

Service Appeal No. 718/2015

30.11.2017

None present on behalf of the appellant. Mr. Farhaj Sikandar, District Attorney for the respondents present. Notice be issued to appellant and his counsel for attendance and filing of rejoinder for 22.01.2018 before D.B at Camp Court D.I.Khan.

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

NOTE for
MM
22/1/18

22.01.2018

None present on behalf of the appellant. Mr. Usman Ghani, District Attorney for the respondents present. The appeal was called several times till last hours of the court but none appeared on behalf of the appellant nor the appellant was present in person. As such the present service appeal is dismissed in default due to non-prosecution. File be consigned to the record room.

ANNOUNCED

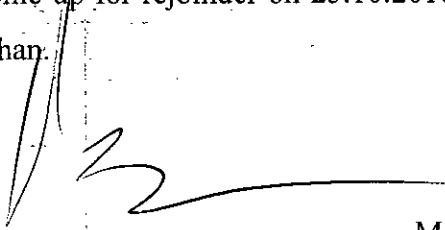
22.01.2018

(Ahmad Hassan)
Member
Camp Court D.I.Khan

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

30.08.2016

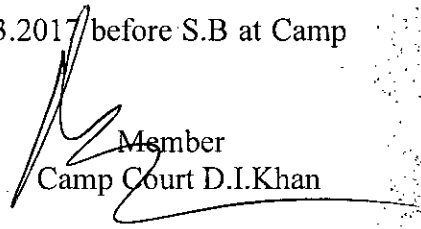
None for the appellant present. Mr. Farhaj Sikandar, GP for respondents present. Notices be issued to the appellant/counsel for the appellant. To come up for rejoinder on 25.10.2016 before S.B at camp court D.I Khan.



Member
Camp court D.I. Khan

25.10.2016

None present on behalf of the appellant. Mr. Farhaj Sikandar, Government Pleader for the respondents present. Fresh notice be issued to appellant and his counsel for rejoinder for 28.03.2017 before S.B at Camp Court D.I.Khan.



Member
Camp Court D.I.Khan

28.03.2017


Since tour is hereby cancelled, therefore, the case is adjourned for the same on 26.07.2017.



Reader

26.07.2017


None present on behalf of the appellant. Mr. Farhaj Sikandar, District Attorney for the respondents present. Notice be issued to appellant and his counsel for attendance for 30.11.2017 before S.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

29.12.2015

Since tour to D.I.Khan for the month of December, 2015 has been cancelled, therefore, case is adjourned to 23.2.2016 for the same.


MEMBER
Camp Court, D.I. Khan

23.2.2016

Appellant in person and Mr. Farhaj Sikandar, GP present. Fresh notices be issued to the respondents positively. To come up for written by way of last chance on 24.5.16 at Camp Court D.I.Khan.

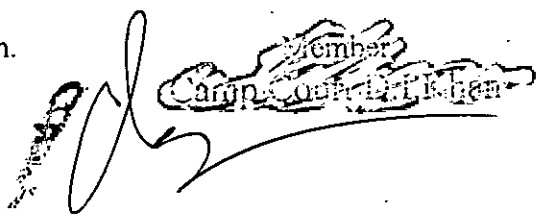

MEMBER
Camp Court, D.I.Khan


24.05.2016

~~None for the appellant present. Mr. Farhaj Sikandar, GP
for respondents present. Representative of the respondent an-
present. Notices be issued to the respondents for submission of
written reply. To come up for written reply on 25.10.2016 at camp~~

24.05.2016

~~court.~~ Appellant in person and Mr. Hafizullah, Junior Clerk alongwith Mr. Farkhaj Sikandar, GP for respondents present. Written reply submitted. To come up for rejoinder on 30.08.2016 at camp court D.I. Khan.


MEMBER
Camp Court, D.I. Khan

Member
Camp Court D.I.Khan

01.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Constable when charged in a criminal case registered under section 9 (c) CNSA vide FIR No. 294 dated 28.11.2013 PS Shaheed Nawab Khan, Panyala D.I.Khan and removed from service vide impugned order dated 18.3.2014 regarding which he preferred departmental appeal which was rejected on 31.10.2014 where-after appellant preferred revision petition under rule 11 (a) Police Rules, 1975 which was also dismissed on 4.5.2015 and hence the instant service appeal on 8.6.2015.

That the appellant was acquitted of the criminal case referred to above by the competent court of jurisdiction vide order dated 28.4.2015 hence the impugned orders of removal of appellant from service are nullity in the eye of law.

Point urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 13.10.2015 before S.B.


Chairman

13.10.2015

Counsel for the appellant present. Security and process fee have not been deposited. The same be deposited within a week where-after notices be issued to the respondents for 23.11.2015 for written reply/comments at Camp Court D.I.Khan as the matter pertains to the territorial limits of D.I.Khan Division.


Chairman

23.11.2015

None is available on behalf of the parties. Fresh notices be issued to appellant, his counsel as well as respondents and case to come up for written reply/comments at camp court, D.I.Khan on 29-12-2015.


MEMBER
Camp Court, D.I.Khan



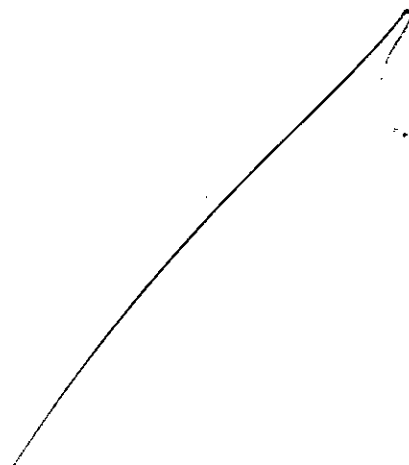
Appellant Deposited
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 718/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25.06.2015	<p>The appeal of Mr. Naseer Ahmad resubmitted today by Mr. Muhammad Asif Yousafzai Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	30-6-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>1-7-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

The appeal of Mr. Naseer Ahmad Ex-Constable No. 7718 FRP D.I.Khan received to-day i.e. on 08.06.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copies of departmental appeal and mercy Petition mentioned in the memorandum of appeal are not attached with the appeal which may be placed on it.

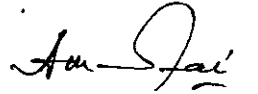
No. 895 /S.T,

Dt. 9/6/2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M. Asif Yousafzai Adv. Pesh.

Sir,
Departmental appeal as well as mercy petition were submitted by appellant in original without keeping a copy of the same. Therefore, the said documents may please be requisitioned from respondent Deptt.
Re-submitted.



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 718 /2015

Mr. Naseer Ahmad

V/S


Police Department


INDEX

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9.	Vakalat Nama	----	22

APPELLANT

THROUGH:


(M.ASIF YOUSAFZAI)
ADVOCATE HIGH COURT
PESHAWAR.


(TAIMUR ALI KHAN)
ADVOCATES, PESHAWAR

1

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 718 /2015

**K.P. Province
Service Tribunal**
Diary No 658
dated 08/06/2015

Mr. Naseer Ahmad, Ex-Constable No.7718,
Frontier Reserve Police (FRP),
D.I.Khan Rang.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, KPK, Peshawar.
2. The Inspector General of Police, Khyber Pakhtunkhwa.
3. The Commandant, Frontier Reserve Police KPK, Peshawar.
4. The Superintendent of Police, FRP, DI Khan Range, DI Khan.

(RESPONDENTS)

.....
APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 04.05.2015 RECEIVED BY APPELLANT ON 15.05.2015, WHEREBY THE DEPARTMENT APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 18.03.2014 HAS BEEN REJECTED FOR NO GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 04.05.2015 AND 18.03.2014 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day
[Signature]
Registrar
8/6/15

re-submitted to-day
and filed.

[Signature]
Registrar
25/6/15

.....

2

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant joined the Frontier Reserve Police in the year 2007 and completed all his due training etc and also has good service record throughout.
2. That the appellant has good record in his service and performed his duty honestly and no punishment has been imposed in his previous service.
3. That the appellant was charged U/S- 9 (c) CNSA, of Police Station, Shaheed Nawab Khan, District DI Khan in FIR No.294; dated 28.11.2013. That the appellant has been arrested by the police official. The appellant was allowed bail by the Honourable Peshawar High Court, DI Khan Bench Court in its Judgment dated 31.12.2013. Copy of FIR and Judgment is attached as Annexure-A & B.
4. That after being bailed out the appellant reported for his duty and also contested the main criminal case in the competent Court of law and the appellant was finally acquitted by the Court on 28.04.2015. Copy of Judgment is attached as Annexure-C.
5. That in the mean while, the respondents did not wait for the judgment of the Competent Court of law and removed the appellant from service on the charges of being involved in case Fir No. 294 u/s 9(c) CSNA. Vide order dated. 18.03.2014. Copy of the removal order is attached as Annexure – D.
6. That the appellant submitted his Departmental Appeal against the order dated 18.03.2014 to the Commandant, FRP, Khyber Pakhtunkhwa, Peshawar. The Commandant FRP rejected his appellant on 31.10.2014. Copy of Rejection Order are attached as Annexure- E.
7. That after that the appellant submitted Mercy Petition to the Inspector General, Khyber Pakhtunkhwa,

Peshawar which was rejected on 4.5.2015 and the rejection order has been received by the appellant on 15.5.2015. Copy of order on Mercy Petition is attached as Annexure- F.


8. That now the appellant comes to this august Tribunal on the following grounds amongst the others:

GROUND:


- A) That the impugned order dated 18.03.2014 and 04.05.20125 which was received by the appellant on 15.05.2015 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has not been treated according to law and rules.
- C) That neither the appellant was associated with enquiry proceedings or any statement of the witnesses have been recorded in the presence of appellant. Even a chance of cross examination was also not provided to the appellant which is violation of norms of justice.
- D) That no proofs have been proved against the appellant, therefore, the Honourable Court passed an order in which the appellant has been acquitted.
- E) That after acquittal, the punishment against the appellant cannot be imposed upon him under the law.
- F) That even the show cause notice was not served to the appellant in time which is against violation of law and rules.
- G) That the appellant has been condemned unheard and has not been treated according to law and rules.
- H) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.


- I) That the penalty of dismissal from service is very harsh which is passed in violation of law and the same is not sustainable in the eyes of law.
- J) That the appellant did not intentionally remained absent from duties but due to involvement in false case.
- K) That the department should have waited till the decision of the case which was a proper forum to deal with the guilt of appellant.
- L) That even the authority has transgressed from the ambit of charge sheet which was neither permissible in law nor could be done so without adopting proper procedure.
- M) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT 
Naseer Ahmad

THROUGH:


(M.ASIF YOUSAFZAI)
ADVOCATE HIGH COURT
PESHAWAR.

&

(TAIMUR ALI KHAN)
ADVOCATES, PESHAWAR

A

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انسپیکٹر جنرل پولیس صوبہ خیبر پختونخوا

فارم نمبر ۲۳-۵

ابتدائی اطلاعی رپورٹ

فارم نمبر ۷۳

کوٹر

(۱)

(فائل) کی ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ فوجداری

ذلعہ Dik

مشہد نواب خان

تھانہ

تاریخ وقت وقوع 28/11/2013 وقت 22:30 بجے

294

نمبر 10

1	تاریخ و وقت رپورٹ	28/11/2013 وقت 22:30 بجے	حاکمیدگی 28/11/2013 وقت 22:50 بجے
2	نام و سکونت اطلاع دہندہ مستفیث	ذوالفقار خان 5440 تھانہ 5NA	
3	مختصر کیفیت مجرم (معدومہ) حال اگر کچھ لیا گیا ہو	9CNS-C	
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	گلوٹی سہالہ روڈ شہید فاروقی جوگ سہالہ جانب جنوب فاصلہ تقریباً 1000	دراڑ
5	نام و سکونت ملزم		
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	سیر سید احمد مراد سہالہ محنتیہ سہالہ اسٹیشن رپورٹ مقدمہ قائم	سوا
7	تھانہ سے روانگی کی تاریخ و وقت	محنتیہ سہالہ اسٹیشن رپورٹ	

ابتدائی اطلاع نیچے درج کرو جو وقت صدر ایک تحریری مراد سہالہ جانب
 ذوالفقار خان 5440 تھانہ 5NA گلوٹی سہالہ روڈ شہید فاروقی جوگ سہالہ جانب جنوب فاصلہ تقریباً 1000
 سیر سید احمد مراد سہالہ محنتیہ سہالہ اسٹیشن رپورٹ مقدمہ قائم
 سوا
 محنتیہ سہالہ اسٹیشن رپورٹ

ASi/PS-SMK

ATTESTED

B
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8

JUDGMENT SHEET
PESHAWAR HIGH COURT, D.I.KHAN BENCH
JUDICIAL DEPARTMENT

Cy. M. B. No. 317 of 2013

JUDGMENT

Date of hearing 31-12-2013

Appellant-petitioner Naseer Ahmed by

Mr. Muhammed Ismail Alizai Advocate

Respondent State by Mr. Samanullah Khan in
AAQ

ABDUL LATIF KHAN J.- Naseer Ahmad son of Abdur Rasheed, accused/petitioner, charged in case FIR No.294 dated 28.11.2013 of police station Saheed Nawab Khan, under section 9 CNSA, has filed this application for his release on bail.

2. Facts according to the FIR are that on 28.11.2013, complainant Zulfiqar Khan SHO, sent a Murasila to the police station, Shaheed Nawab Khan (Panyala) for the registration of the case against the petitioner to the effect that the petitioner was arrested with 4000 grams Charas, on the basis of which the ibid FIR was chalked out.

3. Learned counsel for the petitioner argued that the petitioner is innocent and has falsely been

ATTES

EXAMINOR

Peshawar High Court

D.I. Khan Bench 21/4/15

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implicated in the case. It was argued that there is no incriminating material whatsoever to connect the petitioner in any manner with the any crime. It was argued that there is no previous criminal record available to the adversity of the petitioner and mere existence of FIR would in no manner deprive the petitioner from being set on liberty and the case being one of further inquiry would call for kind consideration.

DM
4. On the other hand, the learned AAG argued that the accused / petitioner was apprehended on the spot and huge quantity of 4000 Charas was recovered in the presence of witnesses, therefore, the accused/petitioner is not entitled to the concession of bail.

5. I have heard the arguments of the learned counsel for the parties and perused the record with their valuable assistance.

6. In this case no laboratory report has been so far received to ascertain whether the alleged contraband is Charas or otherwise. Reliance is placed on the order of this Court ~~order~~ dated 08.03.2010 passed in Cr.M.B.No.71/2010 wherein it is held that:-

"I have gone through the judgments
of this Court produced by learned

TESTED
EXAMINED
High Court
Khan Boro 21/4/15

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counsel for petitioner. In Cr. Msc No.364 of 2006 it was held that in absence of report of the chemical examiner at present it could not be said with certainty that the stuff allegedly recovered from the petitioner was in fact a narcotics substance. In this case so far no report of chemical examiner has been received. So in my opinion the same principles would apply to the case of present petitioner. The judgment passed in Cr. Misc. No.50 of 2007 of this Court also support the case of petitioner o the effect that the quantum of sentence has to be proportionate to the quantum of the substance recovered and it is not clear as to how much sentence would be awarded to the petitioner.

7. In similar case, accused was allowed bail on the ground of non-availability of FSL report. Reliance can be placed on the judgment of this Court dated 16.04.2010

ATTESTED

EXAMINOR

Khanwar High Court

I Khan Bench 21/4/15

passed in Cr.M.B.No.122 of 2010 and dated 21.02.2010
passed in Cr.M.B.No.46 of 2011, wherein bail was granted on the ground that quantum of sentence has to be proportionate to the quantum of the substance recovered and it is yet to be determined whether the petitioner will be awarded maximum sentence or not. In Jamal-ud-Din alias Zubair Khan's case reported in (2012 SCMR 573), wherein the apex court has observed that:-

"while hearing, a petition for bail is not to keep in view the maximum sentence provided by the Statute but the one which is likely to be entailed in the facts and circumstances of the case.

8. In my opinion the non-availability of FSL report, has made the case of accused / petitioner as of further inquiry.

9. Therefore, the instant bail petition is accepted and petitioner is allowed to be released on bail provided he furnishes bail bonds in the sum of Rs.2,00,000/-(two lac) with two sureties each in the like amount to the satisfaction of Illaqa / Duty Magistrate,

TESTED

EXAMINED

Peshawar High Court
 I Khan Bench

21/4/15

10

D.I.Khan. The sureties must be local, reliable and men of means.

ANNOUNCED
31.12.2013.

[Handwritten Signature]
JUDGE

[Faint handwritten marks]

~~TESTED~~
EXAMINOR
Rawalpindi High Court
D.I Khan Bench 27/12/13

Case No. 1831
Application Received on 21-4-15
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Copy [unclear] 150
By [unclear] 21
Total [unclear] 12/5
Copy to [unclear] 21-4-15
Copy to [unclear] 21-4-15
Signature of [unclear] [unclear]
21/4/15

Certified to be true copy

[Signature] 21/4/15
EXAMINOR

Peshawar High Court Bench D. Khan
Authorised Under section 97 of
Qanoon-e-Shahadat Act

IN THE COURT OF SYED AQEEL AJIZ
JUDGE SPECIAL COURT/ASJ, PAHARPUR, D.I.KHAN.



CNSA Case No. 7/3 of 2014

The State **VERSUS**

1. **Naseer Ahmed** son of **Abdur Rasheed**,
Caste Sheikh, aged about 28/29 years,
resident of Mohallah Sharqi Khel
Paniala Tehsil Paharpur District
D.I.Khan
2. **Muhammad Ibrahim** son of **Abdul
Karim** aged about 33/34 years Resident
of Mohallah Sharqi Khel Tehsil
Paharpur District D.I.Khan
.....(**Accused**)

CASE FIR NO.294 DATED 28.11.2013,
U/SECTION 9 (B) CNSA, POLICE STATION
Shaheed Nawab Khan (Paniala) D.I.KHAN

Date of Institution of the case (04/03/2014)

Date of Decision of the case (28/04/2015)

Present: **Jamshaid Khan**, Dy.PP for State,

Mr. Nazar Niazi Advocate/counsel for the accused

J U D G M E N T

1. The accused named above have faced trial in the case registered vide FIR No. 294 DATED 28.11.2013, U/SECTION 9 (B) CNSA, Police Station Shaheed Nawab Khan (Paniala) D.I.KHAN

2. The episode of the prosecution case, as per contents of FIR Ex.PA, in brief are that on the night of 28.11.2013 at about 22:30 PM complainant/SHO alongwith other police officials were present at Shaheed Farooq Chowk, at Giloti Paniala Road on picketing. In the meanwhile a motorcycle came from Gilloti side which was stoped. On query the person who was driving the motorcycle

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ADDITIONAL SESSIONS JUDGE
Paharpur, Dera Ismail Khan

Handwritten notes and signatures on the right margin:
ASJ
4/3/14
CNSA
28/4/15

ATTESTED

Handwritten signature and date:
8/11/15

disclosed his name as Ibrahim while the person seated behind him disclosed his name as Naseer Ahmad. The accused Naseer was having a plastic bag in his hand. On checking of the plastic bag, Charas wrapped in three paper-plastic envelops, was recovered. SHO weighed the recovered Charas, which came out to be 4000 grams. SHO arrested both the accused facing trial and drafted the murasila and sent the same through constbale Muhammad Wasim No.7824 to Police Station for registration of FIR. Hence FIR was registered against accused facing trial.

3. After registration of case, investigation of the case was carried out. Upon completion of investigation challan u/s: 9 B CNSA was submitted to the Court. Accused were summoned who appeared being on bail on 24.04.2014 and on the same date provisions of s.265-C complied with. Formal charge against the accused facing trial was framed on 20.05.2014, to which they pleaded not guilty and claimed trial.

4. At trial prosecution examined 4 PWs in all. The brief resume of their evidence is as under:-

PW-1 is Zulfiqar Khan SHO/complainant, who stated that at the time of occurrence he alongwith PWs Asmatullah, Hussain Shah and Wascem was present at Shaheed Farooq Chowk, at Giloti Paniala Road, situated at a distance of about 100 meter from the Police Station on picketing. In the meanwhile at about 22:30 accused facing trial came there on 125 CC motorcycle. The accused Ibrahim was driving the motorcycle while accused Naseer Ahmad was seated behind him. He signalled them to stop. Who stopped and the accused Naseer was having a plastic bag in his hand. On checking of the plastic bag, Charas wrapped in three paper-plastic envelops, yellow in colour, was recovered. He weighed the recovered Charas, which came out to be 4000 grams. He arrested both the accused facing trial and issued their card of arrest which is Ex.P.W.1/1. Similarly he had also taken into

ADDITIONAL SESSIONS JUDGE
Paharpur, Dera Ismail Khan

EX-12/10/15

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his possession the recovered Charas along with motorcycle bearing registration No. FA-6610 DIK vide recovery memo Ex.PC which correctly bears his signature and that of the marginal witnesses. He drafted Murasila and sent the same to Police Station for registration of case. On arrival of the Investigating Officer handed over to him the recovered Charas and motorcycle. The Investigating Officer prepared site plan at his pointation, and separated charas for the purpose of FSL analysis. The Investigating Officer also recorded his statement and statements of witnesses. After completion of investigation he submitted complete Challan in the instant case on 02/12/2012.

PW-2 is Asmatullah Constable-7921, who stated that at the time of occurrence he alongwith SHO Zulfiqar Khan, constable Waseem Abbas and Hussain Shah were present at the spot on picketing. A motorcycle came from Giloti side, which was stopped at Farooq Shaheed Chowk, at Paniala Giloti Road. Accused Ibrahim and Nasir ud Din were riding on the motorcycle. On search of accused Nasir ud Din a plastic bag was recovered from him. On checking of the plastic bag three packets of charas were recovered from it. The SHO weighed the recovered narcotics which came out to be 4000 grams. Ghulam Khan arrived and sealed the Charas in Parcels by separating 5/5 grams for each packet for FSL analysis. Investigating Officer packed and sealed the samples in parcels No.1, 2 & 3 while the remaining quantity was packed and sealed in parcel No.4, Ex.P-1. The Investigating Officer also seized the motorcycle, recovered from the accused. In this respect Investigating Officer prepared recovery memo in his presence. Today he has seen the recovery memo prepared by the Investigating Officer which is correct, correctly bear his signature as marignall witness and the same is Ex.PC/1. Similarly the recovery memo Ex.PC correctly bears his signature as marginal witnesses. His statement was recorded by the Investigating Officer.

PW-3 is Aurengzaib ASI who stated that on receipt of Murasila sent by the SHO brought by constable Muhammad Wasim No.7824, he registered the FIR by incorporating the contents of Murasila into it. The copy of FIR is Ex.PA/1. Copy of FIR was handed over to the Investigating Officer for investigation. Today he has seen the same which correct and correctly bears his signature.

ADDITIONAL DEPUTY COMMISSIONER
Bakharwal, District, Islamabad

ATTESTED

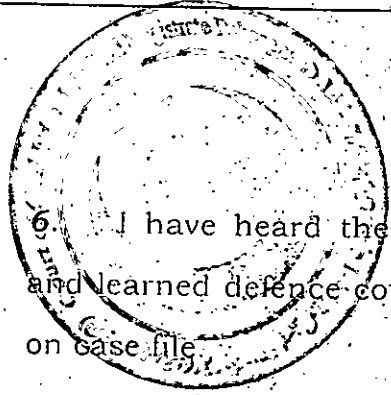
EXAMINER

Sh. M. G. Ghulam Khan

PW-4 is Ghulam Khan Incharge Investigation who stated that after receiving the copy of FIR he proceeded to the spot, where SHO alongwith other police party, recovered narcotics, motorcycle and the accused was present. He prepared site plan Ex.PB on the pointation of SHO. The SHO handed over to him the accused facing trial alongwith the plastic bag having three packets of charas and motorcycle recovered from them. He again weighed the recovered narcotics which came out to be 4000 grams. He separated 5/5 grams charas from each packed for FSL analysis and packed and sealed the samples in parcels No.1, 2 & 3 while the remaining quantity i.e. 3985 grams were packed and sealed in parcel No.4, already exhibited as Ex.P-1 and took into possession the motorcycle bearing No.FA 6610/DIK Honda 125 CC Engine No.3672932 Chassis No.356224 is Ex.P-2 vide recovery memo already exhibited as Ex.PC/1. He recorded the statements of PWs as well as the statements of accused facing trial. He produced the accused facing trial before learned Judicial Magistrate Paharpur for obtaining physical custody vide his application Ex.PW4/1, one day police custody was allowed. He interrogated the accused facing trial and recorded their statement u/s 161 Cr.PC. On 30.11.2013 he produced the accused facing trial before Judicial Magistrate Paharpur for recording their confessional statements vide his application Ex.PW4/2, but accused facing trial refused to record their confessional statements and accused facing trial were sent to the judicial lock-up. He also applied for FSL Peshawar for chemical analysis of the samples No.1-3 vide his application Ex.PW4/3 and result whereof is Ex.PK. Today he has seen all the documents prepared by him which are correct and correctly bear his signatures. After completion of investigation he handed over the case file to SHO for submission of complete challan against the accused facing trial.

5. Thereafter, learned Dy.PP closed the prosecution evidence. Statements of the accused were recorded under Section 342 Cr.P.C, wherein they denied all the allegations levelled by the prosecution against them and professed their innocence, however, they did not opt to be examined on oath or to produce defence witnesses.

[Signature]



6. I have heard the arguments of learned Dy.P.P for the State and learned defence counsel and have perused the record available on case file.

7. As per the contents of Murasila Ex.PA and examination in chief of the complainant-SHO Zulfaqar Khan as PW.1, the Murasila in the instant case was sent to the P.S for registration of the case thorough constable namely Muhammad Wasim No.7824 for the registration of the case but strange enough that the name of the constable Muhammad Wasim is not mentioned in site plan Ex.PB to indicate that constable Muhamamd Wasim was also accompanying the SHO.

Handwritten note: 28/11/2015

8. The investigating Officer of the case Ghulam Khan SI as PW.4 stated in his cross examination that he had not shown constable Muhamad Wasim in the site plan Ex.PB and also stated that he has not shown all the police officials who had accompanied the SHO at the time of occurrence in site

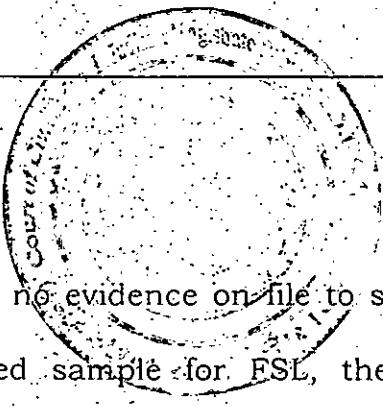
9. The PW.4 Investigating Officer of the case further stated in his cross-examination that he has not recorded the statement of Constable Muhammad Wasim and he has not shown him in the site plan. Beside this the name of constable Muhammad Wasim also does not find mention in the Murasila or FIR that he was accompanying the SHO at the time of occurrence and only in the Murasila and FIR it is mentioned that constable Muhammad Wasim had taken the Murasila to the P.S and in such circumstances the presence of constable Muhammad Wasim at the

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EXAMINED

spot has become doubtful, therefore, it has also become doubtful that constable Muhammad Wasim had taken the Murasila from the spot to the P.S for registration of the case and indicate that he was not present at the spot.

10. Beside the above here it is pertinent to be mentioned that PW Asmatullah who was present with the SHO-complainant at the time of occurrence and as such is eyewitness of the present offence and is also witness of the recovery memos prepared by the SHO and Investigating Officer as Ex.PC and Ex.PC/1 respectively. He (PW.2) in his cross examination has categorically stated that the investigating officer prepared the recovery memo in the P.S and as such by saying this he has set at naught the very case of the prosecution that Investigating Officer came to the spot and on the arrival of the Investigating Officer to the spot the SHO handedover to him the recovered contraband and the accused where-after he i.e Investigating Officer prepared the recovery memo Ex.PC/1. This admission on the part of the PW.2 had made the entire mode and manner of the prosecution case highly doubtful.

11. Here it would not be out of place to mention that Investigating Officer of the case as PW-4 in his cross-examination has stated that each packet had many pieces of round shape and slab shape. He also stated that he cannot say as to whether each packet consist of 100, 1000, 2000, pieces or more and he separated one piece of 5 grams from each packet. It simply means that he did not separate sample from each piece contained in each packet and



there is no evidence on file to show that from which piece he had separated sample for FSL, therefore, in these circumstances it cannot be said that remaining quantity except sample sent to FSL was charas.

Stamps & initials

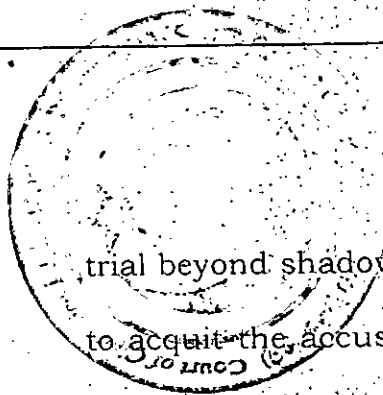
12. Apart from above the instant case was registered vide FIR No.94 dated 28.11.2013 but the sample to the laboratory received on 6.12.2013 and as such these sample were received to the FSL after almost eight days and there is nothing on the file to indicate that during these eight days where sample prepared by the Investigating Officer and there is nothing on the file to indicate that during these eight days where samples prepared by the Investigating Officer for the purpose of FSL were lying and these sample were in safe custody and were not tempered with. Similarly there is nothing on file to further indicate that infact the same sample which were prepared by the Investigating Officer were sent to the FSL.

13. It is settled principle of safe administration of criminal justice that a single circumstance which creates doubt in prosecution case is sufficient for the acquittal of the accused. In the instant case there are series of circumstances if taken together would form a chain of circumstances leading to an obvious conclusion that prosecution has failed to prove its case against the accused facing trial beyond any reasonable shadow of doubt.

14. In view of what has been discussed above, I am of the view that prosecution has failed to prove its case against accused facing

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28/11/15

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trial beyond shadow of reasonable doubt therefore, I do not hesitate to acquit the accused facing trial from the charges levelled against them. Accused are on bail, their bail bonds stands cancelled and sureties are absolved from liability of bail bonds. Case property, be destroyed after expiry of appeal/revision period. File be consigned to the record room after its completion & compilation.

Announced.
D.I.Khan
28th April, 2015.

[Signature]
Syed Aqeel Ajiz
JSC/ASJ Paharpur, D.I.Khan.

CERTIFICATE

Certified that this judgment consists of 8 Pages. Each page has been read over, correct wherever necessary and signed by me.

[Signature]
Syed Aqeel Ajiz
JSC/ASJ Paharpur, D.I.Khan.



ATTESTED TO BE TRUE COPY
[Signature]
CIVIL JUDGE/JUDICIAL MAGISTRATE
Paharpur (D.I.Khan)

[Handwritten signature]

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No. _____
Application Received On 8-5-78
Date of Copying 8-5-78
Date of Delivery 8-5-78
No. of Words 2000

[Signature]
[Signature] 8/10/78
8/10/78

ORDER:-

This Order will dispose off departmental enquiry conducted against Constable Naseer Ahmed No.7718/FRP, of FRP, D.I.Khan Range, on the Charges that according to District Police Officer, D.I.Khan vide his office memo: No.28766, dated 03.12.2013, he has been involved and arrested in Case FIR No.294, dated 28.11.2013 U/S 9-CNS (C) Police Station Shaheed Nawab Khan District D.I.Khan. D
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On the basis of his above, he was suspended and closed to FRP Police Line vide this office OB No.714, dated 05.12.2013, he was served with Show Cause Notice, reply received which was found unsatisfactory. He was served with proper Charge Sheet and Statement of allegations.

Mr. MUHAMMAD NADEEM SIDDIQUI DSP/FRP D.I.KHAN, was appointed as Enquiry Officer. After completion of all codal formalities, the Enquiry Officer submitted his finding report along-with other relevant papers. Enquiry Officer recorded the statement of SI Zulfeqar Khan SHO/PS Shaheed Nawab Khan District D.I.Khan, in which he stated that he has recovered 4000/Grams Charas from defaulter Constable. Enquiry Officer also recorded the statement of Constable Hussain Shah No.1907 of District Police & Constable Asmat Ullah No.7921/FRP, who endorsed the statement of SI Zulfeqar Khan SHO/PS Shaheed Nawab Khan that they are eye witnesses of the case. Defaulter Constable also remained absent from law-full duties with effect from 26.11.2013 to 06.01.2014, total (40) days, vide daily diary report No.20, dated 06.01.2014 of FRP Police Line D.I.Khan. Defaulter Constable was enlisted on 30.07.2007 and during short period of service remained (358) days absent from law-full duties previously. The enquiry officer in his finding recommended defaulter Constable for Major Punishment and period he remained absent from law-full duties with effect from 26.11.2013 to 06.01.2014 total (40) days to be treated as with out pay. He was served with Final Show Cause Notice, reply received which was found unsatisfactory. He was also heard in person but failed to prove his innocence.


Keeping in view the facts stated above, as well as recommendation of Enquiry Officer, I MR. MUHAMMAD IDREES, in exercise of powers conferred upon me under NWFP Police Rules 1975 hereby Removed Constable Naseer Ahmed No.7718/FRP, from service with immediate effect. The period he remained absent i.e from 26.11.2013 to 06.01.2014, Total (40) days is treated as with out pay.

ORDER ANNOUNCED.

Dated.18.03.2014

OB No. 259 /FRP

Dated 18/ 03/2014.


(MOHAMMAD IDREES)
Superintendent of Police,
FRP, D.I.Khan Range, D.I.Khan.

ATTESTED


ORDER

This order shall dispose off on the appeal Ex- Constable Naseer Ahmad No. 7718 of FRP Dikhan.

Brief facts of the case are that Constable Nasser Ahmad No. 7718 was involved and arrested in case FIR No. 294 dated 28.11.2013 u/s 9-CNS© Ps: Shaheed Nawab District. He was charge sheeted/statement of allegation and DSP FRP Dikhan was appointed as enquiry officer. After enquiry the EO recorded the statement of SI Zulfiqar Khan SHO Ps Shaheen Nawab Khan District DIK, in which he stated that he has recovered 4000/Grams Charas from defaulter. The EO also recorded the statement of FC Hussain Shah No. 1907 and Asmat Ullah No. 7921 who endorsed the statement of SHO Zulfiqar Khan and they were eye witness of the case and recommended for major punishment. The defaulter constable remained absented with effect from 26.11.2013 to 05.01.2014 total 40 days. He was issued show cause notice, but failed to prove himself innocence, therefore removed from service by the SP FRP Dikhan Range vide his OR NO: 259 dated 18.03.2014.

However from the perusal of record and findings of enquiry officer there is no cogent reason to interfere in the order of SP FRP DI Khan Range. Therefore his appeal is rejected.

Add: IGP/Commandant
Frontier Reserve Police

Khyber Pakhtunkhwa, Peshawar

0831/K/2014
1 31/10/2014

No. 8203-04 /EC dated Peshawar the

Copy to the:-

1. Superintendent of Police FRP DI Khan Range w/r to his Memo: No. 2216 dated 07.08.2014. Service Record and Departmental Enquiry File of the above named Constable are returned herewith.
2. Ex-Constable Naseer Ahmad No. 7718 s/o Abdur Rasheed r/o Mohallah Sharqi Khei Panyala Tehsil Pahari Pur District DI Khan.

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- (21)
OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Naseer Ahmad No. 7718 of FRP DIKhan Range against the Punishment order i.e Removed from service passed against the appellant by SP/FRP DIKhan vide his order Book No. 259 dated 18.03.2014

In the light of recommendations of Appeal Board meeting held on 23.04.2015, the board examined the enquiry in detail & other relevant documents. It revealed that the appellant was served with Charge Sheet/Statement of Allegations and punishment order was announced on the basis of reply to the Charge Sheet and Statement of Allegations.

Present in person and was heard in detail. Record perused. He was removed from service on account of recovery of 4 Kg Charas and his case is under trail in court. During five years service, he earned 20 bad entries. He failed to give any cogent reason of his involvement in narcotics. His conduct is not worth consideration for retention in Police Department. Therefore his appeal is rejected.

Order announced in the presence of appellant.

Sd/-
NASIR KHAN DURRANI
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. 6228-32 /E-IV dated Peshawar the 04 / 05 / 2015

Copy of above is forwarded to the:

1. Commandant FRP Khyber Pakhtunkhwa, Peshawar. The service Roll, Fauji Missal and Enquiry File of the above named official are returned herewith.
2. SP/FRP DIKhan
3. PSO to IGP/Khyber Pakhtunkhwa Peshawar.
4. PA to Addl: IGP/HQrs Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs Khyber Pakhtunkhwa, Peshawar.

Dated
Received
to day order copy
above. 15-05-2015

(Signature)
(SYED FIDA HASSAN SHAH)
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

ATTESTED
/

VAKALAT NAMA

NO. _____/20

22

IN THE COURT OF Service Tribunal Peshawar

Naseer Ahmed

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Dept.

(Respondent)
(Defendant)

I/We Naseer Ahmed (Appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Naseer Ahmed
(CLIENT)

ACCEPTED

M. Asif Yousafzai
M. ASIF YOUSAFZAI
Advocate

Taimur Ali Khan

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.718 / 2015.

Ex- Constable Naseer Ahmad No. 7718 Frontier Reserve Police (FRP) DIKhan Range..... Appellant.

VERSUS

- 1- **Provincial Police Officer,**
Khyber Pakhtunkhwa Peshawar.
- 2- **Commandant,**
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.
- 3- **Suprintendent of Police**
FRP, D I Khan Range.....Respondents.

Respectfully Sheweth

WRITTEN REPLY ON BEHALF OF RESPONDENTS

PRELIMINARY OBJECTIONS: -

1. That the appeal is badly time barred.
2. That the appellant has not come to this Honorable Court with clean hands.
3. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the appellant has no cause of action.
5. That the appellant is estopped due to his own conduct to file the instant appeal.

FACTS

1. The Para pertains to the appellant record therefore; needs no comments.
2. Incorrect, as the appellant was appointed as constable in FRP/DIKhan Range on 31.07.2007 and during his short length of service he was found a habitual absentee as he previously remained absent from duty for a period of 358 days, without prior permission or leave and in this regard he was awarded different punishment on various occasion and it is evident from his service record which full of red entries. (Record annexed as annexure "A")
3. Correct to the extent that the appellant was involved in a moral turpitude criminal case vide FIR No. 294, dated 28.11.2013, U/S 9-CNS(C) Police Station Shaheed Nawab Khan District DIKhan and arrested red handed from the spot. The rest of para pertains to record.
4. Incorrect, that on the allegation of above criminal case the appellant was suspended and closed to line by the responded No. 4 vide office OB, No. 714, dated 05.12.2013. He was issued / served upon with show cause notice to which he replied but his reply was found unsatisfactory. (Copy of show cause notice and his reply attached herewith as annexure "B" & "C")
5. Incorrect, that being involved in a (moral turpitude) criminal case the appellant was issued charge sheet alongwith summary of allegations and enquiry officer was nominated, to conduct proper enquiry in to the mater. The charge sheet alongwith summary of allegations served upon the appellant by the enquiry officer to which he replied but his reply was found unsatisfactory by the enquiry officer, besides the statements of all the eye witness were recorded. During the course of enquiry the Enquiry Officer found the appellant guilty of the charges leveled against him and recommended for major punishment in the findings. (Copy of charge sheet, his reply and enquiry report are attached as annexure "D,"E & "F") After receiving the findings of EO the Competent authority served upon the appellant with final show cause notice to which he replied but his reply was found unsatisfactory and he

was also heard in person but failed to prove his innocence and after fulfillment of all codal formalities the appellant was removed from service. (Copy of final show cause notice and his reply are attached as annexure "G & H")

6. Correct to the extent that departmental appeal submitted by the appellant was thoroughly examined and rejected on sound grounds and a copy of the same was already conveyed to the appellant vide this office endorsement No. 8203-04/EC, dated 31.10.2014.
7. Correct to the extent that revision petition submitted by the appellant before the Appellate Board. The concerned board thoroughly examined his case and the appellant failed to produce any cogent reason before the board and his appeal was rejected on the ground that his conduct is not worth consideration for retention in Police Department.
8. The appellant has not come to this Hon'ble tribunal with clean hands.


GROUNDS: -


- A) Incorrect, the allegations are false and baseless, no violation made by the respondents of any law/rules, as proper departmental proceedings were already initiated against the appellant and it is evident from Charge Sheet & Show Cause Notice and the orders of respondents are legally justified and in accordance with law. Moreover, departmental appeal of the appellant was rejected on 31.10.2014 and a copy of the same was already conveyed to the appellant vide this office endorsement No. 8203-04/EC, dated 31.10.2014.
- B) Incorrect as explained in the preceding paras that the appellant was treated according to law/rules as all the codal formalities were fulfilled during the course of enquiry.
- C) Incorrect. The allegations are false and baseless as the appellant participated in the enquiry proceedings and it is evident from his replies of charge sheet and show cause notice, besides he was also heard in person by the Competent Authority but he failed to submit any cogent reason before the Competent Authority. Furthermore, during the course of enquiry the EO also recorded the statement of all the witnesses concerned to the case which placed on enquiry file, so all the codal formalities of norms of justice were fulfilled by the respondent during the enquiry proceedings.
- D) Incorrect the criminal and departmental proceedings are two different entities and can run side by side. However, during the course of departmental proceeding the appellant was found guilty of the charges leveled against him.
- E) Incorrect the appellant had already been found guilty of the charges leveled against him by the EO and recommended for major punishment as the appellant being a member of disciplined force was involved in a moral turpitude criminal case vide FIR No. 294, dated 28.11.2013, U/S 9-CNS(C) and arrested red handed by the local Police, from the spot and in this regard the statement of the witness, during the course of enquiry were also recorded.
- F) Incorrect that an information report in regard of involvement in criminal case of the appellant submitted by the DPO/DIKhan vides office Memo No.28766, dated 03.12.2013 before the respondent No. 4 and in this connection the appellant was suspended. Thereafter the appellant was served with show cause notice by the Competent Authority vide office Memo No. 1678, dated 10.12.2013 to which he replied too. (Copy of show cause notice & his reply are attached as ^{already annexure} attached as "B & C"). Moreover, the plea of delay in the service of show cause notice, taken by the appellant, he supposed to take this plea in the reply of show cause notice.


- G) Incorrect the appellant has already provided the opportunity of personal hearing which he availed too, but failed to produce any cogent reason before the Competent Authority in regard of his innocence. After fulfillment of all codal formalities, the appellant was removed from service as per law/rules.
- H) Incorrect that the appellant was treated according to Khyber Pakhtunkhwa Police rules 1975 (applicable law) and all the codal formalities were fulfilled in the departmental proceedings as explained in the preceding paras therefore, the instant service appeal may very kindly be dismissed.
- I) Incorrect the allegations are false and baseless as after proper enquiry the penalty of removal from service awarded to the appellant which is commensurate with the gravity of the appellant.
- J) Incorrect the appellant was remained absent from duty w. e. from 26.11.2013, before the involvement of criminal case which subsequently proved against the appellant in the enquiry proceedings.
- K) Incorrect that the appellant was involved in a moral turpitude criminal case and after proper enquiry he was found guilty of the charges leveled against him in the light of the statements of the witnesses which placed on enquiry file. Furthermore, that the criminal and departmental proceedings are two different entities and can run side by side and beside this his more retention in the Police Department would definitely defame the image of Police department.
- L) Incorrect the respondents did not transgress of any law as the charge sheet alongwith summary of allegations served upon the appellant in Central Jail through proper office Memo vide No.1739/FRP, dated 12.12.2013. Furthermore, all the codal formalities were fulfilled and thereafter, the appellant was removed from service. (Copy of memo dated 12.12.2013 attached as annexure "10")
- M) The respondents may also be permitted to submit additional grounds at the time of arguments.

PRAYERS:

Keeping in view of above mentioned facts/submission the instant appeal may very kindly be dismissed with cost.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.1 & 2)


COMMANDANT
FRONTIER RESERVE POLICE
KHYBER PAKHTUNKHWA PESHAWAR
(Respondent No.3)


SUPERINTENDENT OF POLICE FRP,
D.I.KHANT RANGE, D.I.KHAN
(Respondent No.4)

15. CENSURES AND PUNISHMENTS.

① Charges: Absent from duty we from. 6 ¹/₀₁₃ To 7 ¹/₀₁₃
Total (1 days)

② Punishment: Confinment to Quarter Guard for (2 days)
Absence Period is treated as w/o Pay
vide This office OB NO. 73/FRP dt: 28-1-013

③ Charges: Absent from duty we from. 17 ⁰¹/₀₁₃ To 18 ⁰²/₀₁₃
Total (2 days)

④ Punishment: Confinment to Quarter Guard for (7 days)
Absence Period is treated as w/o Pay
vide This office OB NO. 159/FRP dt: 07 ⁰³/₀₁₃

⑤ Charges: Absent from duty we from. 11 ¹¹/₀₁₂ To 14 ¹¹/₀₁₂
Total (03 days)

⑥ Punishment: Confinment to Quarter Guard for (3 days)
Absence Period is treated as w/o Pay
vide This office OB NO. 184/FRP dt: 21-03-013
one increment stopped

⑦ Charges: Absent from duty we from. 25 ⁰²/₀₁₃ To 26 ⁰²/₀₁₃
Total (1 day)

⑧ Punishment: Confinment to Quarter Guard for (1 day)
Absence Period is treated as w/o Pay
vide This office OB NO. 195/FRP dt: 01-01-013

ORDER

Having being involved & arrested
in case FIR NO. 294, dt 28-11-2013 U/S 9-CNS(C)
of PS/Shahid Dawala Dikhan, hereby suspended
& lodged to P.P. Police lines Dikhan vide OB NO. 713

5-12-13
[Signature]
SSP/FRP

CHARACTER ROLL OF

15. CENSURES AND PUNISHMENTS - contd.

Serial No. (5) Charges: Absent from law full duties w.e. from 11th 2014 to 05th 2014
 Total (202) days
 Punishment: Period of Absence is treated as without pay vide
 O.S. No. 80
 27-1-2014
 RSP/AN/01

Charges: According to DPO/Dixhan vide his
 Office Memo. No. 28766, dt 3-12-2013
 has been involved & arrested in case
 FIR No. 294, dt 28-11-2013 U/S 9-CNS(L)
 Police Station Shahed Nabivulu Khan
 Dixhan & also remained absent from law
 full duties w.e. from 26-11-2013 to 6-1-2014
 Total (40) days.

Punishment: Removed from Service with
 Immediate effect & period of absence is
 treated as without pay vide this office
 O.S. No. 259
 18-3-2014
 RSP/AN/01

(Copy of order Attached)

ORDER:

Appeal for Re-Instate
 in Service, has been Rejected by
 AIGP/Comdt. PRP K.P. K Peshawar order
 Ends: No. 8203-4/EC, dt 31-10-2014 DYN No. 1372
 09-11-14

(order attached)

RSP/AN/01

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LEAVE AND BREAKS IN SERVICE

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All

" approved service " to be entered in red ink.

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DATE		EXTENT			No. of District Order	description of leave i.e privilege, hospital, sick leave, or furlough, or of absence, or forfeiture of approved service. All entries to be initialed, by Superintendent of Police.
From	To	Years	Months	Days		
8 ³ / ₀₉	To 11 ³ / ₀₉	-	-	3 days	OB No 293 dt. 16-5-2009	Leave w/o pay SP/FRP
23 ³ / ₀₉	To 16 ⁵ / ₀₉	-	-	63 days	OB No 303/FRP dt. 19-5-2009	Leave w/o pay SP/FRP
16 ² / ₀₉	To 23 ⁸ / ₀₉	-	-	7 days	OB No 493/FRP dt. 24-10-2009	Leave w/o pay SP/FRP
28 ¹¹ / ₀₉	To 1 ¹² / ₂₀₀₉	-	-	5 days	OB NO 1146/FRP dt. 26-12-2009	Leave w/o pay SP/FRP
15 ¹ / ₂₀₁₀	To 18 ¹ / ₂₀₁₀	-	-	3 days	OB - NO: 229/FRP dt. 10-3-2010	Leave with out pay SP/FRP
27 ⁵ / ₂₀₁₁	To 28 ⁵ / ₂₀₁₁	-	-	1 day	OB - NO: 450/FRP dt. 2-6-2011	Leave with out pay SP/FRP
27 ⁴ / ₁₀	To 2 ⁵ / ₁₀	-	-	5 days	OB, NO, 640/FRP dt. 29-6-2010	Leave w/o pay SP/FRP
26 ⁴ / ₂₀₁₁	To 8 ⁵ / ₂₀₁₁	-	-	12 days	OB NO, 475/FRP dt. 4-8-2011	Leave w/o pay SP/FRP
6 ⁹ / ₂₀₁₁	To 13 ⁹ / ₂₀₁₁	-	-	7 days	OB NO: 941/FRP date 3-10-2011	Leave w/o pay SP/FRP
11 ¹⁰ / ₂₀₁₁	To 13 ¹⁰ / ₂₀₁₁	-	-	3 days	OB NO. 1088/FRP dt. 4-11-2011	Leave w/o pay SP/FRP
4 ¹¹ / ₁₁	To 7 ¹¹ / ₁₁	-	-	4 days	OB NO - 1180 dt. 7-12-2011	Leave w/o pay SP/FRP
11 ¹² / ₁₁	To 15 ¹² / ₁₁	-	-	5 days	OB NO. 41/FRP dt. 10-1-2012	Leave w/o pay SP/FRP
16 ¹² / ₁₁	To 7 ¹ / ₁₂	-	-	22 days	OB NO. 41/FRP dt. 10.1.2012	E/Leave on full pay SP/FRP

22 110 JS

21 ¹ / ₁₂ To 24 ¹ / ₁₂) 3 days	OB NO. 142/FRP dt. 7-2-2011	Leave w/o pay	
8 ⁴ / ₁₂ To 19 ⁶ / ₁₂) 6 days	OB NO 723/FRP 4-7-2012	E/Leave on pay	SP/FRP D.I.K
1 ¹ / ₁₃ To 7 ¹ / ₁₃ - 1 days	OB NO. 73/FRP		SP/FRP D.I.K
7 ⁰¹ / ₁₃ To 08 ⁰² / ₁₃ - 22 days	dt: 28-01-013 OB NO. 159/FRP	w/o pay	SP/FRP D.I.K
11 ¹¹ / ₁₂ To 14 ¹¹ / ₁₂ - 03 days	dt: 07-03-013 OB NO. 184/FRP	w/o pay	SP/FRP D.I.K
5 ⁰² / ₁₃ To 26 ⁰² / ₁₃ - (1) day	dt: 21-03-013 OB NO. 195/FRP	w/o pay	SP/FRP D.I.K
18 ⁰⁴ / ₁₃ To 10 ⁰⁴ / ₁₃ - (2) days	dt: 01-04-013 OB NO. 327/FRP	w/o pay	SP/FRP D.I.K
1 ⁰⁴ / ₁₃ To 05 ¹¹ / ₁₃ - (208) days	dt: 11-06-013 OB NO. 801/FRP	w/o pay	SP/FRP D.I.K
1 ⁰² / ₁₄ To 12 ⁰² / ₁₄ - (1) day	dt: 27-01-014 OB NO. 215/FRP	w/o pay	SP/FRP D.I.K
26 ¹¹ / ₂₀₁₃ to 6 ¹ / ₂₀₁₄ (40) days	OB NO 259 18-3-2014	w/o pay	SP/FRP D.I.K

ntinued

(17)

CB

SHOW CAUSE NOTICE.

WHEREAS, You Constable Naseer Ahmed No.7718/FRP are reported to be involved in the commission of following misconduct as defined in NWFP Police Rules, 1975:-

According to DPO/ D.I.Khan vide his office memo No. 28766, dated 03.12.2013, you have been involved and arrested in case FIR No.294 dated 28.11.2013 U/S 9-CNS (C) of PS Shaheed Nawab Khan Distt: D.I.Khan.

This act on your part amounts to gross misconduct punishable under NWFP Police Rules, 1975.

AND WHEREAS, the material placed before me is sufficient to establish the commission of above serious misconduct and un becoming of good Police Officer against you.

NOW THEREFORE, I, FARIDULLAH KHAN, Superintendent of Police FRP, D.I.Khan Range D.I.Khan, call upon you Constable Naseer Ahmed No.7718/FRP to Show Cause with-in 7-days of the receipt of this Notice as to why you should not be awarded major punishment, including dismissal from service, as provided under rule 4(1) (b) of the above said rules. Also state whether you wish to heard in person.

In case your reply is not received with-in stipulated period, without any reasonable / sufficient cause, it will be presumed that you have no defence to offer and the matter shall be dealt with ex-parte.

C.T.

31/12/2013

[Handwritten signature]
Superintendent of Police
D.I. Khan Range



[Handwritten signature]
[Handwritten signature]
12.12.13

[Handwritten signature]
(FARIDULLAH KHAN)
Superintendent of Police,
FRP, D.I.Khan Range, D.I.Khan.

کھنڈ اور ضابطہ سرنگد تھ پولیس صلح ڈیڑہ کھنڈ خان

عنوان :- درخواست برآمد جواب شوکار پولیس نمبر 41-1740 فورم 12/24
2013

عالی مرتبت !

نباتت موڈیا نے (نمائندہ) ہے کہ منشی عبدالرحمن ولد عبدالرشید
پولیس کانسٹیبل سٹیٹ نمبر 7718 ڈیڑہ کھنڈ خان سے موٹر سائیکل پر
پینالہ جاری تھا کہ راستے میں گولی سٹاپ اڑھ پر ابراہیم نامی
محلہ دار نے بندہ سے پینالہ تک لے لیا لفت کی درخواست کی۔ جس پر
بندہ نے محلہ دار کو اپنے موٹر سائیکل پر سوار کر لیا اور روانہ ہو گیا۔ راستے
میں مقام پینالہ پر ہماری جامہ تلاشی کی گئی۔ ابراہیم ولد عبدالکریم
کے قبضے سے جس پر آمد ہو گئی۔ جیلہ میں جس کے بار بندہ کو

قسطی کوئی علم نہیں تھا۔
پولیس نے مقام پینالہ کے جاگڑہم دونوں کو
بند کر دیا۔ اور 4000 روپے کا پیرچہ کاٹ دیا۔ پیرچہ اور پینالہ
جس کے سٹریٹ پولیس ڈیڑہ کھنڈ خان میں وقت سٹریٹ پولیس
ڈیڑہ میں موجود ہے۔

لہذا نباتت عالی مرتبتہ استدعا ہے کہ عالی مرتبت
بندہ کو صحافی کا موقع نباتت کریں تاکہ بندہ آپ کو پوری طرح مطمئن کر سکے۔
آپ کی عین نوازش ہوگی

نورم 12/30
2013

عبدالرحمن ولد عبدالرشید (پولیس کانسٹیبل)
پولیس لائن

حال سٹریٹ پولیس ڈیڑہ کھنڈ خان

آپ کا تعینادار

ATTESTED

[Signature]

Inspector Department
Central Jail D.I. Khan

CHARGE SHEET.

(22) CD


WHERE AS, I am satisfied that a formal enquiry as contemplated by NWFP Police Disciplinary Rules 1975 is necessary and expedient to be conducted into the allegation contained in the statement attached herewith.

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

AND WHEREAS, as required by Police Rules 6(I) of the aforesaid rules, I, Mr. FARID ULLAH KHAN, Superintendant of Police FRP, D.I.Khan Range D.I.Khan, hereby charge you Constable Naseer Ahmed No.7718/FRP with the misconduct on the basis of the statement attached to this charge sheet.

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

In case your reply is not received with-in the prescribed period, without sufficient cause, it would be presumed that you have no defence to offer and the proceedings will be completed against you ex-parte.


(FARID ULLAH KHAN)
Superintendent of Police,
FRP, D.I.Khan Range, D.I.Khan.

کھولنے سے پیشرفت صاف آ رہی ہے FRP اس سے پہلے
بوساطت سے پیشرفت صاف آ رہی ہے

بحوالہ۔ شوکار ٹیسٹ نمبر 28766 صفحہ 12/3 -

صاف عالی۔ گزارش ہے کہ نئے سائل کو بے گناہ قرار دینے سے 294 سے 28 11/13
صرف 9 سے گنناہ کیا گیا ہے۔ سائل اس میں بے گناہ ہے

مقرر عنوان یا اس سائل کو کوئی معلوم نہیں ہے۔ یہ سائل دوسرے
شخص محمد ابراہیم کو ازراہ سیردی اپنے ساتھ دوسرے سائل پر
بھیجا گیا۔ یہ معلوم نہیں تھا کہ اس سائل کو محمود چوہدری

اپنے میں اس وقت بائبل حوالات سے سائل حل دینے میں حوصلہ
اور بہت غریب شخص ہوں۔ سائل کا ٹھونڈا ٹھونڈا نہیں بھائی میں
جس کا تعلق سے سائل کا نام ہے۔ سائل جنب سے رجم کی
اپنی کرتا ہے۔ کہ سائل کو لفظی کا حوصلہ دیا جائے۔

کہ سائل کو Personal Hearing کا حوصلہ دیا جائے
تاکہ سائل اپنی بات کہہ سکتا ہے

سائل کو حوصلہ دیا جائے

Ahmad

محمد ابراہیم



ATTESTED

FRP

Central Jail D.I. Khan

فائل رپورٹ

جناب عالی:

بحوالہ لیٹر انگریزی نمبر 28766 مورخہ 03.12.2013 مجاریہ جناب ڈسٹرکٹ پولیس آفیسر ڈیرہ وڈاڑی نمبر 1236 مورخہ

05.12.2013 دفتر ایس پی، ایف آر پی، ڈیرہ اسماعیل خان جس میں کنسٹیبل نصیر احمد نمبر 7718/FRP کے بحوالہ مقدمہ نمبر 294 مورخہ

28.11.2013 برآمدہ 9 - CNS (C) تھانہ شہید نواب میں ملوث اور گرفتاری کی بابت جناب ایس پی صاحب، ایف آر پی کو تحریر کیا جو کہ بحوالہ آرڈر نمبر

1661/FRP مورخہ 05.12.2013، آرڈر بک نمبر 714 مورخہ 05.12.2013 کنسٹیبل بالا کو مقدمہ بالا میں ملوث ہونے پر معطل لائن کیا۔ بحوالہ

لیٹر نمبر 12159/Inv مورخہ 13.12.2013 مجاریہ جناب ایس پی، انوسٹی گیشن صاحب جس میں کنسٹیبل مذکورہ بالا کی مقدمہ بالا میں گرفتاری و چار ہزار

گرام چرس برآمد ہونے پر حکمانہ کارروائی کے لئے جناب ایس پی صاحب، ایف آر پی کو تحریر کیا، ایف آئی آر لف ہذا ہے۔ اسی طرح بحوالہ لیٹر نمبر

28893/EC مورخہ 05.12.2013 مجاریہ جناب ڈی پی او صاحب ڈیرہ میں بھی کنسٹیبل مذکورہ بالا کے خلاف بابت غیر حاضری منشیات فروشی میں ملوث

ہونے پر حکمانہ انکوآڑی کے لئے تحریر کیا ہے۔ نیز بحوالہ مذکورہ نمبر 31 روزنامہ 27.11.2013 تھانہ شہید نواب ایس ایچ او ذوالفقار نے بھی کنسٹیبل مذکورہ کی

منشیات فروشی کی شکایت کی بابت ایک رپورٹ درج روزنامہ چکر کے ارسال افسران بالا کی تھی۔

بحوالہ لیٹر نمبر 1678/FRP مورخہ 10.12.2013 مجاریہ جناب ایس پی صاحب، ایف آر پی ڈیرہ کا کنسٹیبل بالا جو کہ مقدمہ بالا میں گرفتار ہو کر

سنٹرل جیل ڈیرہ میں تھا کو بوساطت سپرنٹنڈنٹ سنٹرل جیل شوکا زونٹس ارسال کیا جو بحوالہ لیٹر نمبر 12579/WE/HB مورخہ 12.12.2013 مذکورہ بالا پر

تقسیم ہو کر تحریریں جواب ارسال دفتر ایف آر پی کیا۔ اس طرح بحوالہ لیٹر نمبر 1739/FRP مورخہ 24.12.2013 مجاریہ جناب ایس پی صاحب، ایف آر پی

چارچ شیٹ ڈسپانر ان ایکشن نمبر 1740-41/FRP مورخہ 24.12.2013 سپرنٹنڈنٹ سنٹرل جیل ڈیرہ بھجوا گیا۔ اور من ڈی ایس پی کو بلور انکوآڑی

آفیسر مقرر کیا جو کہ بحوالہ لیٹر نمبر 16011/WE/HB مورخہ 31.12.2013 مجاریہ سپرنٹنڈنٹ سنٹرل جیل ڈیرہ معہ جواب چارج شیٹ واپس بھجوا یا۔

بحوالہ آرڈر پشاور ہائیکورٹ ڈیرہ اسماعیل خان مورخہ 31.12.2013 کنسٹیبل مذکورہ بالا ضمانت پر رہا ہوا۔ جبکہ بحوالہ مذکورہ نمبر 15 روزنامہ

26.11.2013 بحوالہ مذکورہ نمبر 20 روزنامہ 06.01.2014 پولیس لائن ایف آر پی، کنسٹیبل مذکورہ بالا عرصہ (40) یوم اپنی ڈیوٹی سے غیر حاضر تھا۔ نقل

مدات حاضر ڈیرہ اضری ہذا لف ہیں۔

انکوآڑی ہذا کی کارروائی عمل میں لاتے ہوئے مقدمہ مندرجہ برخلاف کنسٹیبل مذکورہ بالا ذوالفقار ایس ایچ او تھانہ شہید نواب و ایس آئی غلام خان تفتیشی

افسر اور گنڈہ بے بے ایس آئی، کنسٹیبلان حسین شاہ نمبر 1907، عصمت اللہ نمبر 7921، مشتاق حسین لائن آفیسر ایف آر پی، دھنوا نمبر 103 نمبر لائن ایف

آر پی، ڈیوڈ بیہان سینئر کلرک ایس آئی، ایف آر پی دفتر، کے بیانات موجودگی ملزم کنسٹیبل نصیر احمد نمبر 7718/FRP قلمبند کیے اور گواہان پر کنسٹیبل مذکورہ بالا

کو جرح کا موقع بھی دیا گیا۔ گواہان مندرجہ بالا نے اپنے بیانات میں اور زبانی بھی ملزم کنسٹیبل بالا سے جس وزن 4000 گرام (4) کلوگرام برآمدگی کا کہا۔

عالم جاہ:

کی گئی انکوآڑی و بیانات گواہان، حالات و واقعات سے اور قبل از اندراج مقدمہ ہذا برخلاف کنسٹیبل بالا ایس ایچ او ذوالفقار تھانہ شہید نواب نے بالا

کنسٹیبل کی منشیات فروشی کے بارے اپنی رپورٹ درج روزنامہ چکر کی تھی۔ جو کہ لف ہے اور بعدہ کنسٹیبل مذکورہ بالا سے منشیات برآمدگی بھی عمل میں آئی نیز کنسٹیبل

بالا جو کہ عرصہ (40) یوم غیر حاضر رہا ہے اور سابقہ ریکارڈ میں کنسٹیبل مذکورہ بالا مورخہ 30.07.2007 کا بھرتی ہے اور قبل از (358) یوم غیر حاضر معہ

(13) یوم وارنٹ کارڈسز ایاب ہو چکا ہے۔ موجودہ عرصہ غیر حاضری (40) یوم بلا تخواہ کرنے کے ساتھ ساتھ (Major Punishment) دینے کی سفارش

رپورٹ ارسال خدمت ہے۔

کی جاتی ہے۔

(محمد ندیم صدیقی)

ڈپٹی سپرنٹنڈنٹ آف پولیس انکوآڑی آفیسر

~~13~~
(2)

FINAL SHOW CAUSE NOTICE.

WHEREAS YOU, Constable Naseer Ahmed No.7718/FRP found guilty of following misconduct in violation of NWFP Police Disciplinary Rules 1975.

According to District Police Officer D.I.Khan vide his office Memo:No.28766, dated 03.12.2013, you have been involved and arrested in Case FIR No.294 dated 28.11.2013 U/S 9-CNS (C) of Police Station Shaheed Nawab Khan District D.I.Khan.

After completion the enquiry the Enquiry Officer submitted his finding in which the charges leveled against you were proved without any shadow of doubt.

As a result thereof, I MUHAMMAD IDREES Superintendent of Police, FRP, D.I.Khan Range D.I.Khan as competent authority have tentatively decided to impose upon you the penalty of Major/ Minor punishment U/S 3 of the said ordinance.

1. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you.
2. If no reply to this notice is received within 15-days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

Admad
28/2/2014

Idrees
Superintendent of Police,
FRP D.I.Khan Range DIhan.
M

کثرت جواب SP
عنوان: ماسٹر ٹیوکارز ٹیسٹ
موضوع: ماسٹر ٹیوکارز ٹیسٹ

موضوع: ماسٹر ٹیوکارز ٹیسٹ
تاریخ: 28/13

28/13
28/13

کتاب: ماسٹر ٹیوکارز ٹیسٹ

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From: - The Superintendent of Police,
FRP D.I.Khan Range, D.I.Khan.

(18)

To: - The Superintendent,
Central Prison D.I.Khan.

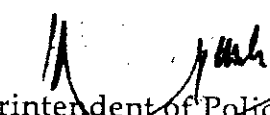
No: - 1739 /FRP, Dated D.I.Khan the 24 /12/2013.

Subject: CHARGE SHEET.

Memo:-

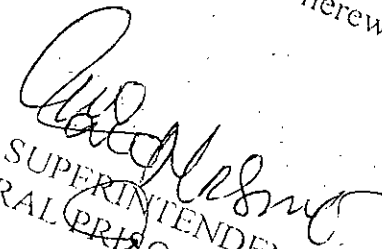
Enclosed please find herewith Charge Sheet and Statement of allegation in respect of Constable Naseer Ahmed No.7718/FRP of this FRP Range, now in judicial lock up being involved in Case FIR No.294, dated 28.11.2013, U/S 9-CNS (C) PS/Shahed Nawab, Distt: D.I.Khan for delivery upon him.

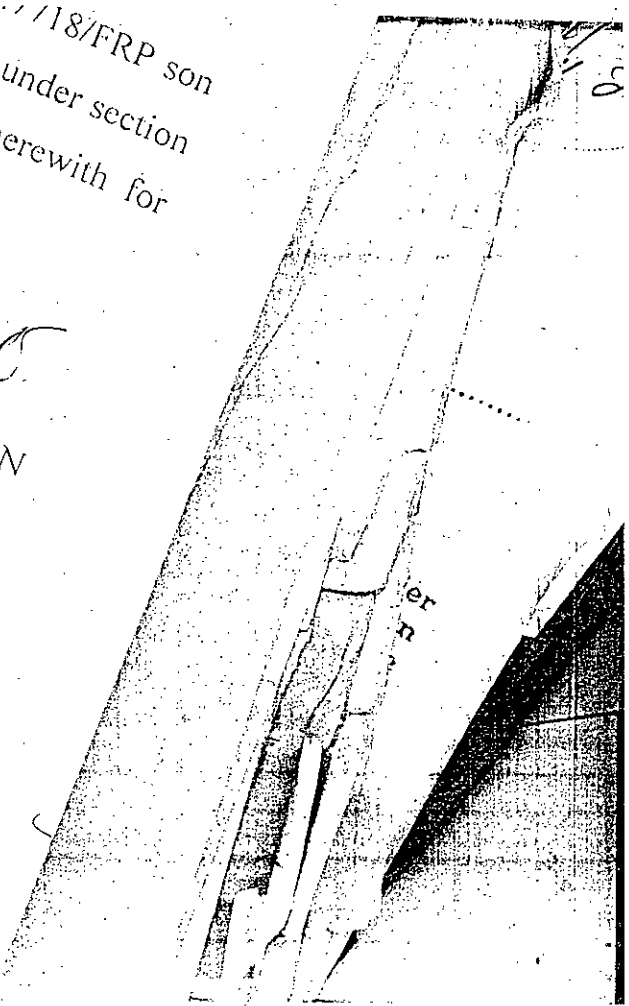
Duplicate copy duly signed by ^{him} may please be returned to this office as a token of its receipt.


Superintendent of Police,
FRP D.I.Khan Range, D.I.Khan.

.../18/FRP son
...-11-2013 under section
... DIKhan is sent herewith for

5/12
for action.
SA FRP D.I.Khan
02/01/14


SUPERINTENDENT
CENTRAL PRISON DIKhan
31/12



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.718 / 2015.

Ex- Constable Naseer Ahmad No. 7718 Frontier Reserve Police (FRP) DIKhan Range..... Appellant.

VERSUS

- 1- **Provincial Police Officer,**
Khyber Pakhtunkhwa Peshawar.
- 2- **Commandant,**
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.
- 3- **Superintendent of Police**
FRP, D I Khan Range..... Respondents.

Respectfully Sheweth

WRITTEN REPLY ON BEHALF OF RESPONDENTS

PRELIMINARY OBJECTIONS: -

1. That the appeal is badly time barred.
2. That the appellant has not come to this Honorable Court with clean hands.
3. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the appellant has no cause of action.
5. That the appellant is estopped due to his own conduct to file the instant appeal.

FACTS

1. The Para pertains to the appellant record therefore, needs no comments.
2. Incorrect, as the appellant was appointed as constable in FRP/DIKhan Range on 31.07.2007 and during his short length of service he was found a habitual absentee as he previously remained absent from duty for a period of 358 days, without prior permission or leave and in this regard he was awarded different punishment on various occasion and it is evident from his service record which full of red entries. (Record annexed as annexure "A")
3. Correct to the extent that the appellant was involved in a moral turpitude criminal case vide FIR No. 294, dated 28.11.2013, U/S 9-CNS(C) Police Station Shaheed Nawab Khan District DIKhan and arrested red handed from the spot. The rest of para pertains to record.
4. Incorrect, that on the allegation of above criminal case the appellant was suspended and closed to line by the responded No. 4 vide office OB, No. 714, dated 05.12.2013. He was issued / served upon with show cause notice to which he replied but his reply was found unsatisfactory. (Copy of show cause notice and his reply attached herewith as annexure "B" & "C")
5. Incorrect, that being involved in a (moral turpitude) criminal case the appellant was issued charge sheet alongwith summary of allegations and enquiry officer was nominated, to conduct proper enquiry in to the mater. The charge sheet alongwith summary of allegations served upon the appellant by the enquiry officer to which he replied but his reply was found unsatisfactory by the enquiry officer, besides the statements of all the eye witness were recorded. During the course of enquiry the Enquiry Officer found the appellant guilty of the charges leveled against him and recommended for major punishment in the findings. (Copy of charge sheet, his reply and enquiry report are attached as annexure "D,"E & "F")
After receiving the findings of EO the Competent authority served upon the appellant with final show cause notice to which he replied but his reply was found unsatisfactory and he

heard in person but failed to prove his innocence and after fulfillment of all codal formalities the appellant was removed from service. (Copy of final show cause notice and his reply are attached as annexure "G & H")

6. Correct to the extent that departmental appeal submitted by the appellant was thoroughly examined and rejected on sound grounds and a copy of the same was already conveyed to the appellant vide this office endorsement No. 8203-04/EC, dated 31.10.2014.
7. Correct to the extent that revision petition submitted by the appellant before the Appellate Board. The concerned board thoroughly examined his case and the appellant failed to produce any cogent reason before the board and his appeal was rejected on the ground that his conduct is not worth consideration for retention in Police Department.
8. The appellant has not come to this Hon'ble tribunal with clean hands.

GROUND: -

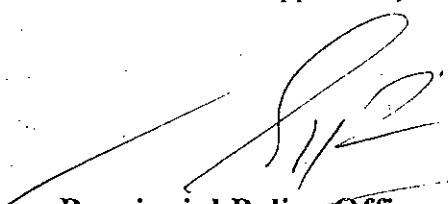
- A) Incorrect, the allegations are false and baseless, no violation made by the respondents of any law/rules, as proper departmental proceedings were already initiated against the appellant and it is evident from Charge Sheet & Show Cause Notice and the orders of respondents are legally justified and in accordance with law. Moreover, departmental appeal of the appellant was rejected on 31.10.2014 and a copy of the same was already conveyed to the appellant vide this office endorsement No. 8203-04/EC, dated 31.10.2014.
- B) Incorrect as explained in the preceding paras that the appellant was treated according to law/rules as all the codal formalities were fulfilled during the course of enquiry.
- C) Incorrect. The allegations are false and baseless as the appellant participated in the enquiry proceedings and it is evident from his replies of charge sheet and show cause notice, besides he was also heard in person by the Competent Authority but he failed to submit any cogent reason before the Competent Authority. Furthermore, during the course of enquiry the EO also recorded the statement of all the witnesses concerned to the case which placed on enquiry file, so all the codal formalities of norms of justice were fulfilled by the respondent during the enquiry proceedings.
- D) Incorrect the criminal and departmental proceedings are two different entities and can run side by side. However, during the course of departmental proceeding the appellant was found guilty of the charges leveled against him.
- E) Incorrect the appellant had already been found guilty of the charges leveled against him by the EO and recommended for major punishment as the appellant being a member of disciplined force was involved in a moral turpitude criminal case vide FIR No. 294, dated 28.11.2013, U/S 9-CNS(C) and arrested red handed by the local Police, from the spot and in this regard the statement of the witness, during the course of enquiry were also recorded.
- F) Incorrect that an information report in regard of involvement in criminal case of the appellant submitted by the DPO/DIKhan vides office Memo No.28766, dated 03.12.2013 before the respondent No. 4 and in this connection the appellant was suspended. Thereafter the appellant was served with show cause notice by the Competent Authority vide office Memo No. 1678, dated 10.12.2013 to which he replied too. (Copy of show cause notice & his reply are attached as ^{already annexure} attached as "B & C"). Moreover, the plea of delay in the service of show cause notice, taken by the appellant, he supposed to take this plea in the reply of show cause notice.

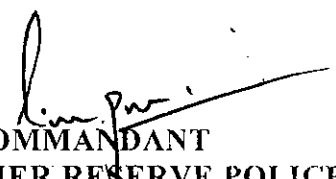
appellant has already provided the opportunity of personal hearing which he too, but failed to produce any cogent reason before the Competent Authority in regard of his innocence. After fulfillment of all codal formalities, the appellant was removed from service as per law/rules.

- H) Incorrect that the appellant was treated according to Khyber Pakhtunkhwa Police rules 1975 (applicable law) and all the codal formalities were fulfilled in the departmental proceedings as explained in the preceding paras therefore, the instant service appeal may very kindly be dismissed.
- I) Incorrect the allegations are false and baseless as after proper enquiry the penalty of removal from service awarded to the appellant which is commensurate with the gravity of the appellant.
- J) Incorrect the appellant was remained absent from duty w. e. from 26.11.2013, before the involvement of criminal case which subsequently proved against the appellant in the enquiry proceedings.
- K) Incorrect that the appellant was involved in a moral turpitude criminal case and after proper enquiry he was found guilty of the charges leveled against him in the light of the statements of the witnesses which placed on enquiry file. Furthermore, that the criminal and departmental proceedings are two different entities and can run side by side and beside this his more retention in the Police Department would definitely defame the image of Police department.
- L) Incorrect the respondents did not transgress of any law as the charge sheet alongwith summary of allegations served upon the appellant in Central Jail through proper office Memo vide No.1739/FRP, dated 12.12.2013. Furthermore, all the codal formalities were fulfilled and thereafter, the appellant was removed from service. (Copy of memo dated 12.12.2013 attached as annexure "10").
- M) The respondents may also be permitted to submit additional grounds at the time of arguments.

PRAYERS:

Keeping in view of above mentioned facts/submission the instant appeal may very kindly be dismissed with cost.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.1 & 2)


COMMANDANT
FRONTIER RESERVE POLICE
KHYBER PAKHTUNKHWA PESHAWAR
(Respondent No.3)


SUPERINTENDENT OF POLICE FRP,
D.I.KHANT RANGE, D.I.KHAN
(Respondent No.4)

15. CENSURES AND PUNISHMENTS.

① Charges: Absent from duty was from $6 \frac{1}{013}$ To $7 \frac{1}{013}$
Total (1 days)

② Punishment: Confinement to Quarter Guard for (2 days)
Absence Period is treated as w/o pay
vide this office OB-NO-73/FRP dt: 28-1-013

③ Charges: Absent from duty was from $17 \frac{01}{013}$ To $08 \frac{02}{013}$
Total (2 days)

④ Punishment: Confinement to Quarter Guard for (7 days)
Absence Period is treated as w/o pay
vide this office OB-NO-159/FRP dt: 07 $\frac{03}{013}$

⑤ Charges: Absent from duty was from $11 \frac{11}{012}$ To $14 \frac{11}{012}$
Total (03 days)

⑥ Punishment: Confinement to Quarter Guard for (3 days)
Absence Period is treated as w/o pay vide
This office OB-NO-184/FRP dt: 21-03-013
one increment stopped

⑦ Charges: Absent from duty was from $25 \frac{02}{013}$ To $26 \frac{02}{013}$
Total (1 day)

⑧ Punishment: Confinement to Quarter Guard for (1 day)
Absence Period is treated as w/o pay
vide this office OB-NO-195/FRP dt: 01-04-013

ORDER

Having being involved & arrested

in case FIR NO. 294, dt 28-11-2013 U/S 9-CNS(C)

of PS/Shahdawal Diwan, hereby suspended

& closed to PMP Police lines Diwan vide OB NO 713

5-12-13

SSP/FRP
Bik

CHARACTER ROLL OF

15. CENSURES AND PUNISHMENTS - contd.

Charges: Absent from law full duties w.e. from $11^{\frac{4}{2014}}$ to $05^{\frac{11}{2014}}$
Total (202) days

Punishment: Period of Absence is treated as without pay vide
OS No. 80
27-1-2014

[Signature]
RSP/PSD

Charges: According to DPO/Dikhan vide his
Office Memo No. 28766, dt 3-12-2013
has been involved & arrested in case
FIR No. 294, dt 28-11-2013 U/S 9-CNS (C)
Police Station Shahad Nawab Khan
Dikhan & also remained absent from law
full duties w.e. from 26-11-2013 to 6-1-2014
Total (40) days.

Punishment: Removed from Service with
Immediate effect & Period of absence is
treated as without pay vide Dps office
OS No. 259
18-3-2014

[Signature]
RSP/FRP Dikhan

(copy of order Attached)

ORDER:

Appeal for Re-Instate
in Service, has been Rejected by
AIGP/Comdt. FRP K. D. K. Peshwar's order
Ends to No. 8203-4/EC, dt 31-10-2014. DYN No. 1372

(order attached)

[Signature]
RSP/PSD

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OB No

LEAVE AND BREAKS IN SERVICE

All

" approved service " to be entered in red ink.

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DATE		EXTENT			No. of District Order	description of leave i.e privilege, hospital, sick leave, or furlough, or of absence, or forfeiture of approved service. All entries to be initialled, by Superintendent of Police.
m	To	Years	Months	Days		
8 ³ / ₀₉	To 11 ³ / ₀₉	-	-	3 days	OB No 293 dt. 16-5-2009	Leave w/o pay SP/FRP
23 ³ / ₀₉	To 16 ⁵ / ₀₉	-	-	63 days	OB No 303/FRP dt. 19-5-2009	Leave w/o pay SP/FRP
16 ⁹ / ₀₉	To 23 ⁹ / ₀₉	-	-	7 days	OB No 493/FRP dt. 24-10-2009	Leave w/o pay SP/FRP
25 ¹¹ / ₀₉	To 1 ¹² / ₂₀₀₉	-	-	5 days	OB NO 1146/FRP dt. 26-12-2009	Leave w/o pay SP/FRP
15 ¹ / ₂₀₁₀	To 18 ¹ / ₂₀₁₀	-	-	3 days	OB - NO: 234/FRP dt. 10-3-2010	Leave with out pay SP/FRP
27 ⁵ / ₂₀₁₀	To 28 ⁵ / ₂₀₁₀	-	-	1 day	OB - NO: 450/FRP dt. 2-6-2010	Leave with out pay SP/FRP
27 ⁴ / ₁₀	To 2 ⁵ / ₁₀	-	-	5 days	OB, NO, 640/FRP dt. 29-6-2010	Leave w/o pay SP/FRP
26 ⁴ / ₂₀₁₁	To 8 ⁵ / ₂₀₁₁	-	-	12 days	OB NO, 475/FRP dt. 4-6-2011	Leave w/o pay SP/FRP
6 ⁹ / ₂₀₁₁	To 13 ⁹ / ₂₀₁₁	-	-	7 days	OB No. 941/FRP date 3-10-2011	Leave w/o pay SP/FRP
11 ¹⁰ / ₂₀₁₁	To 13 ¹⁰ / ₂₀₁₁	-	-	3 days	OB NO. 1088/FRP dt. 4-11-2011	Leave w/o pay SP/FRP
4 ¹¹ / ₁₁	To 7 ¹¹ / ₁₁	-	-	4 days	OB NO. 1180 dt. 7-12-2011	Leave w/o pay SP/FRP
11 ¹² / ₁₁	To 15 ¹² / ₁₁	-	-	5 days	OB NO. 41/FRP dt. 10-1-2012	Leave w/o pay SP/FRP
16 ¹² / ₁₁	To 7 ¹ / ₁₂	-	-	22 days	OB NO. 41/FRP dt. 10.1.2012	E/leave on full pay SP/FRP

2118 JS

- 21 ¹/₁₂ To 24 ¹/₁₂ 3 days OB. NO. 142/FRP Leave w/o pay dt: 7-2-2011
- 8 ⁴/₁₂ To 19 ⁶/₁₂ 6 days OB. NO 723/FRP SP/FRP D.I.K
- 1 ¹/₀₁₃ To 7 ¹/₀₁₃ 1 days 4-7-2012 E/Leave on pay full OB. NO. 73/FRP
- 7 ⁰¹/₀₁₃ To 08 ⁰²/₀₁₃ 22 days dt: 28-01-013 w/o pay SP/FRP D.I.K OB. NO. 159/FRP
- 11 ¹¹/₀₁₂ To 14 ¹¹/₀₁₂ 03 days dt: 07-03-013 w/o pay SP/FRP OB. NO. 184/FRP D.I.K
- 5 ⁰²/₀₁₃ To 26 ⁰²/₀₁₃ 01 day dt: 21-03-013 w/o pay SP/FRP OB. NO. 195/FRP D.I.K
- 8 ⁰⁴/₀₁₃ To 10 ⁰⁴/₀₁₃ 02 days dt: 01-04-013 w/o pay SP/FRP OB. NO. 327/FRP D.I.K
- 1 ⁰⁴/₀₁₃ To 05 ¹¹/₀₁₃ 208 days dt: 11-06-013 w/o pay SP/FRP OB. NO. 80/FRP D.I.K
- 1 ⁰²/₀₁₄ To 12 ⁰²/₀₁₄ 01 day dt: 27-01-014 w/o pay SP/FRP OB. NO. 215/FRP D.I.K
- 26 ¹¹/₂₀₁₃ to 6 ¹/₂₀₁₄ 40 days dt: 05-03-014 w/o pay SP/FRP OB. NO. 259 18-3-2014

17

SHOW CAUSE NOTICE.

WHEREAS, You Constable Naseer Ahmed No.7718/FRP are reported to be involved in the commission of following misconduct as defined in NWFP Police Rules, 1975:-

According to DPO/ D.I.Khan vide his office memo No. 28766, dated 03.12.2013, you have been involved and arrested in case FIR No.294 dated 28.11.2013 U/S 9-CNS (C) of PS Shaheed Nawab Khan Distt: D.I.Khan.

This act on your part amounts to gross misconduct punishable under NWFP Police Rules, 1975.

AND WHEREAS, the material placed before me is sufficient to establish the commission of above serious misconduct and un becoming of good Police Officer against you.

NOW THEREFORE, I, FARIDULLAH KHAN, Superintendent of Police FRP, D.I.Khan Range D.I.Khan, call upon you Constable Naseer Ahmed No.7718/FRP to Show Cause with-in 7-days of the receipt of this Notice as to why you should not be awarded major punishment, including dismissal from service, as provided under rule 4(1) (b) of the above said rules. Also state whether you wish to heard in person.

In case your reply is not received with-in stipulated period, without any reasonable / sufficient cause, it will be presumed that you have no defence to offer and the matter shall be dealt with ex-parte.

L.T.

~~STAMPED~~

I b
12/12/13



مکرم علی

نور محمد

12-12-13

(Signature)
(FARIDULLAH KHAN)
Superintendent of Police,
FRP, D.I.Khan Range, D.I.Khan.

کفر الورد صاحب درخواست لولیس صلح ڈیڑہ کھنڈل خان

عنوان :- درخواست مراد جواب شوکار لولیس نمبر 41-1745 فورم 242
2013

عالی مرتبت !
بنایت مؤدبانہ التماس ہے کہ منہی لعل اللہ ولد عبدالرشید
لولیس کانسٹیبل بیلٹ نمبر 7718 ڈیڑہ کھنڈل خان سے موٹر سائیکل پر
پینالہ جاری تھا کہ راستے میں گلوٹی سٹاپ اڑھ پر ابراہیم نامی
محکمہ دار نے بندہ سے پینالہ تک لے لیا اور موٹر سائیکل پر
بندہ نے محکمہ دار کو اپنے موٹر سائیکل پر سوار کر لیا اور روانہ ہو گیا۔ راستے
میں تقانہ پینالہ پر ہماری جامہ تلاشی کی گئی۔ ابراہیم ولد عبدالکریم
کے قبضے سے چرس برآمد ہوئی۔ حکمہ میں چرس کے بار بندہ کو

قسطی کوئی علم نہیں تھا۔
لولیس نے تقانہ پینالہ کے جاگڑھم دونوں کو
بند کر دیا۔ اور 4000 روپے کا پیرچہ کاٹ دیا۔ پیرچہ اور پینالہ
پیش کر کے سٹریٹ پول ڈیڑہ کھنڈل خان میں وقت سٹریٹ پول
ڈیڑہ میں موجود ہے۔

لکھنا بنایت عالی مرتبتہ استدعا ہے کہ عالی مرتبت
بندہ کو مصافی کا موقع عنایت کریں تاکہ بندہ آپ کو پوری طرح مطمئن کر سکے۔
آپ کی عین نوازش ہوگی

تورم 12 30
2013

لعل اللہ ولد عبدالرشید (لولیس کانسٹیبل)
لولیس لائن

حال سیکر جنرل ڈیڑہ کھنڈل خان

آپ کا عالیدار

ATTACHED

[Signature]

Insistent Superintendent
Central Jail D.I. Khan

(22)

CHARGE SHEET.


WHERE AS, I am satisfied that a formal enquiry as contemplated by NWFP Police Disciplinary Rules 1975 is necessary and expedient to be conducted into the allegation contained in the statement attached herewith.

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

AND WHEREAS, as required by Police Rules 6(I) of the aforesaid rules, I, Mr. FARID ULLAH KHAN, Superintendant of Police FRP, D.I.Khan Range D.I.Khan, hereby charge you Constable Naseer Ahmed No.7718/FRP with the misconduct on the basis of the statement attached to this charge sheet.

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

In case your reply is not received with-in the prescribed period, without sufficient cause, it would be presumed that you have no defence to offer and the proceedings will be completed against you ex-parte.


(FARID ULLAH KHAN)
Superintendent of Police,
FRP, D.I.Khan Range, D.I.Khan.

کھو گیا ہے سپر سٹریٹ صاحب آف پولیس FRP اس سے قبل
بوساطت: سپر سٹریٹ صاحب سیکرٹری جنرل ڈائری کراچی

تحریر: شوکار نوٹس نمبر 28766 سے 28769

صاحب عالی: گزارش ہے کہ سن سائل کو بے گناہ قرار دیا گیا ہے 294 سے 287/13
جنرل گنرٹار کیا گیا ہے۔ سن سائل اس میں بے گناہ ہے

مقرر عنوان یاد میں سائل کو کو معلوم میں ہے۔ سپر سٹریٹ صاحب
مشخص محمد ابراہیم کو اذراہ عمر زدی اپنے ساتھ ڈوئرز سٹیشن پر
پکڑا گیا ہے معلوم میں تھا کہ اس کا پاس کو محفوظ رکھنا ہے۔

بہتر میں اس وقت بائبل حوالہ سٹریٹ جنرل ڈائری میں ہوں
کہ وہ بہت عزیز شخص ہوں۔ سائل کا ٹھونڈ ٹھونڈ میں بھائی ہیں
جن کا کھانا میں سائل کا ذمہ ہے۔ سائل صاحب سے رجم کا
اجیل کرتا ہے۔ کہ سائل کو اضافی کا حوصلہ دیا جائے۔

کہ وہ سائل کو Personal Hearing کا حوصلہ دیا جائے
تاکہ سائل اپنی بیگناہ ثابت کر سکے۔

میں تم سے دعا گو رہتا ہوں

Alhamdulillah

وہ صاحب سیکرٹری جنرل ڈائری کراچی

ATTESTED
FRP

Inspector Department
Central Jail B.P.F.

فائل رپورٹ

جناب عالی:

بحوالہ لیٹر انگریزی نمبر 28766 مورخہ 03.12.2013 مجاریہ جناب ڈسٹرکٹ پولیس آفیسر ڈیرہ وڈاڑی نمبر 1236 مورخہ 05.12.2013 دفتر ایس پی، ایف آر پی، ڈیرہ اسماعیل خان جس میں کنسٹیبل نصیر احمد نمبر 7718/FRP کے بحوالہ مقدمہ نمبر 294 مورخہ 28.11.2013 (C) CNS - 9 تھانہ شہید نواب میں ملوث اور گرفتاری کی بابت جناب ایس پی صاحب، ایف آر پی کو تحریر کیا جو کہ بحوالہ آرڈر نمبر 1661/FRP مورخہ 05.12.2013، آرڈر بک نمبر 714 مورخہ 05.12.2013 کنسٹیبل بالا کو مقدمہ بالا میں ملوث ہونے پر معطل لائن کیا۔ بحوالہ لیٹر نمبر 12159/Inv مورخہ 13.12.2013 مجاریہ جناب ایس پی، انوسٹی گیشن صاحب جس میں کنسٹیبل مذکورہ بالا کی مقدمہ بالا میں گرفتاری و چار ہزار گرام چرس برآمد ہونے پر محکمہ کارروائی کے لئے جناب ایس پی صاحب، ایف آر پی کو تحریر کیا، ایف آئی آر لف ہذا ہے۔ اسی طرح بحوالہ لیٹر نمبر 28893/EC مورخہ 05.12.2013 مجاریہ جناب ڈی پی او صاحب ڈیرہ میں بھی کنسٹیبل مذکورہ بالا کے خلاف بابت غیر حاضری منشیات فرڈش میں ملوث ہونے پر محکمہ انکوائری کے لئے تحریر کیا ہے۔ نیز بحوالہ نمبر 31 روزنامہ 27.11.2013 تھانہ شہید نواب ایس ایچ او ذوالفقار نے بھی کنسٹیبل مذکورہ کی منشیات فرڈش کی شکایت کی بابت ایک رپورٹ درج روزنامہ چکر کے ارسال افسران بالا کی تھی۔

بحوالہ لیٹر نمبر 1678/FRP مورخہ 10.12.2013 مجاریہ جناب ایس پی صاحب، ایف آر پی ڈیرہ کا کنسٹیبل بالا جو کہ مقدمہ بالا میں گرفتار ہو کر سنٹرل جیل ڈیرہ میں تھا کو بوساطت سپرنٹنڈنٹ سنٹرل جیل شوکا زونٹس ارسال کیا جو بحوالہ لیٹر نمبر 12579/WE/HB مورخہ 12.12.2013 مذکورہ بالا پر تقسیم ہو کر تحریرین جواب ارسال دفتر ایف آر پی کیا۔ اس طرح بحوالہ لیٹر نمبر 1739/FRP مورخہ 24.12.2013 مجاریہ جناب ایس پی صاحب، ایف آر پی چارج شیٹ و ڈسپلنری ایکشن نمبر 1740-41/FRP مورخہ 24.12.2013 سپرنٹنڈنٹ سنٹرل جیل ڈیرہ بھجوا گیا۔ اور من ڈی ایس پی کو بلور انکوائری آفیسر مقرر کیا جو کہ بحوالہ لیٹر نمبر 16011/WE/HB مورخہ 31.12.2013 مجاریہ سپرنٹنڈنٹ سنٹرل جیل ڈیرہ معہ جواب چارج شیٹ واپس بھجوا یا۔ بحوالہ آرڈر پشاور ہائیکورٹ ڈیرہ اسماعیل خان مورخہ 31.12.2013 کنسٹیبل مذکورہ بالا ضمانت پر رہا ہوا۔ جبکہ بحوالہ نمبر 15 روزنامہ 26.11.2013 بحوالہ نمبر 20 روزنامہ 06.01.2014 پولیس لائن ایف آر پی، کنسٹیبل مذکورہ بالا عرصہ (40) یوم اپنی ڈیوٹی سے غیر حاضر تھا۔ نقل مدت حاضری ڈیرہ حاضری ہذا لف ہیں۔

انکوائری ہذا کی کارروائی عمل میں لاتے ہوئے مقدمہ مندرجہ برخلاف کنسٹیبل مذکورہ بالا ذوالفقار ایس ایچ او تھانہ شہید نواب و ایس آئی غلام خان تفتیشی افسر اور گنڈیبا نے ایس آئی، کنسٹیبلان حسین شاہ نمبر 1907، عصمت اللہ نمبر 7921، مشتاق حسین لائن آفیسر ایف آر پی، وحتقو از نمبر 103 نمبر لائن ایف آر پی، ڈیپٹی ایس ایف آر سی، ایف آر پی دفتر، کے بیانات موجودگی ملزم کنسٹیبل نصیر احمد نمبر 7718/FRP قلمبند کیے اور گواہان پر کنسٹیبل مذکورہ بالا کو جرم کا موقع بھی دیا گیا۔ گواہان مندرجہ بالا نے اپنے بیانات میں اور زبانی بھی ملزم کنسٹیبل بالا سے چرس وزن 4000 گرام (4) کلوگرام برآمدگی کا کہا۔

عالی جاہ:

کی گئی انکوائری و بیانات گواہان، حالات و واقعات سے اور قبل از اندراج مقدمہ ہذا برخلاف کنسٹیبل بالا ایس ایچ او ذوالفقار تھانہ شہید نواب نے بالا کنسٹیبل کی منشیات فرڈش کے بارے اپنی رپورٹ درج روزنامہ چکر کی تھی۔ جو کہ لف ہے اور بعدہ کنسٹیبل مذکورہ بالا سے منشیات برآمدگی بھی عمل میں آئی نیز کنسٹیبل بالا جو کہ عرصہ (40) یوم غیر حاضر رہا ہے اور سابقہ ریکارڈ میں کنسٹیبل مذکورہ بالا مورخہ 30.07.2007 کا بھرتی ہے اور قبل ازیں (358) یوم غیر حاضر معہ (13) یوم وارنٹ گارڈ سزایاب ہو چکا ہے۔ موجودہ عرصہ غیر حاضری (40) یوم بلا تخواہ کرنے کے ساتھ ساتھ (Major Punishment) دینے کی سفارش کی جاتی ہے۔

رپورٹ ارسال خدمت ہے۔

محمد ندیم صدیقی

ڈپٹی سپرنٹنڈنٹ آف پولیس انکوائری آفیسر

FINAL SHOW CAUSE NOTICE.

WHEREAS YOU, Constable Naseer Ahmed No.7718/FRP found guilty of following misconduct in violation of NWFP Police Disciplinary Rules 1975.

According to District Police Officer D.I.Khan vide his office Memo:No.28766, dated 03.12.2013, you have been involved and arrested in Case FIR No.294 dated 28.11.2013 U/S 9-CNS (C) of Police Station Shaheed Nawab Khan District D.I.Khan.

After completion the enquiry the Enquiry Officer submitted his finding in which the charges leveled against you were proved without any shadow of doubt.

As a result thereof, I MUHAMMAD IDREES Superintendent of Police, FRP, D.I.Khan Range D.I.Khan as competent authority have tentatively decided to impose upon you the penalty of Major/ Minor punishment U/S 3 of the said ordinance.

1. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you.
2. If no reply to this notice is received within 15-days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

Ahmed
28/2/2014

[Signature]
Superintendent of Police,
FRP D.I.Khan Range D.I.Khan.

Dir. P. S. ...
7/13/80

7/13/80

Handwritten text in Urdu script, appearing to be a letter or report. The text is dense and spans most of the page.

Handwritten text at the bottom left, possibly a signature or a list of items.

From: - The Superintendent of Police,
FRP D.I.Khan Range., D.I.Khan.

(18)

To: - The Superintendent,
Central Prison D.I.Khan.

No: - 1739 /FRP, Dated D.I.Khan the 24 /12/2013.

Subject: CHARGE SHEET.

Memo:-

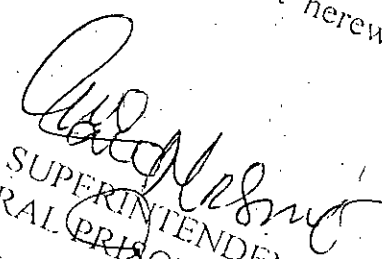
Enclosed please find herewith Charge Sheet and Statement of allegation in respect of Constable Naseer Ahmed No.7718/FRP of this FRP Range, now in judicial lock up being involved in Case FIR No.294, dated 28.11.2013, U/S 9-CNS (C) PS/Shahheed Nawab, Distt: D.I.Khan for delivery upon him.

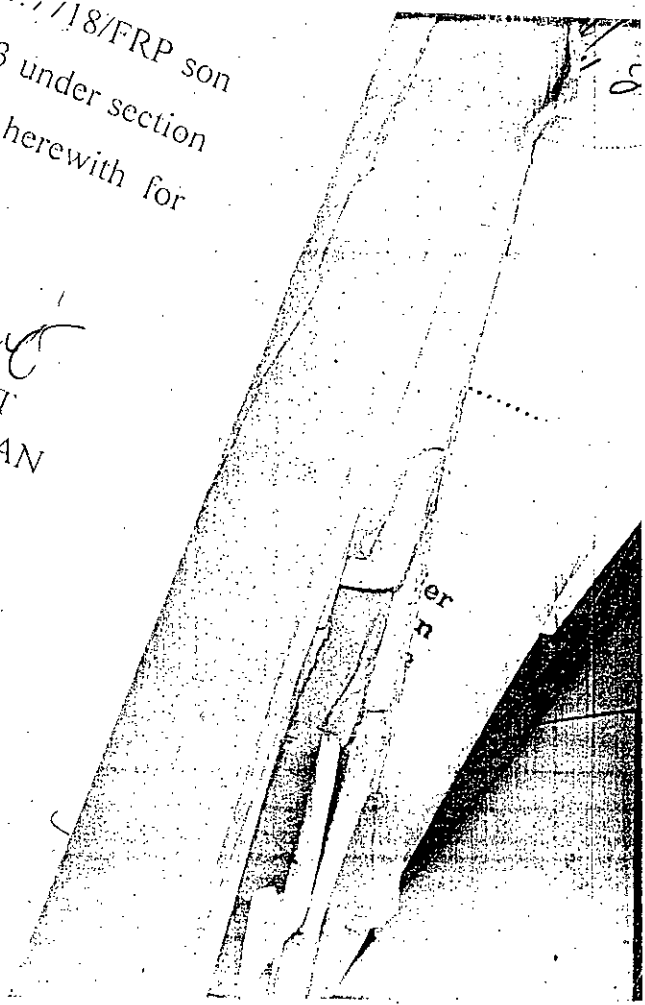
Duplicate copy duly signed by ^{him} may please be returned to this office as a token of its receipt.


Superintendent of Police,
FRP D.I.Khan Range, D.I.Khan.

... /18/FRP son
... 28-11-2013 under section
... District DIKhan is sent herewith for

SK
for action
SAFAR
02/01/14


SUPERINTENDENT
CENTRAL PRISON DIKHAN
3/1/14



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.718 / 2015.

Ex- Constable Naseer Ahmad No. 7718 Frontier Reserve Police (FRP) DIKhan Range..... Appellant.

VERSUS

- 1- **Provincial Police Officer,**
Khyber Pakhtunkhwa Peshawar.
- 2- **Commandant,**
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.
- 3- **Superintendent of Police**
FRP, D I Khan Range..... Respondents.

Respectfully Sheweth

WRITTEN REPLY ON BEHALF OF RESPONDENTS

PRELIMINARY OBJECTIONS: -

1. That the appeal is badly time barred.
2. That the appellant has not come to this Honorable Court with clean hands.
3. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the appellant has no cause of action.
5. That the appellant is estopped due to his own conduct to file the instant appeal.

FACTS

1. The Para pertains to the appellant record therefore, needs no comments.
2. Incorrect, as the appellant was appointed as constable in FRP/DIKhan Range on 31.07.2007 and during his short length of service he was found a habitual absentee as he previously remained absent from duty for a period of 358 days, without prior permission or leave and in this regard he was awarded different punishment on various occasion and it is evident from his service record which full of red entries. (Record annexed as annexure "A")
3. Correct to the extent that the appellant was involved in a moral turpitude criminal case vide FIR No. 294, dated 28.11.2013, U/S 9-CNS(C) Police Station Shaheed Nawab Khan District DIKhan and arrested red handed from the spot. The rest of para pertains to record.
4. Incorrect, that on the allegation of above criminal case the appellant was suspended and closed to line by the responded No. 4 vide office OB, No. 714, dated 05.12.2013. He was issued / served upon with show cause notice to which he replied but his reply was found unsatisfactory. (Copy of show cause notice and his reply attached herewith as annexure "B" & "C")
5. Incorrect, that being involved in a (moral turpitude) criminal case the appellant was issued charge sheet alongwith summary of allegations and enquiry officer was nominated, to conduct proper enquiry in to the mater. The charge sheet alongwith summary of allegations served upon the appellant by the enquiry officer to which he replied but his reply was found unsatisfactory by the enquiry officer, besides the statements of all the eye witness were recorded. During the course of enquiry the Enquiry Officer found the appellant guilty of the charges leveled against him and recommended for major punishment in the findings. (Copy of charge sheet, his reply and enquiry report are attached as annexure "D,"E & "F") After receiving the findings of EO the Competent authority served upon the appellant with final show cause notice to which he replied but his reply was found unsatisfactory and he

heard in person but failed to prove his innocence and after fulfillment of all codal formalities the appellant was removed from service. (Copy of final show cause notice and his reply are attached as annexure "G & H")

6. Correct to the extent that departmental appeal submitted by the appellant was thoroughly examined and rejected on sound grounds and a copy of the same was already conveyed to the appellant vide this office endorsement No. 8203-04/EC, dated 31.10.2014.
7. Correct to the extent that revision petition submitted by the appellant before the Appellate Board. The concerned board thoroughly examined his case and the appellant failed to produce any cogent reason before the board and his appeal was rejected on the ground that his conduct is not worth consideration for retention in Police Department.
8. The appellant has not come to this Hon'ble tribunal with clean hands.

GROUND: -

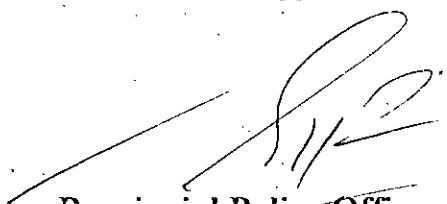
- A) Incorrect, the allegations are false and baseless, no violation made by the respondents of any law/rules, as proper departmental proceedings were already initiated against the appellant and it is evident from Charge Sheet & Show Cause Notice and the orders of respondents are legally justified and in accordance with law. Moreover, departmental appeal of the appellant was rejected on 31.10.2014 and a copy of the same was already conveyed to the appellant vide this office endorsement No. 8203-04/EC, dated 31.10.2014.
- B) Incorrect as explained in the preceding paras that the appellant was treated according to law/rules as all the codal formalities were fulfilled during the course of enquiry.
- C) Incorrect. The allegations are false and baseless as the appellant participated in the enquiry proceedings and it is evident from his replies of charge sheet and show cause notice, besides he was also heard in person by the Competent Authority but he failed to submit any cogent reason before the Competent Authority. Furthermore, during the course of enquiry the EO also recorded the statement of all the witnesses concerned to the case which placed on enquiry file, so all the codal formalities of norms of justice were fulfilled by the respondent during the enquiry proceedings.
- D) Incorrect the criminal and departmental proceedings are two different entities and can run side by side. However, during the course of departmental proceeding the appellant was found guilty of the charges leveled against him.
- E) Incorrect the appellant had already been found guilty of the charges leveled against him by the EO and recommended for major punishment as the appellant being a member of disciplined force was involved in a moral turpitude criminal case vide FIR No. 294, dated 28.11.2013, U/S 9-CNS(C) and arrested red handed by the local Police, from the spot and in this regard the statement of the witness, during the course of enquiry were also recorded.
- F) Incorrect that an information report in regard of involvement in criminal case of the appellant submitted by the DPO/DIKhan vide office Memo No.28766, dated 03.12.2013 before the respondent No. 4 and in this connection the appellant was suspended. Thereafter the appellant was served with show cause notice by the Competent Authority vide office Memo No. 1678, dated 10.12.2013 to which he replied too. (Copy of show cause notice & his reply are ^{already annexed} attached as "B&C"). Moreover, the plea of delay in the service of show cause notice, taken by the appellant, he supposed to take this plea in the reply of show cause notice.

appellant has already provided the opportunity of personal hearing which he
too, but failed to produce any cogent reason before the Competent Authority in
regard of his innocence. After fulfillment of all codal formalities, the appellant was
removed from service as per law/rules.


- H) Incorrect that the appellant was treated according to Khyber Pakhtunkhwa Police rules
1975 (applicable law) and all the codal formalities were fulfilled in the departmental
proceedings as explained in the preceding paras therefore, the instant service appeal may
very kindly be dismissed.
- I) Incorrect the allegations are false and baseless as after proper enquiry the penalty of
removal from service awarded to the appellant which is commensurate with the gravity of
the appellant.
- J) Incorrect the appellant was remained absent from duty w. e. from 26.11.2013, before the
involvement of criminal case which subsequently proved against the appellant in the
enquiry proceedings.
- K) Incorrect that the appellant was involved in a moral turpitude criminal case and after proper
enquiry he was found guilty of the charges leveled against him in the light of the statements
of the witnesses which placed on enquiry file. Furthermore, that the criminal and
departmental proceedings are two different entities and can run side by side and beside this
his more retention in the Police Department would definitely defame the image of Police
department.
- L) Incorrect the respondents did not transgress of any law as the charge sheet alongwith
summary of allegations served upon the appellant in Central Jail through proper office
Memo vide No.1739/FRP, dated 12.12.2013. Furthermore, all the codal formalities were
fulfilled and thereafter, the appellant was removed from service. (Copy of memo dated
12.12.2013 attached as annexure "10")
- M) The respondents may also be permitted to submit additional grounds at the time of
arguments.

PRAYERS:

Keeping in view of above mentioned facts/submission the instant appeal may very
kindly be dismissed with cost.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.1 & 2)


COMMANDANT
FRONTIER RESERVE POLICE
KHYBER PAKHTUNKHWA PESHAWAR
(Respondent No.3)


SUPERINTENDENT OF POLICE FRP,
D.I.KHANT RANGE, D.I.KHAN
(Respondent No.4)

15. CENSURES AND PUNISHMENTS.

① Charges: Absent from duty was from $6 \frac{1}{013}$ To $7 \frac{1}{013}$
Total (1 days)

① Punishment: Confinement to Quarter Guard for (2 days)
Absence Period is treated as w/o pay
vide This office OB-NO. 73/FRP dt: 28-1-013

② Charges: Absent from duty was from $17 \frac{01}{013}$ To $08 \frac{02}{013}$
Total (2 days)

② Punishment: Confinement to Quarter Guard for (7 days)
Absence Period is treated as w/o pay
vide This office OB-NO. 159/FRP dt: 07-03-013

③ Charges: Absent from duty was from $11 \frac{11}{012}$ To $14 \frac{11}{012}$
Total (03 days)

③ Punishment: Confinement to Quarter Guard for (3 days)
Absence Period is treated as w/o pay vide
This office OB-NO. 184/FRP dt: 21-03-013
one increment stopped

④ Charges: Absent from duty was from $25 \frac{02}{013}$ To $26 \frac{02}{013}$
Total (1 day)

④ Punishment: Confinement to Quarter Guard for (1 day)
Absence Period is treated as w/o pay
vide This office OB-NO. 195/FRP dt: 01-04-013

ORDER

Having being involved & arrested
in case FIR No. 294, dt 28-11-2013 U/S 9-CNS(C)
of PS/Shahd dawala Dikhan, hereby suspended
& closed to MP Police lines Dikhan vide obno 713

5-12-13

SSP/FRP
Dik

(1) (2)

against /
w/ file and
the enquiry
the enquiry
the enquiry

CHARACTER ROLL OF

15. CENSURES AND PUNISHMENTS - contd.

Serial No.

(5)

Charges: Absent from law full duties w.e. from 11⁴/₂₀₁₄ to 05¹¹/₂₀₁₄
 Total (202) days
 Punishment: Period of Absence is treated as without pay vide
 Obs No. 80
 27-1-2014
 YSP/FRP/...

Charges: According to DPO Dikhan vide his
 Office Memo. No. 28766, dt 3-12-2013
 has been involved & arrested in case
 FIR No. 294 dt 28-11-2013 U/S 9-CNS(L)
 Police Station Shahad Nabilu Khan
 Dikhan & also remained absent from law
 full duties w.e. from 26-11-2013 to 6-1-2014
 Total (40) days.

Punishment: Removed from Service with
 Immediate effect & period of absence
 treated as without pay vide Pms Offr
 Obs No. 259
 18-3-2014
 YSP/FRP/...

(Copy of order Attached)

ORDER:

Appeal for Re-Instate
 in Service, has been Rejected by
 AIGP/Comdt. FRP K.P. K Peshawar order
 Ends to: No. 8203-4/EC, dt 31-10-2014. Dyno 1372

(order attached)

YSP/FRP/...

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Dated.
OB No

LEAVE AND BREAKS IN SERVICE

A, 31

All

" approved service " to be entered in red ink.

1		2			3	4
DATE		EXTENT			No. of District Order	description of leave i.e privilege, hospital, sick leave, or furlough, or of absence, or forfeiture of approved service. All entries to be initialled, by Superintendent of Police.
From	To	Years	Months	Days		
8 ³ / ₀₉	To 11 ³ / ₀₉	-	-	3 days	OB No 293	Leave w/o pay SP/FRP
23 ³ / ₀₉	To 16 ⁵ / ₀₉	-	-	63 days	OB No 303/FRP	Leave w/o pay SP/FRP
16 ⁹ / ₀₉	To 23 ⁹ / ₀₉	-	-	7 days	OB No 493/FRP	
25 ¹¹ / ₀₉	To 1 ¹² / ₂₀₀₉	-	-	5 days	OB NO 1146/FRP	Leave w/o pay SP/FRP
					dt. 26-12-2009	Leave w/o pay SP/FRP
15 ¹ / ₂₀₁₀	To 18 ¹ / ₂₀₁₀	-	-	3 days	OB - NO: 229/FRP	Leave with out pay SP/FRP
					dt. 10-3-2010	
27 ⁵ / ₂₀₁₁	To 28 ⁵ / ₂₀₁₁	-	-	1 day	OB - NO: - 450/FRP	Leave with out pay SP/FRP
					dt: 2-6-2011	
27 ⁴ / ₁₀	To 2 ⁵ / ₁₀	-	-	5 days	OB, NO, 640/FRP	Leave w/o pay SP/FRP
					dt. 29-6-2010	
26 ⁴ / ₂₀₁₁	To 8 ⁵ / ₂₀₁₁	-	-	12 days	OB NO, 475/FRP	Leave w/o pay SP/FRP
					dt, 4-8-2011	
6 ⁹ / ₂₀₁₁	To 13 ⁹ / ₂₀₁₁	-	-	7 days	OB No. 941. FRP	Leave w/o pay SP/FRP
					date 3-10-2011	
11 ¹⁰ / ₂₀₁₁	To 13 ¹⁰ / ₂₀₁₁	-	-	3 days	OB No. 1088/FRP	Leave w/o pay SP/FRP
					dt 4-11-2011	
4 ¹¹ / ₁₁	To 7 ¹¹ / ₁₁	-	-	4 days	OB-NO-1180	Leave w/o Pay SP/FRP
					dt. 7-12-2011	
11 ¹² / ₁₁	To 15 ¹² / ₁₁	-	-	5 days	OB. NO. 41/FRP	Leave w/o Pay SP/FRP
					dt. 10-1-2012	
16 ¹² / ₁₁	To 7 ¹ / ₁₂	-	-	22 days	OB. NO. 41/FRP	E/Leave on full pay SP/FRP
					dt. 10.1.2012	

Permanent employee
of Pakistan
Government and employm

(A)

21 ¹²/₁₂ To 24 ¹²/₁₂

OB NO 142/FRP Leave w/o pay
dt: 7-2-2011

8 ⁴/₁₂ To 19 ⁶/₁₂ 6 days

OB NO 723/FRP
4-7-2012 E/Leave on pay
OB NO 73/FRP

1 ¹/₀₁₃ To 7 ¹/₀₁₃ 1 days

dt: 28-01-013 w/o pay
OB NO 159/FRP

7 ⁰¹/₀₁₃ To 08 ⁰²/₀₁₃ 22 days

dt: 07-03-013 w/o pay
OB NO 184/FRP

11 ¹¹/₀₁₂ To 14 ¹¹/₀₁₂ 03 days

dt: 21-03-013 w/o pay
OB NO 195/FRP

5 ⁰²/₀₁₃ To 26 ⁰²/₀₁₃ 1 day

dt: 01-04-013 w/o pay
OB NO 327/FRP

18 ⁰⁴/₀₁₃ To 10 ⁰⁴/₀₁₃ 2 days

dt: 11-06-013 w/o pay
OB NO 801/FRP

1 ⁰⁴/₀₁₃ To 05 ¹¹/₀₁₃ 208 days

dt: 27-01-014 w/o pay
OB NO 215/FRP

1 ⁰²/₀₁₄ To 12 ⁰²/₀₁₄ 1 day

dt: 05-03-014
OB NO 259
18-3-2014 w/o pay

26 ¹¹/₂₀₁₃ to 6 ¹/₂₀₁₄ 40 days

continued

SP/FRP
D.I.K

SP/FRP
D.I.K

SP/FRP
D.I.K

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SP/FRP
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SP/FRP
D.I.K

SP/FRP
D.I.K

SP/FRP
D.I.K

17

SHOW CAUSE NOTICE.

WHEREAS, You Constable Naseer Ahmed No.7718/FRP are reported to be involved in the commission of following misconduct as defined in NWFP Police Rules, 1975:-

According to DPO/ D.I.Khan vide his office memo No. 28766, dated 03.12.2013, you have been involved and arrested in case FIR No.294 dated 28.11.2013 U/S 9-CNS (C) of PS Shaheed Nawab Khan Distt: D.I.Khan.

This act on your part amounts to gross misconduct punishable under NWFP Police Rules, 1975.

AND WHEREAS, the material placed before me is sufficient to establish the commission of above serious misconduct and un becoming of good Police Officer against you.

NOW THEREFORE, I, FARIDULLAH KHAN, Superintendent of Police FRP, D.I.Khan Range D.I.Khan, call upon you Constable Naseer Ahmed No.7718/FRP to Show Cause with-in 7-days of the receipt of this Notice as to why you should not be awarded major punishment, including dismissal from service, as provided under rule 4(1) (b) of the above said rules. Also state whether you wish to heard in person.

In case your reply is not received with-in stipulated period, without any reasonable / sufficient cause, it will be presumed that you have no defence to offer and the matter shall be dealt with ex-parte.

U.T

RECEIVED

[Handwritten signature]
12/12



[Handwritten signature]
[Handwritten signature]
12-12-73

[Handwritten signature]
(FARIDULLAH KHAN)
Superintendent of Police,
FRP, D.I.Khan Range, D.I.Khan.

کھنڈ اور صاحب کھنڈ ڈیڑھ لوہیں صلح ڈیڑھ کھنڈ صلح

عنوان :- درخواست برآمد جواب شوکار لوہیں نمبر 41-1740 اور نمبر 242
2013

عالی مرتبت !
بنایت موڈبانہ ایسٹاس ہے کہ مسیعی لغیر اللہ ولد عبد اللہ رشید
لوہیں کانسٹیبل بیلٹ نمبر 7718 ڈیڑھ کھنڈ کان سے موٹر سائیکل پر
پینالہ جا رہا تھا کہ راستے میں گلوٹی سٹاپ اڑھ پر ابراہیم نامی
محلہ دار نے بندہ سے پینالہ تک لٹے لفٹ کی درخواست کی۔ جس پر
بندہ نے محلہ دار کو اپنے موٹر سائیکل پر سوار کر لیا اور روانہ ہو گیا۔ راستے
میں تقانہ پینالہ پر ہماری جامد تلاش کی گئی۔ ابراہیم ولد عبد اللہ کریم
کے قبضے سے پیرس برآمد ہوئی۔ جبکہ اس میں جس کے بارے بندہ کو

قطع کوئی علم نہیں تھا۔
لوہیں نے تقانہ پینالہ کے جانکر ہم دونوں کو
سند کر دیا۔ اور 4000 روپے کا پیر چھ لگاٹ دیا۔ پیر اور پیر اللہ
پیش کر کے سٹریٹ ڈیک بھیج دیا گیا۔ بندہ اس وقت سٹریٹ
ڈیک میں موجود ہے۔

لکھنا بنایت عاجزانه استدعا ہے کہ عالی مرتبت
بندہ کو صفائی کا موقع عنایت کریں تاکہ بندہ آپ کو کوئی طرح مطمئن کر سکے۔
آپ کی عین نوازش ہوگی

تورم 12 30
2013

لغیر اللہ ولد عبد اللہ رشید (لوہیں کانسٹیبل)
لوہیں لائن

حال سٹریٹ صلح ڈیڑھ کھنڈ کان

آپ کا تالیدار
7
ATTACHED
Inspector Department
Central Jail B. I. P. S.

(22)

CHARGE SHEET.


WHERE AS, I am satisfied that a formal enquiry as contemplated by NWFP Police Disciplinary Rules 1975 is necessary and expedient to be conducted into the allegation contained in the statement attached herewith.

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

AND WHEREAS, as required by Police Rules 6(I) of the aforesaid rules, I, Mr. FARID ULLAH KHAN, Superintendant of Police FRP, D.I.Khan Range D.I.Khan, hereby charge you Constable Naseer Ahmed No.7718/FRP with the misconduct on the basis of the statement attached to this charge sheet.

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

In case your reply is not received with-in the prescribed period, without sufficient cause, it would be presumed that you have no defence to offer and the proceedings will be completed against you ex-parte.


(FARID ULLAH KHAN)
Superintendent of Police,
FRP, D.I.Khan Range, D.I.Khan.

کھو گیا ہے سپر سٹریٹ صاحب آف پولیس FRP سے بھی
لوٹا ہے۔ سپر سٹریٹ صاحب سے مل کر حل کیا گیا ہے

حوالہ۔ شوکار نوٹس نمبر 28766 سے 3¹²/₁₃۔

صاحب عالی۔ گزارش ہے کہ سن سائل کو بتاناہ مقدمہ 294 سے 28¹¹/₁₃
سے 9ense قائم کرنا کہ گناہ ہے۔ سن سائل اس میں بتاناہ ہے

مقدمہ عنوان یاد میں سائل کو کو معلوم میں ہے۔ سپر سٹریٹ صاحب
شخص محمد ابراہیم کو اڑراہ سپر سٹریٹ صاحب کو سائل سے
بتایا۔ جو معلوم میں تھا کہ اس کا پاس کو محمود پانچ ہے۔

پھر میں اس وقت بائبل حوالہ سپر سٹریٹ صاحب میں ہوں
کہ وہ بہت عزیز شخص ہوں۔ سائل کے ٹھونڈے ٹھونڈے میں یہاں ہیں
جس کے کھانے میں سائل کا دم ہے۔ سائل صاحب سے رحم کی
اجل کرنا ہے۔ کہ سائل کو کھانے کا موقع دیا جائے۔

کہ وہ سائل کو Personal Hearing کا موقع دیا جائے
کہ سائل اپنی بات کہتا ہے ثابت کر کے

سائل نام محمد ابراہیم

محمد ابراہیم

محمد ابراہیم صاحب کو سائل سے مل کر حل کیا گیا ہے

FRP

Inspector Department
Central Jail B.I.P.L.

فائل رپورٹ

جناب عالی:

بحوالہ لیٹر انگریزی نمبر 28766 مورخہ 03.12.2013 مجاریہ جناب ڈسٹرکٹ پولیس آفیسر ڈیرہ وڈاڑی نمبر 1236 مورخہ

05.12.2013 دفتر ایس پی، ایف آر پی، ڈیرہ اسماعیل خان جس میں کنسٹیبل نصیر احمد نمبر 7718/FRP کے بحوالہ مقدمہ نمبر 294 مورخہ

28.11.2013 (C) CNS - 9 تھانہ شہید نواب میں ملوث اور گرفتاری کی بابت جناب ایس پی صاحب، ایف آر پی کو تحریر کیا جو کہ بحوالہ آرڈر نمبر

1661/FRP مورخہ 05.12.2013، آرڈر بک نمبر 714 مورخہ 05.12.2013 کنسٹیبل بالا کو مقدمہ بالا میں ملوث ہونے پر معطل لائن کیا بحوالہ

لیٹر نمبر 12159/Inv مورخہ 13.12.2013 مجاریہ جناب ایس پی، انوشی گیشن صاحب جس میں کنسٹیبل مذکورہ بالا کی مقدمہ بالا میں گرفتاری و چار ہزار

گرام چرس برآمد ہونے پر حکمانہ کارروائی کے لئے جناب ایس پی صاحب، ایف آر پی کو تحریر کیا، ایف آئی آر لف ہذا ہے۔ اسی طرح بحوالہ لیٹر نمبر

28893/EC مورخہ 05.12.2013 مجاریہ جناب ڈی پی او صاحب ڈیرہ میں بھی کنسٹیبل مذکورہ بالا کے خلاف بابت غیر حاضری نشیات فرڈنی میں ملوث

ہونے پر حکمانہ کارروائی کے لئے تحریر کیا ہے۔ نیز بحوالہ مذکورہ نمبر 31 روز نامہ 27.11.2013 تھانہ شہید نواب ایس ایچ او ذوالفقار نے بھی کنسٹیبل مذکورہ کی

نشیات فرڈنی کی شکایت کی بابت ایک رپورٹ درج روز نامہ چکر کے ارسال افسران بالا کی تھی۔

بحوالہ لیٹر نمبر 1678/FRP مورخہ 10.12.2013 مجاریہ جناب ایس پی صاحب، ایف آر پی ڈیرہ کا کنسٹیبل بالا جو کہ مقدمہ بالا میں گرفتار ہو کر

سنٹرل جیل ڈیرہ میں تھا کو بوساطت سپرنٹنڈنٹ سنٹرل جیل شوکا زونٹس ارسال کیا جو بحوالہ لیٹر نمبر 12579/WE/HB مورخہ 12.12.2013 مذکورہ بالا پر

تقسیم ہو کر تحریری جواب ارسال دفتر ایف آر پی کیا۔ اس طرح بحوالہ لیٹر نمبر 1739/FRP مورخہ 24.12.2013 مجاریہ جناب ایس پی صاحب، ایف آر پی

چارچ شیٹ وڈ سپلین ایگیشن نمبر 1740-41/FRP مورخہ 24.12.2013 سپرنٹنڈنٹ سنٹرل جیل ڈیرہ بھجوا گیا۔ اور من ڈی ایس پی کو بطور انکوائری

آفیسر مقرر کیا جو کہ بحوالہ لیٹر نمبر 16011/WE/HB مورخہ 31.12.2013 مجاریہ سپرنٹنڈنٹ سنٹرل جیل ڈیرہ معہ جواب چارج شیٹ واپس بھجوا یا۔

بحوالہ آرڈر پشاور ہائیکورٹ بیچ ڈیرہ اسماعیل خان مورخہ 31.12.2013 کنسٹیبل مذکورہ بالا ضمانت پر رہا ہوا۔ جبکہ بحوالہ مذکورہ نمبر 15 روز نامہ

26.11.2013 بحوالہ مذکورہ نمبر 20 روز نامہ 06.01.2014 پولیس لائن ایف آر پی، کنسٹیبل مذکورہ بالا عرصہ (40) یوم اپنی ڈیوٹی سے غیر حاضر تھا۔ نقل

مدت عاضری وغیر حاضری ہذا ہے۔

انکوائری ہذا کی کارروائی عمل میں لاتے ہوئے مقدمہ مندرجہ برخلاف کنسٹیبل مذکورہ بالا ذوالفقار ایس ایچ او تھانہ شہید نواب و ایس آئی غلام خان تفتیشی

افسر اورنگ زب نے ایس آئی، کنسٹیبلان حسین شاہ نمبر 1907، عصمت اللہ نمبر 7921، مشتاق حسین لائن آفیسر ایف آر پی، دھنوا از نمبر 103 نمبر لائن ایف

آر پی، دھنوا زب، ایمان سینئر کلرک ایس آر سی، ایف آر پی دفتر، کے بیانات موجودگی ملزم کنسٹیبل نصیر احمد نمبر 7718/FRP قلمبند کیے اور گواہان پر کنسٹیبل مذکورہ بالا

کو جرح کا موقع بھی دیا گیا۔ گواہان مندرجہ بالا نے اپنے بیانات میں اور زبانی بھی ملزم کنسٹیبل بالا سے چرس وزن 4000 گرام (4) کلو گرام برآمدگی کا کہا۔

عالی جاہ:

کی گئی انکوائری و بیانات گواہان، حالات و واقعات سے اور قبل از اندراج مقدمہ ہذا برخلاف کنسٹیبل بالا ایس ایچ او ذوالفقار تھانہ شہید نواب نے بالا

کنسٹیبل کی نشیات فرڈنی کے بارے اپنی رپورٹ درج روز نامہ چکر کی تھی۔ جو کہ لف ہے اور بعدہ کنسٹیبل مذکورہ بالا سے نشیات برآمدگی بھی عمل میں آئی نیز کنسٹیبل

بالا جو کہ عرصہ (40) یوم غیر حاضر رہا ہے اور سابقہ ریکارڈ میں کنسٹیبل مذکورہ بالا مورخہ 30.07.2007 کا بھرتی ہے اور قبل ازیں (358) یوم غیر حاضر معہ

(13) یوم وارنٹ گارڈ سزایاب ہو چکا ہے۔ موجودہ عرصہ غیر حاضری (40) یوم بلا تنخواہ کرنے کے ساتھ ساتھ (Major Punishment) دینے کی سفارش

رپورٹ ارسال خدمت ہے۔

کی جاتی ہے۔

(محمد ندیم صدیقی)

ڈپٹی سپرنٹنڈنٹ آف پولیس انکوائری آفیسر،

FINAL SHOW CAUSE NOTICE.

WHEREAS YOU, Constable Naseer Ahmed No.7718/FRP found guilty of following misconduct in violation of NWFP Police Disciplinary Rules 1975.

According to District Police Officer D.I.Khan vide his office Memo:No.28766, dated 03.12.2013, you have been involved and arrested in Case FIR No.294 dated 28.11.2013 U/S 9-CNS (C) of Police Station Shaheed Nawab Khan District D.I.Khan.

After completion the enquiry the Enquiry Officer submitted his finding in which the charges leveled against you were proved without any shadow of doubt.

As a result thereof, I MUHAMMAD IDREES Superintendent of Police, FRP, D.I.Khan Range D.I.Khan as competent authority have tentatively decided to impose upon you the penalty of Major/ Minor punishment U/S 3 of the said ordinance.

1. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you.
2. If no reply to this notice is received within 15-days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

Ahmed
28/2/2014

[Signature]
Superintendent of Police,
FRP D.I.Khan Range D.I.Khan.

حکومت صاب SP صاب ملاح ڈبرہ
 عنوان : نائب ٹائٹل شوکارز نمبر

ڈیڑہ لہشتو ٹائٹل شوکارز نمبر صرف ہونے سے سال ہر اندام ہے

۱۹۹۶ء جوڑ - دیڑہ - ج-۱۰۰-۹ قوتوں - ۱۳

تفصیل نائب شوکار ٹائٹل ملاح ڈبرہ میں ہوئی ہو۔

نائب ڈبیت اس کے ہوئے ہے جوڑ ۱۳ ۲۸ اور سائٹ پروف ٹرائل

نائب باسٹی ٹیمر ماسوری موٹر سائیکل روانہ تھا۔

ابراہیم نیادی کے سائٹ کو اعتماد کیا ہے تاکہ سب سے جاوے۔

ایک سائٹ بیگ تھا۔ جسکا سائٹ کرنی علم نہ تھا۔

ابراہیم نے سائٹ پوریا کو آ کر ہوٹ دیکھا تو وہ سٹاپر پھینک کر

نکل گیا۔ تو پوریا نے اسکو بھی گھر دیا۔ میں نے صاب SP

صائب کو حقیقت بارے مطلع کیا۔ مگر صاب کے آپکو نہ مانتے ہوئے

سائٹ پر FIR جاری کر دی۔

عالیجاہ۔ سائٹ کے قہور ہے جو عدت خالیہ نے سائٹ بھی لگے

سائٹ کے دادیت نصیب الہرمیا۔ سائٹ ٹھکانے سے قہور دلفنا ہے

شوگر کا دارہ کھیل ہے۔ سائٹ کے بارہ بیان کو مدد کر دیکھنے ہوئے سائٹ کے

ٹائٹل شوکارز ہوئے کو مدد کر دیکھنے ہوئے سائٹ کے

نمبر

FC - ڈیڑہ لہشتو ٹائٹل ملاح ڈبرہ
 ۱۳ ۲۸
 Div

18

From: - The Superintendent of Police,
FRP D.I.Khan Range., D.I.Khan .

To: - The Superintendent,
Central Prison D.I.Khan.

No: - 1739 /FRP, Dated D.I.Khan the 24 /12/2013.

Subject: CHARGE SHEET.

Memo:-

Enclosed please find herewith Charge Sheet and Statement of allegation in respect of Constable Naseer Ahmed No.7718/FRP of this FRP Range, now in judicial lock up being involved in Case FIR No.294, dated 28.11.2013, U/S 9-CNS (C) PS/Shahed Nawab, Distt: D.I.Khan for delivery upon him.

Duplicate copy duly signed by ^{him} may please be returned to this office as a token of its receipt.

M. Yousaf
Superintendent of Police,
FRP D.I.Khan Range, D.I.Khan.
M.

Constable Naseer Ahmed No.7718/FRP son of *...* District DIKhan is sent herewith for *...* 28-11-2013 under section *...*

S.P. ...
for reaction.
S.P. ...
02/01/14

...
SUPERINTENDENT
CENTRAL PRISON DIKHAN
3/1/14

