28.12.2017

Appellant in person and Addl: AG alongwith Mr. Safeerullah, S.I and Javed Iqbal, Inspector for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 12.02.2018 before D.B.

Member

12.02.2018

Clerk of the counsel for appellant present. Mr. Muhammad Jan, DDA for the respondent present. Counsel for the appellant is not in attendance due to general strike of the bar. To come up for arguments on 16.04.2018 before D.B.

Member

Chairman

#### <u>Order</u>

16.04.2018

Counsel for the appellant and Mr. Ziaullah, DDA alongwith Mr. Javed Iqbal, Inspector and Mr. Safeerullah, S.I for respondents present. Arguments heard and record perused.

This appeal is also accepted as per detailed judgment of today placed on file in connected service appeal No. 497/2014 titled "Imran Khan-vs- Additional I.G.P/Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar and 2 others". Parties are left to bear their own cost. File be consigned to the record room.

Announced:

16.04.2018

(AHMAD HASSAN)

Member

Member

17. 04.07.2017 Counsel for the appellant and Mr. Zia Ullah, Deputy District Attorney alongwith Mr. Safeer Ullah, H.C for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 14.09.2017 before D.B.

(Gul Zely Khan) Menyber (Muhammad Hamid Mughal) Member

14.09.2017

Appellant present. Learned Additional Advocate General alongwith Mr. Zafar Ullah, ASI for the respondents present. Appellant seeks adjournment. Adjourned. To come up for arguments on 20.10.2017 before D.B.

Member (Executive) Member (Judicial)

20.10.2017

Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Mr. Muhammad Iqbal, Inspector and Mr., Safeer ullah, H.C for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 28.12.2017 before D.B.

Member (Executive)

Member (Judicial)

31.01.2017

Counsel for the appellant and Mr. Ziaullah, GP alongwith Mr. Safeerullah, H.C for respondents present. Learned GP submitted before the court that since the enquiry report is not available on file, hence adjournment be granted to requisition the same. Respondents are directed to produce the entire record on the next date. To come up for arguments on 07.04.2017 before D.B.

(MUHAMMAD AAMIR NAZIR) MEMBER

(ASHFAQUE TAJ) MEMBER

07.04.2017

Counsel for the appellant and Addl, AG alongwith Mr. Ihsanullah, H.C for the respondents present. Enquiry report submitted. Learned Addl, AG requested for adjournment to submit enquiry report in identical appeal of Mr. Habibullah. Adjourned for final hearing to 4.7.2017 before the D.B.

Member

Charman

25.04.2016

Counsel for the appellant and Ayub Khan, SI legal Lukki Marwat alongwith Mr. Adeel But, GP for official respondents present. The learned Judicial Members is on official tour to D.I. Khan, therefore, case vis adjourned to 27.7.2016 before D.B.

27.07.2016

Junior to counsel(Arbab Saif-ul-Kamal, Advocate) and Mr. Farman Ullah, Inspector alongwith Mr. Ziaullah, GP for respondents present. Junior to counsel for the appellant seeks adjournment as learned senior counsel is indisposed. To come up for arguments on 26.09.2016

Member

26.09.2016

None present for appellant and Addl. AG for the respondents present. Notice be issued to appellant and his counsel. To come up for arguments on 31.1.2017 before the D.B.

nshon

20.03.2015

Appellant with counsel and Mr. Asmatullah, Head Constable for respondents alongwith Muhammad Jan, G.P present. Requested for adjournment. Adjourned for written reply to 30.6.2015.

MEMBER.

30.06.2015

Counsel for the appellant and Addl: A.G for respondents present.

Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 12.10.2015 before S.B.

Chairman

12.10.2015

Counsel for the appellant, M/S Ihsanullah, ASI and Younas Khan, ASI alongwith Addl: A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 26.01.2016.

Chalman

26.01.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Due to non availability of D.B, therefore, the case is adjourned to 25/4//6 for arguments.

Chailman

02.06.2014

Appentolo. 496/2014 Mr. Rapinled

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 06.01.2014, he filed departmental appeal on 17.01.2014, which has been rejected on 10.02.2014, hence the present appeal on 08.04.2014. He further contended that the impugned order dated 10.02.2014, has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules 1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 19.08.2014.

02.06.2014

This case be put before the Final Bench\_

for further proceedings.

-Chairman

Member

19.8.2014 The Hon ble Bench is on tour to Abbottabad, therefore, case adjourned to 23.12.14.

Reader

23 12 2014

Ms. Uzma Bibi, Advocate on behalf of counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 20.03 2015.

Reader.

Form-A

## FORM OF ORDER SHEET

Court of				
	* .			
Case No	496/2014			

	Case No	496/2014			
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate			
1	2	3			
1	08/04/2014	The appeal of Mr. Rafi Ullah presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the			
:		Institution register and put up to the Worthy Chairman			
		preliminary hearing.			
		REGISTRAR 2			
2	15-4-2014	This case is entrusted to Primary Bench for preliminary			
	15-4-2014	hearing to be put up there on 2-6-2014			
		CHAIRMAN			
-					
٠.					

## **BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A. No. 496/2014

Rafi Ullah

Versus

Commandant & others

#### <u>INDEX</u>

S.No	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	FIR, 04.11.2013	``A"	4-5
3.	Charge Sheet, 11.11.2013	"B"	6-7
4.	Reply of Charge Sheet, 11.11.2013	"C"	8-10
5.	Final Show Cause Notice,	"D"	11
6.	Reply To Notice,	"E"	12
7.	Dismissal Order, 06.01.2014	"F"	13-14
8.	Representation, 17.01.2014	"G"	15-17
9.	Rejection Order, 10.02.2014	"H"	18

Through

Dated. 6.04.2014

Appellant

Saad Ullah Khan Marwat Advocate.

21-A Nasir Mension, Shoba Bazar, Peshawar.

Ph:

0300-5872676

#### BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 496 /2014

#### Versus

- Additional I.G.P / Commandant, Frontier
   Reserve Police, KP, Peshawar.
- 2. Provincial Police Officer, KP, Peshawar
- 3. Superintendent of Police, FRP,

⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT,
AGAINST ORDER NO. 1156-57/EC
DATED 10.02.2014 OF R.NO.1 WHEREBY
DEPARTMENTAL APPEAL AGAINST OB NO. 13,
DATED 06.01.2014 DISMISSING APPELLANT
FROM SERVICE, WAS REJECTED FOR NO LEGAL
REASON.

⇔<=>⇔<=>⇔<=>⇔

#### Respectfully Sheweth;

 That appellant was appointed as Constable on 22.12.2010 and since then he was performing his official duties to the best of the ability and to the entire satisfaction of the superiors.

That finally appellant was posted at Police Post, Sur Pul, situated in the suburb of Sirai Naurang. On 04.11.2013, 10/12 miscreants attacked the said post at 23:15 hours and indiscriminate / fierce firing took place between the miscreants and police officials. The miscreants decamp away from the spot by taking advantage of the night and bushes. After combat and checking the place Sher Nawaz, Constable was lying injured in serious condition. He was rushed to hospital for

treatment but there he succumbed to the injuries. (Copy of F.I.R as annex "A")

- 3. That on 11.11.2013, appellant was served with Charge Sheet and statement of allegation without assigning any specific reason to him. The charge sheet was replied on 11.11.2013. (Copies as annex "B" & "C")
- 4. That perhaps inquiry in to the matter was initiated by the authority but as is evident from the same, neither any statement of any witness(s) was recorded in presence of appellant nor he was afforded opportunity of cross examination what to speak of providing him opportunity of defence and personal hearing. All such requirements are mandatory in the law.
- 5. That thereafter, appellant was served with final show cause notice which was replied by denying the allegations. (Copies as annex "D" & "E")
- 6. That on 06.01.2014, appellant was dismissed from service. (Copy as annex "F")
- 7. That on 17.01.2014, appellant submitted representation before R. No. 2 which was rejected on 10.02.2014. Copy of the order was dispatched to appellant through postal service which was received by him on 10.04.2014. (Copy as annex "G" & "H")

Hence this appeal, inter alia, on the following grounds:-

#### GROUNDS:

- a. That it was an admitted fact and also confirmed by the Inquiry Officer that on the eventful night, appellant was on duty at the post.
- b. That legal procedure was not adhered to by the respondents as no regular inquiry was ever conducted nor appellant was afforded opportunity of personal hearing, cross examination, being mandatory.
- c. That the enactment under which appellant was dealt with, was never specified in the charge sheet. Formal inquiry was made basis for the proceedings which has no legal value in the eyes of law.
- d. That neither any coverdice was ever shown nor appellant was negligent in performance of his official duties. In combat with 10/12 miscreants, loaded with sophisticated weapons, 2 police officials cannot prevent them from terrorist activities.

e. That from the aforesaid stated legal point when appellant was neither associated with inquiry nor the same was conducted as per the mandate of law nor any statement of any one was recorded nor he was given opportunity of cross examination and self defence, so the impugned orders are then based on malafide and are ab-initio void.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 10.02.2014 of R.No.1 or order dated 06.01.2014 of R.No.3 be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Through

Dated. 8 .04.2014

Appellant

Saad Ullah Khan Marwat

Arbab Saiful Kamal

Miss Rubina Naz Advocates.

عما وحود من رغی اندا ، جربورز ملاک کونین کے خاط مراموں کا ا س سرا سرال بوراً وعداماً و ما الاستطارود كاروز الورا لوس دوا أست سنر د فوع المله المام الما رودن سرا رنسران ما الو سال وسراس مطله ع دوقع م انو انارج الله الله إلا المرائع والمرائد الله المرائد الله الله المرائد الله الله المرائد المرائد الله المرائد الله المرائد المرائد الله المرائد المرا الرادات ودران دستر الرستان في المستعدد المرسان 10 min - 8 60, 20 mil (8577 U) 20 3082-1000 Co عراندان برما دورون فرس اراضات فارفرا علم وزكوره درا عرزن من الرئسي ما كا كارى زهم الحوث من ے سرستر مان اس السرا اللہ الموس الرا الر حسن کو فوری طور مرس ے خاطرادروں میں وے سر کاری سرا میں اور میں رور مزر کے اصاب کا الله وكرندى الرساح أو نوري سنال سي اورانشر ور ما فرن رسا الم المران المرين ماعي سي وين المرين المساقيل المراع عدد المسال المان من سي المران المالين فيل من وين على ويست المرين عنوم عم حملاكهام 20 66 W Co, U6 K 11,0013 OSIOO THE VIEW مرا الورق السال ع MHZ/PS/N/ 05-11:13

اطلاع کے بیچاطلاع دہندہ کا دستند ہوگایاس کی مہر انشان لگایا جائے گا۔ اورا نسرتح ریکندہ ابتدائی اطلاع کا دستند بین ہوگا۔ حروف الف یاب مرح روشنائی ہے بالعاش نام پر ایک طرم یا مشتہ کمل الترتیب واسنے باشندگان علاقہ فیریا وسلِ ایشیا میاا فغانستان جہال موز وں دول ، لکمنا چاہئے۔

Allo

#### CHARGE SHEET.

WHEREAS, Iran satisfied had a Formal Enquiry as contemplated in the KPK. Police Rules (975 is necessary and expedient.)

AND WHEREAS, I am of the view that the allegations if established would call for a major penalty as defined in Rules-4 (b) of the aforesaid Rule.

NOW, THEREFORE, as required in 6-1 (a) of the aforesaid Rule, 1, Başhar Khan, District Police Officer, Lakki Marmai as Competent Authority hereby charge you Const. Raffullah No. 6493/FRP PP Surkh Pull the allegations are attached with this Charge Sheet.

AND I direct you further under rules 6-1 (b) of the aforesaid Rules to put in written defence within 07 days of the receipt of this Charge Sheet as to whether major or minor punishment as defined in Rules 4-1 (a) - (b) should no be imposed upon you also state at the same time whether you desire to be heard in person.

In case, your reply is not received within stipulated period without sufficient reason, it would be presumed that you have notions to say in your defence and the undersigned would be at liberty to take ex-parte action straight away against you.

(Bashar Khan) District Police Officer, Lakki Marwat,

No. 8047-48-1 SRC. Dated Lakki Marwat the

Copy to :-

1. Mr. Syed Liaqut Shah 1989 Naurang, Enquiry Officers for initiating enquiry proceeding against the defaulter police official under the Rules.

2. Const: Rajinthih No. 6493/FRP Surkh Pull & directed to appear before the imquiry Officer/Committee on due date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceedings and also to put in a written statement/ defense with in a period of 37 days.

District Police Officer, Unkki Starwat.

Allested

#### SUMMARY OF ALLEGATION

On the night between 4/5-11-2013 the terrorists ambushed Police Post Surkh Pull and opened indiscriminate firing upon Constables Sher Nawaz No. 6412 Constable Imran Khan No. 6577, as a result thereof. Constable Sher Nawaz sustained severe injuries and later expired in the Hospital, while Constable Imran Khan No. 6577 became senseless. The accused/ terrorists also took away Govt: Rifles No. 26099229 alongwith fitted magazine containing 30 rounds and KK-Rifle No. 44815 alongwith bandolier containing three (3) magazines loaded 90 rounds of the same bore from the possession of the above noted officials and case FIR No. 592 dated 05.11.2013 u/s 302/324/353/404 PPC/7-ATA PS Naurang was registered.

- 1. That you being member of Police force of the said Police Post Surkh Pull in spite of repeated directions from the undersigned regarding vigilance and alert in the discharge of duties in the present prevailing Law & Order situation and wave of terrorism, failed to combat the above noted situation and showed great cowardice:
- That being negligent and casual attitude in performance of your duty badly failed to combat
  the terrorists who ambushed the Police official who were on Sentary duty, which resulted in
  the death of constable Sher Nawaz No. 6412 and great loss caused to the Police Department.
- That the above negligence in the performance of your duty as Police Constable speaks of inefficiency and suggest your unbecoming of good Police Officer and all this amount to gross
  misconduct on your part and liable to be punished under the Rules-1975.

District Police Officer,

# IN RESPONSE TO THE CHARGE SHEET ISSUED VIDE NO: 8047-48 DATED: 11-112013.

#### IT IS SUBMITTED AS BELOW.

- 1. That I joined the Police Department in the year 2010 and remained posted at various places, performing my duties with great zeal and devotion to the entire satisfaction of my seniors.
- 2. That I was posted at "Surkh Pull" and for the last 2/3 months performed my duty to the best of my abilities.
- 3. That on the night of 04-11-2013, I was present in police post Surkh Pull along with incharage Naqib Ullah and the other colleague constable.
- 4. That constable Imran and "Late" Sher Nawaz were on Sentry duty. While I along with incharage Naqib Ullah and Constable Abdul Qayyum were inside the police post when at about 23:00 Hrs heard discriminate firing shoots, we became alert, rushed out and took our arms and ammunitions.
- 5. That as soon as we came out, we saw that late Sher Nawaz was injured and started firing in retaliation and self defence but it was pitch darkness and abundance of grasses and bushes were present around the

post, therefore the terrorists accused could not be detected.

- 6. That I along with constable Abdul Qayyum arranged the transport for taking the injured Sher Nawaz to the Hospital and left the only incharage in the police post.
- 7. The neither I have ex-passed cowardice nor committed any negligence in performance of my duties because the sentry duty was assigned to contrastable Sher Nawaz and Imran while we were on the next and remained inside the packet, however when heard the firing immediately came out and starting firing towards the terrorists but they could not detected because of the abundance of grasses around the scene of occurrence which became safe shelter for them.
- 8. That after exchange of firing I and Constable Abdul Qayyum arranges for vehicle and brought Sher Nawaz to Civil hospital Serai Nautang and then onward proceeded to DHQ Bannu, where he remained I live for about 10-50 mints.
- 9. That terrorism has became an open challenge and spreading like a wild fire though out the country, causing human and property losses at the high level but ways could not be sought out to keep pause upon this front.

- 10. That the police post- packet established at "Surkh Pull" is away from the High Way and situated in an area which is covered with Sugar cane and other crops and as such the terrorists could not be seen at night time unless they reach the target and that is why they succeeded to achieve their goals and escaped.
- 11. That a criminal case to this effect has also been registered at PS S. Naurang where in it is coming to the surface of investigation, that it was a terrorist attack like other terrorist activities which cannot be controlled being organized and planned crime with high skill with a view to prevail upon the Govt. Keeping in view the prevailing situation of terrorist activities and day to day causalities,

It is requested that I may please be exonerated from the charges and the charge sheet may be filed please.

I wish to appear before your good self for personal hearing.

Your's Faithfully

F.C Rafi Ullah No.804748

NB Surkh Pull.

#### FINAL SHOW CAUSE NOTICE

On the night between 4/5 -11-2013 the militants attacked on police post Surkh pull and made firing upon constables on duty as a result constable Sher Nawaz No. 6412 was injured ad expired in the hospital while other constable Imran Khan No. 6577 became senseless. The terrorists also snatched government rifle No. 26099229 and rifle No. 44815 with fitted magazines and rounds from the possession of both the constables. A case FIR No.592 dated 05/11/13 u/s 302/324/353/404 PPC/7ATA has been registered at PS Naurang.

You constable Rafi Ullah No.6407 were charged for negligent and casual attitude in performance of your duty badly failed to combat the terrorist who ambushed the police officials who were on duty, which resulted in the death of the constable Sher Nawaz No.6412 and great loss caused to the police department, in spite of repeated instructions from the senior officers regarding vigilance and alertness in the discharge of duties in the present prevailing wave of terrorism. Furthermore, you showed great cowardice and inefficiency and failed to combat the situation.

The <u>DSP Syed Liaqat Shah Sarai-e-Naurang</u> was appointed as inquiry officer and he conducted the inquiry and proved the charges. His findings received in this office was sent to commandant FRP Headquarter Peshawar for guidance and the same received back in the office for awarding major punishment on the basis of the findings of the inquiry officer.

Therefore, I, Zarwali Khan SP FRP Range Bannu direct you through this final show cause notice to put in written statement/defense within seven days of receipt of this notice as to why the major punishment including dismissal should not be imposed upon you and also state at the same time whether you want to be heard in person. If your reply is not received within stipulated period it shall be presumed that you have no defense to offer and ex-parte action will be taken against you.

(Zarwali Khan) Superintendent of Police FRP Range Bannu

Sugar to the the first of or

Lo

## جناب عالى!

بحوالہ مشمولہ فائنل شوکا زمعروض ہوں کہ میر ایبلا بیان مفصل ہے، جملہ الزامات میر سے خلاف بے بنیا داور غلط تہی پر بھی بین میں نے اپنی ڈیوٹی میں کے واقعات میں کی تنظمت اور برد ولی کا مظاہر ہنیں کیا ہے، بلکہ بیا کید ہشت گردی کا د تعدا جا تک رونما ہوا، جیسا کردگیر دہشت گردی کے داقعات میں کہا اور آئے دن ہوتے رہے ہیں، اگر بیدہشت گردی کا وقعہ نہ ہوتا ، تو دوران تفیش دہشت گردی کے دفعہ کا اطلاق نہ کیا جا تا، حرید اکوائری کے اور آئے دن ہوتے رہے ہیں، اگر بیدہشت گردی کا وقعہ نہ ہوتا ، تو دوران تفیش میں ہے، حس آفسر نے بلاکی شہادت دوران تفیش می ہے، حس

محض قیاس پر جھ پرالزام غفلت اور بردلی کا نگایا ہے، انکوائری آفسر نے بھی مجھے بلاشہادت غفلت اور بردلی کا دمدوار تفہرایا ہے۔
جن آفسران کے بیانات اُس نے قلم بند کئے ہیں اُن کے بیانات بھی گئی خانہ پُری ہے، کیونکہ بلاشہادت وہ کیونکر جھے مور والزام تھہرا تا ہے
جب وہ دورانِ دقوعہ وجود ہی نہیں تھے، دہشت گردی کے جتنے بھی واقعات ہو چکے ہیں، یا ہوتے رہتے ہیں، وہ ایک منظم منصوبہ بندی پر
ہوتے ہیں اوراچا تک رونما ہو کرنتھان رسائی کی جاتی ہے۔ اس طرح یہ بھی دہشت گردی کا وقوعہ ہے جس میں میراکوئی قصور یا غفلت بردلی
ہوتے ہیں اوراچا تک رونما ہو کرنتھان رسائی کی جاتی ہے۔ اس طرح یہ بھی دہشت گردی کا وقوعہ ہے جس میں میراکوئی قصور یا غفلت بردلی

لهذا مجضالزام سے بری الزمد قرار دیاجاوے اور شو کا زنوٹس داخلِ وفتر فرمائی جاوے۔

العارض

Alleria

FC فيع الله خان 6407/spl

نا كەبىندى ئورئىل ـ.

### ORDER

On the night between 4/5/ Ft-2013 the reprofists ambushed Poice Post Surkh Pull and started indiscriminate firing upon on duty Constables Sher Nawaz No.6412 and Constable Imran Khan 6577, as a result of which, FC Sher Nawaz was seriously injured while FC Imran Khan became senseless. FC Sher Nawaz No.6412 succumbed to his injuries in the hospital. The militants succeeded also in snatching away Govt Rifle No.26099229 along with fitted magazine containing 30 rounds and K.K Rifle No.44215 along with bandolier consisting of 03 magazines of 90 rounds from the possession of both the aforesaid mentioned constables. Sl/SHO Police Station Naurang reached the spot and register case IR No.59.1 dated 0 magazines that against the unknown terrorists. The District Police Officer Lakki Marwat suspended Sl/PC Naqib Ullah In-charge Police Post Surkh Pull, Constable Imran Khan No.6/77, Ismail No.6508, Abdul Qayyum No.6532 and Constable Rafi Ullah No.6407 for padry failing to combat with the accused and showed great cowardice vide order GB No.552 dated 05/41/2013.

Rafi Ullah No.6407 for the following misconduct.

- That you being member of Police Force of the said police post Surkh p. if in spite of repeated directions from the undersigned regarding vigitance and alert in the discharge of duties in the present prevailing law and order situation and wave of terrorism.
- That being negligent and casual attitude in performance of your duty budly failed to combat the terrorists who ambushed the Police officials who were on sentary duty, which resulted in the death of Constable Sher Nawaz No.6412 and great loss caused to the Police Department.
- That the above negligence in performance of your duty as police Constable speaks of inefficacy and suggest your unbecoming of good police efficer and all this amount to gross misconduct on his part and liable to be punished under the Police Rules 1975.

Mr. Syed Liaque Ali Shah DSP Serai Maruang was appointed as enquiry officer for initiating enquiry proceedings. He conducted the formal enquiry properly and submitted his findings on 28-11-2015 with the conclusion that all the charges /

findings along with enquiry papers were received in this office to proceed further under the rules. The same enquiry file was forwarded to Addl: ICI/Commandant FRP K.P.K Peshawar for information and the same departmental enquiry of Constable Rafi Ullah No.6407 received back vide this office diary No.1826 dated 23-12-2013 for awarding Major punishment on the basis of findings of Enquiry officer.

Final Show Cause Notice of Major Punishment including dismusal was given to Constable Rafi Ullah No.6407 on 27/12/2013 and similarly the findings of the enquiry officer was also handed over to him. He was asked in the Show Cause Notice to put in his written statement/defense within 07 days of the receipt of Final Show Cause Notice as to why Major Punishment including dismissal could not be imposed upon him and also stating at the same time whether wants to be heard in person or otherwise.

He has replied to the Final Show Cause Notice within stipulated period which was studied and perused at length. He was also personally heard but his explanation to the Einal Show Cause Notice and personal hearing was not found convincible and satisfactory. He was recruited as Constable on 27-12-2615.

Therefore, I Zar Wali Khan SP/FRP Bannu as competent authority award him the punishment of Dismissal from service with immediate effect defined in rule 4-B (ii) KPK Police Rules 1975 on the basis of proven charges.

OB No.\_13

Dated: 06-01-2014

Superintendent of Police FRP Bannu

## بحضور جناب آئی جی پی صاحب خیبر پختونخواه پشاور

عنوان: ابیل برخلاف تھم برخاتگی من سائل رفع الله 6407/spl بادر بالیس بی FRP بنول بحواله آرڈر بک نمبر 13 مورند: 06/01/2014

جناب عالى!

ىيكەن سائل ذىل عرض كرتا ہوں۔

يد كمن سائل 2005ء مين كلمه بوليس FRP مين تحسيت كانشيبل بحرتى جواءاور بعد كمسل كرنے ثر بذنگ سائل نے واپسى پر ڈيو في کرنے کی رپورٹ کی سائل نے مختلف اوقات کار میں مختلف مقامات پر ڈیوٹی کی ،اورسائل نے اپنی ڈیوٹی اس خوش اسلو کی سے سرانجام دیاہے کہ سی بھی آ فسریا پرائیوٹ لوگوں کوسائل کی ڈیزٹی میں کوئی شکایت نہیں رہی جس کی ثبوت میں سائل کاریکارڈموجود ہے۔ بيكة تدمه 592 مورجه: 05/11/2013 جرم 05/302/324/353/404/7ATA تقانه نورنگ تقريباً تين ماه بل متعين مواتها اوریہ پولیس چوکی ایک ایساعلاقہ میں قائم کی گئی ہے جن کا تھانہ متعلقہ ہے رابطہ بہت مشکل ہے ہوتا ہے اور اس پولیس چوکی کی نا گفتہ بہ طالات کے بارے میں نذیر باوشاہ اکوائزی آ فرکرک نے بحوالی منبر 8 مورخہ : 07/12/2013روز نامیہ FRP نورنگ میں مفصل ذکرکیا ہے، جس کی فوٹو کا بی ہمرالف ہے اور بعد میں DPO کی مروت نے مورجہ: 25/01/2014 کو میفٹی نہ ہونے کی وجہ سے اس ناکہ بندی کوتھا نہ نورنگ کلوز کردیا جس کا تقلمد ہمراہ لف ہے جتنے بھی انکوائری آفسران نے وقوعہ هذا کے بارے میں ا تکوائریاں کی ہے اُنہوں نے حقیقت حال کو چھپایا ہے اگر اِن انکوائر میں کا بغورمطالعہ کیا جائے تو پولیس المکاران کوئی بُرد کی سامنے بیس آتی۔ حالیہ وقت میں تخریب کار ما ڈرن اسلحہ وآلات سے لیس ہیں ،اور پیچیلے 6،6 سال سے تخریب کاری سازے ملک میں جنگ کی شکل اختیار کر بی ہے کیونکہ بیکاروائی ایک منظم طیم کی طرف ہے ہور ہی ہے اسلیے حکومت کا اس پر جاوی ہونا بھی مشکل ہے۔ اس قسم کے وا قعات جس بین ایولیس کانسٹیلا ن اونار کٹ کیا جا کر آل سے کئے. ہیں اور اسلومائٹی لے سمجھ ہیں جس بین چند مندرجہ ذیل ہیں۔ مقدمه نبر 96 بُرم 302/404/34/7ATA مورحه:22/04/2012 چوکی نیومبزی منڈی تھا ندمنڈ ان ہول۔

مقدم نمبر 523 يُرُم 474/148/149/7ATA/148/149 مودند: 08/10/2012 بيوكي اليشا

- 302/324/395/404/353/7ATA/34 م 22/07/2012 کیٹ نمبر 302/324/395/404/353/7ATA/34 کیٹ نمبر 01 مقدمہ نمبر 407 کیٹ نمبر 01 مقدمہ نمبر 20 کیٹ کی ہے۔

  DHQ میپتال بنوں تھا نہ صدر جس کا FIR مرالف ہے۔ لیکن بوجہ تخ یب کاری کی کومز انہیں دی گئی ہے۔
- ۔ ایک طرف 415 کاسٹیلان کوموردالزام بابت بُرد لی تھہرائے جاتے ہیں جبکہ دوسری طرف 10/12 تخ یب کاروں کی کاروا کی اندرسوئے ہوئے تھے جبکہ کاروا کی اور وہ بھی خب درمیانی کونظر انداز کیا جاتا ہے، شب وقوعہ کے وقت 3 کانسٹیلا ن غیر محفوظ چوکی کے اندرسوئے ہوئے تھے جبکہ 2 کانسٹیلا ن ڈیوٹی پر معمور تھے اور بوقت وقوعہ گاڑی چیک کرر ہے تھے کہ ایسے میں اچپا تک حملے کی صورت میں اوسان خطا ہونے میں کوئی گئو اُٹ کوئی پر معمور تھے اور بوقت وقوعہ گاڑی چیک کرر ہے تھے کہ ایسے میں اچپا تک حملے کی صورت میں اوسان خطا ہونے میں کوئی گئوائش نہتی لیکن انکوائزی آفسراور SP/FRP صاحب نے ان حقائق کو تسلیم نہ کیا بلکہ قصد اُروگر دانی کی۔
  - 5۔ انگوائری آفسر کی انگوائری رپورٹ حقیقتِ حال ہے بلکل برعکس ہے کیونکہ اُنہوں نے اپنے انگوائری میں حقا اُق کوتو ژمروژ کر بیان کیا ہے اور حقیقت کو چھپایا ہے ،مزید جن اہلکاران کا بیان ریکارڈ کئے گئے جن اُن بیانات کی روشی میں سائل پر کسی قشم کا الزام ٹابت نہیں ہے۔
- اکوائری آفسر نے Finding بھیجے وقت ریکارڈ پرلائے گئے مواد سے بلکل مند موڑ کراپی طرف سے جارج شیٹ کی تائید میں بغیر شوت کے ایسے الفاظ کھود ہے ہیں جن کا حقیقت سے کوئی تعلق نہیں ہے، اکوائری طریقہ کار سے مطابق اکوائری آفسراس بات کا پابند موتا ہے کہ وہ جارج شیٹ کے الزامات کے ثبوت میں 100% سے شہادت ریکارڈ پرلائے گا، بصورت ویکر المکارکوالزامات سے بری قرارد ہے گاور یہی قانون وقت اور اکوائری طریقہ کارکا مقصد ہوتا ہے۔ لیکن انگوائری آفسراور کے محافظ فیسے میں مقانوں کے برخلاف ہے۔
- 7- انکوائری طریقه کارے مطابق جوآ فسر چارج شیٹ دے گا اور انگوائری آ فسر مقرر کرے گاوہی آفسر انکوائری کی Finding وصول

  کرنے پر مزید کاروائی کرے گالیکن بیباں پر چارج شیٹ DPO کی ویتا ہے انکوائری آفسر مقرر کرتا ہے اور نمزا کیلئے

  SPIFRP گوکا غذات بھیجے جاتے ہیں جو قالون کے برخلاف ہے کیونکہ میرے چارج شیٹ کے جواب وہی میں جو نکات اُٹھائے

  گئے ہیں اُن کو قبول کرنے اور رو کرنے کیلئے اُس اتھارٹی کو اختیار ہے جو چارج شیٹ ویتا ہے لیکن ریکارڈ پڑائی کوئی بات نہیں کہ میرے
  عیارج شیٹ کے جواب کو آفسر ان نے قبول کیا ہے رو کیا۔
  - 8 ا عُوارَى آ فسر کے Finding بینے کے بعدیہ SP/FRP صاحب پر مُخْصر تفاکدہ ہ انگواری آ فسر Finding کوانگواری کے

مواد کی روشنی میں پر کشنے اور اِحد میں اپنا تھم نے ناتے لیکن SP/FRP سا حب کی Finding اور انگوائزی آ فسر کی Finding کا للاحظه كياجائة وونول ميں كافى فرق اور تضاد ہے اور حيارج شيٹ الزامات كے بلكل مختلف ہيں۔

مروحيةوا نين كےمطابق جب كسى المكاركو بزى سزاد ني ہوتو أن أواپنے دفاع كيايىكمىل موقع دياجائے گالىكن ميرےانكوائرى ميں نہ انگوائر ی آ ضریف اور نه SP/FRP صاحب نے حکم صادر کرتے وقت اِن حالات کا بغور جائز ہلیا ہو کہ دیکارڈیرالیٹی شہادت لا کی جائے کہ مور دالزام کی گردان میں ری شمل طور پرفٹ آ جائے ۔لیکن یہاں پر زنجیر کی ایک کڑی بھی الیم نہیں کہ دوسری کڑی کے ساتھ باندهاجائے کیکن پھر بھی بلا جوت ومواد کے مجھے مور دالزام تھہرایا گیا ہے۔انگوائری آفسر Finding کے مطابق أس نے مراد علی انسکٹر، غلام مُد SHO، میرا جانOASI اورگل مُدریڈ ر DSP/FRP کے بیانات ریکارڈ کئے ہیں لیکن ان ہی بیانات کو اُنہوں نے تسلیم نبیں کئے ہیں۔ پھر بھی مجھے مور دِالزام تھہرایا گیا ہے۔

كاندُنت صاحب FRP في خفيه طور بر SP/FRP كومات ساور SP/FRP بتول في DSP/FRP أورنك ا کوائریاں کرائی تھی جس کی Finding رپورٹ ہمراہ لف ہے جس میں ہم بےقصور ثابت ہو چکے ہیں۔

سائل ایک غریب آ دی اورخاندان کاواحد خودگفیل ہے اس مہنگائی کے دور میں بمشکل ہے اپنی شخو آہ ہے اپنی اورخاندانی ضروریات پوری

کرتے تھے۔ گرسائل کونا کردہ گناہ پر بغیر کسی شہادت کے نوکری سے برخاست کیا گیا جو کہ سراسرظم اور ناانصافی ہے۔

للبذ استدعاية كرومة بالاحقائق كيروش مين علم SP/FRP صاحب يؤن آرؤرنك نمبر 13 مورفد 106/01/2014 كومنسوخ

كرير سائل كونوكرى ير بحال كياجا كرسائل يررحم كياجاوي مائل اورأس كاخاندان سارى عمر دعا كيل وينك-

موری: 2014/ 17/0

العارض

المراكل الميس كانشيبل رفيع الله 6407/splايف آر بي بنول ركين بنول

This order shall display of on the appeal of Ex-Constable Raft Ullah No 6407 of FRP Bannu Range against the order of SP FRP Bannu Range.

Brief facts of the case are that on 4/5 11-2013 the Terrorists ambashed Police Post Surkh Pull, started indiscriminate firing upon on duty Constables Shor Newaz No. 6412, Imran Khan No. 6577 as a result of which FC Sher Nawaz was seriously injured while FC Imran Khan became senseless. FC Sher No. 124 No. 6412 succumbed to his injuries in the Hospital. The militants succeeded also in governing away Govt: Rifle No. 26099229 along with fitted magazine containing 30 rounds and f.K. Rifle No. 44815 along with bandolier consisting of 03 magazines of 90 rounds from the possession of both the aforesaid mentioned. SI/SHO Ps: Naurang reached the spot and register case FIR No. 592 dated 05.11.2013 w/s 302/324/393/404 PPC read with 7 ATA Police station Naurae g District Lakki against the un-known terrorist, ile failed to combat with accused and shower great ecwardice. The DPO charged him as unders-

- 1. That being a member of Police Form in spite of repeated directions regarding vigilance and alert while discharge of duties in the present prevailing one and order situation and wave of terrorism.
- efficiency seems his un-becoming conduct on part of the above name Rules 1975.

2. That being negligence and casual minute in performance of duty badly failed to combat the terrorist who ambushed that Power officials who were on sentry duty, which resulted the death of constable Sher Navara 2 and great loss easted to the Police Department. 3. That the above negligence in per amance of duty as Potice constable speaks of in a good Police Officer and this amount to gross misre-constable liable to be punished under the Police

appointed as Enquiry officer. After empire Punishment He was issued Final Show ... explanation nor personal hearing were in . dismissed from service under Police Ruie. dated 06.01.2014.

In this connection Mr. Programmed Al. Shah DSP Servi Naruang was a renamend के defaul a ex-princtable कि शिक्ष referred and absolute the transaction of a color unvincible and satisfactory, therefore he was 5 by SP FRP Banna Runge vide his UB No. 13

officer there are no cogent reason to incl.

However from the proceed of record and recommendation of Enquity deltic order of SP FR: Bannu Runge. Therefore

France: Reserve Police

dunkhwa Peshawar

his appeal is rejected.

1156-5-7 TEC dated Pesh ...

information and necessary action w/r record and departmental Enquiry file and the forewith.

Copy of above is sent to the Same of the Vent of Polico FRP Priority Range Barnu for mor No. 330 dated 75.01,2014.His Service

· Fx Pc Dati sulatisti Sana wood who to Ray a Han Adam good Both. Latter

المالية جالي سوس المراس مويد المالال منجانب اسلان منع الله سما مذت ونسره - Jul - Ges مق بدمند مبعنوان بالامين ابنى طرف يحتج واسط بيروى وجواب دميى وكل كاروا كى متعلقة كل مقام لېشاور كيه سعد المان عان مون اليوكيط إلى كورط كووكي مقرك إقرار كا ما الله كرماع تموضوف كومقدمين كل كارواني كاكابل اختيار سوكا نيز وكميل صاحب كوكرنے دامني نامروتقر تنالت وقيصله برحلف فيف جواب دسي اوراقبال دعوى أوربفتور فاركري كوفرا براد اور وهولي جيك وروبيها ورعرض دعوى اور درخواسيت مِنْ مِن تقديق اول مير تخط كاختيار موكانيز بهوت عدم بيروي يا ظري بكطفه يا ايل كى برامد كى اور نسوی نیز دار کرنے اپنی نگران و نظرانی و بیروی کرنے کا اختیار برگا اور بھورت فرورت مقدم میکور كَ الله الله الله الله الله المرسل المنارقاني كولينه بمراه يا ابنى بمائي تغريركا اختيار موكا ا ورصاصه مفرستاه كري ومبي جمار مذكوره بالا اختيارات عامل سول تيجه ا وراس كا ساخته برفوا خته منظور قبول بوگاه دوران مقدم ب جوخرم و ترجانه النوار مقدم كرسيب سوكا ال مستحق وكمل ها حب ترون ون مرك کے نیز بفایا و فرصیدی وصولی کرنے کا بھی اختیار می اگر کوئی ناریخ بیشی مقام رورہ ير به يا مدس ابر به لووكل صاحب يا بند نه بهون سك كه بيروى مذكور كري. لهزا وكالت نامه دكمه ديا كه سنرسيع ر المرابعة الم الشائد العبا Zun un البات الما سفد الترفان مرفت Ansin Nazon فِي رُوسِينًا إِ

(This portion to be transmitted by the Bank Agent to the Treasury Officer in support of the credit in his daily account.) Issistant Ti

Signature and full official designation of the officer ordering the money to be paid in.

In case of "Duty on Impressing nocuments" the amounts creditable to en of the following detailed heads should be noted:

- (a) Duty on embossing one anna receipt and cheques stamps.
- (B) Duty on Documents voluntarily brought for adjudication (Section 31, Act II of 1899)
- (c) Duty on unstamped or insufficiently stamped documents levied under Chapter IV of Act II of 1899.
- (d) Other items.

#### BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR

APPEAL NO 496/2014.

Rafi Ullah S/o Sana Ullah, R/o Nar Raza Khan
Adamzai Serai Naurang Lakki Marwat.

Ex-Constable No. 6407, P.S Serai Naurang, Lakki Marwat.

(APPEALLANT)

#### **VERSUS**

- Addl: I.G.P / Commandant Frontier Reserve Police, Khyber PakhtunKhwa Peshawar.
- 2. Provincial Police Officer, KPK, Peshawar.
- 3. Superintendent of Police FRP Bannu Range Bannu.

(RESPONDENTS)

#### Respectfully sheweth

Para wise Comments on behalf of the respondents

#### Preliminary Objections

- 1) That this appeal is badly time barred.
- 2) That the appellant has got no cause of action.
- 3) That the appeal is also bad due to non-joinder of necessary parties.
- 4) That the appellant approached, to the honorable Service Tribunal, with unclean hands.

#### **OBJECTIONS ON FACTS:-**

- 1) First Para is correct to the extent that the appellant was inducted in the Police Department on 22-12-2010 but the later improvement is clear from the Service Record of the appellant, what to talk about his tall claims regarding devotion and abilities towards his service, thus this Para has got no force.
- 2) Correct to the extent that appellant was posted at Police Post Sur Pul, situated in the suburb of Serai Naurang, however, as per report of RPEO dated 06-11-2013, approximately one or two terrorists ambushed the Police Post Surkh Pulp and being negligent and casual attitude in performance of duty, appellant badly failed to combat the terrorists who ambushed the Police officials who were on sentry duty, which resulted in the death of Constable Sher Nawaz No.6412 and great loss caused to the Police Department. (Copy of RPEO repot as annex "A")
- 3) Correct to the extent that appellant was served with charge sheet on 11-11-2013. In fact, after the commission of offence, the terrorists took away Govt: Rifle No.26099229 along with fitted magazine containing 30 rounds and K. K-Rifle No.44815 along with bandolier containing 03 magazines loaded 90 rounds of the same bore from the possession of the appellant and others, as a result of which appellant was placed under suspension due to badly fail to compete with the accused

terrorists and showed a great cowardice act on his part vide DPO Lakki Marwat office OB No.552 on 08-11-2013 & copy of the same to SP/FRP Bannu for information over Endst: No.8055-58 dated 11-11-2013. (Copy of suspension order as annex "B")

- 4) Incorrect: Appellant was afforded full opportunity of self-defense as well cross examination, but he was willfully not interested to make cross examination on the witness, as evident from the short written statement of the appellant bearing his signature and NIC number, placed on enquiry file. Similarly full fledge inquiry was conducted by the Enquiry Officer DSP Syed Liagat Ali Shah under the supervision / close watch of District Police Officer Lakki Marwat and submitted his findings dated 29-11-2013 with the conclusion that all the charges / allegations framed on the appellant stands proved. (Copy of short statements as annex "C").
- **5)** Pertains to record.
- **6)** Correct after conducting a discreet inquiry regarding the allegations and observing all legal/codal formalities, the appellant was dismissed from service on 06-01-2014.
- 7) Correct: After dismissal from service appellant approached to the high ups and submitted appeal / representation for re-instatement in service before the Honorable Commandant FRP Khyber Pakhtunkhwa, Peshawar, which was perused at length by the high ups, finally the same appeal was rejected with the conclusion / remarks which are reproduced below. (copy of rejection order as annex "D")

"However from the perusal of record and recommendation of enquiry officer there are no cogent reasons to interfere in the order of SP/FRP Bannu Range, therefore his appeal is rejected".

#### **OBJECTION OVER GROUNDS**

a) Correct: In the appeal, appellant admitted that on the eventful night, he was on duty, but in his reply to the charge sheet he acknowledged that he along with in-charge Naqib Ullah and Constable Abdul Qayyum were inside the police post at the time of attack of terrorists. Two divergent written versions absolutely make the case of appellant doubtful & not worthy reliable, thus the appeal is not with solid substance to be easily relied upon. However on the eventful night Appellant showed high negligence and cowardice act in performance of duty badly failed to combat the terrorists who ambushed the Police officials who were on sentry duty, which caused great loss to the Police Department. (copy of his reply as annex "E")

- b) Incorrect: Discreet enquiry was conducted with the conclusion that all the charges / allegations framed on the appellant stands proved. The appellant was properly charge sheeted, based upon summary of allegation & Enquiry Officer was nominated to make proper probe. After observing all legal / codal formalities, personal hearing the appellant was dismissed from Service which is according to the rules and regulations. Besides that appellant was afforded full opportunity of self-defense as well cross examination, but as early stated he was willfully not interested to put cross examination on the witnesses. (Copy of statements as Annex "F")
- c) Incorrect, The appellant was charged for his mis-conduct in the light of Police Rules 1975, as such on the eventful night appellant was on duty and in-spite of repeated directions from the superiors circulated time and again regarding vigilance / cautions and alert in the discharge of duties, but on the spot of occurrence appellant showed great cowardice act & badly failed to combat the miscreants who ambushed the police officials who were on sentry duty which caused great loss to the Police Department. Similarly the above high negligence in performance of duty as Police Force member speaks of in efficiency and unbecoming of good Police officer and after observing all legal / codal formalities, personal hearing he was accordingly dismissed from service vide OB No.13 on 06-01-2014.
- d) Incorrect. Appellant showed great negligence and cowardice act badly failed to combat the terrorists who ambushed the police post. Besides terrorists easily escaped from the spot, also snatched away 02 Govt: Rifles along with ammunition and bandolier as stated in early para. As per report of RPEO dated 06-11-2013, approximately (one) or (two) terrorists ambushed the Police Post Surkh Pul and being negligent and casual attitude in performance of duty, appellant badly failed to combat the terrorists who ambushed the Police officials who were on sentry duty, which resulted in the death of Constable Sher Nawaz No.6412 and great loss caused to the Police Department.
- e) In Correct, in fact the appellant was afforded full opportunity of self-defense, personal hearing as well cross examination, but he was deliberately not interested to put cross examination on the witness. Enquiry officer recorded the statement of all relevant Police Officers and after fulfilling all legal formalities came to conclusion that the allegation leveled against the appellant stands proved, thus dismissal order vide OB No. 13 dated 06-01-2014 passed by the competent authority.

#### **PRAYER**

In the light of above said facts it is humbly prayed that the appeal being with short of legal weight age, may kindly be rejected/dismissed with costs please.

1. Commandant FRP Khyber Pakhtunkhwa, Peshawar

2. Provincial Police Officer, Khyber Pakatonithwa, Peshawar

3. Superintendent of Police, FRP, Bannu.

9

(A) . براگرس رلورط FPC 302-324-353 7>4 11/2013 6 594 it - 1800 18 ATA معاروزیک معروی خدمت مول. کو الم وقوعر کا تعقیلی طائزه لميا. بدوران معائير امك عدد سكولمده خون آكود مل كرحوالم 1:0 كَلَّكُما . مان وقوعه اورجلئ وقوعرك أس ماس في رقوع سے لعادیم على لي جوكر بالرس ربورط كم مراه لف بي الردكاندر ، كانشلان ك بيانات بعي ليخ كئ . فتشر موقع بعرض ملا حظرسش حامت بدر Cole l'ani كجرمثرك رونده سركي بختر مركز ك روز ده مسلم ماع D/Pol Lakely Places Twenters Streng TT BP Sur pril undu suspension and Proces of Sannot them definitional 1884 chango Sheet against 840 Naurano for week super 1181 on report action with and come with in du Course 3 برتسك وقوعرعران ماى كانسل شهدكانس سيركواز حال كسائط طور في برموجود حالے وقوعرے جاروں اطراف کھلاعلاقہ کے عس وقت سم حلنے وقوعرائم المع أس وقت عمران كايش جهوشي كي مالت ين هستال سرير 019/12 5711

کارد کانڈر جو کاسریل نا کا نقیب اللہ کاسان لیا جس کے لیے سان سی Fir ك لورط كي ماسدكي . عنوان كي ماريس أس كجو عي سلوم سس كفي . اور رات کی آماری کو تجاز منانے کی کوشش کررہائھا . حالانکرسندی کوش اور کارد کانڈر آور گاردے کرے کے درمیان صرف جندندم کا فاصلہ کے ۔ اگرفائرات سیائے وہ ادر طاہر حاتے تو سنے محملف ہوتا ، کانشلان کے بیوانات بھی لیے گئے۔ تنہوں نے گارد کانڈرکے بیان کی تامدی۔ اُن کے بیانات سے بھی محدم سوامح کانسلان میں سے حب الدہ 63 اور رفع الد 6407 جوکے سحد (عرفی سائٹ ) کے ساتھ سلمتركريس سون بوقة أكروه بروقت الرك بوت اورملزمان كالعات کیلئے نکل کتے. تواسی صورت میں معی تلزمان کو اِس طرح آسانی سے فرار ہونا اور سركارى كلا سُيْكُوبِ ليجانا آسان بيس برديا . فيكن سي مردل كريك ہوئے ہی . گارڈ کانڈراور کالیٹلان کے سانات ہمراہ لف سرائے ملاحظہیں۔ حب كارد كاندر سي سترمزارى كاني محركانيس عران حوكد بوقت وقوع عمال كما عما -أس كا آپ كوكس طرح بيتر جلا كروه كدهر بي ، تواس نے شلا ما كرأس كى جادر كافي دورجانب شال خالى اراصات مين ملى . اور وه سكان مستى شار ولرسانان سكنة ارسلطان محودس ساه بے حكاتما . شتى نثار نے لعدازال سي مطلح كردما . كراسي كس اور منرط هوناس -م جوى سورلى كاردكره دائك شال شرقى سائل بريالك المحترابك عطر خست کے عروران سے دریافت کی دریافت ہوا کھرات کوغلام فرمد ولدكل مدن شاه كمنه مصورى عميل والخانه والخي عمر حل وضلع بون ارز سروسر ولداطلس خان كدرسورس علافة عقائد لوزنگ كا لعدرخست يس أن الله النه كى قريوق محى - دولون مردوران سے لنصلى سانات لئے ا ر جو کرمیم اه لف مال ملاظریس - سر دو مزدوران نے لیے بانات سی سلاما کرایک لامیر (مرک ما) گارگی جرامیوس سے دوڈ شارہ تھی حانب شمال روڈ سے آئی اور حولی کسام موڑ کا سے فائر نگ یعنی سرسٹ ہوئی سرسٹ العددورا تين سال فالرمزيد مي سرك . مم درك مارے تعدر حست ميں يَّاهُ لَا أَس كُلُعُدُ فَالرِّبُّكُ كَالِسَاءُ لَعِي رُكًا. اور وقوم كم آرس باقی پولس والول کے زمانی معلوم سوا .

(3)

اس عد سار ولدسال خان سند نارسلطان محود مس کے بال کانسل عراف عماک کر بناه بی بھی، کا بھی تنصلی بیان لیا . حس نے اپنے بیاری سر اسلاما ، کوکس س كوس موجود تما كر دروار بردسك بوتى . درواره كو لي سرمعلوم مرا ك عان نامی کا نشل کے اوروہ کھ لو لئے کابل سس تھا۔ بربد سالھ کے بارے سی درمافت کیا بحراس کے ماس کلاندنکوف سرکاری موجود محقا ماسی ؟ توأس في بنا يا كروه بالكو خالى المقوعقا - شارك عدا في عدرالعمد سے محاتفان سان سا مرکم مراه لف قابل الاخطراب اس كالعلاوقة وتوع كومولظ ركفته الوسي جالب شمال رود سرحبله معشر حشت سے دریافت شروع کی ، دریافت مرسطری مواکرسری عصر خست واقع شاح تلی خان موڑ سے ڈمیر روٹرک بوڈشدہ مانخویل ڈراسور مقدرشاہ سکنہ نامعلی رباني المرباني بالم 134 ما 664 484, 0300-566484 مرباني المرباني ا مطرت سلماع نکی ہے۔ ڈرامٹورمذکورہ سے جب مومائل بروقوعرے مار س درمانت کی قرآس في ساماً که ده شمال کسطون سے حوکی کسائقہ مور کا گئے مطرف منرق رود مومى جند كرك فاصلے مرآ كے كيا فرس نے فائرنگ كى آدازشی . آورس وقت میں مور کاط را محقا توستری بوط کے ستے کھاک كرما تعاجيك دوساسترى، سنترى لوش سه ماسركا عقا- أس فرمد مر می وزن سرسلایا کردوس سان ماکسی سان ماکسی مسم کی تعاون کملے طلب کرنا جانب توس حآمنه آ مار سولاگا . اس لعد عران كانسر ك كوك حواب هستار س وسعارج مرحكاتها. أسى تاما كد دسر كافي آتى اورس سترى بوش كسامن كواعقا بمر كافئ القرادسلي نقاب بوس عق عربي سائر سي أجانك مم بر دهاوالول كر مجع د هكاديا . اور فائرنگ مي سوتي . س عقاك كيا . في سركاري رائفل كانعى كورتيب ولا اور في يترسس ولا كرس كن طرح اوركهان تك تعالى السال - س ب سرسي سوحكاتفا - مستال س موش آيا -مزرد برعی کها . کر میں مرگی (دورا سرے کا مرلص موں)

سيدكانش ادر كانش عزن كر مواش فول قدمت كمكر حواله 1:0 عناست الله تحمالة فرراك كي كادراً مع مرات دى. كددولول موالى فول منزات كاستعلقة عظم سے تعلی ڈیٹا ماصل کریں۔ عالحاه! مسي والست عطابي تعلم فارد عمالله عالماه! مسي وقت مك حِلَى سِمَا مِنْظِيمَ إِسَى حَبِ مُلَلِ بِنَامِتُمَ الْحَالَى فَي مَوْدِهُ كَارِدِكُمُ وَ الْمُرْكِمُ مات سے ماسر نظین جوکرسٹین زول ہے ۔ کالیس عران جوکم سسركانيل كساكة دلوى روود كفا. وقوع كالجسم ومد كواه بيكن حان تو ہے کو گنشی سے تعاون سی کرما . اُسے وقع در کامکر علم ہے۔ ر گردسنظم ہوتی توسرے نیال س کارد کرہ مات س ہوئے ملازس مُونِعِي أَسَاني سِي نَشَارُ بِنَا سِكَةِ مِنْ الْحُرِكُ الْمِيْنِ عَلَى كُوضِحُ أَمَا ووكسِطُ كما حلي تومير عنيال من ملزم /ملزمان تك شرى أساق سي الم مزيديري آب ماحان نونس مي لاما جاسا مول بمركارد رسور حمك كماكما معلوم سيا كروسية (مورخد 20-7-2012) سي ما حال كارد /ملازسي كوهير مرونترنزی آفسرے صرف وز مرتبہ میک کئے بی . رسوم مطابق مرز داه 2-6-2 کولائن آنسر اور مورند 13-9-7 کو ۱۵ نوزنگ ف جو کی گارد جیک کرے ملازس اونس حوکی سورمل کو صنروری ہلامات رفيس القائسي فعي حرى كمطرف أن مى زخمت گواره بسي كى كے . خور عدات اور لاسرواسى ك سنتری بوش منر محفظ اور لوسده کا کا کی دور سے تعی اِس کو سری آسانی سے نشانہ نیانا جاسکتا ہے۔ رمائشی کرہ جات تھی سنر محفوظ میں۔ اور حسر حال من الميزه كسي تعقال سے محت كى خاطر اس كى مناسب تعمیر/مت ازدرمزری ہے۔ حکرمالات کرش نظر نوری ك تورادم م مريداكر موصاتي ما وع تو كارسركار كملي سود

D)

مرمديد مرحوى موريل من كل أكل ملط موس ملك برا على الموت وقوء ستريال نے کھا ممال لي لي لي بردن ملک اور سرى اس كارد كاندر ان دانقى الحام دسي بن كارد كاندر بسول دم گلرد كانسان سردل، لارواسی اور فراکض سعفلت كا سادر محلار کاروای کاستاکای ہے۔ 0:1 نے موالقی است فرالفی صح طر لفے۔ سے ای م ر نے کی کوسٹی سی کی ہے۔ کیونلر نہ اس مرائل من قرمن لي تع . نه كا يوقع كما تعيز د كم معيز خشت كيمارس ادر جمال عزل كانسل برآمرموات . أس كارد كا ندرك ما مات مفروض ادراسي ما اهلي كوفها ب كلي سيركوغلط رح دساحا سي بك امل سن مك السني كمك كانسك عان اور د مردامور 0331-5661484 - July July July July 1849 - 186331 0331-5664484، 03005664484 لهذا إس بات دی فی او کروت اور ۱۵ الوشکش کروت كرساس بلامات دى حاول ربورط برس المرفركز ارتوات Allested RPEd DP0/Nawang 6.11.2013

6

(B)

On the night between 4/5-11-2013 the terrorists ambushed Police Post Surkh Pull and opened indiscriminate tiring upon Constables Sher Nawaz No. 6412 Constable Imran Khan No. 6577, as a result thereof. Constable Sher Mawaz sustained severe injuries and later expired in the Hospital, while Constable Imran Khan No. 6577 became senseless. The accused/ terrorists also took away Govt: Rifles No. 26099229 alongwith fitted magazine containing 30 rounds and KK-Rifle No. 44815 alongwith bandolier containing three (3) magazines loaded 90 rounds of the same bore from the possession of the above noted officials and case FIR No. 592 dated 05.11.2013 u/s 302/324/353/404 PPC/7-ATA PS Naurang was registered. The Incharge Police Post Surkh Pull and the strength deployed over there badly failed to combat with the accused/ terrorists and displayed and showed great cowardice on their part, hence forth, the following police officials are hereby suspended with immediate effect:-

1: SI/PC Naqibullah FRP.

2. Const: Imran Khan No. 6577.FRP.

3. Const. Abdul Qayyum No. 6532/FRP.

4. Const. Rafiullah No. 6493/FRP.

5. Const: Mohammad Ismail No. 6508/FRP.

6. Const: Habibullah No. 630. 🗸

OB No. 552/ Dated. 8/11: 2013.

Lakki Marwat.

No. 8055-58 Dated Lakki Marwat \_\_\_\_\_\_

Copy to:-SP/ FRP Bannu Range for information.

2. OHC/PO and SRC for necessary action.

150 26 Bli of

District Police Officer, Lakki Marwat.

adent of Polico ERP! Canny

سان ازان مراد على مان انبيلا سرمل أضربين نوراند 2 40 Wh in 2 5/10 13 611 2 6/10 14 Stidnes De 302.324.353 - 25 1/3 (13 592 rie) ار اور ما مان کرے میں کئی ہوں کی اس میں کا کا میں سورتل سے ما حوی ملزمان مخوسر کاری کماننگوف عم جار صر حراملان لود شره مدا عدد كاروس ٢٠٦٧ وا دوس 1/20/2/2 2 2/8/6 64/2 10 20/2 6577 018 Sile Con west side is who of wo 1 6508 per 630 mm no 6493 mino 6532 (meline مرازام سے - در انوں نے مان کو کونے می اردی كا مطا مر و كر عند اور المعالم الوراي ك عرفل مو س ا مرب اره تمل لفنش ماری سے می مراتمان سے mhm CO/ Naurang 6503 wy gir with the XXX 20-11-013 ارزی مسری و فر راید کردی کردی و اور ایرای کرد و فرمن فرد کردی کرنانید کا بات .

#### ORDER.



This order shall dispose off on the appeal of Ex-Constable Rafi Ulla No 6407 of FRP Bannu Range against the order of SP FRP Bannu Range.

Brief facts of the case are that on 4/5 11-2013 the Terrorists ambushed Police Post Surkh Pull, started indiscriminate firing upon on duty Constables Sher Nawaz No. 6412, Imran Khan No. 6577 as a result of which FC Sher Nawaz was scriously injured while FC Imran Khan became senseless. FC Sher Navay, No. 6412 succumbed to his injuries in the Hospital. The militants succeeded also in spatching away Govt: Rifle No. 26099229 alongwith fitted magazine containing 30 rounds and KK Rifle No. 44815 along with bandolier consisting of 03 magazines of 90 rounds from the possession of both the aforesaid mentioned. SI/SHO Ps: Naurang reached the spot and register case FIR No. 592 dated 05.11.2013 u/s 302/324/393/404 PPC read with 7 ATA Police station Naurang District Lakki against the un-known terrorist. He failed to combat with accused and showed great cowardice. The DPO charged him as under:-

- 1. That being a member of Police Force, in spite of repeated directions regarding vigilance and alert while discharge of duties in the present prevailing law and order situation and wave of terrorism.
- 2. That being negligence and casual attitude in performance of duty badly failed to combat the terrorist who ambushed the Police officials who were on sentry duty, which resulted the death of constable Sher Naway 6412 and great loss casued to the Police Department.
- 3. That the above negligence in performance of duty as Police constable speaks of in efficiency seems his un-becoming and good Police Officer and this amount to gross misconduct on part of the above named ex-constable liable to be punished under the Police Rules 1975.

In this connection Mr. Syed Limpt Ali Shah DSP Serai Naruang was appointed as Enquiry officer. After enquire the recommend the defaulter ex-constable for Major Punishment He was issued Final Show Corse Motice and also heard in person, but neither explanation nor personal hearing were fore convincible and satisfactory, therefore he was dismissed from service under Police Rule. 1975 by SP FRP Bannu Range vide his OB No. 13 dated 06.01.2014.

However from the present of record and recommendation of Enquiry officer there are no cogent reason to interfere in the order of SP FRF Bannu Range. Therefore nmewhis appeal is rejected.

> Superimendent Of Police FRP/Bannu

Addl: IGP/Commandant Frontier Reserve Police 水物yber Psychtunkhwa Peshawar

/EC dated Peshawa-

Police Copy of above is sent to the Superint polent of Police FRP Bannu Range Bannu for omation and necessary action w/r to the <sup>56</sup>mo<sup>5</sup> No. 330 dated 28 (91,2014.His Service ord and departmental Enquiry file areas

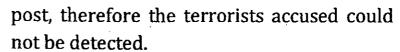
No. 1156-57

Sir,

# IN RESPONSE TO THE CHARGE SHEET ISSUED VIDE NO: 8047-48 DATED: 11-112013.

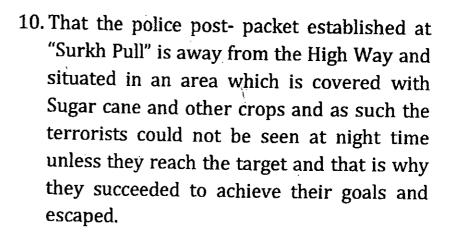
## IT IS SUBMITTED AS BELOW.

- 1. That I joined the Police Department in the year 2010 and remained posted at various places, performing my duties with great zeal and devotion to the entire satisfaction of my seniors.
- 2. That I was posted at "Surkh Pull" and for the last 2/3 months performed my duty to the best of my abilities.
- 3. That on the night of 04-11-2013, I was present in police post Surkh Pull along with incharage Naqib Ullah and the other colleague constable.
- 4. That constable Imran and "Late" Sher Nawaz were on Sentry duty. While I along with incharage Naqib Ullah and Constable Abdul Qayyum were inside the police post when at about 23:00 Hrs heard discriminate firing shoots, we became alert, rushed out and took our arms and ammunitions.
- 5. That as soon as we came out, we saw that late Sher Nawaz was injured and started firing in retaliation and self defence but it was pitch darkness and abundance of grasses and bushes were present around the



- 6. That I along with constable Abdul Qayyum arranged the transport for taking the injured Sher Nawaz to the Hospital and left the only incharage in the police post.
- 7. The neither I have ex-passed cowardice nor committed any negligence in performance of my duties because the sentry duty was assigned to contrastable Sher Nawaz and Imran while we were on the next and remained inside the packet, however when heard the firing immediately came out and starting firing towards the terrorists but they could not detected because of the abundance of grasses around the scene of occurrence which became safe shelter for them.
- 8. That after exchange of firing I and Constable Abdul Qayyum arranges for vehicle and brought Sher Nawaz to Civil hospital Serai Naurang and then onward proceeded to DHQ Bannu, where he remained I live for about 10-50 mints.
- 9. That terrorism has became an open challenge and spreading like a wild fire though out the country, causing human and property losses at the high level but ways could not be sought out to keep pause upon this front.





11. That a criminal case to this effect has also been registered at PS S. Naurang where in it is coming to the surface of investigation, that it was a terrorist attack like other terrorist activities which cannot be controlled being organized and planned crime with high skill with a view to prevail upon the Govt. Keeping in view the prevailing situation of terrorist activities and day to day causalities,

It is requested that I may please be exonerated from the charges and the charge sheet may be filed please.

I wish to appear before your good self for personal hearing.

Awested

SDP Many and

Your's Faithfully

F.C Rafi Ullah No.804748

NB Surkh Pull.

3/10 2 SHO N3/2010 W طبة ي فرى فريم مع لوى وي توركي شوركي سني - رظار ٦ و اي ديل لفرالله على معكر ملى داورط علا ورس على الارتقان بعدالا Shid nestle 302.324.353 905/1 A3 592 Mes 14 Co مَامُ مُوفِعًا ع . عبله طلات واقطات كا جائم و لين در اس نكم مر دندا مول ، كر بافی مانده لوی لفر سفادی می می بادی کاری در می ایمان می می بادی مانده لوی ایمان می بادی مانده ایمان می می بادی مانده لوی مانده ایمان می بادی مانده لوی مانده ایمان می بادی مانده لوی مانده لو (3) Now 2 wi630 w wo 6532 poly re 6493 Cyaline 6493 Cyaline مردی کے ویرائی سوتے میں۔ اگر سالفری ماردی کا وظاہر نالد تو وقوعم کا کی مرامان سے Malen SHOLL in biring XXX 6497 Jungies 18/10/00/ 10/00 (1) w. ) 6/0/0/01/01 2 66 (mi/on/ 19 (mi) 2 Phi.

### BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 496/2014

Rafi Ullah

Versus

Commandant & others

#### REJOINDER

### Respectfully Sheweth,

### Preliminary Objections:-

All the 06 preliminary objection are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is barred by laws/time, appellant has concealed the actual facts, he has come with unclean hands, estopped to file the appeal due to his own conduct, he has no cause of action and appeal is bad for mis & non joinder of necessary parties.

#### **ON FACTS**

- 1. Not correct. The para of the reply is without proof regarding unsatisfactory service.
- 2. In response to this para of reply, it is submitted that nothing against the para of the appeal as brought on surface but the para of the appeal further explained by the respondent. Neither any cowardice or negligence was shown by the appellant but the police party indulged to shift the injured to hospital.
- 3. Admitted correct to the extent of service of charge sheet and reply thereto. Appellant along with others was quite alert in the discharge of duties but in meager numbers 5 personal could not combat with large number of miscreants. The recent incident of Army Public School in the heart of the city as well as Bacha Khan University where hundred and thousand police personals, FC and

Army Personal etc, were present but could not overcome the situation.

- 4. Not correct. The para of the appeal is correct regarding recording of statements in presence of appellant as well as cross examination over the witness(s).
- 5. As above. But here it would be not out of place to mention that similarly placed FRP Constable, namely Muhammad Ismail was reinstated in service by the respondent.
- 6. No codal formalities were ever observed. The final show cause notice was not supported by enquiry proceedings/report. The enquiry report it was admitted by the Inquiry Officer in the findings that appellant has never displayed any cowardice.
- 7. Not correct. The rejection order was not served direct by the appellant but the same was dispatched through postal service which was received by him on 10.04.2014.

#### GROUNDS:

- a. Not correct. Such fact of presence on duty was admitted by the respondents in this ground of the reply. He was quite alert and no negligence was shown by him.
- b. Not correct. Reply regarding conduct of enquiry has been given in the preceding paras of facts.
- c. Not correct. Law should have been mentioned in the charge sheet as well as the final show cause notice under which appellant was dealt with.

If cowardice was shown by the deceased police official namely, Sher Nawaz Khan then he should have not awarded with compensation of shaheed package of Rs. 30,00,000 etc.

- d. Not correct. The live examples were the incidents of Army Public School as well as Bacha Khan University.
- e. Not correct. The ground of the appeal is correct.

It is, therefore, most humbly requested that the appeal be accepted as prayed for.

Appellant

Through

Dated: .01.2016

Saadullah Khan Marwat

Arbab Saif Ul Kamal

Miss Rubina Naz Advocate,

#### **AFFIDAVIT**

I, Rafi Ullah S/o Sana Ullah, Appellant, do hereby solemnly affirm and declare that contents of **Rejoinder** are true and correct to the best of my knowledge and belief. While that of the reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

DEPÓNENT

الرد كاندر الم المرس إد الله كابيان ليا حس لي سان س كالورط كالمامدكي. عنمان عمار سي أس كه فحى معلوم سي كقا. اور الت كاتاراكي كوتجاز سانے كى كوشش كررائحقا . عالانكرسندى بوش اور كاردكاندر أوركاردك كرك كررسان صرف چندندم كاما صلى والرفائراك كساعة وه الرط بوحات توسَّح عِلَف موتا . كَالْشِلان ك سمانات عي لَيْ كُنْ عَبُول العركان كالرك بيان كى تامدكا - أن كے سانات سے عى سعدم سوامح كانسلان. س سے حسب الدہ 63 اور رفیع الد 6407 جو کرسخد (عربی سامٹر) کے ساتھ العركية الرسان المرقع عقر الخروه مروقت الرك بوت اور ملزمان كالتاب سركارى كلاشيكوب ليحاما آمنا أسان بني برتا و ليكن سي مب شردل ك تركب سوخ بن گار د کانڈراور کانٹلان کے سانات ہمراہ لف برائے ملاحظہیں۔ حب كارد كاندر سيستراري كاكني كحركانس عان حوكدلوقت وقوعر عبال كما تقا-أس كانسكوكس طرح يترجلا كدوه كدهر به و تواس في تلايا كرأس كى جادر كافي دور حانب شال خالي اراصات سي ملي . اور وه مكان مستى شار ولوسان كنة بارسلطان محروس بناه ب حكامقا . ستى تأر في لعدازال بمي مطلع كردما . كراس كبل اور بنرط هونڈیں . مرجوى سربل كاردكره حاسك شمال شقى سائد برباكض كحترا يك عطر حسنت کے صلی مردوران سے درمافت کی درمافت پرمعلوم موا کھرات کو غلام فرمد ولدكل مدن شاه كمة مصورى مرسل فواكا مزوالى مرحل محصل وصلح بون ارر سروس ولداطلس خان كدسورس علانة عقائه وزراك كى لعدر خست میں آگ طوالنے کی طویق کھی ۔ دولوں سردوران سے تعقیل سانات کئے جوكم مراه لف قابل ملاحظ من - سردوم دوران نه النه سانات س سلاما كدامك كلمسر (مرك ما) كاركاي حواسوس سه مود شده تقي حاب شمال رود سے آئی اور جو کی کسام مورکائے فائر نگ لینی سرسٹ ہوئی ، سرسٹ کے العددورا اللن سنگل فائر برادمی سرنے سے درے مارے تھے خست س سَّاه لا أس كعد قالز التك كالسله لمي ركا. اور وقوم كارس باقی بولز اوالول کے زمالی معلوم سوا

اس کور سار ولدمان خان سکنه نارسلطان محود حس کے ان کایسل عران ب عبار کر بناه کی عنی کا بھی تعضی بیان لیا . حس نے آئے بیاری سی اثلاما ، کوئل -س لوس موجد تما که درواز به سردسک بوتی . دروازه کو ان سرمعلی سرا عران نامی کا بیش کے اوروہ کو لو لانے قابل نسی تھا۔ نرمرحت اسلی کے بار اس دربالت كيا ، كداس كي ماس كلا شنكوف سركاري موجر د محقا ما منى ؟ توأس في بناً يا كدوه بالكل خاليها مُقَرِّقِها . شارك مدا في عدا لعمد سے محا تنفل سان بيا . جركم أه لا قابل اللافط ك الل ك لعل وقت وقوم كومد فرا ركفت الورائع جانب شمال رود در جملر عمار سادریانی شروع کی روریانت مرسعدی مواکرمنری عصر خشت واقع شاح ملی خال موڑ سے ڈسر ریزک بوڈشدہ مانخول ڈراسور مقدرشاہ سکنہ نامعلی مطرف سلماع نظی ہے۔ فحراسورمذکورہ سے دب موماکر) سرد قوعرے کا س درمانت کی . در اس فی بتا می ده شمال کسطرف سے حوکی کسائق مور کا لئے بطرف منزق رود موندی بند گرے فاصلے راکے گیا۔ نوس نے فائرنگ کی آدازشنی - آورس وقت س مرز کاط را مقا نوستری بوط تے ستے کھک كررما تحقا الله دوساسترى الم سنترى لوش سے مارکھڑا تقا ۔ اُس فرمر سرعی وزن مرسلاما کردوس می جھے سان باکسی سم کا قعاون کملے والے کرما جا ہے توسی حامر آ تاریمولاگا . اس لعد عان كانسر كالمرك لل حواب هستار س وسعاراج سرحكا عما . أسى بنا ما كم دسر كارى أنى اور مي سنرى بوش كسامنه كفرا تقالم كافئ تعادسلي نقاب برس عقى عرفي سائر سے أجانك مى بردهاوالول كر قع د نعکا دیا . اور فائرنگ می سوتی میں عباک گیا . قیے سرکاری رائفل ) كالعي كويترس جلا اور في بيت بيس جلا كرس كس كرماح اوركهان مَا تَعَالَمُ الله من وسي برسي موحكاتها - بسيال سي موشي أيا -مزرد سرعی کها . که میں سرگی (دوراسٹرے کا مرتفی نبول) .

(Z) تسدكانش ادر كانش عن كاموال فون قيمنس المكرجواله ١٠٥ عناست الله عمان فرنا كالم ادراك براس وى كددولول توباني فول منزات كاستعلقة مُنام سي تنفل في أما ماصل كرين عالحاه! مس والسب عمطانی خلک فارد عمد کارد کمانڈر نے اُس وقت مک حرق سے مار نظری اس حرب کل خابرشی ہے اگری ہے ۔ تو وہ کارد کم و مات سے بابر فکائی جوکرسکن نے دلی کے . کائیل عمال جوکھ سبريكان كيا كقرف في روود كفا. وتوعر كا بشم در الواه ب الكن مركه لا في ترمطاني وقوعران ما حقوملزمان في كما الله والكروسات گردسلظم ہوتی توسرے منال س گارد کرہ مات س از سے ملازس كونعي أساني سينشار بناسكة عند الحركان والمع الماردكسط كما حل في تومير عنمال من ملزمال مك شرى أساقى سي المنام مريدسيمي أب صاحبان مونس سي لا ما جاسيا مون بحر كارد رسمو حمك كماكما سلوم سا كريد و(موريد 20-7-2012) مع ما ما ل) كارد/ملاز مين كوهملر سرویزنی آفسر نے صون در ترشر حمل کئے بیل رسومے مطابق مرافر اور مورند 13.4- 4 كوناك المن آمنر اور مورند 13.4- 7 كوناك الزناك في على كارد جيك كرے ملازس اونس حوى سورس كوصرورى بالمات د من شن را قی کسی فیلی موکی کمطرف آنے کی زخمت گوارہ سی كى كے . خور عقلت اور لاسرواسى نے سنتری بوش عنر محفظ اور لوسدہ کے ۔ کا فی دور سے بھی اِس کو سڑی آسانی سے نشانہ نیاما جاسکیآئے۔ رمائشی کرہ جات تھی عمیر محفوظ بٹل ۔ اورخسرطال من آئيده كسي نقان سے محنے كى خاطر اِس كى نماس العمر ارد مردری کے علی حالات کیسی نظر نوی كى تدراد كم ب ريدا كر سرهاى ما وے تر كار سركار كملے سود

مرمد سر کہ جو کی سوریل میں کی اکھ ملط ہوت جمک الرائے ہے۔ لاف وقور ستريال في معتم كالمع المطالق المطارون مدك الر سرى اس كارد كاندر الم والفي الحام دي بني الحارد كاندر يسول ديك المرد كانسان مردى، لامواسى اور والنول سعفلت ك سادر محل الم كاراني كالسائل كالمائل كائل كالمائل كالمائل كالمائل كالمائل كالمائل كالمائل كالمائل كالما مواني مون قيمن له عقم - نها يوقع كسا تقيزومك معير نشت كيانس ادر جارك عان كانسل ارتبال عند المنسل المرسوات . أس كاركاندر كانات مفروض ادراسي نا اهلي كوهمات لله مسركوعلط رخ دسا حاسم الل اس من مك المعنى ما في كانسل عان اور دمر دراسور 0331-566484 -مقدرشاه سکنه نامحلوم رماکل سر ازدر مردی 0331-5664484، 03005664484 لهذا إس مات دی او کروت اور SP الوشکش مکروت كرساس بالمات دى حاوى رلورط سرس الرفركز اركز AllesTed RPEO 6.11.2013 50Pol Naurang

On the night between 4/5-11-2013 the terrorists ambushed Police Post Surkh Pull and opened indiscriminate firing upon Constables Sher Nawaz No. 6412 Constable Imran Khan No. 6577, as a result thereof. Constable Sher Nawaz sustained severe injuries and later expired in the Hospital, while Constable Imran Khan No. 6577 became senseless. The accused/ terrorists also took away Govt: Rifles No. 26099229 alongwith fitted magazine containing 30 rounds and KK-Rifle No. 44815 alongwith bandolier containing three (3) magazines loaded 90 rounds of the same bore from the possession of the above noted officials and case FIR No. 592 dated 05.11.2013 u/s 302/324/353/404 PPC/7-ATA PS Naurang was registered. The Incharge Police Post Surkh Pull and the strength deployed over there badly failed to combat with the accused/ terrorists and displayed and showed great cowardice on their part, hence forth, the following police officials are hereby suspended with immediate effect:-

- 1: SI/PC Naqibullah FRP.
- 2. Const: Imran Khan No. 6577/FRP.
- 3. Const. Abdul Qayyum No. 6532/FRP.
- 4. Const: Rafiullah No. 6493/FRP.
- 5. Const: Mohammad Ismail No. 6508/FRP.
- 6. Const: Habibullah No. 630. 🗸

OB No. 552/ Dated. 08/11/2013.

District Police Officer, Lakki Marwat

No. 8055-56 Dated Lakki Marwat\_

Copy to:-

1. SP/ FRP Bannu Range for information.

2. OHC/PO and SRC for necessary action,

150 26 35 No 015 District Police Officer, Lakki Marwat.

<sub>adant</sub> of Politco

سان ازان مراد على مان انسال سرعل أضربه، نوراند MID WIN I STIP SHO NO LIVE IN WILL Stide ( 302.324.35) ~ 5 013 (13 592 rie) رور و المر زم لفت سے اسی فقدم می ملی فقیس رُول الله ما مران را من من من کال کول الله من من من کال کول کال من من کال کول کال کول کال مناس تعریک سے ما حوی مازمان تحوسر کاری کالانتکوی علی حار طر حراصان لود مره موا عدد کارلوس ۲.62 اور دور 6577 018 8i/2 willied his is we of was 6508 per 630 wine 6493 wise 6532 ( cal 1 me مرازام سے - کر انوں نے ان کان کو کونے می اردی ا مط مر ور کے عفات آور منظیم کولی کے عرفل) کے عرفل ہو میں ا مرب اره تمال لهنشو جادی می مرا سان م Cof Nawang 6503 wigin me (7) 1 is XXX 20-11-013 

## <u>ORDER</u>

This order shall dispess off on the appeal of Ex-Constable Rafi Ulla

No 6407 of FRP Bannu Range against the order of SP FRP Bannu Range.

Brief facts of the case are that on 4/5 11-2013 the Terrorists ambushed Police Post Surkh Pull, started indiscriminate firing upon on duty Constables Sher Nawaz No. 6412, Imran Khan No. 6577 as a result of which FC Sher Nawaz was scriously injured while FC Imran Khan became senseless. FC Sher Navay No. 6412 succumbed to his injuries in the Hospital. The militants succeeded also in spatching away Govt: Rifle No. 26099229 alongwith fitted magazine containing 30 rounds and KK Rifle No. 44815 along with bandolier consisting of 03 magazines of 90 rounds from the possession of both the aforesaid mentioned. SI/SHO Ps: Naurang reached the spot and register case FIR No. 592 dated 05.11.2013 u/s 302/324/393/404 PPC read with 7 ATA Police station Naurang District Lakki against the un-known terrorist. He failed to combat with accused and showed preat cowardice. The DPO charged him as under:-

- 1. That being a member of Police Force, in spite of repeated directions regarding vigilance and alert while discharge of duties in the present prevailing law and order situation and wave of terrorism.
- 2. That being negligence and casual ortifulde in performance of duty badly failed to combat the terrorist who ambushed the Police officials who were on sentry duty, which resulted the death of constable Sher Naway 6412 and great loss casued to the Police Department.
- 3. That the above negligence in performance of duty as Police constable speaks of in efficiency scams his un-becoming an good Police Officer and this amount to gross misconduct on part of the above name. ex-constable liable to be punished under the Police

In this connection Mr. Swed Limps Ali Shah DSP Serai Naruang was appointed as Enquiry officer. After enquire the recommend the defaulter ex-constable for Major Punishment He was issued Final Show Commodice and also heard in person, but neither explanation nor personal hearing were for a convincible and satisfactory, therefore he was dismissed from service under Police Rule. 77.75 by SP FRP Bannu Range vide his OB No. 13

However from the process of record and recommendation of Enquiry officer there are no cogent reason to interfere in the order of SP FRE Bannu Range. Therefore ewd his appeal is rejected.

Superintendent Of Police

Addl: IGP/Commandant Frontier Reserve Police Khyber Psyhtunkhwa Peshawar

/EC dated Peshaw:

Copy of above is sent to the Suppressent of Police FRP Bannu Range Bannu for

amo: No. 330 dated 28 01.2014. His Service

cord and departmental Enquiry file are

rormation and necessary action w/r to the

No. 1156-57

# IN RESPONSE TO THE CHARGE SHEET ISSUED VIDE NO: 8047-48 DATED: 11-112013.

# IT IS SUBMITTED AS BELOW.

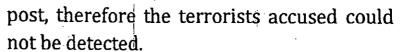
1. That I joined the Police Department in the year 2010 and remained posted at various places, performing my duties with great zeal and devotion to the entire satisfaction of my seniors.

2. That I was posted at "Surkh Pull" and for the last 2/3 months performed my duty to the best of my abilities.

3. That on the night of 04-11-2013, I was present in police post Surkh Pull along with incharage Naqib Ullah and the other colleague constable.

4. That constable Imran and "Late" Sher Nawaz were on Sentry duty. While I along with incharage Naqib Ullah and Constable Abdul Qayyum were inside the police post when at about 23:00 Hrs heard discriminate firing shoots, we became alert, rushed out and took our arms and ammunitions.

5. That as soon as we came out, we saw that late Sher Nawaz was injured and started firing in retaliation and self defence but it was pitch darkness and abundance of grasses and bushes were present around the



- 6. That I along with constable Abdul Qayyum arranged the transport for taking the injured Sher Nawaz to the Hospital and left the only incharage in the police post.
- 7. The neither I have ex-passed cowardice nor committed any negligence in performance of my duties because the sentry duty was assigned to contrastable Sher Nawaz and Imran while we were on the next and remained inside the packet, however when heard the firing immediately came out and starting firing towards the terrorists but they could not detected because of the abundance of grasses around the scene of occurrence which became safe shelter for them.
- 8. That after exchange of firing I and Constable Abdul Qayyum arranges for vehicle and brought Sher Nawaz to Civil hospital Serai Naurang and then onward proceeded to DHQ Bannu, where he remained I live for about 10-50 mints.
- 9. That terrorism has became an open challenge and spreading like a wild fire though out the country, causing human and property losses at the high level but ways could not be sought out to keep pause upon this front.

- 10. That the police post- packet established at "Surkh Pull" is away from the High Way and situated in an area which is covered with Sugar cane and other crops and as such the terrorists could not be seen at night time unless they reach the target and that is why they succeeded to achieve their goals and escaped.
- 11. That a criminal case to this effect has also been registered at PS S. Naurang where in it is coming to the surface of investigation, that it was a terrorist attack like other terrorist activities which cannot be controlled being organized and planned crime with high skill with a view to prevail upon the Govt. Keeping in view the prevailing situation of terrorist activities and day to day causalities,

It is requested that I may please be exonerated from the charges and the charge sheet may be filed please.

I wish to appear before your good self for personal hearing.

Aveste el SDP Manag

Your's Faithfully F.C Rafi Ullah No.804748

NB Surkh Pull.

Shigh Co SHO N3 ( Die cili لقر الله على مع كر ملى داورط خط ورس الاكرهام بعوالا Shid (16 the 302.324.353) 905/1/ (13 592 Mid (16) 1/4 (10) (3) Now 2 w.630 Cm no 6532 pred ne 6493 Cmque, مر مزدلی کے ویک سے کے میں ۔ اگر سرلفری مزدکی کا عظامر نا لكران المحالي المنظم الحواور الوالم المال الم サールノラしじ Mahan SHOILE me Pininger XXX 6493 Jugies 14/2 male le colo . 2/10/05/05/05/05 2 6 6 (mi/on/ 19 mis ? 1120-5188170-1