

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD.

Service Appeal No. 16024/2020

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN
 MISS. FAREEHA PAUL ... MEMBER(E)

Sohrab Khan S/O Zardad Khan EX-LHC No. 562 of District Police
Abbottabad R/O House No. TC-167, Mohallah Mohammad Zai, Nawansher,
District Abbottabad.

... (Appellant)

Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

... (Respondents)

Mr. Muhammad Aslam Tanoli
Advocate

... For appellant

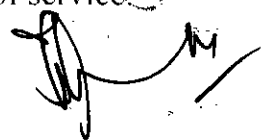
Mr. Naseer-ud-Din Shah
Asstt. Advocate General

... For respondents

Date of Institution.....17.12.2020
Date of Hearing.....20.05.2022
Date of Decision.....20.05.2022

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 23.09.2020 of District Police Officer Abbottabad, whereby the appellant had been dismissed from service and order dated 27.11.2020 of the Regional Police Officer, Hazara Region, Abbottabad whereby appellant's departmental appeal had been filed. Both the orders dated 23.09.2020 and 27.11.2020 have been impugned by the appellant with the prayer to reinstate him in service from the date of dismissal with all consequential back benefits of service.



2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was enrolled as Constable on 09.06.2005 in the Police Department. He, while posted at Police Lines Abbottabad, was involved in FIR No. 537 dated 24.12.2016 under Sections 302/324/148/149 PPC registered at Police Station Nawansher Abbottabad. Complainant party of FIR No. 537 on 24.12.2016 at 07:00 pm came to the house of the appellant, called the inmates out and started quarreling with them. In the meanwhile, they started indiscriminate firing upon the appellant and others as a result of which he was injured and caused death of some other persons also. Resultantly another FIR No. 538 dated 26.12.2016 under Sections 324/148/149 PPC got registered by the appellant at Police Station Nawansher Abbottabad. On 24.12.2016 the appellant, who was injured also, got arrested and admitted to hospital from where he was discharged on 25.02.2017 and was put in the jail till 24.03.2017 when he was released on bail. Since 24.12.2016, the appellant was placed under suspension by DPO Abbottabad, which ended on 24.10.2018 and he was assigned duty and was attached with the Model Trial Court of Magistrate at Abbottabad. During that period, on 16.01.2017, he was served with a charge sheet and statement of allegations vide No. 35/PA, by DPO Abbottabad. DSP Aziz was nominated as Inquiry Officer with the directions to submit his report within twenty-five days. Based on the findings of that report dated 21.02.2017 appellant was dismissed from service vide order dated 23.09.2020. His departmental appeal was also filed vide order dated 27.11.2020.

3. Respondents were put on notice who submitted written replies/ comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Assistant Advocate General and perused the case file with connected documents in detail.



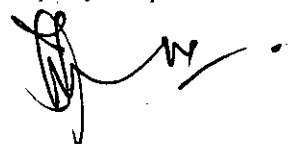
4. Learned counsel for the appellant contended that he had been dismissed from service without following the procedure i.e neither any showcause notice was issued nor the appellant had been given an opportunity of personal hearing. He further argued that the competent authority of the appellant did not wait for the final decision of the criminal case registered against him. He presented the judgment dated 22.12.2021 of the Additional Session Judge/Judge MCTC Abbottabad in case of the appellant titled State through Amanullah Khan S/O Ghulam Khan (Complainant) Vs Sohrab Khan S/O Zardad Khan and Others (Accused facing trial) in case vide FIR No. 537 dated 24.12.2016 and read out the concluding paras 17 and 18 as follows:

“17. In the given circumstances, the prosecution has failed to prove its case against the accused facing trial qua ocular account and even could not manage to establish the chain of events which could prove commission of offence by the accused facing trial beyond reasonable doubt. In the instant case the evidence so produced by the prosecution is so deficient that accused facing trial cannot be convicted on the basis thereof.

18. Resultantly, in case FIR No. 537 dated 24.12.2016 under Sections 302/324/337-D/337-F(ii)/148/149 PPC, accused facing trial namely Sohrab Khan, Sajawal Khan, Murad Khan and Safdar Khan sons of Zardad Khan, Faisal Khan son of Safdar Khan are acquitted of the charges levelled against them.”

5. The learned Assistant Advocate General relied on the reply given by the respondents and reiterated the stance that a criminal case had been registered against the appellant.

6. It is proved from record that an FIR No. 537 dated 24.12.2016 was registered against the appellant and he was put behind the bars and further stated that he was on bail since 24.03.2017. Record further reveals that disciplinary proceedings were initiated against the accused based on that FIR. It transpires from the Inquiry Report



that the appellant was not given a fair chance to present his case before the Inquiry Officer. Inquiry Report (one page) annexed with the reply indicates that neither any written statement from the appellant had been obtained nor was he given any opportunity of personal hearing. Based on the report, he was dismissed from service by the District Police Officer Abbottabad and his departmental appeal was also rejected by the Regional Police Officer, Hazara Region Abbottabad. The judgement of learned Additional Sessions Judge/Judge MCTC, Abbottabad presents an altogether different picture, wherein the appellant was acquitted of the charges levelled against him (and others). It is observed that the competent authorities of the appellant should have waited for the final outcome/decision of the court in the criminal charges levelled against him, before going to an extreme verdict of dismissal from service.

7. In view of all the record and evidence placed before us, we allow the appeal in hand and set aside the impugned orders dated 23.09.2020 and 27.11.2020 and direct the respondents to reinstate the appellant with all consequential back benefits of service. Period of his absence, if any, shall be treated as leave of the kind due. Cost to follow the event. Consign.

8. Pronounced in open court in Abbotabad and given under our hands and seal of the Tribunal this 20th day of May, 2022.



(KALIM ARSHAD KHAN)
Chairman
Camp Court Abbottabad



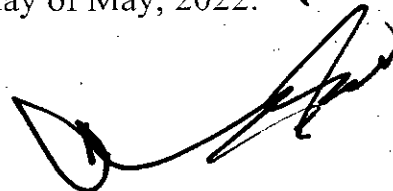
(FAREEHA PAUL)
Member (E)
Camp Court Abbottabad

Service Appeal No. 16024/2020

Mr. Muhammad Aslam Tanoli, Advocate for the appellant present.
Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgement containing 04 pages, the appeal in hand is allowed and set aside the impugned orders dated 23.09.2020 and 27.11.2020 and direct the respondents to reinstate the appellant with all consequential back benefits of service. Period of his absence, if any, shall be treated as leave of the kind due. Consign.

3. Pronounced in open court in Abbotabad and given under our hands and seal of the Tribunal this 20th day of May, 2022.



(KALIM ARSHAD KHAN)

Chairman

Camp Court Abbottabad



(FAREEHA PAUL)

Member (E)

Camp Court Abbottabad

17.02.2022

Due to retirement of the Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same before on 19.05.2022

Reader

20.05.2022

Mr. Aslam Khan Tanoli, Advocate for the appellant present. Mr. Naseer Uddin Shah, Assistant Advocate General for the respondents present.

Arguments heard. To come up for order on 20.05.2022 before D.B at camp court Abbottabad.

(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

16024/20

15.11.2021

Counsel for the appellant and Mr. Muhammad Riaz Khan Painsdakhel, Asstt. AG alongwith Shamraiz Khan, ASI (Legal) for the respondents present.

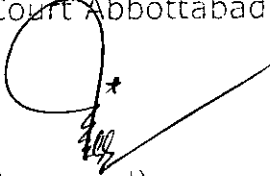
Representative of the respondents has furnished reply/comments. Placed on file. To come up for arguments on 21.12.2021 before the D.B at camp court, Abbottabad.



Chairman
Camp Court, A/Abad

21.12.2021

Appellant in person present. Mr. Shamraiz Khan, ASI alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant sought adjournment on the ground that his counsel is not available today due to strike of Lawyers. Adjourned. To come up for arguments on 17.02.2022 before the D.B at Camp Court Abbottabad.


(Mian Muhammad)
Member (E)
Camp Court A/Abad


(Salah-ud-Din)
Member (J)
Camp Court A/Abad

05.2021

Due to cancellation of tour, Bench is not available. Therefore, case is adjourned to 28.09.2021 for the same as before.

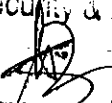

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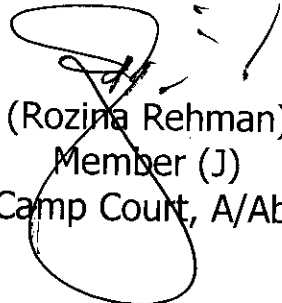
28.09.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments in the office within 10 days of the receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 15.11.2021 before D.B at Camp Court, Abbottabad.

Appellant Deposited
Security & Process Fee


5/10/21




(Rozina Rehman)
Member (J)
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

R Case No. - 16024 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/12/2020	<p>The appeal of Mr. Suhrab Khan presented today by Mr. Muhammad Aslam Tanoli 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>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>20-05-2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No...../2020

Sohrab Khan S/O Zardad Khan EX-LHC No. 562 of District Police
Abbottabad R/O House No. TC-167, Mohallah Mohammad Zai,
Nawansher, District Abbottabad. **(Appellant)**

VERSUS

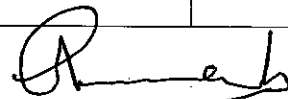
1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad **(Respondents)**

SERVICE APPEAL

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4.	Medical Treatment Record.	"D"	15-23
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Through


Appellant

M. Aslam Tanoli
(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: 17 -12-2020

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....16024/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16586

Dated 17/12/2020

Sohrab Khan S/O Zardad Khan EX-LHC No. 562 of District Police
Abbottabad R/O House No. TC-167, Mohallah Mohammad Zai,
Nawansher, District Abbottabad. **(Appellant)**

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad **(Respondents)**

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL
ACT 1974 AGAINST ORDER DATED 23-09-2020 OF THE DISTRICT
POLICE OFFICER ABBOTTABAD WHEREBY THE APPELLANT HAS
BEEN "DISMISSED FROM SERVICE" AND ORDER DATED 27-11-
2020 OF THE REGIONAL POLICE OFFICER HAZARA REGION
ABBOTTABAD WHEREBY APPELLANT'S DEPARTMENTAL APPEAL
HAS BEEN FILED.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH
THE IMPUGNED ORDERS DATED 23-09-2020 AND 27-11-2020 OF
THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND
APPELLANT BE RE-INSTATED IN SERVICE FROM THE DATE OF
DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.**

I

Respectfully Sheweth:

1. That appellant was enrolled as Constable on 09-06-2005,
thus has rendered 16 years service in the police
department. He always performed his assigned duties with
devotion, dedication and honesty to the entire
satisfaction of his officers. He was awarded
Commendation Certificates and Cash Rewards on
occasions for his tremendous services. He has meritorious
service record at his credit.

Filed to-day

Registrar

17/12/2020

2

2. That appellant while posted at Police Lines Abbottbad was wrongly and falsely involved in FIR No. 537 dated 24-12-2016 U/S-302/324/148/149 PPC registered at Police Station Nawansher Abbottabad. **(Copy of FIR dated 24-12-2016 is attached as Annexure-"A").**

3. That complainant party of FIR No. 537 was aggressive one as on 24-12-2016 at about 0700 p.m. when appellant & his other inmates were in their house. The opposite/complainant party came to their house and called them out and started quarreling with them. In the meanwhile they started indiscriminating firing upon the appellant and others which seriously injured him and also caused death of their own persons as well as that of other passengers etc. The appellant and his injured relatives were taken to hospital where he was admitted. In this regard an FIR No. 538 dated 26-12-2016 U/S-324/148/149 PPC was got registered by appellant at Police Station Nawansher Abbottabad. **If the site plan is seen/examined it will itself disclose that opposite party was aggressive and had assaulted and raided the house of appellant.**
(Copies of FIR No. 538 dated 24-12-2016 and Site Plan are attached as Annexure "B & C").

4. That on 24-12-2016, the appellant was arrested and admitted to the Hospital. On 25-02-2017 appellant was discharged from Hospital and was put into the Jail till released on bail on 24-03-2017. Thereafter appellant remained under medical treatment as out-door patient. **(Medical treatment record as indoor & outdoor patient is attached as Annexure- "D").**

3

5. That since 24-12-2016, the appellant was placed under suspension by the DPO Abbottabad. On 24-03-2020 after discharge from Hospital and release on bail the appellant remained present on duty in police lines Abbottabad. Appellant's suspension was ended and he was assigned duty from 24-10-2018. Appellant was attached to "the Model Trial Court of Magistrate at Abbottabad" where he was awarded with Commendation Certificate by the then Honorable Chief Justice of Pakistan Mr. Justice Asif Saeed Khan Khosa and Honorable Chief Justice of Peshawar High Court Peshawar Mr. Justice Waqar Ahmed Seth in appreciation of his performance rendered as Naib Court. **(Copy of Commendation Certificate is as Annexure- "E")**.
6. That during the course of admission in Hospital, the appellant was served with a charge sheet by DPO Abbottabad which was replied. But appellant now does not remember the contents of said Charge Sheet and its reply as he could not retain copies of the same. However, due to ill health & serious injuries the appellant was not in concentration of mind at that time.
7. That it is very astonishing that when appellant had performed his duties for about 04 years and without waiting the decision his criminal case from the Court of Law and also without issuing of any Show Cause Notice and affording opportunity of personal hearing he was suddenly dismissed from service by the DPO Abbottabad vide order OB No. 234 dated 23-09-2020. **(Copy of dismissal order dated 23-09-2020 is attached herewith as Annexure "F")**.

8. That the appellant is totally innocent and had wrongly and falsely been implicated in the criminal case because opposite party was aggressive and had assaulted and raided the house of appellant, and had seriously injured him along with his other inmates and passengers etc. Even then no heed was given to appellant's request and had been awarded with major penalty of dismissal from service by departmental authorities without waiting and receiving decision of criminal case from the court of law and without any cause and justification that too without conducting proper inquiry.
8. That afore mentioned order of the DPO Abbottabad was appealed against before the Regional Police Office Hazara Region Abbottabad but the same had been **filed** vide order dated 27-11-2020 and that too without giving any consideration to the grounds taken by appellant in the memo of appeal. **(Copies of departmental Appeal and order 27-11-2020 are attached as Annexure-"G & H")**, hence instant service appeal, inter alia, on the following amongst other:-

GROUND:

- a) That orders dated 23-09-2020 and 27-11-2020 of respondents are illegal, unlawful, against the departmental rules & regulation, issued in a cursory, whimsical and arbitrary manner, hence are liable to be set aside.
- b) That no proper departmental inquiry was conducted.

5

No Show Cause Notice was issued. Copy of inquiry report, if any, was also not provided to him. Even opportunity of personal hearing was not afforded to the appellant and he was condemned unheard.

- c) That according to law/verdicts of apex courts and departmental rules, the District Police Officer Abbottabad was legally bound to have waited the decision of appellant's criminal case from the Trial Court with regard to his innocence or guiltiness before passing punishment order impugned here in service appeal. Appellant has been penalized in a cursory and arbitrary manner without adhering to rules & procedure laid down by law for dispensation of justice at preliminary stages of departmental inquiries; hence impugned orders are liable to be turned down straightaway.
- d) That as he was falsely roped in FIR thus during the course of investigation appellant was not found involved in the very criminal case by the Investigation Officer due to which he has been granted bail by the Honorable Court.
- e) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken in the memo of appeal. Thus the impugned order of appellate authority is contrary to the law as laid down in Police Rules read with section 24-A of General Clause Act 1897 and Article 10A of the Constitution of Islamic Republic of Pakistan 1973.

6

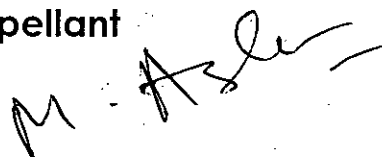
- f) That instant service appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain & adjudicate upon the lis.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service appeal order dated 23-09-2020 and 27-11-2020 of respondents may graciously be set aside and the appellant be reinstated in his service from the date of dismissal with all consequential service back benefits. Any other relief which this Honorable Tribunal deems fit and proper in circumstances of the case may also be granted.


Appellant

Through:


(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 17-12-2020

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated 17-12-2020


Appellant

7

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Sohrab Khan S/O Zardad Khan EX-LHC No. 562 of District Police
Abbottabad R/O House No. TC-167, Mohallah Mohammad Zai,
Nawansher, District Abbottabad. **(Appellant)**

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad **(Respondents)**

SERVICE APPEAL

AFFIDAVIT:

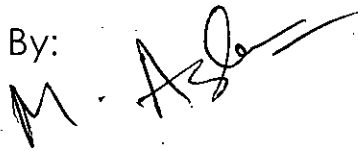
I, Sohrab Khan, appellant do hereby solemnly declare and
affirm on oath that the contents of the instant Service
Appeal are true and correct to the best of my knowledge
and belief and nothing has been suppressed from this
Honorable Service Tribunal.




Deponent/Appellant

Dated: 17-12-2020

Identified By:



Mohammad Aslam Tanoli
Advocate High Court
At Haripur


Appellant

8

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Sohrab Khan S/O Zardad Khan EX-LHC No. 562 of District Police
Abbottabad R/O House No. TC-167, Mohallah Mohammad Zai,
Nawansher, District Abbottabad. **(Appellant)**


VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad **(Respondents)**

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been
filed in this Honorable Service Tribunal or any other court prior to
instant one.



APPELLANT

Dated: 17-12-2020

9

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Sohrab Khan S/O Zardad Khan EX-LHC No. 562 of District Police Abbottabad R/O
House No. TC-167, Mohallah Mohammad Zai, Nawansher, District Abbottabad.

(Appellant)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad

(Respondents)

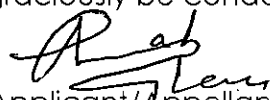
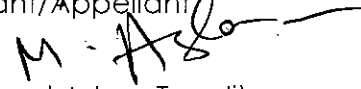
APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL BEFORE THIS HONOURABLE SERVICE TRIBUNAL.

Respectfully Sheweth:

1. That applicant/appellant has filed today Service Appeal, which may be considered as part and parcel of this application, against order dated 23-09-2020 & 27-11-2020 passed by respondents whereby departmental authorities have awarded appellant with the penalty of dismissal from service and his appeal rejected.
2. That as the orders have been passed in violation and derogation of the statutory provisions of law, rules and regulations governing the terms and condition of service of the appellant, therefore causing a recurring cause of action to the applicant/appellant can be challenged and questioned irrespective of a time frame.
3. That impugned order was passed by the respondents on 23-09-2020 and 27-11-2020 which was never responded within statutory period. The applicant/appellant had filed departmental as well as service well in time his service appeal well in time and has rigorously pursuing his case. The delay, if any, in filing departmental as well as service appeal needs to be condoned.
4. That instant application is being filed as an abundant caution for the condonation of delay, if any. The impugned orders are liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of above titled appeal may graciously be condoned.

Through:


Applicant/Appellant

(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated: 17-12-2020

VERIFICATION:

It is verified that the contents of the instant application/appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated: 17-12-2020


Applicant/Appellant

یہی حال بارہا پیش آئی ہے۔ خان صاحب نے اس بارے میں کوئی فیصلہ نہیں کیا ہے۔
انجمن کے مقصد پر اس بارے میں INVST اسٹاف کی رپورٹ دیکھ کر اس کی اطلاع دی جائے گی۔
اس بارے میں کوئی فیصلہ نہیں کیا گیا ہے۔

خان

MHC-PS-NSR
24-12-16

Ranab
Ranab

دستخط

عہدہ

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگایا جائے گا۔ اور اسے تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الف بیا ب سرخ روشنائی سے بالمقابل نام؛
ایک لزم یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں بوزوں ہوں، لکھنا چاہئے۔

12

Annex-C

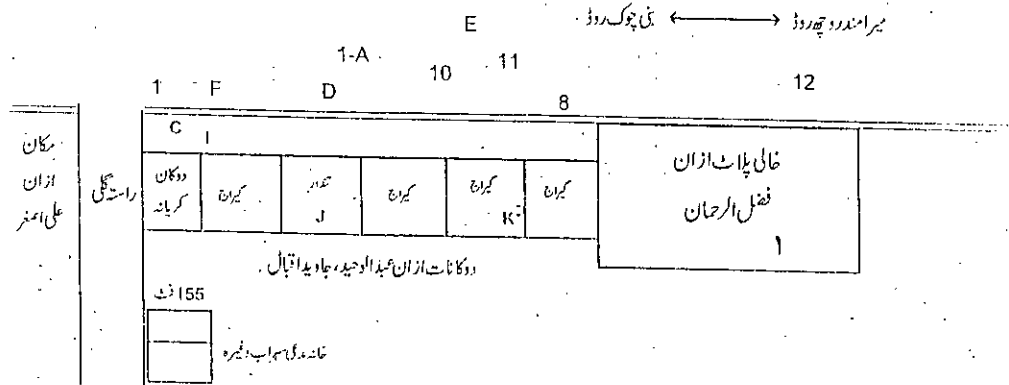
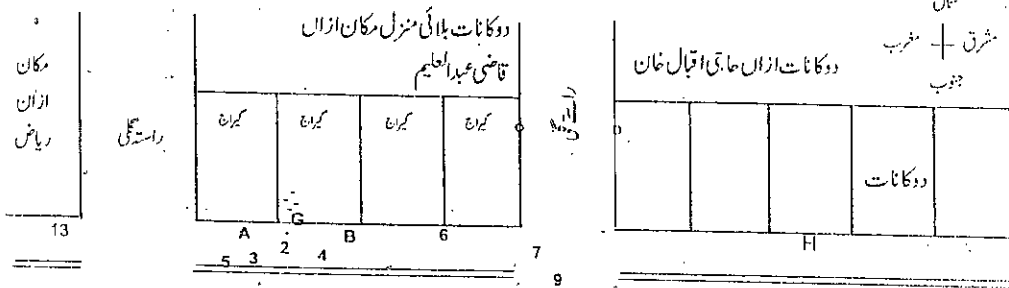
Better Copy

ضلع ایبٹ آباد

نقشہ موقع بلا سکیبل

تھانہ نواں شہر

بحوالہ مقدمہ علت نمبر 538 مورخہ 24-12-2016 ج 7 PPC 148/324 تھانہ نواں شہر



محل وقوع:-

جائے وقوع میر امیندر چھ روڈ نزد دوکانات قاضی عبدالعلیم محلہ محمد زئی نواں شہر ہے۔ جسکے جانب شمال دوکانات ازان حاجی محمد اقبال خان، عبدالعلیم ہیں جانب جنوب دوکانات ازان عبد الوحید، جاوید اقبال اور خالی پلاٹ ازان فضل الرحمن ہے شرقاً میر امیندر چھ روڈ جس پر کافی ٹریٹک چلتی ہے۔ روڈ کی چوڑائی 15 فٹ ہے روڈ کے دونوں اطراف گنجان آبادی ہے۔

تفصیل مقامات:-

مقام نمبر 1 اس مقام کو ظاہر کیا گیا ہے جہاں پر بوقت وقوع مدعی مقدمہ سہراب خان کا موجود ہونا اور اسی مقام سے مقام "A" پر پہنچ کر زخمی ہونا بیان کیا۔

مقام نمبر 1-A:-

اس مقام کو ظاہر کیا گیا ہے جہاں پر مقام 1 سے آکر اس مقام پر پہنچنا اور ملزم غلام خان کی فائر سے لگ کر زخمی ہونا بیان کیا۔

مقام نمبر 2:-

اس مقام کو ظاہر کیا گیا ہے جہاں پر بوقت وقوع سجاد خان کا موجود ہونا اور شاہد نعیم خان سے باتیں کرنا اور اسی مقام پر ملزم امان اللہ خان کا فائر کر کے زخمی کرنا بیان ہوا۔

مقام نمبر 3:-

اس مقام کو ظاہر کیا گیا ہے جہاں پر شاہد نعیم خان کی بوقت وقوع موجودگی اور اسی مقام پر امان اللہ کی فائرنگ سے لگ کر زخمی ہونا بیان کیا۔

Alister
Rana
Sla

13

Better Copy

مقام نمبر 4-

اس مقام کو ظاہر کیا گیا ہے۔ جہاں پر بوقت وقوعہ باہر خان کا موجود ہونا اور ملزم ہارون خان کی فائرنگ سے لگ کر زخمی ہونا بیان ہوا۔

مقام نمبر 5-

اس مقام پر بوقت وقوعہ مراد خان کا موجود ہونا اور ملزم سیف اللہ عرف زکی کی فائرنگ سے لگ کر زخمی ہونا بیان کیا اور رائیگر منصف کو زخمی کرنا بیان کیا۔

مقام نمبر 6-

اس مقام پر بوقت وقوعہ فیصل خان کا موجود ہونا اور ملزم حبیب اللہ کی فائرنگ سے لگ کر زخمی ہونا بیان کیا۔

مقام نمبر 7-

اس مقام کو ظاہر کیا گیا ہے جہاں سے ملزم حاجی غلام خان کا فائرنگ کر کے سہراب خان کو زخمی کرنا بیان کیا۔

مقام نمبر 8-

اس مقام کو ظاہر کیا گیا ہے جہاں پر بوقت وقوعہ ملزم امان اللہ خان کا کلاشنکوف سے فائرنگ کر کے سجاد خان شاہد نعیم خان ایک رائیگر کو زخمی کرنا بیان کیا۔

مقام نمبر 9-

اس مقام پر بوقت وقوعہ ملزم ہارون خان پٹیل 9MM سے فائرنگ کر کے باہر خان کے زخمی کرنا بیان کیا۔

مقام نمبر 10-

اس مقام پر بوقت وقوعہ ملزم سیف اللہ عرف زکی نے کلاشنکوف سے فائرنگ مراد خان اور رائیگر منصف کو زخمی کرنا بیان کیا۔

مقام نمبر 11-

اس مقام پر ملزم حبیب اللہ کا کلاشنکوف سے فائرنگ کر کے فیصل خان کو زخمی کرنا بیان کیا۔

مقام نمبر 12-

اس مقام پر بوقت وقوعہ رائیگر منصف خان کا گاڑی کیری ڈبہ میں زخمی ہونا بیان ہوا۔

مقام نمبر 13-

اس مقام کو ظاہر کیا گیا ہے جہاں پر بوقت وقوعہ رائیگر محمد ارشد کا گولی لگ کر زخمی ہونا اور بعد میں جان بحق ہو جانا بیان ہوا۔

مقام نمبر "A"

اس مقام سے بروز وقوعہ موقع سے خون دستیاب ہو کر بذریعہ روئی اٹھا کر بند پارسل کیا گیا تھا۔

مقام نمبر "B"

اس مقام سے بھی بروز وقوعہ موقع سے خون دستیاب ہو کر بذریعہ روئی اٹھا کر بند پارسل کیا گیا تھا۔

مقام نمبر "C"

اس مقام سے بھی بروز وقوعہ موقع سے خون دستیاب ہو کر بذریعہ روئی اٹھا کر بند پارسل کیا گیا تھا۔

مقام "D"

اس مقام سے بروز وقوعہ موقع سے 14 عدد دخول کا توں 7.62 بوز دستیاب ہو کر بند پارسل کئے گئے تھے۔

مقام "E"

اس مقام سے 2 عدد دخول کا توں 30 عدد روڈ کے درمیان سے دستیاب ہو کر بروئے فرد قبضہ پولیس کئے گئے تھے۔

Attested
Rashid
Tas

14

Better Copy

مقام نمبر "F"

اس مقام پر بروز وقوعہ 10 عدد دخول کارتوس 9MM دستیاب ہو کر بند پارسل کئے گئے تھے۔ اور اسی مقام پر بروز وقوعہ 2 عدد سکہ گولی چھٹی ہوئی دستیاب ہو کر بند پارسل کئے گئے تھے۔

مقام نمبر "G"

اس مقام سے دوکانات کے باہر گالبل بجلی 100 وارڈ قبضہ پولیس کیا گیا ہے۔

مقام نمبر "H"

اس مقام پر دوکان کرمانہ کے باہر سے بلب بجلی 100 وارڈ قبضہ پولیس کیا گیا تھا۔

مقام نمبر "I"

اس مقام دوکان تندور کے اندر گالبل بجلی 100 وارڈ قبضہ پولیس کیا گیا ہے۔

مقام نمبر "K"

اس مقام سے دوکان کے اندر سے چھٹی ہوئی سکہ گولی دستیاب ہو کر قبضہ پولیس کی گئی تھی۔

نوٹ:-

مقام "A", "B", "C", "D", "E", "F", "G" مورخہ 24.12.2016 کو موقع پر دستیاب شہادت قبضہ پولیس کر کے خاکہ برآمدگی موقع میں نام دیئے جا کر قبضہ پولیس کئے گئے تھے اس وقت وقوعہ پر مدعی اگواہاں دستیاب نہ تھے۔

تفصیل فاصلہ جات:-

مقام مقام نمبر 1 تا مقام نمبر "A-1" کے درمیان فاصلہ 18 فٹ ہے۔

مقام نمبر 1 تا 2 کار میابی فاصلہ 16 فٹ ہے۔

مقام نمبر 1 تا 3 // // 16 // //

مقام نمبر 1 تا 4 // // 17 // //

مقام نمبر A-1 تا // // 14 // //

مقام نمبر 2 تا 8 // // 21 // //

مقام نمبر 3 تا 8 // // 22 // //

مقام نمبر 4 تا 9 // // 17 // //

مقام نمبر 5 تا 10 // // 19 // //

مقام نمبر 6 تا 11 // // 12 // //

مقام نمبر A-1 تا 13 // // 60 فٹ // //

وقوعہ والے مقام سے مدعی وغیرہ کا مکان 155 فٹ ہے۔

نقشہ حسب نشانہ مدعی مقدمہ سہراب خان ATH ہسپتال سے زیر حسرت لاکر موقع کی نشانہ ہی پر نقشہ موقع بلا سکیل مرمت کر کے

شامل مثل کیا جاتا ہے۔

SD/-
MSP OII PS N/Sher
06-1-17

Attest
Rashid
Das

MLC Case: 1096/16



آرٹھوپڈک وارڈ "بی"

شعبہ فیزی، جیڑ، پشاور

ایوب میڈیکل کیمپس ایبٹ آباد

انچارج ایسوسی ایٹ پروفیسر

ڈاکٹر عالم زیب خان سواتی

ایم بی بی ایس، ایم سی بی ایس

ایم ایس (آرٹھو)، ایف سی بی ایس (آرٹھو)

اسسٹنٹ پروفیسر

ڈاکٹر محمد شمیم

ایم بی بی ایس، ایم سی بی ایس

ایف سی بی ایس (آرٹھو)

[Handwritten signature]

ایم ایس (آرٹھو)

سینئر ایسوسی ایٹ پروفیسر

مریض کا نام: عزیز خان

عمر: 35 سال جنس: مرد

پتہ: ایبٹ آباد

تاریخ داخلہ: 25/12/2016 تاریخ نکلنے: 25/12/2017

ایبٹ آباد میڈیکل کیمپس

Acute tendon sec to FAT

Modified Kessler Repair

دوا اور طبی علاج

کونسلنگ کا وقت: 9:00 بجے آئیں

ایم ایس ڈی۔ سید محمد سعید

گھر کے لیے علاج

Can. Naloxon 50mg

ایک گولی روزانہ

Tab. Zexpan 600mg

ایک گولی روزانہ

Tab. Pulex 20mg

ایک گولی روزانہ

Tab. Ostipro K

ایک گولی روزانہ

Tab. Eskem 40mg

ایک گولی روزانہ

Refer to Plastic Surgeon
Hayat Abad Medical Complex
Peshawar

کنسلٹنگ کا وقت

ٹریٹمنٹ کیلئے آفیسر ایبٹ آباد

15

Annex-1

[Handwritten signature]

Follow up Plan

تعمیراتی برائے مریض:

اگر آپ کے مریض کو پلستر لگا ہوا ہے تو مندرجہ ذیل چیزوں کا خیال رکھیں۔ اگر پلستر ٹاپٹ ہونے لگا ہو اور اس میں سوجن ہو جائے یا بہت زیادہ درد ہو یا انگلیاں نیلی ہو جائیں تو فوراً ہسپتال آئیں یا ڈاکٹر سے رجوع کریں۔ اگر یہ درد مزید بگڑے یا پلستر ٹاپٹ ہو جائے تو فوراً ہسپتال آئیں۔

Patient had right achilles tendon rupture secondary to c/c trauma injury. After serial debridement and wound wash the tendon repaired by modified Kessler technique. Wound was partially sutured but some portion of tendon remained exposed due to soft tissue loss. After serial debridement done but the tendon needs soft tissue cover/graft/flap. For this purpose he is hereby referred to plastic surgeon for further management.

Dr. [Signature] - [Signature]
[Signature] - [Signature]

مریض جس ہسپتال سے ریفر ہو کر آیا:

Patient came dragged by himself to

تعمیراتی برائے مریض:

Hb: 13.2 gm TLC: 14,600 PLT: 2,31,000

HBSAg: Negative Anti HCV: Negative Blood Gp: O pos

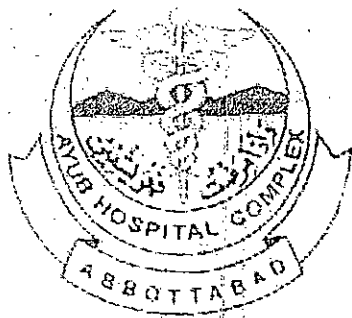
ہسپتال میں علاج:

- Inj. A-Bact 1gm IV BD
- Inj. R/I 11 IV BD
- Inj. Amikay IV 500mg BD
- Inj. Velosef IV 1gm TDS
- Inj. Tramal + metomidate IV TDS
- Inj. Dicloran 1M 75mg BD
- Inj. Zantac IV 50mg TDS

[Signature]

16

AYUB TEACHING HOSPITAL ABBOTTABAD



TO WHOM IT MAY CONCERN

Mr. Sohrab Khan 35 year old was admitted on 24/12/2016 in Orthopaedic B Ward, with rupture of Right Achilles tendon due to Firearm injury, he was shifted to Surgical A Unit on 31/01/2017 for abdominal pathology, as his right Achilles Tendon is Exposed and fracture of posterior calcaneum, and wound is infected, the patient will need referral to Hayatabad Medical Complex Peshawar for plastic surgery management.

08/02/2017.

Hayzeb Khan

Dr. Alamzeb Khan Swati,
Associate Prof & Incharge Orthopedic B Unit,
MTI Ayub Teaching Hospital, Swat
Abbottabad

DR. ALAMZEB KHAN SWATI
MBBS, MCh, FRCS (Ortho)
ASSISTANT PROFESSOR OF ORTHOPEDICS
Ayub Medical College, Abbottabad

Accepted

R. Khan



AYUB TEACHING HOSPITAL
ABBOTTABAD

Accident & Emergency Department

Website: www.ath.gov.pk, Online Complaint: www.cm.ath.gov.pk

17



Book No. 7036

S. No. 53

Patient Name: SOHRAB KHAN	Patient ID: K0400003840011
Patient Sex: Male	Patient Yearly No:
Patient Age: 35 Year(s)	Patient Date & Time: 08-05-2017 19:17:52
Address:	OPD:
Amount: 70.00	Computer Operator: EAR CLINIC - OPD

This patient has got ruptured

TA right side secondary to

RAI approx. 4 miles ago.

Initially wound debrided.

was done. Later on TA

was repaired.

Now the foot is in

equus and TA is exposed

Plan to ~~wound~~ cover the

TA. Part is being repaired to

plastic bag.

Dr. M. Shoaib Zardad
MBBS-MCPS-RCPS
Asst. Prof. Orthopaedic Ward A
Ayub Medical Complex

In case of any complaint register on: www.cm.ath.gov.pk
Official website: www.ath.gov.pk
E-mail: info@ath.gov.pk PABX: 0992-381907-14
Face book: www.facebook.com/athabbottabad

Attested
Rashid
T. L.



AYUB TEACHING HOSPITAL ABBOTTABAD



FILTER OUTPATIENT DEPARTMENT

18

5921

051

B.Code No: _____	S.No: _____	Book No: _____
Patient Name: SOHRAB KHAN	M.R No: K0400000265640	
Patient Sex: Male	Patient Yearly No: _____	
Patient Age: 35 Year(s)	Date & Time: 11-04-2017 11:09:42	
Address: _____	O.P.D: ORTHOPEDIC-B - OPD	
Amount: 10.00	Computer Operator: K0460000001558	

All
 Achilles tendon rupture
 Sec to FAI
 Deferred leister repair

- Infected wound post op (R)
 Achilles repair - 3 months old
 D/E Infected rough over wound
 slight granulation tissue

Stop Antibiotics.

Daily Dressings, Do c/s of wound
 rough after 72 hrs

Then re-start Antibiotics

AA
 Lyphile 1st
 next 9w 5x weekly
 Dr. M. Shoab Zardad
 MBBS-MPDS-RCPS
 Asstt. Prof. Orthopaedic Ward A
 Ayub Medical Complex

Review after c/s report

Dr. M. Shoab Zardad

BRIG DR

Aziz Saleem Khan

MBBS
FCPS (SURGERY)
OJT, ORTHO (ARTHROPLASTY) AUSTRALIA
FCPS (Ortho)

ASST PROF. ORTHOPAEDIC

Consultant Orthopaedic Surgeon
C.M.H. ABBOTTABAD.



19

بریگیڈ میڈیکل
اعزاز سلیم خان

ایم بی بی ایس
ایف سی پی ایس (سرجری)

اوسے ٹی، آر تھو (آر تھو پلاسٹی) آسٹریلیا
ایف سی پی ایس (آر تھو)

اسسٹنٹ پروفیسر آر تھو پیڈیک سرجری
ماہر امراض ہڈی، جوڑے، پٹھے، کمر، پولیو پیڈیاٹری امراض

06 APR 2017

Sahiba

35y

CSW
TA Sufiana
Repair civil
Foot
03 months

1) 25 / 40 B allowed
2) TB related foot
3) 10 + 10 x 6 cm

- 3) روزانہ سہ ماہی دہائی
- 4) Polyfa treatment
- 5) Ondinaps benzoyl

Brigadier
AZIZ SALEEM
MBBS, FCPS, OJT, OJT
Asst. Professor Orthopaedics
CMH Abbottabad

Attest
Rashid
Tahir

For Appointment
0335-9737073.



AYUB TEACHING HOSPITAL
ABBOTTABAD

Accident & Emergency Department

Website: www.ath.gov.pk, Online Complaint: www.cm.ath.gov.pk



Book No. 6588

S. No. 081

Patient Name: SOHRAB KHAN

Patient Sex: Male

Patient Age: 35 Year(s)

Address: 35 Year(s)

Amount: 10.00

Patient ID:

Patient Yearly No: K0400000236638

Patient Date & Time:

OPD: 30-03-2017 09:43:48

Computer Operator: EAR CLINIC - OPD

K0460000001120

Kulles

*Post OP R Patient Tendon
Repair*

*Presented with infected wound at
surgical site.*

AD dressing

*Referred to PIRC
for treatment*

For [Signature] AFO

*Dr. M. Shoaib Zardad
MBBS-MCPS-RCPS
Asst. Prof. Orthopedic (Ward-A)
Ayub Medical Complex*

*#JusticeFor_Dr Faisal
[Signature] FOGS
All Doctors Association ATH*

In case of any complaint register on: www.cm.ath.gov.pk
Official website: www.ath.gov.pk
E-mail: info@ath.gov.pk PABX: 0992-381907-14
Face book: www.facebook.com/athabbottabad

*Wenger
30/3/17
[Signature]
[Signature]*

Tab Nerzil bonf

171

Tab Bonfu 400ml
5 P 1 P 1

50

2

Tab Ciprain bonf

Cal

28/3/17

28/3/17

R. Sub
Tan

PLASTIC SURGERY DEPARTMENT
CMH RAWALPINDI



Colonel

Muhammad Rizwan Aslam

MBBS, FCPS (PLASTIC SURGERY) FCPS (SURGERY)

ASSISTANT PROFESSOR

CONSULTANT PLASTIC & RECONSTRUCTIVE SURGEON

Head of Department

Advisor Burns & Plastic Surgery

CMH, Rawalpindi

Lt. Col.

Rao Saood Ahmed

MBBS, FCPS (Surg), FCPS (Plastic)

Assistant Professor Classified Burn,

Cosmetic, Plastic & Hand Surgeon

CMH, Rawalpindi.

28/6/17
21

Sound

Small flap +
TA lengthening
14/6/17

Tab - kinkid
sounding 1+1

Tab - normal
sounding 1+1

Cap - Ribell sound
ver. / 07 days

[Handwritten signature]

[Handwritten signature]

PLASTIC SURGERY DEPARTMENT
CMH RAWALPINDI



Colonel
Muhammad Rizwan Aslam
MBBS, FCPS (PLASTIC SURGERY) FCPS (SURGERY)
ASSISTANT PROFESSOR
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Head of Department
Advisor Burns & Plastic Surgery
CMH, Rawalpindi

Lt. Col.
Rao Saood Ahmed
MBBS, FCPS (Surg), FCPS (Plastic)
Assistant Professor Classified Burn,
Cosmetic, Plastic & Hand Surgeon
CMH, Rawalpindi.

29/10/17
22

Solman

Flap su
craft +

ADU

- Tab - Ciprin Sounq 1+1

- Tab - Voltal Sounq 1+1

OT
USU

Polyfer sint

OT

29/10/17

[Handwritten Signature]

[Handwritten Signature]
7/11/17

- Sterilin tulle

- CPE eye ointment

- Surgical gauze

- crepe Bandage

PLASTIC SURGERY DEPARTMENT
CMH RAWALPINDI



Colonel
Muhammad Rizwan Aslam
MBBS, FCPS (PLASTIC SURGERY) FCPS (SURGERY)
ASSISTANT PROFESSOR
CONSULTANT PLASTIC & RECONSTRUCTIVE SURGEON
Head of Department
Advisor Burns & Plastic Surgery
CMH, Rawalpindi

23

Lt. Col.
Rao Saood Ahmed
MBBS, FCPS (Surg), FCPS (Plastic)
Assistant Professor Classified Burn,
Cosmetic, Plastic & Hand Surgeon
CMH, Rawalpindi.

14/7/17

Sohrab Khan

wound ankle -

TA - lengthening and
swal flap was done

wounds are all healing
Foot plantigrade

PTC on crutches

Now wt bearing
Daily 150

Rec. 2 month medical leave

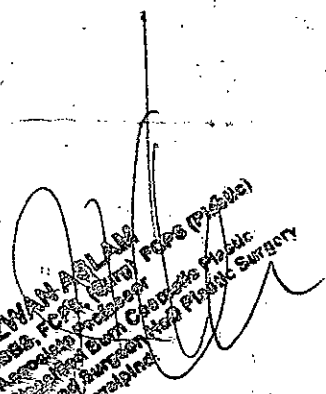
Col
RIZWAN ASLAM
MBBS, FCPS (Surg), FCPS (Plastic)
Assistant Professor
Classified Burn, Cosmetic, Plastic
& Hand Surgeon CMH Rawalpindi

22/8/17

Tab. Nims 100mg
1 P1.

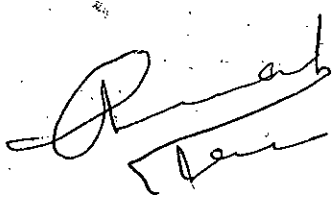
Tab. Zegab 80mg
1 P1.

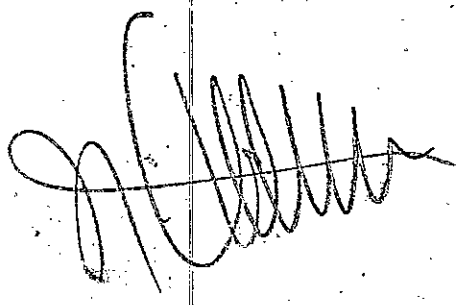
02
15/17


DR. RIZWAN ALAM
MBBS, FCPS (Gen) FICS (Paed)
Associate Professor
Chief of Staff (General Public
& Maternity) and Public Surgery
GHM Rawalpindi

17/8/17

Mycitracin oint (01)

Attested




Annex-E

24



APPRECIATION CERTIFICATE

Expeditious Justice Initiative (EJI)
Naib Court (NC) / Model Trial Court (MTC) / Model Trial Magistrate Court (MTMC)

Handwritten signatures and initials

The Honorable Chief Justice of Pakistan, Mr. Justice Asif Saeed Khan Khosa and
The Honorable Chief Justice of Peshawar High Court, Peshawar,
Mr. Justice Waqar Ahmad Seth are pleased to award this certificate to

In appreciation of performance rendered as
Naib Court to Model Trial Magistrate Court, Abbottabad

Signature of the awarding authority



ORDER

25

Annex F

This office order will dispose of the departmental enquiry against LIIC Sohrab No. 562. He while posted at Police Lines found involved in criminal case vide FIR No. 537 dated 24-12-2016 u/s 302/324/148/149 PPC PS Nawanshahr.

He was issued with Charge Sheet along with statement of allegations. Mr. Aziz Khan DSP Investigation Abbottabad was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein allegations have been proved against delinquent official. He was summoned to appear in Orderly Room on 17-09-2020. He was given a patient hearing but he had nothing plausible to state in his defence.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, Yasir Afridi, PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the minor punishment of Dismissal from service with immediate effect.

Order announced.

OB No. 239

Dated 23-9-20

District Police Officer
Abbottabad

CC.

1. Pay Officer DPO Office Abbottabad.
2. Establishment Clerk, DPO Office Abbottabad.
3. OHC DPO Office Abbottabad alongwith Enquiry containing 27 pages for completion of record

Handwritten signatures and initials

26

Annex-9
جناب عالی!

گزارش ہیکہ سائل مورخہ 24/12/2016 میں تھانے نواں شہر کی حدود میں ایک کراس
مقدمہ میں پھنسا یا گیا ہے جو مقدمہ عدالت میں زیر سماعت ہے۔ DPO صاحب ایبٹ آباد نے اس
ضمن میں محکمانہ انکوائری کا حکم صادر کیا۔ اسی دوران سائل پولیس لائن ایبٹ آباد میں اپنی سرکاری
ڈیوٹی سرانجام دیتا رہا۔ اور عرصہ چار سال کے بعد دوران پیشگی جناب DPO صاحب مجھے محکمہ سے بر
خواست کیا۔

بذریعہ درخواست ہذا افسران بالا سے التماس کرتا ہوں کہ میں ایک غریب آدمی ہوں اور
عزت دار اور شریف گھرانے سے تعلق رکھتا ہوں۔ چھوٹے چھوٹے بچے ہیں۔ اور یہ کہ میں نے کبھی بھی
اپنی سرکاری ڈیوٹی میں کوئی غلطی کوتاہی یا غفلت نہ کی ہے۔ سائل پر رحم کر کے دو پارہ محکمہ پولیس میں بحالی کا
حکم صادر فرمائیں۔ سائل آپکا تاحیات مشکور اور دعا گو رہے گا۔

العارض

سہراب خان

LHC-562

Mob No.0333-5502443

سہراب خان
R.P.O



27

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 31211 /PA DATED 27 / 11 /2020


ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. LHC Shorab Khan of District Abbottabad against the punishment order i.e. *Dismissal from Service* awarded by DPO Abbottabad vide OB No.234 dated 23.09.2020.

Brief facts leading to the punishment are that the appellant while posted at Police Lines, Abbottabad involved himself in a criminal case vide FIR No.537 dated 24.12.2016 u/s 302/324/148/149 PPC PS Nawansher.

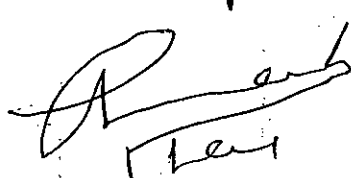
The appellant was issued charge sheet alongwith summary of allegations and DSP Investigation, Abbottabad was deputed to conduct departmental enquiry vide Endst. No. 35/PA dated 16-01-2017. The EO held the appellant responsible of misconduct vide Memo No. 12/Reader dated 21-02-2017. The appellant was heard in person, however he failed to advance any cogent reason in his defence. Consequently, DPO Abbottabad awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the official in OR and heard him in person. However, he failed to advance any convincing reason in his defence. In addition to this, it is evident from the relevant record that the official deliberately involved himself in a criminal offence despite been part of a disciplined force. The misconduct on the part of the official was not only proved through departmental enquiry but also during course of investigation. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed* with immediate effect.


Qazi Jamil ur Rehman (PSP)
REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 31212 /PA, dated Abbottabad the 27 - 11 /2020.
CC.

1. The District Police Officer, Abbottabad for information and necessary action with reference to his office Memo No.4640/Legal dated 02-11-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.





DBA.No: _____

201

S.No: 89668

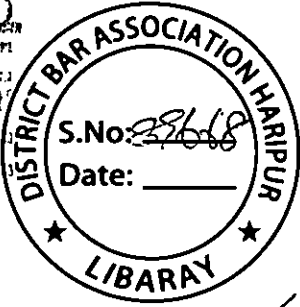
BC No: _____

Name of Advocate: _____

محمد اعظم تری

وکالت نامہ

ڈی۔ پی۔ اے



بعدالت: _____
 عنوان: _____
 منجانب: _____
 نوعیت مقدمہ: _____
 باعث تحریر آنکھ: _____

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیقہ مقدمہ بمقام ایس ایچ اے کے لیے

کو حسب ذیل شرائط پروکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا معائنہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختمہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور سرتم کار و پیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس کے ثالثی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے میر و نجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا قرتی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: 17. 1. 2020 دن 17. 1. 2020 سال

محمد اعظم تری

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD.**

SERVICE APPEAL NO. 16024/2021.

Sohrab Khan Ex-LHC No. 562, District Abbottabad

....APPELLANT.

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

....RESPONDENTS.

Parawise comments on behalf of Respondent.

INDEX

S. No.	Detail of Documents	Annexure	Page No.
1	Reply	-	1 to 3
2	Affidavit	-	4
3	List of bad entries:	"A"	5
4	Report of Investigating Officer.	"B"	6 & 7
5	Copy of charge sheet & Statement of allegations	"C & C-1"	8 & 9
6	Copy of Inquiry report.	"D"	10
TOTAL			10 Pages


Deputy, SP Legal,
Abbottabad.

P-1

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR CAMP COURT, ABBOTTABAD.**

SERVICE APPEAL NO. 16024/2021.

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VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad

....RESPONDENTS.

Para-wise Comments by Respondents:-

Respectfully Sheweth;

PRELIMINARY OBJECTIONS:-

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct to file the instant appeal.
3. That the appellant has not come to the Hon'ble Tribunal with clean hands.
4. That the appellant has suppressed material facts from the Hon'ble Tribunal.
5. That the instant Service Appeal is not maintainable for non-joinder/ miss-joinder of necessary and proper parties.
6. That the instant Service Appeal is barred by law and limitation.

ON FACTS:-

1. Pertains to service record of appellant. The performance of appellant during service was not up to the mark. (List of previous bad entries/punishment is attached as Annexure "A").
2. Incorrect, appellant was directly charged as accused in case vide FIR No. 537 dated 24.12.2016 u/s 302/324/148/149 PPC of PS Nawansher owing to his involvement in the instant case. (Copy of report of I.O is attached as Annexure "B").
3. Pertains to record of criminal case and investigation conducted by I.O.
4. Pertains to record of criminal case and court record.

5. Pertains to record.
6. The plea of the appellant has no legal value. Respondents have dealt the appellant in accordance with law/rules.
7. Incorrect, appellant was issued charge sheet with statement of allegation, proper departmental enquiry was conducted in accordance with law/ rules and he was dismissed from service after fulfillment of all codal formalities. (Copies of Charge sheet and statement of allegation are attached as Annexure "C & C-1").
8. Incorrect, appellant was directly charged as accused in case vide FIR No. 537 dated 24.12.2016 u/s 302/324/148/149 PPC of PS Nawansher, owing to his involvement in the instant case, he was issued charge sheet with statement of allegation, proper departmental enquiry was conducted in accordance with law/ rules and he was dismissed from service after fulfillment of all codal formalities. (Copy of enquiry report is attached as Annexure "D").
9. Department appeal of appellant was devoid of legal force and rejected with cogent reasons by the appellate authority.


ON GROUNDS:-

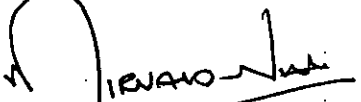
- a. Incorrect, both the mentioned orders are based on facts, justice, and in accordance with law/ rules and no violation of any article of the Islamic Republic of Pakistan has been committed while dealing with the appellant by the respondents.
- b. Incorrect, proper departmental inquiry was conducted and all opportunities of defence and personal hearing were afforded to the appellant during course of inquiry.
- c. Incorrect, the respondent No. 03 exercised his power as per law/ rules and no violation of any provision of the General Clauses Act and Constitution of Islamic Republic of Pakistan 1973 have been violated by the respondents while dealing with the appellant departmentally.


- d. Incorrect, as explain above, appellant was directly charged in FIR by the complainant and he found responsible during investigation conducted by I.O.
- e. Incorrect, as explain in Para No 09 of facts and barred by law/rules.
- f. Incorrect. Appeal is not maintainable.

PRAYER.

In view of above, it is most humbly prayed that the instant service appeal does not hold any legal force, barred by law and may graciously be dismissed with costs please.


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


Regional Police Officer,
Hazara Region, Abbottabad.
Respondent No.2)


District Police Officer,
Abbottabad.
Respondent No.3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD.

SERVICE APPEAL NO. 16024/2021.

Sohrab Khan Ex-LHC No. 562, District Abbottabad

....APPELLANT.

VERSUS


1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

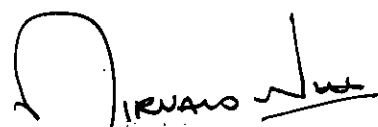
....RESPONDENTS.

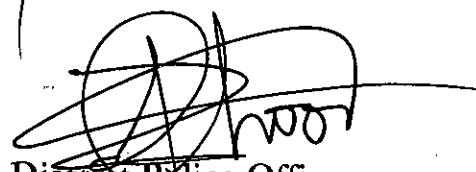
AFFIDAVIT.

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

Submitted please.


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


 Regional Police Officer,
 Hazara Region, Abbottabad.
 Respondent No.2)


 District Police Officer,
 Abbottabad.
 Respondent No.3)

PUNISHMENT RECORD OF EX-CONSTABLE SOHRAB KHAN NO.562DATE OF ENROLMENT: 09-06-2005

S. No	Charge	Punishment Awarded
1.	01 day absented	Leave without pay
2.	01 Absented	Warning
3.	01 absented	Fine RS 50/-
4.	01 absented	Warning
5.	03 days absented	03 days leave without pay
6.	01 day absented	Warning
7.	1 day absented	Warning
8.	01 day absented	01 day leave without pay
9.	06 day absented	06 day leave without pay
10.	Absented from Polio Duty	Fine Rs 1000/-
11.	Involved in case FIR No.537 dated 24-12-2016 U/S 302/324/148/149 PPC	Dismissal from Service
12.	Total Absented Days =16 days	


For Establishment Clerk

تھانہ نواں شہر

ضلع ایبٹ آباد

پراگرس رپورٹ

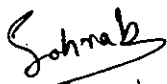
بحوالہ مقدمہ عدلت 537 مورخہ 24-12-2016 جرم PPC302/324,148,149 تھانہ نواں شہر
 بزرگیہ: امان اللہ خان ولد غلام خان قوم پٹھان ساکنہ محلہ محمد زئی نواں شہر
 نام: بابر خان ولد صفدر خان قوم پٹھان ساکنہ محلہ محمد زئی نواں شہر
 فیصل ولد صفدر خان قوم پٹھان ساکنہ محلہ محمد زئی نواں شہر
 صفدر ولد زرداد خان قوم پٹھان ساکنہ محلہ محمد زئی نواں شہر
 سہراب ولد زرداد خان قوم پٹھان ساکنہ محلہ محمد زئی نواں شہر
 سجاد ولد زرداد خان قوم پٹھان ساکنہ محلہ محمد زئی نواں شہر
 مراد خان ولد زرداد خان قوم پٹھان ساکنہ محلہ محمد زئی نواں شہر مع 4/5 نامعلوم ملزمان
 جناب عالی!

مدعی مقدمہ نے بحالت مضروبیت بشمول مضروبان احسان اللہ، عطا اللہ اور حقیقی والد غلام خان نقش ہائے
 شاہد فقیم خان بہنوئی، راہ گیر ارشد مضروب منصف اور ایک عورت کے ایمر جنسی وارڈ ATH میں رپورٹ کی کہ میرا والد
 اسی غلام خان اور برادر ام عطا اللہ برائے ادنیٰ نماز عشاء جارہے تھے کہ مسمیٰ فیصل ولد صفدر ساکنہ دیہ بسواری چپ آیا والد
 برادر ام کو مسجد جاتے دیکھ کر یکے بعد دیگرے تیز رفتاری سے دوڑنے لگے جب والد صاحب اور برادر ام مندر و چھروڑو نزد
 دور پہنچے تو مذکورہ فیصل نے ان کے ساتھ تلخ کلامی شروع کر دی شور کی آوازیں کر میں بھی والد ام کی طرف گیا اسی دوران
 وہی ام شاہد فقیم خان برادر ام حبیب اللہ عرف آغا خان، احسان اللہ جو کہ ایک شادی سے واپس گھر آ رہے تھے اسی اثناء میں
 سیان سہراب خان، سجاد خان، مراد خان پسران زرداد خان، بابر ولد صفدر خان ساکنان دیہ معہ 4/5 اشخاص اسم و مسکن
 نامعلوم مسلح اسلحہ اٹھائیں آئے فیصل مذکور نے اسلحہ اٹھائیں نکالا اور ہم سب پر اندھا دھند فائرنگ شروع کر دی جن کی فائرنگ
 میں، والد ام غلام خان برادر ام عطا اللہ، احسان اللہ، بہنوئی شاہد فقیم خان ایک راہ گیر اسم و مسکن نامعلوم ایک عورت
 نامعلوم منصف ولد نامعلوم مذکوران کے اندھا دھند فائرنگ سے مختلف جگہوں سے زخمی ہوئے ایک راہ گیر ارشد اور شاہد فقیم
 ام عطا اللہ زخموں کی تاب نہ لا کر جان بحق ہو گئے۔

واقعہ ہذا اپنے علاوہ اور برادر ام احسان اللہ، حبیب اللہ، سیف اللہ و دیگر لوگوں نے پچھم خود دیکھا وجہ عدوات
 یوں کی کراسنگ بتلایا ایس ایچ او صاحب نے نقش ہائے کے فرد صورت حال نقشہ ضرر، مضروبان کے نقشہ ضرر مرتب کر
 والد ڈاکٹر صاحب کیے مراسلہ تیار کر کے ارسال تھانہ کیا فدا محمد اسپیکر Oll نے تفتیش کرتے ہوئے موقع سے خون،
 قبضہ پولیس کر کے فرد مرتب کیا مضروبان کے پارچات، نقش مقتولین کے پرچہ قبضہ پولیس کر کے مال مقدمہ FSL
 یا مقدمہ میں ملزمان سہراب خان، سجاد، مراد پسران زرداد بابر خان فیصل خان پسران صفدر خان کو گرفتار کیا جو داخل

ہسپتال میں ملازمت کا عہد نامہ سے مشروط ریٹائرمنٹ جو ڈیٹیل حاصل کیا مقدمہ میں ملازم صفدر ولد زرداد نے عدالت سے عبوری ضمانت کروالی ہے مدعی کی صحت یابی پر نقشہ موقعہ بلا سکیل مرتب کیا مقدمہ میں جملہ 6 ملازمان گرفتار ہو چکے ہیں 5 ملازمان تا حال داخل ہسپتال ATH ہیں جب کہ ملازم صفدر خان نے BBA کروالی ہے جس کی تاریخ 2017-2018 مقرر ہے 5 ملازمان کا ہسپتال سے ڈسچارج ہونے پر مزید کارروائی عمل میں لائی جائے گی مقدمہ میں ایک سوزو کی جیب نمبر B5390 بھی قبضہ پولیس ہو کر ایک ضرب پستل میں بور آلہ فائر بھی برآمد کیا گیا ہے پراگرس رپورٹ مرتب ہو کر گزارش ہے۔



OIL PS Nawasher

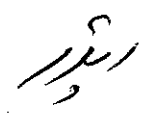


562 سہراب خان بند
مقبضہ پولیس اسٹیشن ضلع امیہ آباد
حرم 02/02/07

CHARGE SHEET

- 1). I, Muhammad Khurram Rashid (PSP), District Police Officer, Abbottabad as competent authority, hereby charge you LHC Sohrab Khan No. 562, Police Lines, Abbottabad as explained in the attached statement of allegations.
- 2). You appear to be guilty of misconduct under Police disciplinary rules 1975, and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet in the Enquiry Officer.
- 4). Your written defense, if any should reach the Enquiry Officer with in the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegation is enclosed.


 (MUHAMMAD KHURRAM RASHID) PSP,
 District Police Officer,
 Abbottabad.



 تیسری اخگر کو سیراہ میں
 طے کریں

DSP-1NV/148
 20-1-17

DISCIPLINARY ACTION

I, Muhammad Khurram Rashid (PSP), District Police Officer, Abbottabad as Competent Authority of the opinion that you LHC Sohrab Khan No. 562, Police Lines, Abbottabad, have rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975.

STATEMENT OF THE ALLEGATIONS


1). That you while posted at Police Lines Abbottabad, involved yourself in criminal case vide FIR No: 537, dated 24-12-2016, U/S 302/324/148/149/PPC, Police Station Nawanshehr, thus you were suspended and closed to Police Lines, Abbottabad.

2). For the purpose of scrutinizing your conduct with reference to the above, allegations, an Enquiry Committee consisting of the following is constituted.

DSP Aziz

3). The Enquiry Officer/Committee shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action the accused.

4). The accused a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.


(MUHAMMAD KHURRAM RASHID)PSP,
District Police Officer,
Abbottabad.

No: 35 /PA, Dated Abbottabad the 16/01/2017.

Copy of above is forwarded to:-

1. LHC Sohrab Khan No. 562, Police Lines, Abbottabad, with the direction to submit his defense within 07 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer of the date, time and place fixed for the purpose of departmental proceedings.

فائل انکوائری رپورٹ

نمبر 12۔۔۔ ریڈر ڈی۔ این۔ بی النوری کنین ایٹ آباد مورخہ 21-02-17

جناب عالی!

انکوائری چارج شیٹ نمبر 35 مورخہ 16-01-2017 مجاریہ دفتر DPO صاحب، ایٹ آباد برخلاف LHC سہراب خان نمبر 562 متعینہ پولیس لائن، ایٹ آباد برائے انکوائری موصول ہوئی۔ الزام ہے کہ مذکورہ مقدمہ علت نمبر 537 مورخہ 24-12-2016 جرم PPC 302/324/34 تھانہ نواں شہر میں ملوث ہوا اور نامزد ملزم ہے۔

LHC سہراب خان دوران جھگڑا زخمی ہو کر زیر علاج داخل ATH ہسپتال میں ہے نے چارج شیٹ کی نقل کاپی مورخہ 25-01-2017 کو موصول کر کے مورخہ 02-02-2017 کو چارج شیٹ کا تحریری جواب دفتر بھجوا یا کے بیان کے مطابق وہ PMA بیرئیر پر بطور گارد کمانڈر تعینات تھا۔ مورخہ 24-12-16 شام کے وقت اسے گھر سے جھگڑے کی اطلاع ملنے پر گھر گیا۔ جہاں پر اس کے بھائی سجاول خان اور امان اللہ خان وغیرہ کے درمیان توں تکرار ہو کر جھگڑا شروع تھا۔ اسی دوران امان اللہ خان کی اور اس کے آدمیوں کی اندھا دہن فائرنگ سے اس کے بھائی سجاول، شاہد خان زخمی ہوئے اور وہ خود بھی فائرنگ سے زخمی ہو کر گر گیا۔ وقوعہ کی اور اپنے زخمی ہونے کی اطلاع پولیس لائن ایٹ آباد دی گئی۔

LHC سہراب بروز وقوعہ PMA بیرئیر بطور گارد کمانڈر اپنی ڈیوٹی سرانجام دے رہا تھا کو گھر سے جھگڑے کی اطلاع ملنے پر گھر گیا۔ جس کی تصدیق کے لئے PMA بیرئیر سنٹری کانسٹیبل وسیم نمبر 15 (سپیش فورس) کا بیان لیا گیا جو ہمراہ لف قابل ملاحظہ ہے۔ LHC سہراب جھگڑے میں شامل ہوا جو زخمی ہو کر داخل ہسپتال ATH زیر حراست پولیس ہے۔ مقدمہ میں نامزد ملزم ہے۔

حالات واقعات، مطالعہ مثل، I/O کی رپورٹ اور مذکورہ کے اپنے بیان کی روشنی میں پایا گیا کہ LHC سہراب بروز وقوعہ جھگڑے میں ملوث تھا۔ الزام درست ہے۔ تاہم مقدمہ زیر سماعت عدالت ہے تا فیصلہ عدالت انکوائری پینڈنگ رکھنے کی سفارش کی جاتی ہے۔

ڈپٹی سپرٹینڈنٹ پولیس،
شعبہ تفتیش، ہیڈ کوارٹر، ضلع ایٹ آباد۔

Sir
DAS

Submitted in order of
Pending