/C PP Tarnab has stopped vehicle bearing No.2311/SW having 18 large size Michelin tires and subsequently released him after taking bribe of worth Rs.241000/- from him through Constable Yasir 4038 & SPO Jehanzeb 1363.

ii. By doing so, they have committed gross misconduct and renders themselves liable for disciplinary action.

On the basis of the above allegations, charge sheet and summary of allegations against them were prepared by the Worthy Senior Superintendent of Police Operations Peshawar and the undersigned was appointed as enquiry officer.

**FINDING/RECOMMENDATION:-**

From the perusal of documents, statements & evidence on record, the undersigned came to the conclusion that:-

1. The alleged ASI & Constables did seize the tyres and merchandise but they handed over the same to customs officials and made a proper entry in the "daily diary" as well.
2. As far as the allegation of bribery is concerned, the complainant couldn't substantiate his complaint through any cogent or incriminating evidence against the alleged ASI & Constables.
3. In view of the aforementioned facts, the undersigned is the opinion that the allegations leveled against the alleged ASI & Constables could not be proved. This enquiry may be filed in the best interest of justice.

ASP/SDPO GULBAHAR,
PESHAWAR

OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE,
(OPERATIONS),
PESHAWAR
Ph: 091-9210508 Fax: 091-9213054

(25)

Annexure - H

ORDER

This office order will dispose of the departmental enquiry initiated against IHC Khanzeb Khan No. 1509, Constable Yasir No.4038 Constable Jehanzeb No. 133 (SPO) vide this office No. 45/E/PA dated 25.05.2018 on the basis of following charges:-

As per findings of the preliminary enquiry conducted by SDPO Chamkani, that they while posted at PS Chamkani have stopped vehicle bearing No. 2311/SW having 18 large size Michelin Tyres and subsequently released the same after taking bribe of worth Rs. 241000/- from the smuggler.

Proper departmental proceedings were initiated against him and Mr. Hassan Jehagir Watto, ASP Gulbahar, Peshawar was appointed as Enquiry Officer to probe the charges leveled against the accused officials. The Enquiry Officer mentioned in his findings that applicant could not provide any concrete evidence to connect the accused officials with the charges and recommended that the enquiry may be filed.

Findings of the EO were perused. The undersigned do not agree with the findings of EO on the followings scores:-

i) IHC Khanzeb has a persistent reputation of being corrupt. He has been suspended twice and then dismissed from service on the charges of corruption and having links with smugglers.
ii) Similarly, Constable Yasir Ali No. 4038 manipulated his postings in PS Chamkani, Pahari Pura and Hayatabad only which also shows his ulterior motives. Besides, he carries a very bad reputation and reportedly has links with smugglers.
iii) General reputation of SPO Jehanzeb No. 133 was checked. He also carries a bad reputation and reportedly has links with smugglers.

Final Show Cause Notices were served upon the accused officials. Their written replies were obtained and perused. The same were found unsatisfactory. They were heard in person in OR. An ample opportunity was provided to them for defense. They failed to defend themselves with plausible grounds. Hence, the allegations leveled against them stand proved. Therefore, the undersigned being competent under the law, awards IHC Khanzeb No. 1509 and Constable Yasir No. 4038 major punishment of "dismissal from service. SPO Jehanzeb No. 133 is hereby "struck off" from service.

SENIOR SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR

No. 1089-94 /PA, dated Peshawar, the 24/08 /2018.

Copy for information to:

1. The Capital City Police Officer, Peshawar.
2. SP Rural: Peshawar.
3. SDPO Chamkani Peshawar.
4. EC-I/EC-II/OASI/CRC.
5. FMC along with complete enquiry file containing 48 pages.

(26)

Annexure – I

Before the worthy Chief Capital City Police Officer Peshawar

***DEPARTMENTAL APPEAL AGAINST THE ORDER No. 1089-94/PA, Dated Peshawar,the 24/08/2018 wherby the appellant is wrongly been "STRUCK OFF FROM SERVICE"***

Respected sir,

The appellant humbly submits as Under:.

1. That the appellant is honest and committed with his duty/service and the service record of the appellant became clear than crystal.

2. That the appellant was performing his duty deliberately at Tarnab choki being incharge choki along with other police party.

3. That the appellant perform his duty with honesty and punctually.

4. That the appellant along with other staff of police is wrongly been struck off from his respectable service and capital punishment is awarded to him.

5. That the appellant is innocent and not involve in any bribery or corruption.

6. That in fact the complainant "Shakirullah" is a smuggler by profession, he wants free hands of smuggling and wants to remove his hurdles from his way of smuggling.(his data could be collected and inquire from the Police station Gulbahar and Chamkani.

7. That the appellant and other police staff is hurdle of his way of smuggling and not giving free hand for smuggling.

8. That as the appellant (Khanzeb Asi) along with other police staff previously recovered some notified items of smuggling and hand over to the Custom authorities, and also arrested some of the people U/S 107 including Aqibullah nephew of the complainant smuggler for creating hurdle in the peace, due to this action of appellant, the complainant smuggler "Shakirullah" was unhappy and threatened us with serious consequences. As evident from the Daily Dairies of the Police post Tarnab.

9. That the complainant "Shakirullah" Created this fake baseless drama against us, without any solid proof.

10. That all of the custom papers provided by the complainant are not on the name of complainant and even the receipts of the marchant is manipulated and dates are altered on it and became forged and factitious to use against the appellant.

11. That during preliminary inquiry no opportunity of hearing is provided to the appellant.

12. That proper inquiry against the appellant, were conducted show cause notices are issued to us, our statements are properly recorded in the said inquiry.

13. That in the open inquiry the appellant as well as the other official were found innocent and the baseless allegations leveled against the appellant were not proved because of lake of evidence, and in the inquiry the appellant along with other subordinate police staff were found innocent and recommended to exonerate them from charge.

14. That the appellant and subordinate police staff are respectable and dutiful persons, who believe on performance of their duty, with honesty. And the appellant (Khanzeb Asi) obtain reward from the high ups of the police for best performance of duty.

15. That due to the hands of a smuggler and his bad ideas and fake allegations the moral of the police will be degraded and the crimes and smuggling will be encouraged.

16. That without any baseless and unproved allegations of a notorious smuggler, the families and children are on fasting as the said job is one alone source of earning bread for them.

17. That the families and children are looking with rolling tears towards this departmental appeal with mercy, and a hope is still existed for earning bread in the shape of re-instatement on the service of Police.

18. That the protective hand is liable to required on the heads of the police officials and for the sake and dignity of the police, without protection by the senior police officials, the subordinate police became orphans/helpless and the baseless allegations of the complainant smuggler is liable to be quashed and the appellant are liable to be exonerate , and they are liable to be secured from fasting.

19. That previously such like allegations were made against the appellant but during separate inquiries conducted by police department as well as the anti corruption department, the petitioner were exonerated but unfortunately the appellant were removed from service, However the appellant were re-instated being found innocent and the allegations were not proved. (copies are attached).

**Prayer.**

**It is therefore, prayed that on acceptance of this departmental appeal the appellant may kindly be exonerated from the baseless charge level against him and order to re-instate the appellant accordingly.**

Dated 05/09/2018.

Appellant_____

Khanzeb Asi No. 1509

Cell No. 0312-5255341.

27-A

Annexure – II

OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR
Phone No. 091-9210989
Fax No. 091-9212597

**ORDER.**

This order will dispose off the departmental appeal preferred by Ex- ASI Khanzeb No.1509 who was awarded the major punishment of " **Dismissal from service**" by SSP/Operations Peshawar vide No.1089-94, dated 24-08-2018.

2- The allegations leveled against him were that he while posted at I/C PP Police Station Tarnab Chamkani, stopped a vehicle bearing Registration No.2311/SW having 18 large size Michelin tyres and subsequently released after taking bribe of Rs.241000/-

3- He was issued proper charge sheet and summary of allegations by SSP/Operations Peshawar and SDPO Gulbahar was appointed as enquiry officer. The enquiry office after conducting proper departmental enquiry submitted his findings opined that the allegatiosn leveled against the alleged ASI could not be proved. However, the competent authority i.e SSP/Operations Peshawar not agreed with the findings of the enquiry officer and issued him final show cause notice to which he submitted a written reply which was found unsatisfactory by the competent authority, hence he was awarded the **above major punishment by SSP/Operations Peshawar**

4- He was heard in person in O.R. The relevant record perused along with his explanation but the appellant failed to submit any plausible explanation. Therefore his appeal for reinstatement in service **is dismissed/rejected.**

(QAZI JAMIL UR REHMAN)PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 71-22 /PA dated Peshawar the 07-01-2019

Copies for information and n/a to the -

1. SSP/Operations Peshawar.
2. BO/EC-I & EC-II, CRC.
3. FMC along with FM
4. Official concerned.

ضلع اٹک

تھانہ جنڈ کے روزنامچہ 22 03/18

(8)

جنڈ کے والی ضامن بن جان ASI وقت 22:00 بجے 22 3/18 بجے تھانہ پر
لوٹ مار گئی
لفٹنٹ محمد اقبال ایڈیشنل سپرنٹنڈنٹ صدر کمشنر سے گرفتار ہو کر آئے
دو عدد 2 عدد 18 روزنامچہ مندرجہ سپورٹروں کے حوالے
ہوئی 2311 سے سپرنٹنڈنٹ ساہوکار نان کمشنر پیشہ ساہوکار
جسکی تفصیل ذیل ہے۔ ① 12 عدد کھان بڑے سپرنٹنڈنٹ کنڈا
② 24 عدد چاٹے کی بوریاں ③ 6 بڑے عدد ناپنے سپرنٹنڈنٹ
نان کمشنر پیشہ برآمد ہوکر بذریعہ قبضہ پولیس کئے جس
کنڈے کمشنر ڈویژنل سپرنٹنڈنٹ ہوں کے انچارج اسسٹنٹ سپرنٹنڈنٹ
اسسٹنٹ سپرنٹنڈنٹ عبدالواحد کو طلب کر کے جملہ مندرجہ بالا ساہوکار
حوالہ کرکے رسید حوالگی کے بابت دستخط ثبت کیئے

اسسٹنٹ سپرنٹنڈنٹ

اسسٹنٹ سپرنٹنڈنٹ عبدالواحد

محمد اقبال

محمد مطالع اقبال

Mithc PP Tamab

22/3/18

ضلع لنڈی وند — تھانہ نمبر 18 رپورٹ نمبر 22/18 — 43

مقدمہ نمبر 18 والسی — جائے وقوعہ 22/3 — وقت 14:20 — تاریخ 22/18

الزام ملزم — جائے وقوعہ پر ڈیوٹی پر مامور ASI جاوید خان نے بذریعہ مراسلہ اطلاع دی کہ بوقت 12:30 بجے دوران گشت ایک کوچ 2 نمبری 2311 کو روکنے کا اشارہ کرنے پر گاڑی کو سائیڈ پر کھڑا کر کے چیک کرنے پر ڈرائیور گاڑی سے بڑے تھان 2 عدد کشمیر بیڈ ساجان اور 6 عدد چادریں برآمد ہوئیں۔ ڈرائیور نے اپنا نام کشمیر بیڈ ساجان بتایا۔ ڈرائیور نے اپنا نام اللہ دتہ ولد فیروز خان ساکن واہ گڑھی بتایا۔ جس نے مذکورہ بالا ساجان کے بارے میں کسی قسم کی دستاویزات یا اجازت نامہ پیش نہ کر سکا۔ مذکورہ ڈرائیور کی گاڑی سے دونوں بالا نان کشمیر بیڈ ساجان اتار کر چوکی پر لایا گیا۔ جس گاڑی میں خواتین بچوں اور صنف النجمہ انتظامات کے سفر کرنے کی وجہ سے اختراقا گاڑی کو نان کشمیر بیڈ ساجان سے خالی کر کے چھوڑ دیا گیا۔ اسی دوران چند لمحوں بعد مدعی ASI کے موبائل نمبر 03344-5255341 پر بوقت 12:28 بجے ایک شخص نے موبائل نمبر 03445-2781019 سے کال کر کے اپنے آپ کو ساجان کا مشتمل ظاہر کیا۔ اور ساتھ ہی گفتگو کرتے ہوئے ASI کو بتایا کہ آپکی وجہ سے میرا کاروبار تباہ ہو جائے گا۔ میں بار بار اپنا مال پکڑے جانے کے بدلے آپ سے انتقام لوں گا۔ مزید اس سلسلے میں اعلیٰ افسران کو شکایت کروں گا۔ جس پر ASI نے مذکورہ شخص کو بتایا کہ آپکا یہ کاروبار غیر قانونی ہے۔ اور اس ناجائز ساجان کی طرف سے پہلی واضح خلاف ورزی ہے۔ کہ کسی بھی قسم کا غیر قانونی ساجان (نان کشمیر بیڈ ساجان) پکڑنے کی صورت میں کسٹم حکام کو حوالہ کیا جائے۔ اسی دوران مذکورہ شخص نے غم و غصے کا اظہار کرتے ہوئے بُرا بھلا کہتے ہوئے۔ [illegible] ASI [illegible]

رہتے ہوئے انتہائی صبر و تحمل کا مظاہرہ کرتے ہوئے بغیر کسی
دباؤ یا پریشر کے مذکورہ شخص کو بتلایا کہ یہ ان
راہ صاحبان کے اختیارات کے حوالے سے کشمیر پیڈ ساجان
راہ بگڑا ہوا ہے جبکہ یہ صورت میں ان A کشمیر حکام
کو حوالہ کرے گا۔ جو کہ اسران راہ کی جانب سے واضح اختیارات
سے سختی سے پیش آنے کی ہدایت کی گئی ہے کہ اس سلسلے میں کسی بھی شخص
سے کوئی رعایت نہیں برتی جائے گی۔ اطلاعاً رپورٹ درج ذیل ہے
ہے۔ مذکورہ راہ سجان کے بارے میں مزید ہدایات
کشمیر حکام کو حوالہ کرنے کے سلسلے میں مزید تعاون
ٹیلی فون اطلاع دی جاتی ہے۔ کشمیر حکام کے حوالے
کرنے پر مذکورہ راہ سجان ان کشمیر پیڈ کشمیر حکام
کو حوالہ کیا جائے گا۔ اس میں تساہل برداشت نہ کیا جائے

مرتم میرن

(36)

جاسالی

قول مطابق اصل

MHC-PP-Toonab
22/3/18

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(31)

چوکی ترناب/تھانہ چمکنی ضلع پشاور

بعدالت جناب علاقہ مجسٹریٹ صاحب پشاور

بحوالہ مد نمبر 6 روزنامچہ 10/03/2018 زیر دفعہ 107/151 ض ف

اسٹیٹ بنام

1۔ حاجی گل ولد شیرین ساکن پختہ غلام پشاور
2۔ نور جان ولد بلال ساکن اخون آباد نمبر 5
3۔ نذیر محمد ولد محمد نواز ساکن سرگودھا چغلپورہ
4۔ حبیب الرحمٰن ولد علی رحمٰن ساکن رشید گڑھی
5۔ قدیم اللہ ولد رمضان ساکن ارمڑ
6۔ منور ولد ولایت ساکن افغانستان حال ہری پور
7۔ عاقب ولد ساوید خان ساکن چغل پورہ

استغاثہ زیر دفعہ 107/151 ض ف

بحوالہ مشمولہ نقلمد معروض خدمت ہوں کہ الزام علیہ گان بالا میں سے (1) حاجی گل (2) نذیر (3) قدیمی اللہ (4) منور کے قبضہ سے غیر ملکی کپڑا برآمد ہوکر گرفتار کر لئے گئے تھے۔ جبکہ الزام علیہ گان (1) نور جان (2) حبیب الرحمٰن (3) عاقب حاضر چوکی آکر گرفتار شدہ ملزمان اور مال غیر ملکی کپڑا بارے میں چیخ وپکار شروع کر کے جملہ الزام علیہ گان باہر آمادہ برفساد ہوکر چوکی میں پولیس کو طرح طرح کی دھمکیاں دینا شروع کر دیں۔ الزام علیہ گان بالا سرکش اور سینہ زور ہیں۔ جن سے نقص امن کا اندیشہ تھا۔ جن کے سر پرست حفظ ماتقدم کی خاطر زیر دفعہ 107/151 ض ب حسب ضابطہ گرفتار کر کے چالان عدالت کئے جاتے ہیں۔

استدعا ہے کہ سنگین پابند ضمانت فرمائی جاوے۔

Attested

چوکی ترناب بدستخط انگریزی ایم ایچ سی پی پی ترناب

(32)

چوکی ترناب/تھانہ چمکنی ضلع پشاور

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بحوالہ مدنمبر 6 روزنامچہ 10/03/2018 زیر دفعہ 107/151 ض ف

مدنمبر 6 واپسی خان زیب خان ASI وقت 00:30 بجے مورخہ 10/03/2018 میں ہمراہ ہمرائیان رفتہ بحوالہ مد بالا بعداز فراغت گشت علاقہ سے بخیریت واپس آیا۔ دوران گشت جملہ علاقہ اختیار چیک کر کے جملہ گاردات، موبائل ،رائیڈر سکواڈ کو چیک کر کے ڈیوٹی پر موجود اہلکاروں کو موجودہ حالات کے مطابق ہدایت مناسب دی گئی۔ دیگر دوران گشت بمقام جی ٹی روڈ حسب الحکم ناکہ بندی کی گئی۔ دوران ناکہ بندی ایک ڈبہ بس نمبری 4692 آتا ہوا کھڑا کر کے چیک کر کے جس میں مسمی منور ولد ولایت خان ساکن افغانستان حال ہری پور کے 3 عدد تھان غیر ملکی کپڑا، اسی طرح نذیر ولد محمد نواز ساکن سرگودھا حال چغل پورہ کے 2 عدد تھان غیر ملکی کپڑا اور اسی طرح منور ولد ولایت خان، قدیم اللہ ولد رمضان ساکن ارمڑ کے 10 عدد تھان، 8 عدد پیس کپڑا، 8 عدد جوڑے غیر ملکی کپڑا برآمد ہو کر اسی طرح دیگر دوران ناکہ بندی ایک موٹر کار نمبری T-7139 آتا ہوا کھڑا کر کے جس کا ڈرائیونگ حاجی گل ولد شیرین ساکن پختہ غلام کر رہا تھا، جس کے موٹر کار سے 4 عدد پلاسٹک بنڈل، ہر ایک بنڈل میں سے 60/60 جوڑے غیر ملکی کپڑا یعنی کل 240 عدد جوڑے غیر ملکی کپڑا برآمد ہو کر جملہ متذکرہ بالا سامان غیر ملکی کپڑا بمعہ گاڑی آلٹو موٹر کار نمبری بالا بروئے فرد قبضہ میں کر کے ہمراہ چوکی لا کر اس دوران مسمیان نور جان ولد بلال ساکن اخون آباد نمبر 5، حبیب الرحمٰن ولد علی رحمٰن ساکن رشید گڑھی، عاقب ولد ساوید خان ساکن چغل پورہ چوکی آ کر اور آتے ہی چوکی میں چیخ و پکار شروع کر کے بتلایا کہ یہ مال چھوڑ دو، اور اس کے ساتھ ساتھ بالا اشخاص بھی آمادہ برفساد ہو کر پولیس کو طرح طرح کی دھمکیاں دینا شروع کر دیں، جس سے نقص امن کا اندیشہ تھا، جن کو سردست حفظ ماتقدم کی خاطر (1) حاجی گل ولد شیرین ساکن پختہ غلام پشاور (2) نور جان ولد بلال ساکن اخون آباد نمبر 5۔ (3) نذیر محمد ولد محمد نواز ساکن سرگودھا چغلپورہ (4) حبیب الرحمٰن ولد علی رحمٰن ساکن رشید گڑھی (5) قدیم اللہ ولد رمضان ساکن ارمڑ (6) منور ----------

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بعد اپنے جامعہ تلاشی جو کچھ غیر قانونی شے برآمد نہ ہوسکی، بند بہ حوالات تھانہ کئے گئے۔ جبکہ برآمد شدہ مال غیر ملکی کپڑا و موٹر

کار نمبری بالا کسٹم حکام کو حوالہ کیا جائیگا۔ دیگر چند خیریت گزاری اسلحہ ہمرائیان سے درست طور پر دخل کورٹ کی گئی۔

جناب

نقل بمطابق اصل

ترناب MHC PP Tranab

(34)

# وکالت نامہ

بعدالت: جناب سروس ٹریبونل لاہور

طارق زیب بنام حکومت

منجانب سائل/ریسپانڈنٹ دعویٰ C.A

تاریخ 28/01/2015

باعث تحریر آنکہ مقدرمہ مندرجہ بالاعنوان اپنی طرف سے واسطے پیروی وجوابدہی بمقام ---------- کیلئے **جاوید اقبال گل بیلہ** ایڈووکیٹ ہائی کورٹ کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزریعہ مختار خاص روبرو عدالت حاضر ہوتا رہونگا۔ اور بوقت پکارے جانے مقدرمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کرونگا، اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہوگیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختارانہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور وقبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ وجواب دعویٰ اور درخواست اجرائے ڈگری ونظر ثانی اپیل ونگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد ثالثی وراضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل وبرآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختارانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہرجانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کرونگا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہٰذا مختارنامہ لکھ دیا کہ سند رہے۔

مورخہ 28/01/2015 مضمون مختارنامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted by

Aftab-Alam