



ORDER
14.02.2023

Nemo for the appellant. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

The appeal in hand was called on for hearing after various intervals, however none appeared on behalf of the appellant till the closing time, therefore, the appeal in hand stand dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
14.02.2023


(Fareeha Paul)
Member (E)

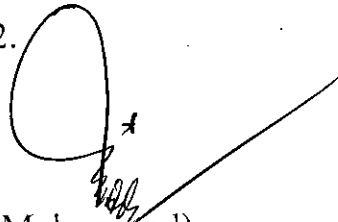

(Salah-Ud-Din)
Member (J)

SCANNED
14.02.2023
Peshawar

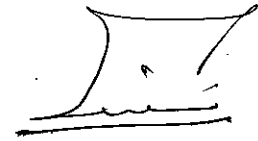
04.11.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 28.11.2022.



(Mian Muhammad)
Member (E)



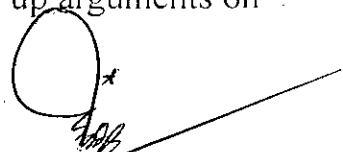
(Salah-ud-Din)
Member (J)

SCANNED
Peshawar

25.11.2022

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

Learned Member Judicial Mr. Salah-ud-Din is on leave, therefore, bench is incomplete. Adjourned. To come up arguments on 14.02.2023 before the D.B.



(Mian Muhammad)
Member (E)

SCANNED
Peshawar

30.08.2022

Bench is incomplete, therefore, case is adjourned to
04.11.2022 for the same as before.


Reader.



21.12.2021

Appellant in person and Mr. Muhammad Adeel Butt,
for the respondents present.

Former requests for adjournment as his learned
counsel is not in attendance. Request is accorded. To
come up for arguments on 04.04.2022 before the D.B.



(Atiqur Rehman Wazir)
Member(E)



Chairman

04.04.2022

Counsel for the appellant and Mr. Kabirullah
Khattak, Addl. AG for the respondents present.

Learned counsel for the appellant seeks
adjournment in order to properly assist the court.
Adjourned. To come up for arguments on 09.06.2022
before the D.B.



(Mian Muhammad)
Member(E)



Chairman

09.06.2022

Appellant in person present. Mr. Muhammad Adeel Butt,
Additional Advocate Genera for the respondents present.

Appellant requested for adjournment on the ground that
his counsel is not available today due to strike of lawyers.
Adjourned. To come up for arguments on 30.08.2022 before the
D.B.



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

Hashmat Khan 7069/2021

01.09.2021

Mr. Arbab Saif Ul Kamal, Advocate for the appellant present and submitted wakalatnama. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant was nominated in a criminal case under FIR No. 47 dated 01.12.2019. He was dismissed from service from the date of absence vide impugned order of respondent No.3 dated 28.12.2020. He preferred departmental appeal on 14.01.2021 which was rejected by the appellate authority vide order dated 21.06.2021. He contended that the departmental proceedings have been conducted on the back of the appellant as he was behind the Bar. No opportunity of fair trial being cardinal principle of natural justice, was afforded to him. More so that the appellate authority passed the order dated 21.06.2021 despite the fact that the appellant was acquitted from the criminal charges against him by the Additional Sessions Judge-II Orakzai on 10.02.2021. He therefore, requested that ends of justice have not been met and the appellant treated discriminatory, the appeal, as prayed for, may therefore be allowed.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 21.12.2021 before the D.B.

Appellant Deposited
Security & Process Fee

(Mian Muhammad)
Member(E)

Form- A



FORM OF ORDER SHEET

Court of _____

Case No.- _____

7069

/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	16/07/2021	<p>The appeal of Mr. Hashmat Khan resubmitted today by Mr. Wajid Hussain Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p>		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/09/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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Handwritten notes and stamps at the bottom right of the page.

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Hashmat Khan vs Regional police officer etc

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?		
3.	Whether Appeal is within time?		
4.	Whether the enactment under which the appeal is filed mentioned?		
5.	Whether the enactment under which the appeal is filed is correct?		
6.	Whether affidavit is appended?		
7.	Whether affidavit is duly attested by competent oath commissioner?		
8.	Whether appeal/annexures are properly paged?		
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10.	Whether annexures are legible?		
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?		
13.	Whether copy of appeal is delivered to A.G/D.A.G?		
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?		
15.	Whether numbers of referred cases given are correct?		
16.	Whether appeal contains cuttings/overwriting?		
17.	Whether list of books has been provided at the end of the appeal?		
18.	Whether case relate to this Court?		
19.	Whether requisite number of spare copies attached?		
20.	Whether complete spare copy is filed in separate file cover?		
21.	Whether addresses of parties given are complete?		
22.	Whether index filed?		
23.	Whether index is correct?		
24.	Whether Security and Process Fee deposited? on _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		
26.	Whether copies of comments/reply/rejoinder submitted? on _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: _____

Wajid Hussain ADV

Signature: _____

(WJH)

Dated: _____

16-7-2021


The appeal of Mr. Hashmat Khan son of Ali Majan Ex-Constable District Police Orakzai received today i.e. on 14.07.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓ 1- Memorandum of appeal may be got signed by the appellant.
- 2- Appeal has not been flagged/marked with annexures marks.
- ✓ 3- Certificate be given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- ✓ 4- Copy of Judgment mentioned in para-6 of the memo of appeal (Annexure-D) is not attached with the appeal which may be placed on it.
- 5- Check list is not attached with the appeal.

No. 1295 /S.T,

Dt. 14/07 /2021

Mr. Wajid Hussain Adv. Pesh.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

I fill fill all the
requirement as per check list

(W)

Wajid Hussain
ADVocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No. _____/2021

Hashmat Khan Appellant

Versus

~~Regional Police Office~~ of KPK and others Respondents

INDEX

S.No.	Description of documents.	Annex:	Dated
1.	Memo of appeal with affidavit.		1-3
2.	Addresses of the parties:		5-4
3	Copy of FIR	A	5-6
4	Copy of order dated 28.12.2020	B	7
5	Copy of departmental appeal.	C	8-9
6	Copy of judgment dated 10.02.2021	D	10-20
7	Order of respondent No.1 dated 16.06.2021	E	21-22
10	Wakalatnama.		23

Appellant

Through

Wajid Hussain

&

Qaiser Hussain
Advocates High Court

Dated: 12.07.2021

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. 2069/2021

Diary No. 7256

Dated 14-7-2021

Hashmat Khan son of Ali Majan
Ex-Constable District Police, Orakzai.....Appellant

VERSUS

- 1) Regional Police Officer, Kohat Region.
- 2) Inspector General of Police, KPK, Peshawar.
- 3) District Police Officer, District Orakzai..... Respondents

APPEAL U/S 4 OF SERVICE TRIBUNAL
ACT, 1974 AGAINST THE ORDER DATED
16.06.2021 OF RESPONDENT NO.1,
WHEREBY RESPONDENT NO.1
DISMISSED THE DEPARTMENTAL
APPEAL OF THE APPELLANT AGAINST
THE ORDER DATED 28.12.2020 OF
RESPONDENT NO.3 WHEREBY
APPELLANT HAS WAS DISMISSED
FROM SERVICE FOR NO LEGAL
REASON..

Filed to-day
Registrar
14/7/2021

Prayer:

Re-submitted to-day
and filed.

On acceptance of this appeal, that the appellant be reinstated into his service with all back benefits by setting aside order dated 16.06.2021 of respondent No.1 and order dated 28.12.2020 of respondent No.3.

Registrar
16/7/2021

2

Any other remedy which this Hon'ble Tribunal deems fit in the circumstances of the case may kindly also be granted.

Respectfully Sheweth:-

Appellant humbly submits as under:-

- 1) That the appellant being qualified was appointed as constable in the District Police.
- 2) That the appellant was serving the department to the best of his abilities and has never given chance of displeasure to his superiors during his service.
- 3) That during service on 11.12.2019, the appellant was charged in FIR No.47 U/Ss 387/365/511/148/149 PPC of P.S. Lower Orakzai, with malafide intentions. (Copy of FIR is Annex: "A").
- 4) That the appellant without regular inquiry was dismissed from service on the basis of FIR vide OB No.1231 dated 28.12.2020 by respondent No.3. (Copy of order is Annex: "B").
- 5) That the appellant preferred departmental appeal to respondent No.1 on 14.01.2021 against the dismissal order of appellant. (Copy of departmental appeal is Annex: "C").
- 6) That during trial, the appellant was acquitted by the court of Additional Sessions Judge-II, Orakzai at Babar Mela vide his judgment dated 10.02.2021 and appellant was cleared from all the baseless charges. (Copy of judgment is Annex: "D").
- 7) That the respondent No.1 without any solid reasons, dismissed the departmental appeal of appellant on 16.06.2021, inspite of the fact that appellant was acquitted of the charges leveled in the FIR. (Order of respondent No.1 dated 16.06.2021 is Annex: "E").
- 8) That now the appellant prefers the instant appeal, on the following grounds:

3
GROUNDS.

- A. That the appellant is innocent and has never done anything which could bring bad name to the department.
- B. That appellant was falsely charged in the FIR with malafide reason.
- C. That the appellant has every right of reinstatement into his service to support his family.
- D. That appellant was dismissed from service without following the proper procedure.
- E. That every acquittal is honourable and should be respected as such.
- F. That appellant reserve the right to agitate any other ground at the time of arguments.

It is therefore, humbly most humbly requested that the appellant be reinstated into his service with all back benefits by setting aside order dated 16.06.2021 of respondent No.1 and order dated 28.12.2020 of respondent No.3.

Dated: 12.07.2021

[Signature]
Appellant

Through

(W.H.)
Wajid Hussain

&

[Signature]
Qaiser Hussain
Advocates High Court

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.

Deponent

[Signature]

Note: By intraction of my client no such like appeal file any other court or in tribunaul

[Signature]
Deponent



4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. _____/2021

Hashmat Khan Appellant

Versus

Chief Secondary Govt. of KPK and others..... Respondents

ADDRESSES OF PARTIES

APPELLANT:

Hashmat Khan son of Ali Majan
Ex-Constable District Police, Orakzai

RESPONDENTS

- 1) Chief Secondary Govt. of Khyber Pakhtunkhwa Peshawar.
- 2) Secretary Revenue, Civil Secretariat, Peshawar.
- 3) Senior Member Board of Revenue, Civil Secretariat, Peshawar.



Appellant

Through



Wajid Hussain

&



Qaiser Hussain
Advocates High Court

(55)

(6)

کا ٹریکنگ نمبر 940 مسمی اور ایک ٹارگٹ پلانٹ جس کا مالک کلے ہنری
 سینڈ جیڈ کلے ہے اسے ساتھ انوار کے لیے قلم ضرورت کو بھانجے
 سرکاری پورٹل پر لنگہ اسٹور مار کے سال کے بعد فراستہ
 بعد روانہ فورینریا کے سال کے کو انعام دلا جا جائے۔ سینڈ پورٹل پر
 انعامی عرض 2/19 سال کے جسے فزولہ نیریاں خانہ قلم مست
 سائل 0303 9409167-ک 5256717-ک 21601-ک دستخط انٹرنیٹل حسب فزولہ
 کاروائی نمبر 0502 سے درخواست حریف حرج والا موٹر نقلہ لیز
 حریف کے ساتھ جناب DPP سے منگوانے کی خدمت میں ارسال
 کی جا سکتی ہے۔ جناب عالی، نقلہ طوائف اس لیے

No/P.S. L.O
 11/12/2013

1
 13/7/2014

دستخط

عہدہ

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگا یا جائے گا۔ اور اس پر تحریر کنندہ اپنے ممبر کے نام کے ساتھ بطور تصدیق دوگا۔ حروف الف یا ب سرخ روشنائی سے بالقابل تا
 ایک نمونہ یا دستہ علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں لکھنا چاہئے۔



OFFICE OF THE DISTRICT POLICE
OFFICER ORAKZAI

7

Annex B

OFFICE ORDER:-

The order will dispose off the departmental enquiry conducted against Constable Hashmat Khan s/o Ali Majan under the Khyber Pakhtunkhwa, Police Rules, (Amended 2014) 1975.

Constable Hashmat Khan s/o Ali Majan was charged/involved in FIR No. 47 dated 01.12.2019 U/S 387/365/511/148/149 PPC PS Kalaya District Orakzai.

He was suspended vide order OB No. 1165 dated 31.12.2019 and DSP HQrs was nominated as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer vide his finding and found him guilty of the charges leveled against him, and recommend him for major punishment.

These act of the accused official earned bad name to a discipline force on one hand and involved himself in criminal act.

In view of the above and available record, i reached to the conclusion that the accused official was involved in criminal act. Therefore, these charges leveled against accused Constable Hashmat Khan s/o Ali Majan have been established beyond any shadow of doubt. Therefore, in exercise of powers conferred upon me under the rules ibid, a major punishment of "dismissed from service from the date of absence" is imposed on accused Constable Hashmat Khan s/o Ali Majan with immediate effect. Kit etc issued to the Constable be collected.

Announced OB NO 1231

Dated 28/12/2020


DISTRICT POLICE OFFICER, ORAKZAI

No 281 /EC/OASI Dated 28/12 /2020.

Copy of above to the:-

1. The Regional Police Officer, Kohat.
2. DSP HQrs.
3. SDPo Upper for collection of items and clearance.
4. Pay Officer/SRC/OHC/Reader for necessary action.

Attested


District Police Officer
Orakzai


DISTRICT POLICE OFFICER, ORAKZAI

کمیونٹی جی. ڈی. جی صاحب کوٹہ کی دفتر کے لئے

28/12/2020 مورخہ OB NO. 1231
رینڈم چیک بک D.P.O صاحب منیجر اورینٹی (نیشنل)

(8)

Annex

درخواست براد بحال فرمانے کے لئے بر ملازمت

جناب عالی اورینٹی صاحب ذیل ہے۔

میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی کا اپنے والد سے
میں نے ایک قوم منسٹری گاؤں سے منیجر اورینٹی میں لکھنا ہے۔ اورینٹی
نیا پتہ اور منسٹری سے سرانجام دے رہا ہے۔ دورانے ڈیوٹی کے لئے کسی کو بھی
شکایت کا موقع نہیں دیا ہے۔

میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی
میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی
387/365/511/148 جمع دیگر سات افراد کے نامزد کیا ہے۔
149/149/149/149
میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی
میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی

میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی
میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی
میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی
میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی
میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی

میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی
میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی
میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی
میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی
میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی

District Police Officer
C. P. D. J. J.

میں نے ایک قوم منسٹری گاؤں ایجنٹ منیجر اورینٹی

Attested
a true copy
(Signature)

Case P.R. No. 47 of 2019
State vs Hashmat

کفرالت صا - ایشٹل ڈسٹریکٹ ایڈیشن
مقررہ نمبر: 12/2 ، اجلاس: 19/12/2020
سرکار بنام حسنت الشدوئیرہ

Sta-
der No. 30

Order No. 32 10/02/2021

Present:
All accused on bail.

10

Vide my detailed judgment of today separately placed on file consist of 10 pages announced in open court it is held that the prosecution could not bring home the guilt of the accused beyond any reasonable shadow of doubt; therefore, the accused facing trial are hereby acquitted from the charges leveled against them in the instant case by extending them the benefit of doubt. The accused are on bail, their sureties are discharged from the liability of bail bonds. Case property be dealt with in accordance with law.

Annex D

File be consigned to the District Record Room Orakzai after necessary completion and compilation.

Announced
10/02/2021

(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela

13/7/2021

(18)

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II, ORAKZAI

Session Case No. 12 of 2020
Date of original Institution: 11.12.2019
Date of present Institution: 19.12.2020
Date of Decision: 10.02.2021

Annex

State through Haseeb Nawaz s/o Mehraban Khan r/o Caste:
Mishti District Orakzai.....(Complainant)

VERSUS

1. Hashmat Ullah s/o Ali Majan, aged about 42 years, caste: Mishti, sub-section Mamizai, presently r/o Bahadur Banda, Hangu
 2. Muhammad Daud s/o Sultan Akbar, aged about 21 years,
 3. Abdul Salam s/o Gu mat Khan aged about 30 years,
 4. Sultan Akbar s/o Mirjan aged about 55 years,
 5. Irfan Ullah s/o Abdur Rehman, aged about 37 years,
 6. Qalut Khan s/o Gul Muhammad, aged about 45 years,
 7. Abdul Jalal s/o Laiq Shah, aged about 38 years, R/o caste: Mishti and r/o Tappa, Mamizai, Lower Orakzai
- Misri Khan s/o Ali Asghar, aged about 52 years, caste Malla Khel, tappa Aziz Khel, village Koll, Dabori, Upper Orakzai.....(Accused facing trial)


Represented by:

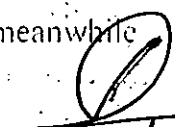
Mr. Nisar Ahmad, APP and Mr. Javid Iqbal Anwar Sr.PP for State.
Mr. Zahoor Rehman Advocate counsel for accused facing trial.

CASE FIR NO.47 DATED 11.11.2019 U/S 387/365/511/148/149 PRC OF POLICE STATION LOWER ORAKZAI (KALAYA)

JUDGMENT

The prosecution story is that the complainant submitted an application to SHO PS Lower Orakzai against the accused that the complainant is the resident of Mishti and a govt contractor working at Anjghari road, that on 07-12-2019 at 9:30 hours the laborers were working on the road and the complainant was also present there when in the meanwhile

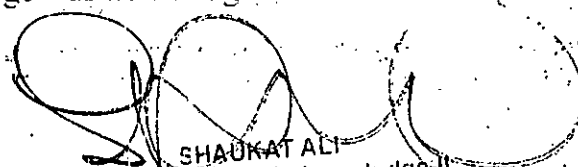

SHAIKAT ALI
Addl. District & Sessions Judge-II,
Orakzai at Hangu

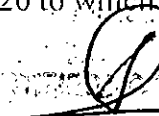

13/1/2021

the accused facing trial came there with duly armed Kalashnikov and attempted to abduct the complainant, that the complainant ran away from the spot and took refuge in the house of one Khana Dan, that the accused entered into the house and tortured the complainant however he was escaped by the inmates of the house, that the accused came out from the house and broken the wind screen of pick-up No. B-3427 and took the same along with the article present in the said pick-up, that tractor-640 of driver Munir Khan, tractor Messi-240 of driver Sajid Ullah and one tar-coal plant of Gul Rehman was also taken by the accused with them. that the laborers were dispersed and the work on the road was stopped. The application of complainant was reduced in DD No. 8 dated 08-12-2019 and after seeking the legal opinion of District Public Prosecutor, Orakzai the case FIR Ex.PA was registered against the accused facing trial. The case file was handed over to the investigation branch for investigation.

In the course of investigation, the investigation officer on 12-12-2019 inspected the spot and prepared the site plane Ex.PB on instance of complainant. During the course of investigation the IO also recorded statement of accused and prosecution witnesses. The tractors and mixture were also recovered by the IO and taken into possession vide recovery memos. After completion of investigation the IO submitted the case file to the SHO for submission of challan.

Complete challan against the accused was submitted which was received on 06.03.2020 for trial against the accused. The accused facing trial who were on bail, were summoned and in compliance of summon the accused facing trial appeared before the court and after compliance of 265-C Cr.PC the charge was framed against the accused on 12-06-2020 to which


 SHAUKAT ALI
 Addl: District & Sessions Judge-II,
 Orakzai at Hangu.

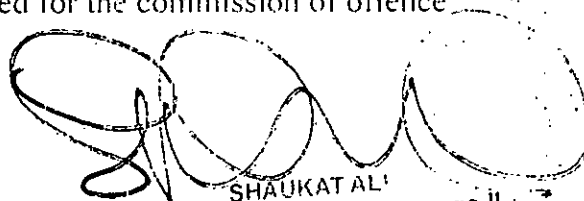

 13/7/20
 DISTRICT & SESSIONS JUDGE
 ORAKZAI AT HANGU


the accused facing trial pleaded not guilty and claimed trial. The prosecution was allowed to produce its evidence and during the trial of the case, the prosecution produced and examined 06 PWs.

The gist of the statements of prosecution witnesses are as under:

PW-1 is the statement of Khayal Ajab who stated that "On 07-12-2019, early in the morning I had gone to Sanghira at about 11:30 hrs. When I returned to my home, my wife was present. She told me that in morning time after my departure from home one person entered into our home for taking shelters and that meanwhile some other persons also entered our home and started beating him. After that some co-villagers entered our home and saved him; and that thereafter, all persons left our home. After 02 or 03 days my statement was recorded by the local police".

PW-2 is the statement of Sajid Ullah who stated that "I am the owner of tractor registration no. 3294 Kohat, and I was working, with contractor Habib Nawaz, on construction of Anjghalay road. On 07-12-2019, at 09:30 hrs. when we were busy at work, accused Hashmat Ullah, Daud, Salam, Sultan Akbar, Irfan, Qalat Khan and Jalal duly armed with weapons came to the spot and started beating the contractor Habib Nawaz. Habib Nawaz took shelter in the house of one Khanan, the accused also went to the same house. After sometime all the accused came out of the said house and broke the wind screen of a pick-up belonging to contractor Habib Nawaz. The accused forcibly took from me the key of my tractor and drove my tractor away with them. The accused also snatched the tractor of Muncer Rehman and char coal plant of one Gul Rehman. My statement was recorded by the police. I charge the above-named accused for the commission of offence".


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PW-3 is the statement of Muhammad Shafiq SI who stated that "During the days of occurrence, I was posted as SHO of PS Lower Orakzai. On 11-12-2019, I received legal opinion DPP Orakzai in respect of mad no. 08 daily dairy 08-12-2019. In light of legal opinion, I drafted the FIR in present case u/s 387/365/511/148/149 PPC. Copy of FIR is Mark-A. The case file was submitted to me by the IO after completion of investigation. On 05-01-2020, I submitted interim challan against the accused namely Muhammad Daud, Abdul Salam, Sultan Akbar, Irfan Ullah, Qalat Khan and Abdul Jalil which is Ex. PW-3/1. On 07-02-2020, I submitted complete challan against all the accused which is Ex. PW-3/2. Today I have seen all the relevant documents which are correct and correctly bears my signature".

PW-4 is the statement of Habib Nawaz who stated that "I am a government contractor. On 07-12-2019, I was present on Anjghaley Sampog road with laborers, who were working on the road. At about 09:30 hrs., accused Hashmat Khan, Daud Khan, Salam, Sultan Akbar, Irfan, Qalat Khan and Jalal came there armed with Kalashnikovs. They attempted to abduct me and I ran into the house of one Khandan for shelter; the accused followed me into that house and beat me violently. However, their attempt to abduct me failed due to intervention of inmates of house of Khanadan. The accused went out of the house and shattered a glass of my pick-up no. B3427 and took the said pick-up with them. They also took one Fiat 640 tractor belonging to driver Muneer Khan and one Messy 240 tractor, with tar-coal plant, belonging to driver Sajid Ullah. The owner of tar-coal plant was one Gul Rehman. The accused made all the laborers leave the place and stopped the construction work. I made a telephone call to the XEN and police came to the spot. Thereafter, I went to PS where I submitted a written complaint. The complaint is Ex. PW-4/1 which is correct and correctly bears my signature. On 15-12-

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2019, I went to the spot where the IO was present. The IO prepared site-plan on my pointation and recorded my statement u/s 161 Cr.PC

PW-5 is the statement of Constable Muhammad Riaz who stated that during relevant days I was posted in investigation staff of the PS Lower Orakzai. I am the marginal witness to the recovery memo Ex.pW-5/1 vide which the IO took into possession one tractor Massy Chases A418920912 along with trolley, Charcoal mixture which was recovered on the pointation of the accused Hashmat Ullah. I along with other marginal witness Minhaz Hussain signed the recovery memo on the spot. My statement was recorded by the IO u/s 161 Cr.PC. similarly I am also the marginal witness to the recovery memo Ex:PW-5/2 vide which the IO took into possession one tractor P.8 registration APL chases No. 640AZL656804DB of red color along with ploughing machine. The IO recovered the above tractor on the pointation of complainant from the front of house of one Misri Khan. My statement was also recorded in this respect. Today I have seen both of the recovery memo which are correct and correctly bears my signature

PW-6 is the statement of Shal Muhammad SI/IO who stated that on 11-12-2019 the copy of FIR, naqal mad No. 8 and application submitted by the complainant was handed over to me for investigation. On 12-12-2019 I inspected the spot and prepared the site plan Ex.PB on the instance of complainant. I recorded the statement of complainant. On 13-12-2019 I arrested accused Hashmat Ullah vide his card of arrest Ex.PW-6/1. I produced accused Hashmat Ullah before the magistrate for custody vide my application Ex.PW-6/2 which was accepted and 03 days custody was granted. I interrogated accused during custody. I recovered tractor and mixture and took into possession the same vide recovery memo already Ex.PW-5/1. I prepared sketch of recovery Ex.PW-6/3. On the expiry of custody I again produced the

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AB

accused Hashmat Ullah for further custody vide my application Ex.PW-6/4 however further custody was refused and accused was sent to the judicial lock-up. I recorded the statement of accused. The accused Muhammad Dawood, Abdul Salam, Sultan Akbar, Irfan Ullah, Kilat Khan and Abdul Jabbar got BBA and produced the order before me. I issued their formal card of arrest Ex.PW-6/5. The BBA was confirmed and I recorded their statement u/s 161 Cr.PC. I arrested accused Misri Khan vide his card of arrest Ex.PW-6/6. I recovered tractor B-8 on the pointation of accused Misri Khan vide pointation sketch Ex.PW-6/7. I produced accused Misri Khan for recording confession statement vide my application is Ex.PW-6/8. The accused refused to confess and was sent to the judicial lock-up. On completion of investigation I handed over the case file to the SHO for submission of complete challan. Today I have seen the above documents which are correct and correctly bears my signature".

On 27.01.2021, the prosecution closed its evidence and the case was fixed for statement of accused. On 03-02-2021 the statements of accused were recorded u/s 342 Cr.P.C wherein the accused denied the allegations leveled against them however they refused to be examined on oath or to produce defense evidence, therefore, the case was fixed for final arguments.

Arguments of learned APP for the state and learned counsel for the accused already been heard and available record perused.

The case FIR Ex.PA was registered against the accused facing trial on application Ex.PW-4/1 submitted by the complainant Habib Nawaz (PW-04) wherein the accused facing trial were charged for attempt to abduct the complainant and making torture on the complainant along with the allegation that the accused damaged the wind screen of pick-up No. B-3427

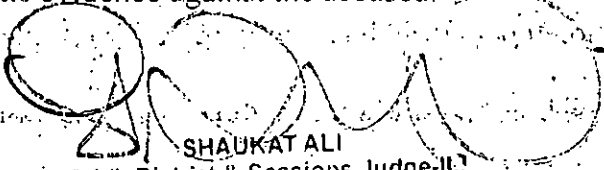
SHAIKAT ALI
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and took away tractors of one Munir Khan, Sajid Ullah (PW-02) and a mixture of one Gul Rehman. The complainant recorded his statement as prosecution witness wherein during the course of his cross examination the complainant stated that he had some dispute regarding the payment of money with the accused and his money dispute with the accused party is settled now and further stated that it is correct that he does not want to prosecute the accused any more. The complainant is the material witness of prosecution case and is not interested in the case against the accused which creates dents in the prosecution case.

The complainant alleged in the application Ex.PW-4/1 that the accused attempted to abduct him however he escaped from the spot and took refuge in house of one Khanadan where the accused entered in the said house and tortured him however he was protected by the inmates of the house from being abducted. None from the inmates of the house of Khanadan was produced as a prosecution witness to support the version of the complainant.

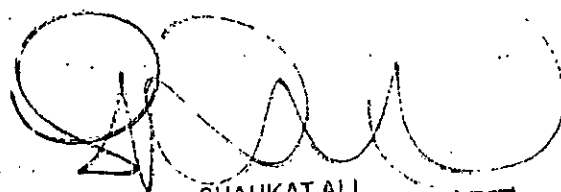
Khial Ajab (PW-01) was produced who stated in his cross examination that he is not the eye witness of the occurrence and his wife did not disclosed the specific names of the accused and other person who entered his house on the day of occurrence. The complainant alleged torture at the hands of accused however no medical report is available on file to support such allegation. The complainant stated in his cross examination that he had not gone to doctor for medical examination. The occurrence of attempt to abduct and torture allegedly took place inside the house of Khanadan but that is neither supported by the inmates of the house as prosecution witness nor by any medical evidence therefore the case of prosecution is not supported by cogent and authentic evidence against the accused.

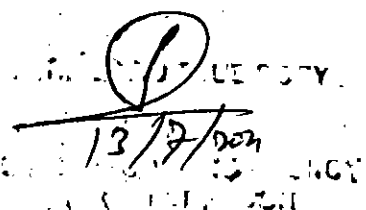

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The complainant stated in his cross examination that they started work at 8:00 a.m. and there were about 09 people working with him at that time including driver Sajid Ullah (PW-02) who is the alleged eye witness stated in his cross examination that they started working at 9:30 a.m. on the day of occurrence and they were 03 persons working on road at that time with the contractor. The complainant and eye witness Sajid Ullah also made inconsistent statement regarding the time of starting work and the number of laborers present at the alleged time of occurrence which created doubt in the prosecution case. Furthermore the complainant stated that the accused came with duty arms with Kalashnikov however the IO recorded the statement of Gul Rehman who was not produced by the prosecution as witness who has not stated before the IO that the accused were armed with fire arm weapons. The IO stated in his cross examination that he recorded the statement of Gul Rehman who had not stated in his statement u/s 161 Cr.PC that the accused were armed with fire arm weapons. No recovery of Kalashnikov has been affected from the accused therefore the version of the complainant that the accused were armed with fire arm weapon could not be believed.

The complainant submitted in his application Ex.PW-41/ that when the accused came out from the house they damaged the wind screen of pick-up own by the contractor and also took the said pick-up along with the articles and FIAT and Messi Tractors with them however during cross examination the complainant stated that he left the house of Khanadan after the accused had left the spot and further stated that he has not seen the accused breaking the glass and taking away the vehicle which negates the contents of application.



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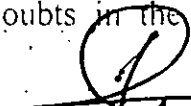

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The occurrence took place on 07-12-2019 at 9:30 hours. The complainant stated in his examination in chief that he made telephonic call to the XEN and police came to the spot but no report was made by the complainant to the police on that day and time. The complainant stated that I went to the PS and submitted a written complaint which was submitted on 08-12-2019 after an explain delay of one day. The IO stated in his cross examination that the complainant has not given the reason of his delay in his report which shows that the report was lodged after due deliberation and consultation which makes the case of prosecution doubtful. The occurrence allegedly took place on 07-12-2019 and the investigation was handed over to the IO on 11-12-2019. The IO stated that he visited the spot on 12-12-2019 and inspected the spot and prepared the site plan Ex.PB on the instance of complainant however the complainant stated in his examination in chief that on 15-12-2019 he went to the spot where the IO was present who prepared site plan on his pointation which shows that on 12-12-2019 on which the IO visited the spot and prepared the site plan, the complainant was not present with the IO which negates the spot proceeding by the IO at the instance of complainant. Furthermore no broken pieces of the glasses were recovered from the spot by the IO to confirm the venue of occurrence. The tractor and mixture was also not recovered on the pointation or from the possession of accused. The IO stated in his cross examination that he has not recovered the broken pieces of glasses from the place of occurrence and further stated that the recovery of tractor and mixture was not effected from inside the house of accused. Besides there is nothing on record that the place from where the tractor and mixture was recovered is either the ownership or possession of the accused, therefore the alleged recovery does not connect the accused with the commission of offence. There are doubts in the


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 Addl. District & Sessions Judge-II,
 Qazai at Hangu


 13/12/2019

prosecution case due to which the prosecution story could not be believed. The benefit of single doubt shall be extended to the accused as the accused is entitle to the benefit of doubt not as a matter of grace of concession but as a matter of right.

The prosecution could not bring home the guilt of the accused beyond any reasonable shadow of doubt; therefore, the accused facing trial are hereby acquitted from the charges leveled against them in the instant case by extending them the benefit of doubt. The accused are on bail, their sureties are discharged from the liability of bail bonds. Case property be dealt with in accordance with law.

File be consigned to the record room after necessary completion and compilation.

Announced
10/02/2021



(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Baber Mela.

CERTIFICATE

Certified that this judgment consists of (10) pages. Each page has been read, corrected wherever necessary and signed by me.



(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Baber Mela

CERTIFICATE
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KOHAT REGION

POLICE DEPTT:

ORDER.

This order will dispose of a departmental appeal moved by Ex-Constable Hashmat Khan of district Orakzai against the punishment order, passed by DPO Orakzai vide OB No. 1231, dated 28.12.2020 whereby he was awarded major punishment of **dismissal from service** on the allegations of his involvement in criminal case vide FIR No. 47, dated 01.12.2019 u/s 387, 511, 148, 149 PPC PS Kalaya, district Orakzai.

Comments as well as relevant record were requisitioned from DPO Orakzai and perused. The appellant was also heard in person in O.R held in this office on 16.06.2021. During hearing the appellant did not advance any plausible explanation in his defense to prove his innocence.

Above in view, the undersigned reached to the conclusion that the allegations leveled against the appellant are fully proved. The appellant was not supposed to indulge himself in such like criminal activities which can tarnish the image of Police. Therefore, in exercise of the powers conferred upon the undersigned under Rules 11-A, his appeal being devoid of merits is hereby rejected.

Order Announced
16.06.2021

Mohammad Zafar Ali
(MOHAMMAD ZAFAR ALI) PSP
Region Police Officer,
Kohat Region.

No. 9474 /EC, dated Kohat the 21-06-2021.
Copy to District Police Officer, Orakzai for information and necessary action w/r to his office Memo: No. 1048/EC, dated 19.04.2021. His Cf-Service Book & Enquiry File is returned herewith.

EC → Attached to be a true copy
Mohammad Zafar Ali
(MOHAMMAD ZAFAR ALI) PSP
Region Police Officer,
Kohat Region.
26/6/2021
WMA
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(22)

پروانہ پرائے اطلاع یابی

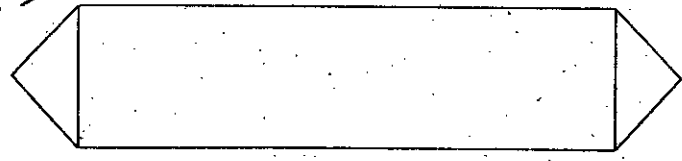
ذیل پولیس ایجنٹوں کے مختلف قسم کے فریم میں مطلوبہ
 تعداد از انڈیکسٹری فیکٹریوں کے بعد ان کو نوکری سے برخواست
 ہو چکے ہیں۔ بذریعہ پروانہ اطلاع دی جاتی ہے کہ وہ سرکاری
 سامان جو ان پر قبضہ ہو چکا ہو دفتر ہذا میں فوری طور پر جمع کریں
 اور انچارج عدلیہ کو حکم دیا جاتا ہے کہ برخواست شدہ ایجنٹوں سے
 سرکاری سامان جمع کر کے فوراً نوکری سے فارغ کریں۔ واپسی اطلاع
 دفتر ہذا کو ارسال کریں۔

Attest to be a true copy
 (Signature)

S.No	نام علم و ادارت	بھالہ نمبر	قسم	موجودہ تعیناتی
1	سیف اللہ ولد نوشیال خان	OB=1230	بیزوٹ	PP کارخان
2	احمد خان ولد سید اللہ	OB=1229	علی خیل	جیل ایجنٹ
3	ریاض خان ولد شربت خان	OB=1227A	مشتی	جج قلم
4	عبدالوہاب ولد وکیل اکبر	OB=1228	مدار خیل	جیل ایجنٹ
5	یوسف نوری ولد ملتان خان	OB=1232	دارالخیل	PP خلیج
6	صفت خان ولد علی حبان	OB=1231	مشتی	پولیس ایجنٹ
7	گل رعنا وار سید نور شاہ	OB=1234	مٹھان	پولیس ایجنٹ
8	محمد طاہر ولد عین خان	OB=1235	دارالخیل	جیل ایجنٹ

OSI, D.P.O
 RAKZAI POLICE
 11/11/2021
 اورنگزی

بعدالت جہاں سٹرووس سٹرووس لیسٹ و



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صحت کا بنام Regional Patent etc

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی وکل کاروائی متعلقہ
آن مقام مسٹاور کیلئے واجد سٹرووس خصوصاً
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب وہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

ایک طرف
دوسری طرف

Altman
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Accepted

(WA)
Qmu

سٹرووس خان طر علی خان

المرقوم 14 ماہ 7 2021

Handwritten signature

العبد گواہ العبد
مقام مسٹاور کے لئے منظور ہے۔

50 روپے

95481



پشاور بار ایسوسی ایشن، خیبر پختونخواہ

Honorable Service Tribunal KPK, Peshawar بعدالت جناب:

مخانب:	Service
	دعوی:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار ذرا فونک یا لکھے ہوئے ہوا یا اپنے ہجرت کے لئے رکھا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور ان کا ساختہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو چیز چاہے ہر جائزہ توائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پانچ دن ہونے کے لئے پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم:

کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

CNIC 81601-4802/30-1

مقام
of
accepted
by

21/12/21

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Servie Appeal No. 7069/2021

Hashmat Khan

..... Appellant

VERSUS

Regional Police Officer, Kohat & Others

..... Respondents

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S #	Description of documents	Annexure	Pages
1.	Parawise Comments	-	1-2
2.	Affidavit	-	03
3.	Copy of FIR No. 39/2019	A	04
4.	Copy of charge sheet / summary of allegations	B	05
5.	Copy of order passed by respondent No.1	C	06
7.	Authority Letter		07


Deponent

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7069/2021

Hashmat Khan



Appellant

VERSUS

Regional Police Officer, Kohat & Others

.....Respondents

PARAWISE COMMENTS BY RESPONDENTS.

Respectfully Sheweth:-

Preliminary Objections:-

- i. That the appellant has got no cause of action.
- ii. The appellant has got no locus standi.
- iii. That the appellant is estopped to file the instant appeal for his own act.
- iv. That the appeal is bad in eyes of law and not maintainable.
- v. That the appellant has not approached the honorable Tribunal with clean hands.

Facts:-

1. Correct to the extent that appellant was employee of respondent department.
2. Irrelevant, hence no comments.
3. Correct to the extent that one Habib Nawaz s/o Mehraban Khan lodged a complaint against the appellant and other wherein he alleged for extortion and kidnapping. The report was entered vide daily diary No. 8 dated 18.12.2019 in Police station lower Orakzai and an inquiry was initiated. On conclusion of inquiry proceedings, the appellant and other were found involved and on the opinion of prosecution a case FIR No. 47 dated 11.12.2019 u/s 387, 365, 511, 14 B, 149 PS Orakzai. Copy of **annexure A**.
4. Incorrect, on the above charges the respondent No. 3 initiated a regular inquiry against the appellant with appointment of DSP HQ an inquiry officer, who proceeded with in accordance with the relevant law and rules. Copy of charge sheet / statement of allegation is **annexure B**.
5. The departmental appeal of the appellant was processed by respondent No.1 and the appellant was heard in person in orderly room held on 16.06.2021, but the appeal being found devoid of merits was correctly rejected vide order dated 16.06.2021. Copy is **annexure C**.
6. Trial in criminal proceedings and departmental proceedings are distinct in nature and can run side by side. Therefore, decision of one authority

is not binding on other. Furthermore, the appellant has not been acquitted honourably by the trial court in the said case.

7. As replied in above para, the departmental appeal of the appellant was devoid of merits and correctly rejected on merit by respondent No.1.
8. The appellant has wrongly challenged the valid/legal order of respondents through unsound grounds.

Grounds:-

- A. Incorrect, the appellant along with others was directly charged by complainant for the commission of offence as detailed in the annexed FIR.
- B. Incorrect, as replied above, the appellant was directly charged for the commission of offence.
- C. Incorrect, the appellant was charged for serious offence and earned bad name to a disciplined department.
- D. Incorrect, as replied above, the appellant was proceeded departmentally by respondent No. 3 in accordance with relevant law & rules.
- E. As replied above criminal and departmental proceedings are distinct in nature and can run side by side. Thus the department is not binding of decision passed by trial court.
- F. The respondents may also be allowed to advance other grounds during the course of arguments.

Prayer:-

In view of the above, it is prayed that the appeal contrary to facts, law & rules, devoid of merits and not maintainable may graciously be dismissed with costs.



**Regional Police Officer,
Kohat
(Respondent No.1)**

**Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No.2)**



**District Police Officer
Orakzai
(Respondent No. 3)**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7069/2021

Hashmat Khan

..... Appellant

VERSUS

Regional Police Officer, Kohat & Others


..... Respondents

COUNTER AFFIDAVIT


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



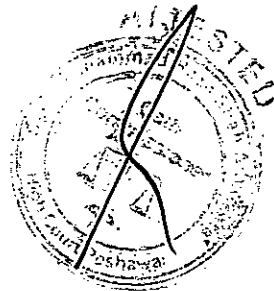
Regional Police Officer,
Kohat
(Respondent No.1)



Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No.2)



District Police Officer
Orakzai
(Respondent No. 3)



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11/12/2019

- ① Suspect
- ② Proj Stepped
- ③ case line

کے لئے اطلاع دینا اور خط لکھنا کہ ہر ماہانہ لکھنا ہے گا اور ضروری ہے کہ اس کی اطلاع کا ذکر ضروری ہے اور اگر کسی اور شخص نے اس سے متعلق کوئی اور اطلاع دی ہے تو اس کی اطلاع دینا ہے۔



ابتدائی اطلاعی رپورٹ

Better Copy

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

ضلع اورکزی

تھانہ لوئر اورکزی

7/12/2019

تاریخ

47

نمبر

۱۔ تاریخ و وقت رپورٹ	8/12/2019 وقت 9:30 بجے جا کیدگی پرچہ	11/11/2019 وقت 17:30 بجے
۲۔ نام و سکونت اطلاع دہندہ مستعیف	حبیب نواز ولد مہربان خان قوم مہشتی ضلع اورکزی	NIC 21601-5256717-7 MOB- 03039409167
۳۔ مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	PPC 387/365/511/148/149	
۴۔ جائے وقوعہ فاصلہ تھانہ اور سمت	انجالی روڈ مہشتی	
۵۔ نام و سکونت ملزم		
۶۔ کاروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو وہ بیان کرو۔	عید حصول رائے DPP صاحب مقدمہ درج رجسٹر ہوا۔	
۷۔ تھانہ سے روانگی کی تاریخ و وقت	بطور پیشیل رپورٹ	

ابتدائی اطلاع نیچے درج کرو۔

مستعیف مندرجہ خانہ نمبر 2 نے SHO صاحب تھانہ لوئر اورکزی کو ایک تحریری درخواست دیکر جو بحوالہ مد 8 روز نامچہ 08/12/2019 درج روز نامچہ ہو کر جس پر جناب DPP صاحب ضلع اورکزی بغرض قانونی رائے بھیجوا جا کر جو امر وز بذریعہ ڈاک موصول ہو کر جس پر جناب DPP صاحب نے مجرائم بالا کی قانونی رائے تحریر فرما کر پرچہ بجرم بالا چاک کر کے نقل پرچہ معہ نقل مد درخواست بغرض تفتیش انوسٹی گیشن سٹاپ کیا جاتا ہے۔ نقل مذیل ہے۔ پرچہ گزارش ہے۔

مد 8 آمد درخواست MHC مورحہ 08/12/2019 وقت 09:30 بجے اس وقت تحریری درخواست منجانب SHO موصول ہو کر جس پر جناب SHO صاحب نے تحریر فرمایا کہ درخواست درج روز نامچہ کر کے نقل مد بغرض حصول قانونی رائے جناب DPP صاحب کے خدمت میں ارسال کی جائے درخواست کا متن ذیل ہے۔

مختصر جناب SHO صاحب تھانہ لوئر اورکزی جناب عالی اگر گزارش ہے کہ سائل قوم مہشتی کا باشندہ ہے۔ سائل گورنمنٹ کنٹریکٹر ہے اور انجالی روڈ پر کا کر رہا ہے۔ مورخہ 7 دسمبر 2019 بوقت 9:30 بجے مزدور روڈ پر کام کر رہے تھے اور ان کے ساتھ من ٹھیکدار حبیب نواز ولد مہربان خان قوم مہشتی پر موجود تھا کہ اسی دوران شہمت خان ولد علی مجان قوم مہشتی چہ مایمیزی، داور خان ولد سلطان اکبر قوم مہشتی، سلام ولد گل مت خان قوم مہشتی، سلطان اکبر ولد میر جان قوم مہشتی، عرفان ولد عبدالرحمان قوم مہشتی، قلات خان ولد گل محمد قوم مہشتی اور جلال ولد لائق عرف ملنگ قوم مہشتی سکندہ بلیزی بمعہ اسلحہ کلاشنکوف آ کر سائل کو اغوا کرنے کی کوشش کی۔ لیکن سائل نے موقع سے بھاگ کر خاندان نامی شخص کے گھر میں پناہ لی۔ مذکورہ ملزمان گھر کے اندر داخل ہو کر سائل پر تشدد کر کے مارا پیٹا۔ لیکن اغوا کاری سے گھر والوں نے بچایا۔ ملزمان گھر سے باہر آ کر ٹھیکدار کی گاڑی پک اپ نمبر B8427 کا شیشہ توڑ کر بمعہ سامان اغوا کیا۔ اور اس کے ساتھ ٹریکٹر ڈریور شیر خان کا ٹریکٹر

640 ڈرا پیور ساجد اللہ

کاٹریکٹریسی 240 اور ایک تارکول پلانٹ جس کا مالک گل رحمان سکنہ چورنگی ہے اپنے ساتھ انخواہ کر کے لے گئے۔ تمام مزدوروں کو بھگا کر کے سرکاری روڈ پر کام بند کیا۔ لہذا استدعا ہے کہ سائل کے درخواست پر ہمدردانہ غور فرما کر سائل کو انصاف دلایا جائے۔ عین نواز میں ہوگی۔ العارضہ مورخہ 07-12-2019 سائل حبیب نواز ولد مہربان خان قوم مشتی موبائل نمبر 0303-9409167 شناختی کارڈ نمبر 21603-5756717-7 دستخط انگریزی حبیب نواز کاروائی تھانہ آمد درخواست حرف بحروف درج بالا ہو کر نقل بغرض حصول رائے جناب DPP صاحب ضلع اور کڑی کی خدمت میں ارسال کی جائے گی۔

جناب عالی نقل بمطابق اصل ہے۔

SHO/P.S Lower

11-12-2019

دستخط

عہدہ

DISCIPLINARY ACTION

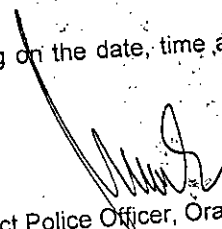
P-8
Annex "B"

I, SALAH UD DIN, District Police Officer, Orakzai as a competent authority, is of the opinion that FC Hashmat Khan s/o Ali Majan of Mishti tribe has rendered himself liable to be proceeded against on committing the following act/commission within the meaning of Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department.

STATEMENT OF ALLEGATIONS

"As per report FC Hashmat Khan s/o Ali Majan of Mishti were charge in case FIR No. 47 dated 4.12.2019 U/S 387/365/511/148/149 PPC Police Station Kalaya. This is quite adverse on his part and shows his negligence, carelessness and indiscipline attitude in the discharge of your official obligations. This act on his part is against service discipline and amounts to gross misconduct."

1. The enquiry Officers Mr. Daswar Khan DSP Hqrs Orakzai in accordance with provision of the Police Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record his finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.
2. The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

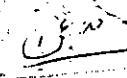

District Police Officer, Orakzai

No. 10/11 / Enquiry, dated 04/01/2020.

Copy to:-

1. The enquiry Officers for initiating proceeding against the accused under the Provision of the Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department.
2. FC Hashmat Khan s/o Ali Majan of Mishti tribe

کاپی کے لئے
مستحق



P-6
Annex C

KOHAT REGION

POLICE DEPTT:

ORDER.

This order will dispose of a departmental appeal moved by Ex-Constable Hashmat Khan of district Orakzai against the punishment order, passed by DPO Orakzai vide OB No. 1231, dated 28.12.2020 whereby he was awarded major punishment of dismissal from service on the allegations of his involvement in criminal case vide FIR No. 47, dated 01.12.2019 u/s 387, 511, 148, 149 PPC PS Kalaya, district Orakzai.

Comments as well as relevant record were requisitioned from DPO Orakzai and perused. The appellant was also heard in person in O.R held in this office on 16.06.2021. During hearing the appellant did not advance any plausible explanation in his defense to prove his innocence.

Above in view, the undersigned reached to the conclusion that the allegations leveled against the appellant are fully proved. The appellant was not supposed to indulge himself in such like criminal activities which can tarnish the image of Police. Therefore, in exercise of the powers conferred upon the undersigned under Rules 11-A, his appeal being devoid of merits is hereby rejected.

Order Announced
16.06.2021

Mohammad Zafar Ali
(MOHAMMAD ZAFAR ALI) PSP
Region Police Officer,
Kohat Region.

No. 9474 /EC, dated Kohat the 21-06-2021.
Copy to District Police Officer, Orakzai for information and necessary action w/r to his office Memo: No. 1048/EC, dated 19.04.2021. His Office Book & Enquiry File is returned herewith.

Mohammad Zafar Ali
(MOHAMMAD ZAFAR ALI) PSP
Region Police Officer,
Kohat Region.

EC

[Signature]
21/6/2021

[Signature]