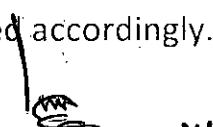


Form-A
FORM OF ORDERSHEET

Court of _____

Case No. _____ 506/2023 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.03.2023	<p>As per direction of the Worthy Chairman the present appeal is fixed for preliminary hearing before touring Single Bench at D.I.Khan on _____</p> <p>Counsel for the appellant be informed accordingly.</p> <p style="text-align: right;"> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL
PESHAWAR.

Ghulam Mujtaba. Versus Govt: of K.P.K.

Respected Sir,

In response to your letter dated 16.2.2023 regarding explanation of delay for re-submission of above mention file not within 15 days is that above mention file was received by the Appellant Counsel on 25.01.2023. That after removal of Objection same was submitted through Post Office on 06.02.2023 after 13 Days. The submission was within 15 Days. The time consumed by Post Office may please be excluded.

As to the Objection mentioned in Letter dated 16.2.2023 are hereby removed please.

[Signature] ADW

Ghulam Mujtaba Appellant,
Through Counsel,
Malik Atta Muhammad Sewag,
Advocate High Court, D.I. Khan.

Dated. 02.03.2023.

Sir,

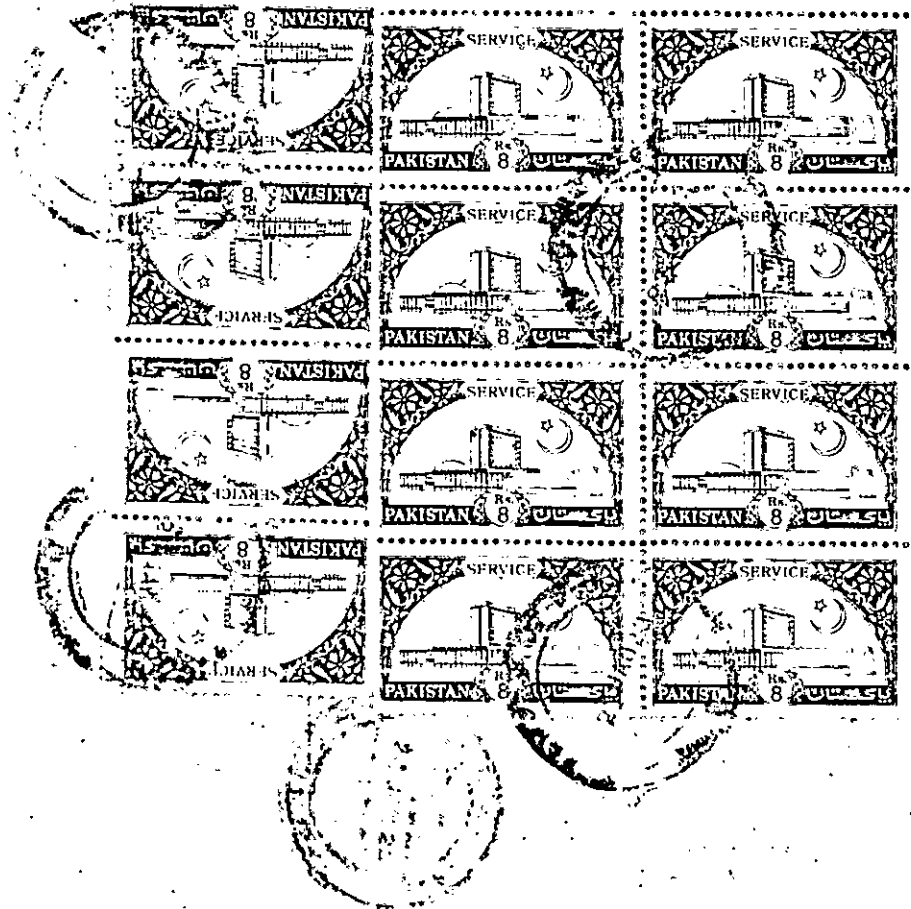
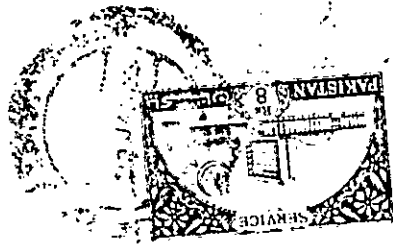
Reply to order dated 16/2/2023 of appellant is submitted for perusal & order please.

Haible / Chauhan

[Signature]
2/3/2023

Let the PH be filed before the
Court

07/03/23



Respected Sir,

It is submitted that the present appeal was received on 05.01.2023 after thoroughly scrutinizing the same many deficiencies were found in it which was returned to the counsel for the appellant for completion and resubmission within 15 days which was to be resubmitted on 21-01-2023 but counsel for the appellant re-filed the same today on 13.02.2023 late by 22 days without removing the objection no.3, 4, 5, 8 & 10.

The appeal is submitted to your Honour under rule-7(c) of Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

REGISTRAR

13/2/2023

Worthy Chairman

Let the appellant explain the first delay in the appeal & the reasons for the delay raised by the appellant.

No. 607
16/2/23

Office


16/2/23

The appeal of Mr. Ghulam Mujtaba son of Ghulam Muhammad caste Jorr r/o Muryali D.I.Khan received today i.e. on 5.01.2023 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- ✓1- Check list is not attached with the appeal.
- 2✓ Appeal has not been flagged/marked with annexures marks.
- ③ Memorandum of appeal is not signed by the counsel.
- ④ Annexures of the appeal are unattested.
- ⑤ Chamber /email address and contact number of the counsel engaged is not mentioned on the index/wakalatnama.
- 6- Affidavit is not attested by the Oath Commissioner.
- 7- Copy of order dated 18.05.2022 mentioned in para-6 of the appeal is not attached with the appeal.
- ⑧ Copy of departmental appeal mentioned in para-7 of the memo of appeal is not attached with the appeal.
- ✓9- Annexure-H of the appeal is illegible which may be replaced by legible/better one.
- ⑩ Copies of statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 11- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 98 /S.T.

Dt. 06/01 /2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Atta Muhammad Adv.
High Court D.I.Khan

Respected Sir

That objection NO1 to 9 has been removed while objection NO10 an application sign by DSP/Regal is here by attached



*M. Atta Mohammad Saari
Counsel for the Appellant*

*Received
13-2-2022*

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

Service appeal No. Sp6 of 2022

Ghulam Mujtaba

VERSUS

Government of Khyber Pakhtunkhwa & Others

INDEX

S #	DISCRIPTION OF DOCUMENTS	ANNEXURE	PAGE#
1.	Grounds of Service appeal	-----	1-6
2.	Copies of service record in shape of certificate, CNIC, Service Card	A & A-1	7-10
3.	Copies of charge sheet and grounds of action	B	11
4.	Copies of FIR's, bail application and order <i>along with dismissal ord</i>	C & D, E	12-23
5.	Copy of order dated: 18-05-2022	F	24-
6.	Copy of departmental appeal <i>mayen appeal</i>	G	25-30
7.	Copy of order dated: 05-08-2022	H	31
8.	Vakalatnama	----	32

Your Humble Appellant

Ghulam Mujtaba
Ghulam Mujtaba
Through Counsel

Dated: 31/10/2022.

[Signature]
Advocate High Court

(1)

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

Service Appeal No. 506 /2023

Khyber Pakhtunkhwa
Service Tribunal

Case No. 2781

Dated 5-1-2023

Ghulam Mujtaba s/o Ghulam Muhammad caste Jorr r/o
Muryali Dera Ismail Khan. (Constable No. 162 Police
Department.)

Mobile No. 0344-937-8835

(APPELLANT)

VERSUS

1. Government of KPK, through Home Secretary, KPK Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
3. District Police Officer Dera Ismail Khan.
4. Regional Police Officer, Dera Ismail Khan.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER OB NO. 1449 DATED 03/09/2021 ISSUED BY RESPONDENT NO. 04, WHEREBY SERVICE OF THE APPELLANT WAS DISMISSED AND AGAINST THE DECISION ON DEPARTMENTAL APPEAL OB NO. 819 DATED: 18/05/2022 VIDE WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS PARTIALLY ALLOWED BY THE COMPETENT AUTHORITY WITHOUT ANY LEGAL JUSTIFICATION AND AGAINST THE LAW AND IN VIOLATION OF SERVICES LAWS AND RULES AND THE APPELLANT WAS CONDEMNED UNHEARD WITH MALAFIDES.

PRAYER:

On acceptance of this appeal, impugned orders No. OB 1449 Dated: 03/09/2021 and OB No: 819 dated: 18/05/2022 issued by respondents may please be reversed /set-aside,

and the respondents be directed to restore the forfeiture service of two years and release the salaries of intervening period with all back benefits.

Note: Addresses given above shall be sufficient the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

Respectfully Sheweth;

1. That the appellant is law abiding citizen of Pakistan and is enjoying well reputation in the society.
2. That the appellant was inducted in Police Department as Constable (BPS-05) after adopting all the legal and coddle formalities. Copies of service record in shape of certificate, CNIC, Service Card are jointly enclosed herewith as **Annexure A & A-1** respectively.
3. That the appellant has done his services to the entire satisfaction of Police department and a total length of service of the appellant 24 years and in this total period of service no complaint was made by anybody against the appellant.
4. That the FIRs No. 48 dated: 02-08-2021 u/s 379 PPC of Police Station Saddar, D.I.Khan, FIR No. 30 dated: 02-02-2021, u/s 379 PPC of Police Station Dera Town, D.I.Khan and FIR No. 50 dated: 04-02-2021, u/s 379 PPC of Police Station Saddar, Dera Ismail Khan was lodged against the appellant vide which the appellant was issued a charge sheet by the respondent No. 04. Copies of charge sheet and grounds of action are enclosed as **Annexure: B**.
5. That after arrest of said FIR's, appellant moved Bail Application in the court of Judicial Magistrate-I, Dera Ismail Khan, after that matter has been withdrawn and the bail application of the appellant was confirmed. Copies of FIR's, bail application and order are jointly enclosed herewith as **Annexure: C & D-1**.

Adm

6. That the impugned order dated 18/05/2022 was legally communicated to the appellant on 30/05/2022 on the written application of the appellant by the respondent No. 04. Copy of order dated: 18-05-2022 is enclosed herewith as **Annexure E**.
7. That Feeling aggrieved from the dismissal order, the appellant preferred departmental appeal to respondent No.02 being appellate authority on 22/06/2022. Copy of departmental appeal is annexed herewith as **Annexure F**.
8. That the appellant made an application to the respondent No. 02 office regarding provision of decision over the departmental appeal which was graciously be allowed and order dated: 05/08/2022 was given to the appellant and dismissed the departmental appeal of the appellant on the remarks of time barred. Copy of order dated: 05-08-2022 is enclosed herewith as **Annexure: G**.
9. That jurisdiction of this worthy service tribunal is being invoked in attending circumstances against the impugned dismissal order No. OB 1449 dated 03/09/2021 and OB No. 819 dated: 18/05/2021, inter alia on the following grounds amongst others;

BADU

G R O U N D S

- I. That the impugned dismissal order dated 03/09/2021 and orders dated 18/05/2021 is illegal, against services Law and rules, without jurisdiction, in violation of the precedents of Honourable apex courts of the country and is not justifiable for any reason whatsoever.
- II. That appellant was appointed against vacant post of Constable and served the department almost years service and no complaint whatsoever was made against the appellant by any one and in this respect service record of the appellant is very much clear.
- III. That reasons mentioned in impugned order dated: 18-05-2022 is baseless and order was issued without adopting any

codal formalities and without any giving personal hearing to the appellant. Hence, the appellant was condemned unheard.

- IV.** That in this regard at a number of occasions, it has been held by Supreme Court that if the employee was going to be treated under major punishment then the mandatory show cause notice, final show cause notice, chance of personal hearing should always be awarded to the employee by the employer but in the present case the two years service of the appellant was forfeiture and stoppage the 05 months salaries by violating all the canons of justice and service laws. Hence, the order is liable to be set aside.
- V.** That appellant being citizen of Pakistan deserves to be dealt in accordance with law and the treatment meted out to him is in violation of Article 4 of our Constitution.
- VI.** That the order dated 18/05/2022, is totally illegal and without lawful authority and the forfeiture of service and stoppage of salary of the appellant was passed on the so called FIR which was belatedly dismissed in the court of competent jurisdiction vide speaking judicial order of the learned competent court of law.
- VII.** That no chance of personal hearing and show cause notice has been given to the appellant which is mandatory under the law, hence the appellant was condemned unheard.

It is thus most respectfully prayed that on acceptance of this appeal, this worthy Tribunal may graciously be pleased to set-aside impugned order No. OB 819 dated 18/05/2022 and declare such order as illegal, void and devoid of merits. Consequently, service of the appellant may please be un-forfeiture and release the salary of 05 months. This appeal may please be allowed. Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellant as against respondents with costs.

Ghulam Mujtaba
Your humble appellant

Dated: 11/10/2022

Ghulam Mujtaba

Consequently, forfeiture of two years approve service along with back benefits.

(5)

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

Service Appeal No. _____ of 2022

Ghulam Mujtaba

VERSUS

Government of Khyber Pakhtunkhwa & Others

**SERVICE APPEAL
CERTIFICATE & AFFIDAVIT**

CERTIFICATE


Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Dated: 11/11/2022


Appellant

NOTE

Appeal with enclosure along-with required sets thereof are being presented in separate file covers.


Dated: 11/11/2022


Appellant's counsel

AFFIDAVIT:

I, **Ghulam Mujtaba**, appellant herein, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

Dated: 11/11/2022


Deponent

6

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

Service Appeal No. _____ of 2022

Ghulam Mujtaba

VERSUS

Government of Khyber Pakhtunkhwa & Others

SERVICE APPEAL


APPLICATION FOR THE CONDONATION OF DELAY

Respectfully Sheweth:-

1. That the Service appeal of the appellant is being filed in this Honourable Tribunal and instant application may please be considered as part of main service appeal.
2. That the appellant was unfortunately charged in a false case and the appellant was dismissed from service on 03/09/2021 and the same order was communicated to the appellant on 17/09/2021 which was assailed before the appellate authority i.e. RPO Dera Ismail Khan and the same was partially allowed vide order dated: 18-05-2022 which was communicated on the application of appellant vide order dated: 30/05/2022, after that appellant preferred a departmental appeal to respondent No. 01 which was dismissed as time barred, hence the instant appeal may please be considered as within time in the given circumstances.
3. That the Honourable Tribunal has got vast and ample power to entertain this service appeal.

In view of the above it is humbly prayed that delay in filing of instant Service Appeal may kindly be condoned by delivering Judgment on merit in the large interest of justice.

Dated: 11/11/2022


Your humble appellant

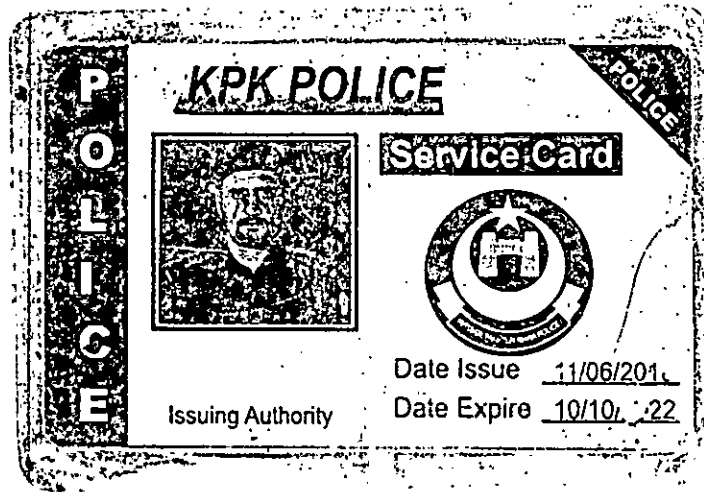
Ghulam Mujtaba

AFFIDAVIT

I, **Ghulam Mujtaba** the appellant, do hereby solemnly affirm on oath that all para-wise contents of the above application are true and correct to the best of my knowledge, belief and information, as communicated to me; that nothing has been deliberately concealed or kept secret from this august Tribunal.


Deponent

ANNEX: A
Page (7)



8

KPK POLICE

S/No. 9857

Name: GHULAM MUJTABA Height: 5'-8"
F/Name: Ghulam Mohammad B/Group: B+ve
Designation: Constable Belt No. 162
Visible Mark: Nil D/O App: 06.09.1998
D/O Brith: 06.09.1976
Address: Ijaz Abad Muryali Tehsil & District Dera Ismail Khan
CNIC: 12101-6039274-7

ANNEX

ANNEX: A-1
Page = (9)



PAKISTAN National Identity Card
ISLAMIC REPUBLIC OF PAKISTAN

Name
Ghulam Mujtaba



Father Name
Ghulam Muhammad



Gender: M Country of Stay: Pakistan

Identity Number
12101-6039274-7

Date of Birth
06.09.1976

Date of Issue
14.09.2018

Date of Expiry
14.09.2028

Ghulam Mujtaba
Holder's Signature

10

12101-6039274-7

محمد طارق آزاد، سرسبز، تحصیل و ضلع ڈیرہ اسماعیل خان

محمد طارق آزاد، سرسبز، تحصیل و ضلع ڈیرہ اسماعیل خان

101051221041
149-76-030160

Usman M. Malik
Registrar General of Pakistan

گمشدہ کارڈ ملنے پر قریبی لیوی بکس میں ڈال دیں

11
CHARGE SHEET


Whereas, I am satisfied that a Denove enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 amended-2014 is necessary and expedient.

AND WHEREAS, I am of the view that the allegation if established would call for a major penalty as defined in rules 4(i)(B) of the aforesaid rules.

AND THEREFORE, as required by Police Rules 6(1) of the aforesaid rules, I DISTRICT POLICE OFFICER Dera Ismail Khan hereby charge you Ex-Constable Ghulam Mujtaba No.162 with the misconduct on the basis of the statement attached to this Charge Sheet.

AND, I hereby direct you further under rules 6(i)(B) of the said rules to put in written defence within 7 days of receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state at the same time whether you desire to be heard in person or otherwise.

AND, in case, your reply is not received within the prescribed period, without sufficient cause, it would be presumed that you have no defence to offer and that Ex-parte proceeding will be initiated against you.

11
ANNEX B
Pag = 11
7

DISTRICT POLICE OFFICER
DERA ISMAIL KHAN

6



17

محکمہ عدلیہ - ڈیرا اسماعیل خان

سید محمد علی

5 - سید محمد علی کی درخواست پر

ڈیرا اسماعیل خان میں

محکمہ عدلیہ میں

497-498 کی درخواست پر

04/02/20

سید محمد علی

Advocate

Advocate Mica Huda
4/2/20

ATTESTED
Examiner



18

IN THE COURT OF
SARDAR JAWAD AHMAD
SENIOR CIVIL JUDGE (ADMIN)/JUDICIAL MAGISTRATE-II,
DERA ISMAIL KHAN

STATE VERSUS GHULAM MUJTABA ETC
CASE NO. / OF 2021

OR -- 17
17.12.2022

1. APP (Fakhr-e-Alam) for state present. Accused Ghulam Mujtaba on bail alongwith counsel Mr. Atta Muhammad Sewaq Advocate present and submitted Vakalatnama on behalf of accused which is placed on file. Co- accused Imran is already absconding. Complainant in person present. PWs are not in attendance.
2. At the very outset the complainant Muqam Shah S/O Jabar Khan submitted a compromise deed by stating at bar that he has patched up the matter with the accused facing trial as well as absconding co-accused. In this respect statement of complainant named above was reduced into writing in a separate sheet which is placed on file wherein he mentioned that on his report the instant case vide FIR No.48 dated 02.02.2021 u/s 379 PPC Police Station Saddar, D.I.Khan was registered against the accused Ghulam Mujtaba and absconding accused Imran. Now, through intervention of elders of the locality he has patched up the matter with the both the accused and forgiven them in the name of Almighty Allah. In his statement he further stated that he has got no objection upon acquittal of the present accused facing trial as well as absconding co-accused Imran. In his statement he exhibited original compromise deed as well as photocopy of his CNIC as Ex.PA & Ex.PB respectively.
3. In light of the statement of complainant, the learned counsel for accused Ghulam Mujtaba submitted an application u/s 249-A Cr.PC for acquittal of accused which is placed on file. Notice of the said application was given to the prosecution. Arguments heard and available record perused.
4. It is important to mention here that accused Imran S/O Amanullah is absconding that compromise is effected with the accused facing trial including the absconding accused Imran. No doubt, the said absconding accused is not before the court but as per section 366 Cr.PC personal attendance of the accused may be dispensed with at the time of pronouncing judgment if

749
JAWAD AHMAD
Senior Civil Judge Admin. II
Dera Ismail Khan
JAWAD AHMAD
Senior Civil Judge Admin. II
Dera Ismail Khan
60/MO

Sardar Jawad Ahmad
Senior Civil Judge Admin. II
Dera Ismail Khan

ATTESTED
3/12/22

the sentence is one of the fine only or he is acquitted. **Reliance is placed on PLD-2015 Lahore 1 (b).**

4. As the complainant is no more interested to proceed further against the accused facing trial as well as absconding accused, therefore, if the prosecution witnesses are allowed to be examined further then also there is no probability of conviction of accused. Though the offence for which accused are charged is not compoundable but if the compromise is affected with free will and consent then the same can be accepted in the interest of justice. The Hon, able superior courts also held in case titled as **Ali Raza and others Vs The State and other "PLD 2013 Lahore 651"**

"Compromise in case of a non compoundable offence---Scope---Compromise even in non compoundable offences was a redeeming factor, which brought peace, harmony and coherence in the society, and it might have far-reaching positive effects in the lives of warring parties".

5. Similarly, it is also held in case titled as **Mukhtiar Ahmed and 3 others Vs The State 1999 P Cr. L J 1107.**

"Compromise in non-compoundable offences---Judicial notice of a compromise having taken place can be taken even in offences which are not compoundable".

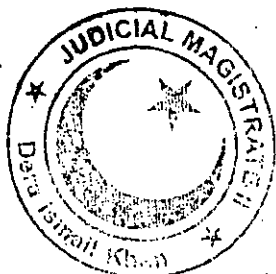
6. In the light of above said precedents of Hon, able Superior Courts, it is crystal clear that there is no bar for accepting the compromise in non-compoundable offences.

7. In light of above discussion, the application under section 249-A Cr. PC is accepted and accused **Ghulam Mujtaba S/O Ghulam Muhammad** and absconding co-accused **Imran S/O Aman Ullah** are hereby acquitted from the charges levelled against them on the basis of compromise as well as u/s 249-A Cr.PC. Accused Ghulam Mujtaba is on bail, his bail bonds stand cancelled and the sureties are discharged from their liabilities. Case property, if any, be dealt with in accordance with law.

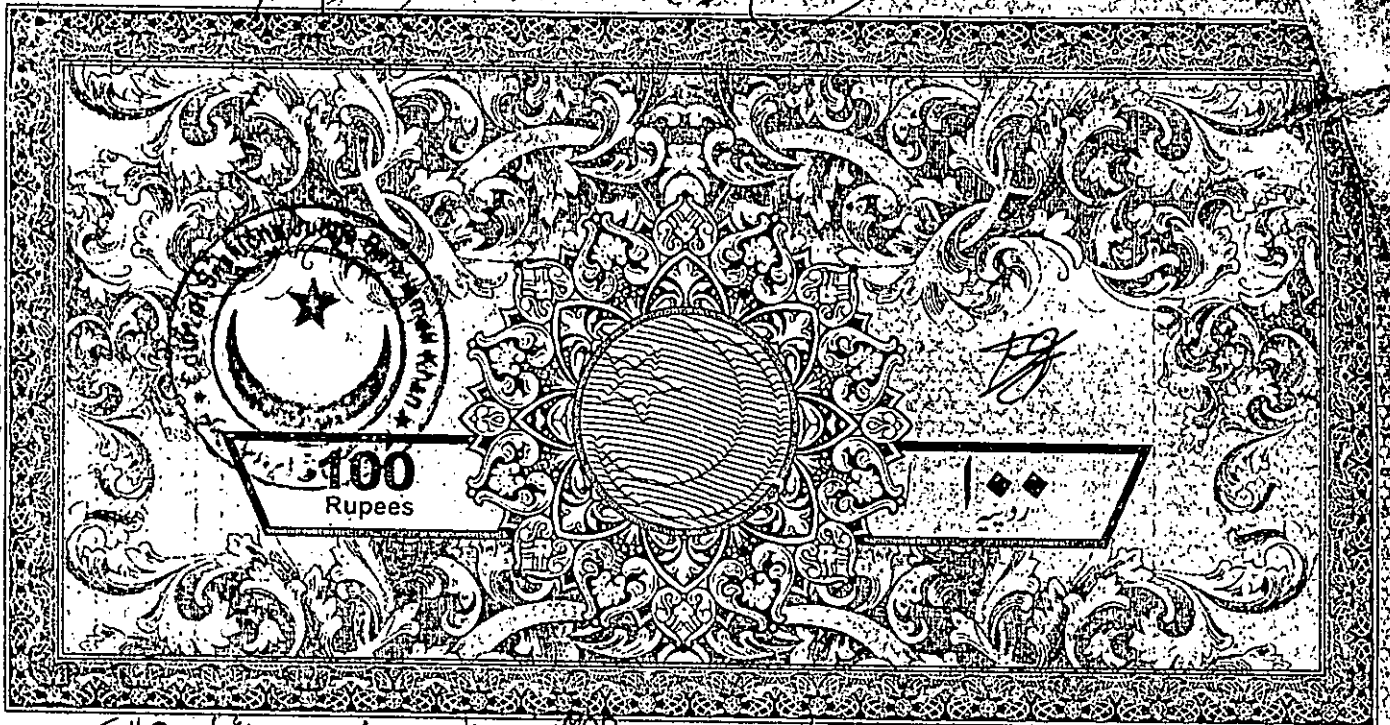
8. File be consigned to the record room of Honourable District & Sessions Judge, D.I.Khan after it completion and compilation.

ANNOUNCED
17.12.2022

3/2/23
ATTACHED
[Handwritten signature]



(Sardar Jawad Ahmad)
Senior Civil Judge-(Admin)
Judicial Magistrate-II
Dera Ismail Khan
[Handwritten signature]



لواءت صواب خود تیل ٹیکسٹ صائب صلح ڈیرہ اسماعیل خان
سیدان طغی

مقدمہ نمبر 30 فوراً 02/02/2021 تعانہ ڈیرہ ٹاؤن
بکرام زبرد فہ - PPC 379

EXDA
Judicial Magistrate-I
Dokhan
Dokhan
06-02-2021

حاجہ فاطمہ انکسٹریٹ من مسٹیفٹ از روئی خان ولد عظیم خان
قوم مسودہ مکہ حال رحمان بابا ٹاؤن ٹانک روڈ ڈیرہ اسماعیل خان
ٹیکسٹ اخٹی کارڈ نمبر 3-5004846-21704 آئندہ کر کے ٹیکسٹ ایوں کہ
من مسٹیفٹ لے لے صلاب ملزمان مقدمہ بالا درج کر آیا تھا اب
فائین ٹری لیتن فائل طور پر Patch up ہو گیا ہے من مسٹیفٹ
کی کسلی و کسٹنسی ہو چکی ہے اگر فاضل عدالت نے اعلیٰ علام مجتبیٰ کو
صمانت پیر کیا کرے تو جج کوئی عذر و اعتراف نہ ہے۔
فقط مورخہ 06-02-2021

السید

از روئی خان ولد عظیم خان قوم مسودہ مکہ حال رحمان بابا
ٹاؤن ٹانک روڈ ڈیرہ اسماعیل خان (مسٹیفٹ)
ٹیکسٹ اخٹی کارڈ نمبر 3-5004846-21704

ATTESTED
Examiner

Hilal

بیان ازالہ زروری خان ولد عظیم خان (مستفیت)



حلفاً بیان کیا کہ من مستفیت کی رپورٹ پر مقامی پولیس تھانہ
 ڈیرہ ٹاؤن ڈیرہ اسماعیل خان نے مقدمہ نمبر 30 مورفہ 02/02
 2021 مجرم زیر دفعہ PPC 379 پر خلاف عرفان درج کیا تھا۔ اب مابین
 فریقین فٹنگی طور پر Patch up ہو گیا ہے دریں بارہ میں نے ایک
 عدد بیان حلفی اسروز تک کر کے دی ہے جو کہ اصل بیان حلفی پیش
 کرتا ہوں جو کہ ExPA ہے اسی طرح میں اپنے توئی ثبوت افستج کارڈ
 کی کاپی بھی پیش کرتا ہوں جو کہ ExPB ہے۔ اگر غاضل عدالت بڑا
 ملزم غلام مجتبیٰ کو ضمانت پر رہا کرے تو مجھے کوئی عذر و اعتراض نہ ہے۔

العمر
 زروری خان ولد عظیم خان (مستفیت)
 مست اخستی کارڈ نمبر (3-5004846-21704)

منکر درستی علیک
 D.I. Khan
 جوڈیسیل ٹریبونل - I - MOD
 ڈیرہ اسماعیل خان
 06-02-2021

ATTESTED
 Examiner
 7/2/21



(21) 162

ANNEX - E
page 23

OFFICE OF THE
DISTRICT POLICE OFFICER
DERA ISMAIL KHAN

Tel: (0966) 9280062 Fax (0966) 9280293

No. 3935 IEC,

Dated. 01/09/2021

ORDER

This order aimed to dispose-off the departmental proceedings conducted against Constable Ghulam Mujtaba No.162 of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014) vide this office C/S No.66/2021.

One Syed Qamar s/o Syed Noor Zaman r/o Kotla Qaim Shah complained against him that he has taken a Toyota GLI bearing Registration No.AWS-632 car from him on rent and used the same in various theft cases, resultantly, charged in criminal cases registered vide FIR No. 48 dated 02.02.2021 u/s 379-PPC of PS Saddar DIKhan, FIR No. 30 dated 02.02.2021 u/s 379-PPC of PS Dera Town DIKhan & FIR No. 50 dated 04.02.2021 u/s 379-PPC of PS Saddar DIKhan. This shameful act has brought a bad name to police in general public and constitute punishable offence under the rules.

His act falls in preview of misconduct hence he was issued charge sheet on same account.

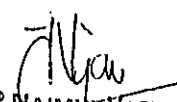
An enquiry was conducted into the matter by Mr. Fazal Rahim, ASDPO/City DIKhan, under Police Rules-1975 ammended-2014. The Enquiry Officer submitted his finding report in which he stated that the allegations framed against the defaulter Constable have been proved beyond the shadow of doubt.

He was also served with Final Show Cause Notice and reply submitted by defaulter Constable was examined thoroughly and found unsatisfactory. He was also provided opportunity of personal hearing but he could not prove himself innocent.

Therefore, in exercise of powers vested upon undersigned, I, Capt * Najmul Hasnain Liaquat, award him major punishment of "Dismissal from service" with immediate effect.

OB No. 14491

Dated: 03/09/2021,


CAPT * NAJMUL HASNAIN LIAQAT, PSP
DISTRICT POLICE OFFICER,
DERA ISMAIL KHAN

154
Application submitted on 16.9.2021
Copying fee submitted on _____
d) Judgement sent for copying on _____
e) No of words copied _____
f) Copy to _____ Ghulam mustaba
g) Search no _____ No = 162
h) Urgency _____
i) Name of copying _____
Copy completed on 16.9.2021
Copy delivered on 17.9.2021
By _____



No. /ES, Dated DI Khan the

ORDER

Constable Ghulam Mujtaba No.162 of District Police DI Khan was "dismissed from Service" by DPO DI Khan vide OB No. 1449 dated 03.09.2021, on the following allegations:

"One Syed Qamar s/o Syed Noor Zaman r/o Kolla Qaim Shah, complained against him that he had taken a Toyota GLI bearing Registration No.AWS-632 car from him on rent and used the same in committing theft of articles, vide FIR No.48 dated 02.02.2021 u/s 379-PPC of PS Saddar DI Khan, FIR No.30 dated 02.02.2021 u/s 379PPC of PS Dera Town DI Khan & FIR No.50 dated 04.02.2021 u/s 379 PPC of PS Saddar DI Khan. This shameful act brought a bad name to the Police and constitutes a punishable offence under the rules"

2. He preferred an appeal against the impugned order of DPO DI Khan (vide OB No.1449 dated 03.09.2021) wherein he had asserted that he had been wrongly implicated in the cases stated in the charge sheet and that recoveries were planted on him.

3. After giving a preliminary hearing his appeal was accepted partially and in the exercise of powers conferred on me under Rule-11(4)(d) of the Police Rules-1975 the impugned order of major punishment of dismissal from service, passed by DPO DI Khan vide OB No.1449 dated 03.09.2021 was suspended and he was reinstated into service without prejudice to the Denovo enquiry entrusted to SP/FRP DI Khan vide this office order No.701/ES dated 04.02.2022 on the following points:

- i. Was the case property recovered from the possession of the appellant & that too in accordance with law/rules?
- ii. Was the case property recovered from places different from those shown in the case file?

4. Perusal of the findings of the inquiry report by the SP FRP DI Khan has revealed that the theft cases registered against him, and the subsequent recoveries stood proved against him. The inquiry officer agreed with the findings of the previous enquiry officer.

5. However, although the perusal of record and the personal hearing of the delinquent police officer reveal to a reasonable degree that he was involved in the said theft cases to the extent of abetment as he had intentionally provided the accused of the theft cases with his vehicle to commit the said cases, yet I find the inquiry report deficient in coming up with a satisfactory answer to the two points raised at para 3 above. I have observed some procedural lacunae in the manner the recoveries of the stolen property were ascribed to him. Such lacunae are in line with general practice of police wherein they leave a gap between the actual place of recovery and the one shown in a case file.

6. Therefore, I, **SHAUKAT ABBAS, PSP**, Regional Police Officer, Dera Ismail Khan, in the exercise of powers, conferred upon me under Rule-11(4) (c) of the Police Rules 1975, & in continuation with my previous order No.701/ES dated 04.02.2022, take a lenient view on the basis of the procedural lacunae in the recoveries and convert the major punishment of dismissal from service, inflicted upon him by DPO DI Khan vide OB No.1449 dated 03.09.2021, into forfeiture of approved service for two years. The period he remained out of service shall be treated as leave without pay.

EC/CB/PS/DPC

OB - 819 ✓
DT - 18-5-2022
(SHAUKAT ABBAS) PSP
Regional Police Officer
Dera Ismail Khan

No. 2970 /ES,
Copy of above is sent to the DPO DI Khan w.r.t letter No.895/EC dated 07.03.2022. Service Records (Service Roll 01(26 pages), Rajji Missal 01(251 pages), enquiry papers 56 other papers 18 pages are enclosed herewith for record, please.

DPO DI Khan
OHC
To discuss as his posting

(SHAUKAT ABBAS) PSP
Regional Police Officer
Dera Ismail Khan

15

(a) Register No. _____

(b) Application presented on 25.5.2022

(c) Copying fee demanded on _____

(d) Judgement made on copying on _____

(e) Name of the applicant _____

(f) Name of the complainant _____

(g) Search No. _____

(h) Case No. _____

(i) Date of the order _____

(j) Date of the appeal _____

(k) Date of the appeal _____

(l) Date of the appeal _____

(m) Date of the appeal _____

(n) Date of the appeal _____

(o) Date of the appeal _____

(p) Date of the appeal _____

(q) Date of the appeal _____

(r) Date of the appeal _____

(s) Date of the appeal _____

(t) Date of the appeal _____

(u) Date of the appeal _____

(v) Date of the appeal _____

(w) Date of the appeal _____

(x) Date of the appeal _____

(y) Date of the appeal _____

(z) Date of the appeal _____

For Appeal

محضور جناب والا سٹیشن انسپکٹر جنرل آف پولیس کے پی کے پشاور

اپیل رحم بذریعہ ایپلیٹ ڈیپارٹمنٹل قائم شدہ CPO پشاور

برائے بحالی پانچ ماہ تنخواہ و دو سال کو ایفائیڈ من سائل بموجب آرڈر نمبر 2970/ES مورخہ 12-05-2022 ڈائری

نمبر 1003 مورخہ 13-05-2022 OB نمبر 819 مورخہ 18-05-2022 جناب RPO صاحب ریج ڈیرہ

اسماعیل خان

جناب عالی!

۱۔ مؤدبانہ گزارش ہے کہ مجھے ناگردہ گناہ کی وجہ سے محکمہ سے برطرف کیا گیا تھا اور ایک فرضی FIR's کی رو سے مورد الزام ٹھہرایا گیا حالانکہ صورت حال اس کے برعکس تھی۔

۲۔ ان FIR's میں مجھے خواجواہ چارج کراتے ہوئے مدعی مقدمہ نے اپنی FIR's سے دستبراد ہونے اور یہ سارا معاملہ ان کی ایک پری پلاننگ کا نتیجہ تھا۔

۳۔ درحقیقت مقدمہ ہذا میں ایک دوسرے ملازم عمران نامی شخص جس نے اپنی والدہ کے بہانے ایک ٹیکسی موٹر کار کرایہ پر لی اور ضمانت کے طور پر پڑوسی کے ناطے میں نے اسے اپنا ID کارڈ ٹیکسی مالک کے حوالے کیا جبکہ میرے علم میں یہ بات نہ تھی کہ وہ اس موٹر کار کو کسی کریمینل جرم میں استعمال کرنا چاہتا تھا۔

۴۔ مدعی مقدمہ اور مقامی پولیس نے جب یہ صورت حال دیکھی تو انھوں نے نفی میں ٹیکسی کار کو کرایہ پر لینے اور مالک ٹیکسی کار سے جب رابطہ کیا تو درمیان میں میرا ID کارڈ اڑے آیا۔

۵۔ مدعی مقدمات کو پولیس کی جانب سے اپنے سرقت شدہ مال کی وصولی کرانے کے لئے انھوں نے مجھے بھی چوری میں ملوث کیا کیونکہ میں ایک گورنمنٹ ملازم تھا اور اس طرح سے ان کی وصولی ممکن تھی بصورت دیگر ہرگز نہیں۔ کیونکہ عمران نامی ملازم جو کہ بدنام چور ہے اور ذوق عات بھی اس نے کئے اور درمیان میں میری ضمانت پر لی جانے والی ٹیکسی کار کو استعمال کیا جس سے مدعی مقدمات کو وصولی مال مسروقتہ یا اس کے عوض رقم ناممکن نظر آ رہی تھی۔ اسی طرح فائل مقدمات کا پیٹ بھی مقامی پولیس نے مدعی فریق کے اشارے پر پھرا اور اغلط نشان دہی اور فرد بنا کر مجھے مقدمات میں پھنسانے کی کوشش کی۔

۶۔ ان کا یہ طریقہ کار جو کہ حقیقت سے برعکس تھا اور میری سرکاری ملازمت اور کو ایفائیڈ سروس کو نشانہ بنانے کی مذموم حرکت کو کام میں لایا گیا اور اس طرح میرے خلاف Departmental Proceeding کا Process چل کر مجھے محکمہ سے برطرف کرایا گیا۔

جناب انکوآری آفیسر صاحب جس نے ابتدائی انکوآری کی وہ بھی میرے بیان کے برعکس اور مدعی فریق کے روبرو عدالت دیئے جانے والے بیان کے برعکس کی اور فائنڈنگ جناب DPO صاحب اور RPO صاحب کو دے دی گئی۔

۷۔ انکوآری پراسس کے درمیان میں نے جواب چارج شیٹ میں اصل صورتحال واضح کی اور تحریر و زبانی بیان دیا لیکن

میری نہ سنی گئی نتیجتاً میری برطرفی سامنے آئی جس کے خلاف جناب RPO صاحب کو اپیل برائے بحالی ملازمت گزاری گئی جنہوں نے باریک بینی سے ملاحظہ کرتے ہوئے میری سنی اور مکمل Personal Hearing کا موقع بھی دیا اور میری سابقہ 24 سالہ کو ایفائیڈ سروس کو ملحوظ خاطر رکھتے ہوئے اپنی سروس پر از روز و وقت برخواستگی بحال فرمایا لیکن میرا پیریڈ جو آؤٹ آف سروس تھا اس کو بلا تنخواہ اور دو سال کو ایفائیڈ سروس کو مارنے کا حکم فرمایا جس کے خلاف رحم اپیل ہذا پیش خدمت ہے۔ برائے کرم دی جانے والے سز منجانب RPO صاحب کو میری سابقہ کو ایفائیڈ سروس کے محاذ میں بحال فرمایا جائے اور مجھے سنا بھی جائے اور اگر کوئی امر مانع نہ ہو تو میرے اس پیریڈ کو میری رخصت کلاں یا اتفاقاً فرمایا جائے جو کہ میں دوران سروس رخصت کلاں پورے چوبیس سال میں نہیں گزاری ہے۔

عین ماتحت پروری ہوگی۔

مورخہ: 22-06-2022

الـ عـ اـ رـ ض

ڈرائیور کنشیل غلام مجتبیٰ نمبر 162 متعینہ تھانہ پروا

03400247427

حضرت خانبهشتان . $\frac{D16}{R10}$ سے $D16$ و $D16$ رنج $D16$

امریکی عالی معیار
تیل

خانبے گنڈا میں حضور الزور سے کچھ بگھڑا لوجی . بگھڑا
کئی لٹریں اور کھڑے انہی کو استعمال
25/20 عالم سرور سے حضور کو کھانا

سے بہت عرصہ انہی کو زبردست لگا ہے . اس میں
بنا بنا کر کھانے میں لگے ہیں . اور وہ بھی

امریکی معیار سے . اور انہی میں سے

انہی میں سے اور انہی میں سے خانا کھانے لگے ہیں

کھانا کھانے میں سے انہی میں سے . یہی ہے

چکے . کم دوی صنف خوراک امر عسوات العنا فی

انما میان کرکاره مکران اور دعواری سے

دستبرداری اور لاکھی جانب سے دوح

شده نام نهاد مقدم انہی موستہ پرگی

۳ - ۶/۳۰ و واضح کرمانی . اور سولہ ماہ

عمر عمال اور ساری صنفی پیمانے سے . جس سے

میرا کوئی عمل حاصل نہیں ہے . اور گاہکوں

میں میکان پر کرمانہ پوری گئی ہے

اور در خواست کرمانہ بھی والدین نے

انہی ازالہ صنفی کی پاداش میں مبلغ ۱۰,۰۰۰ روپے

بھی ادا کروا دیے گئے تھے . لیکن اسی جانب سے

3.

اگر فرقی بیان درج حال امر امری امری خبر خبر
کی خوشنودی عام کر کے اور عند اور منی کھرت
نامہ نامہ کر دی اور ہی حال کر الہامی سرور

Dismiss کر جاہر جو کہ فرم کر دے

4 - تندر کا بلانے حوالہ ہے نہ کرے اور ہی

اس جانی سے بہرہ اٹھائی اور نہ ہی
حقیقت و فرم کی گئی بعد امری امری

انے ذہن سے ہی Dismiss کا ذریعہ قائم

کر رہا تھا۔ اسی پر عمل اور ہی میں

نہ طرز کوئی اور اور ہی

مسواہ الیغاف کسی طرح کا ہے

فصلہ کا اشتہار کی گئی جو کہ نہائی

علم کے مشورہ ہے

میرا نام $\frac{24}{25}$ سال کا الہ آباد سرورک اور سرورک سکھارڈ
 کو بھی بخود خاطر رکھا . اور $\frac{1}{10}$ اٹارک
 چھٹا خانہ مندرجہ . جو کہ الہ آباد کے سرورک ہے

ٹھکانہ مندرجہ محلہ سرورک و سکھارڈ سرورک اور بخود خاطر
 رکھی ہے . جس کا سرورک و سکھارڈ کو تالیف سے مندرجہ
 رکھا ہے . اور انہ *Personal* ہے
 انہ سرورک و سکھارڈ کو تالیف سے

ماتری سرورک

تاریخ 18 ستمبر 2021

الہ آباد

Be محلہ مندرجہ مندرجہ

ماتری سرورک

Mob: 03449378835

عزیز محسنی لکھی



2744
29-7-2022

No. S/

1557

M ✓
OFFICE OF THE
INSPECTOR GENERAL OF

KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

122, dated Peshawar the 19/7/2022.

ANNEX:- H

Page - (31)

To : The Regional Police Officer
DIKhan.

Subject: REVISION PETITION.

Memo:

The Competent Authority has examined and filed the application submitted by Constable Ghulam Mujtaba No. 162 of DIKhan Police against the punishment of forfeiture of approved service for tow (02) years and grant of pay of the intervening period awarded by RPO/DIKhan vide order Endst: No. 2970/ES dated 18.05.2022 to be barred.

The applicant may please be informed accordingly.

Ek.
19/7/22

No. 5330 / Es. Datt. 5/8/2022

D.P.O. / D.I. Khan

(NOOR AFGHAN)
Registrar

For Inspector General of Police,
Khyber Pakhtunkhwa Peshawar

Please inform
the applicant accordingly.

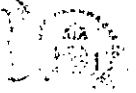
REGISTRAR POLICE OFFICER
RAISMAIL KHAN

5 Jan. 2022 6:11PM P2

FX NO. : 0966920290

FROM : RPO DIKHAN

39



KHYBER PAKHTUNKHWA BAR COUNCIL

ADVOCATE HIGH COURT

ATTA MUHAMMAD

Advocate
bc-10-4533

Date of issue: October 2020

Valid upto: October 2023



وکالہ



Rs:50/-

Secretary
KP Bar Council

کورٹ فیس

Before The Khyber Pakhtunkhwa بعدالت جناب
Pet Appellant جناب Service Tribunal Peshawar
G. Myaba نام Govt of KPK and others
S. Appeal دعویٰ یا جرم
تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا بعنوان میں اپنی طرف واسطے پیر و دیگر اذیتوں اور بددیانتی کے لئے
M. Atta Muhammad Lawy Adv

کے سب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اپنے خاص روئے عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ مکمل صاحب
موسوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر کوئی پر منظم حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر بند ہو گیا۔ تو صاحب موسوف
اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موسوف مقدمہ میں کسی طرح کے معاوضہ کی جگہ یا پگھری کے اوقات سے پہلے یا پیچھے یا بعد از قیام عدالت کرنے کے
ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موسوف مقدمہ میں پگھری یا جگہ یا پگھری کے اوقات سے پہلے یا پیچھے یا بعد از قیام عدالت کرنے کے ذمہ دار نہ
ہوں گے۔ اور مقدمہ میں پگھری کے معاوضہ اور جگہ سمیت ہونے یا نہ ہونے یا پگھری کے اوقات کے آگے پیچھے پیش ہونے پر منظم کو کوئی نقصان پہنچے تو اس کے ذمہ
دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جگہ یا پگھری کے اوقات سے پہلے یا پیچھے یا بعد از قیام عدالت کرنے کے ذمہ دار نہ ہوں گے۔ مجھ کو مکمل ساختہ پورا اطلاع صاحب موسوف حاصل کرو
ذات خود منظور قبول ہوگا۔ اور صاحب موسوف کو مرضی رکھنی، یا جرم، دعویٰ یا درخواست اجراء کے ذریعہ نظر ثانی اپیل گمانی و جرم درخواست پر دعوہ و تصدیق کرنے کا
بھی اختیار ہوگا۔ اور کسی حکم یا ذریعہ کے لئے اور جرم کا رویہ وصول کرنے اور رسید سے اجراء کے ذریعہ نظر ثانی اپیل گمانی و جرم درخواست پر دعوہ و تصدیق کرنے کا
مطلب کرنے، اپیل دعویٰ کا بھی اختیار ہوگا۔ اور صورت مقرر ہونے پر پیش مقدمہ مذکورہ پیرانہ پگھری صاحب موسوف کو بشرط ادا کیلئے مقدمہ میں پگھری کا اختیار ہوگا
مقدمہ یا منسوی ذریعہ یا درخواست حکم انتہائی یا قریبی یا کر کے نظر ثانی اور فیصلہ اجراء کے ذریعہ صاحب موسوف کو بشرط ادا کیلئے مقدمہ میں پگھری کا اختیار ہوگا
اور تمام ساختہ پورا مقدمہ صاحب موسوف میں ذات خود منظور و جوئے اور صورت ضرورت صاحب موسوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو
کی کارروائی یا صورت درخواست نظر ثانی اپیل یا گمانی یا دیگر معاملہ میں مذکورہ کسی دوسرے وکیل یا پگھری کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے شیر قانون کو
بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موسوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائزہ اختیار ہو گیا، وہ صاحب
موسوف کا حق ہوگا مگر صاحب موسوف کو پوری میں تاریخ قیام عدالت کے لئے ادا نہ کروں گا۔ تو صاحب موسوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پگھری نہ کریں اور اسکی
صورت میں پگھری کوئی مطالبہ کسی قسم کا صاحب موسوف کے برخلاف نہ کرے۔

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لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند ہے

مضمون وکالت نامہ مذکورہ ہے۔ اور اسی طرح کچھ لیا ہے اور منظور ہے۔

العبد العبد العبد

Accepted
ADW

Chulam Mytuba appellant

Chulam Mytuba