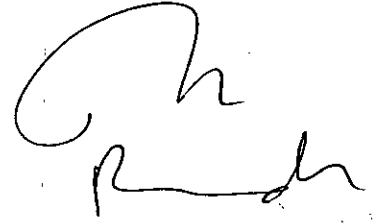


24/11/22

Due to deletion of the  
case to come up for the same  
on 31/11/23




31.01.2023


SCANNED  
KPST  
Peshawar

Learned counsel for the appellant present. Mr. Umair Azam Khan, Additional Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment for preparation of arguments. Adjourned. To come up for arguments on 05.05.2023 before the D.B.



(Fareeha Paul)  
Member (E)

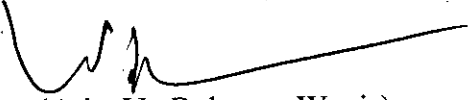


(Salah-ud-Din)  
Member (J)

13.01.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for respondents present.

Reply/comments on behalf of official respondents are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come for arguments before the D.B on 11.05.2022.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

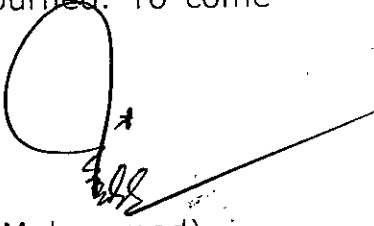
11-5-22 Proper DB not available for case is  
adjourned on 25-7-22  
Reader

25-7-22 proper DB not available to come  
up for the same as before on 19-9-22

19.09.2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 24.11.2022 before the D.B.

  
(Mian Muhammad)  
Member (Executive)

**Shah Fahad, 7044/2021**

12.10.2021 Learned Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the impugned order dated 14.07.2020 whereby he was awarded the major penalty of dismissal from service w.e.f 02.06.2020 i.e the date of FIR No.397 dated 02.06.2020 registered against him under Section-302/324/34 PPC at Police Station Nowshera Kalan. The appellant got bail out order from the court of law on 21.12.2020 consequent upon which he submitted departmental appeal against the impugned order, on 23.12.2020. His departmental appeal was however, rejected on 14.01.2021 and similarly his Revision Petition was rejected on 25.06.2021, hence, the instant service appeal was instituted in the Service Tribunal on 14.07.2021. Learned counsel for the appellant further contended that proper procedure has not been followed and no charge sheet/statement of allegations or show cause was issued to the appellant. No opportunity of personal hearing, as per provisions of Police Rules 1975, was given to the appellant. He has been condemned unheard. He was required to have been kept under suspension till culmination of the proceedings in criminal case but the respondent-department acted in haste and the ends of justice have not been met. The impugned order is, therefore, liable to be set aside and appellant to be reinstated in service with all back benefits.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 13.01.2022 before the D.B.

Appellant Deposited  
Security & Process Fee  
15/1/21



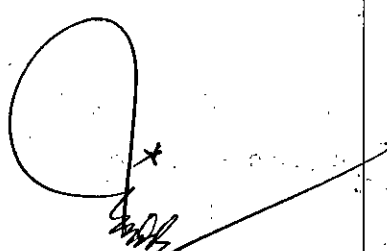
  
(Mian Muhammad)  
Member(E)

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 7044 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-  2-  30.08.2021	14/07/2021	<p>The appeal of Mr. Shah Fahad presented today by Roaeda Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30/08/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant present.</p> <p>Learned counsel for the appellant requested for adjournment on the ground that she has not made preparation for arguments. Adjourned. To come up for preliminary before the S.B on 12.10.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 7044 /2021

Shah Fahad

**VERSUS**

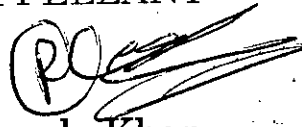
1. District Police Officer Nowshera & others.

**INDEX**

S#	Description of Documents	Annexure	Pages
1.	Grounds of Petition.		1-6
2.	Affidavit.		7
3.	Addresses of parties		8
4.	Condonation of delay		9-10
5.	Copy of FIR & suspension order	"A & B"	11 & 12
6.	Copy of BBA petition confirmation order	"C"	13 16 To
7.	Copy of dismissal order	"D"	17
8.	Copies of departmental appeal and rejection order	"E" & "F"	18 To 19
9.	Copy of Revision petition & rejection order	"G" & "H"	20 To 21
10.	Wakalatnama		

(SF)  
APPELLANT

Through

(PK)   
**Roeeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 13/07/2021

(1)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2021

Shah Fahad ex- Constable No.755 S/o Shamshad  
R/o Zaidi Colony, Kundar Nowshera Kalan,  
Tehsil & District Nowshera.

Appellant

***VERSUS***

1. District Police Officer Nowshera.
2. Regional Police Officer Mardan.
3. Provincial Police Officer Khyber Pakhtunkhwa  
Peshawar.
4. Inspector General of Police Khyber Pakhtunkhwa.

Respondents

**APPEAL U/S-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICES TRIBUNAL ACT**  
**1974 AGAINST THE ORDER DATED 14/07/2020**  
**COMMUNICATED TO THE APPELLANT ON**  
**22.12.2020 WHEREBY THE APPELLANT HAS**  
**BEEN AWARDED MAJOR PUNISHMENT OF**  
**DISMISSAL FROM SERVICE AND AGAINST**  
**WHICH THE APPELLANT FILED**  
**DEPARTMENTAL APPEAL ON 23/12/2020**  
**AGAINST THE ORDERS DATED 14/07/2020**  
**WHICH HAS BEEN REJECTED ON 14/01/2021**  
**ON NO GOOD GROUNDS.**

(2)

Prayer:-

ON ACCEPTANCE OF THIS APPEAL BOTH THE IMPUGNED ORDERS DATED 14/07/2020 & 14/01/2021 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED IN SERVICE ALONG WITH ALL BACK BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT THAT MAY ALSO BE ONWARD GRANTED IN FAVOUR OF THE APPELLANT.

Respectfully Sheweth.

1. That the Appellant has been appointed as Constable in Police department.
2. That the appellant performed his duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.
3. That while posted at District Police Office Nowshera at computerized driving license (CDL) branch a false and fabricated cases FIR No.397 dated 02/06/2020 U/S 302/324/34 PPC at Police Station Nowshera Kalan, has been lodged against the appellant in which the appellant has been

placed under suspension vide OB No. 429 dated 03.06.2020 issued vide Order Endst. No.1490-94/PA, dated 03.06.2020 (**Copies of FIR & suspension order are attached at annexure "A" & "B"**).

4. That the appellant has been moved BBA petition against the above false and fabricated case in the court concerned which has been confirmed on 21.12.2020 by the court concerned. (**Copy of BBA petition conformation order is attached as annexure "C"**).

5. That the appellant after conformation of BBA Petition visited to respondent department on 22.12.2020 for joining his duty where the appellant came to know that the appellant has been dismissed from service on 14.07.2020 without fulfilling the codal formalities and without provided opportunity of defence to the appellant. (**Copy of dismissal order is attached as annexure "D"**).

6. That the appellant submitted department appeal on 23/12/2020 against the dismissal order dated 14/07/2020 which has been rejected on 14/01/2021 on no good grounds. (**Copies of departmental appeal and**



(4)

rejection order are attached at annexure "E" & "F").

7. That the appellant submit the revision petition against the impugned order on 20.01.2021 which has been rejected on 26.06.2021. (Copy of revision petition and rejection order are attached as annexure "G" & "H").

8. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

**GROUND:-**

A. That the impugned order 14/07/2020 is void and abinitio order because it has been passed without fulfilling codal formalities in this respect the appellant reliance upon a judgment reported on 2007 SCMR page:834.

B. That no regular and departmental inquiry has been conducted by the Respondent department in this respect in this respect the appellant reliance upon the judgment dated 2008 SCMR Page:1369, 2009 SCMR Page:412.

C. That the impugned order is void order because no opportunity a personal hearing has been provided to the appellant in this

respect the appellant reliance upon the judgment 2003 PLC (CS) page 365.

D. That, no charge sheet no statement allegation has been issued or communicated to the appellant which is a clear cut violation of rule-6 a police rule 1975.

E. That no final show cause notice has been issued and communicated to the appellant by Respondent department before imposing the major penalty in this respect the appellant relied upon a judgment reported on 2009 PLC (CS) 176.

F. It is a well settled maxim no one can be condemned unheard because it is against the natural justice of law in this respect the appellant relied upon a judgment reported on 2008 SCMR page:678.

G. That no statement of witnesses has been recorded by the inquiry officer and there is no proof of involvement in the said criminal cases against the appellant by the Respondent department because it is an untraced case.

H. That no opportunity of cross examination has been provided to the appellant.

I. That the impugned order is also void because it has been passed from the retrospective effect.

J. That the respondent department should be waited for the decision of the criminal case.

(6)

K. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

*It is therefore, most humbly prayed that on acceptance on acceptance of this appeal both the impugned orders dated 14/07/2020 & 14/01/2021 may kindly be set aside and the appellant may kindly be reinstated in service along with all back benefits any other remedy which this august tribunal deems fit that may also be onward granted in favour of the appellant..*

*Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.*

(SF)

APPELLANT

Through

(PK)

Roeeda Khan

Advocate, High Court  
Peshawar.

Dated: 13/07/2021

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

(PK)

Advocate.

①

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2021

Shah Fahad

***VERSUS***

District Police Officer Nowshera & others

**AFFIDAVIT**

I, Shah Fahad ex- Constable No.755 S/o Shamshad R/o Zaidi Colony, Kundar Nowshera Kalan, Tehsil & District Nowshera, do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

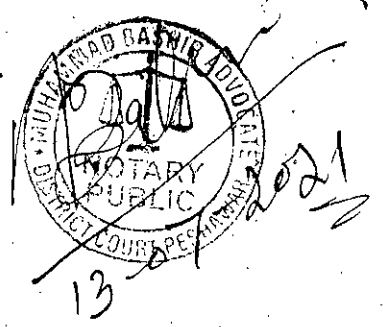
(SF)  
DEPONENT

**ATTESTED**

Identified by:



Roeeda Khan  
Advocate High Court  
Peshawar.

  
13/07/2021

(3)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2021

Shah Fahad

***VERSUS***

District Police Officer Nowshera & others

**ADDRESSES OF PARTIES**

***PETITIONER.***

Shah Fahad ex- Constable No.755 S/o Shiamshad  
R/o Zaidi Colony, Kundar Nowshera Kalan,  
Tehsil & District Nowshera.

**ADDRESSES OF RESPONDENTS**

1. District Police Officer Nowshera.
2. Regional Police Officer Mardan.
3. Provincial Police Officer Khyber Pakhtunkhwa  
Peshawar.
4. Inspector General of Police Khyber Pakhtunkhwa.

(SF)  
APPELLANT

Through

(R)  
**Roeeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 13/07/2021

(9)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2021

Shah Fahad

***VERSUS***

District Police Officer Nowshera & others

**APPLICATION FOR CONDONATION OF DELAY (if any)**

***Respectfully Sheweth,***

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That the appellant after conformation of BBA Petition visited to respondent department on 22.12.2020 for joining his duty where the appellant came to know that the appellant has been dismissed from service on 14.07.2020 without fulfilling the codal formalities and without provided opportunity of defence to the appellant.

***Grounds:***

- A. That the impugned order is void order because it has been passed from the retrospective effect.

10)

- b. That the impugned order dated 14.07.2020 is void order because it has been passed without fulfilling the codal formalities and without providing opportunity of personal hearing.
- c. That there are number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.
- d. That there are many judgment of superior courts and specific provision of law that limitation has been counted from the date of knowledge/ communication.
- e. That there are many judgment of Supreme Court that if the respondent department has no case on merit limitation has not becomes a huddle in way of justice.

It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.

*SF*  
*Appellant*

Through

Date : 13.07.2021

*R*  
*Roeeda Khan*

Advocate, High Court

Peshawar.





"B"

(12)

10

**ORDER**

Constable Shah Fahad No. 755 of CDL Branch is hereby placed under suspension and closed to Police Lines, Nowshera being involved in case FIR No. 392 dated 02.06.2020 u/s 302/324/34 PPC PS Kalan, with immediate effect.

Charge sheet & statement of allegations will be issued against him separately.

OB No. 429

Dated 3/06 /2020.

District Police Officer,  
Nowshera

No. 1490-94/PA, dated Nowshera, the 03/06 /2020.

Copy for information and necessary action to the:

1. DSP Hqrs: Nowshera.
2. Pay Officer.
3. Establishment Clerk.
4. OHC.
5. FMC.

BEFORE THE COURT OF SESSION JUDGE  
NOWSHERA.

- 1) Shah Fahad S/O Shamshad.
- 2) Qasim S/O Shah Faisal.
- 3) Sami S/O Bailullah.

All Petitioners are Residents Of " Zaidi Colony, Kunder, Nowshera Katan, Tehsil & District Nowshera ".

V E R S U S

- 1) The State.
- 2) Pazir Gul S/O Inzar Gul R/O Zaidi Colony, Kunder, Nowshera Katan, Tehsil & District Nowshera.

(Respondents)

CASE FIR NO: 397, Dated: 02-06-2020  
UNDER SECTION: 302, 324 & 34 PPC  
PS: Nowshera Katan

APPLICATION FOR GRANT OF PRE-ARREST BAIL TO THE  
ACCUSED/PETITIONERS TILL FINAL DISPOSAL OF THE CASE.

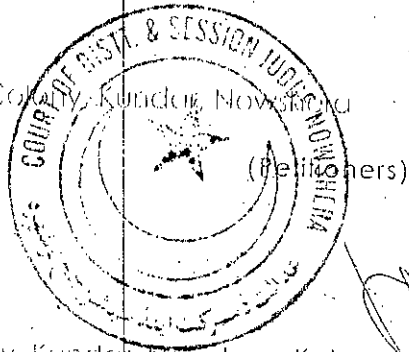
Respectfully Sheweth;

It is submitted as under:-

- 1) That the above named accused/petitioners have been charged in the above titled case and they apprehend their arrest at the hands of local police (copy of the FIR is attached);
- 2) That the accused/petitioners are absolutely innocent and have falsely been dragged in the instant case by the complainant party.
- 3) That, compromise has been made between the parties i.e. accused/petitioners and the complainant. (Compromise deed is attached).
- 4) That, the charges leveled against the petitioners are baseless and concocted and the accused/petitioners have been charged with malafidely intension and the same is tainted with ulterior motive.
- 5) That the alleged involvement of the accused/petitioners in the subject case needs further probe by any stretch of imagination.
- 6) That the Accused/Petitioners have never ever committed the offence in question.
- 7) That the Petitioners are most respectable persons and belong to respectable families and are well settled.

**ATTESTED**

Examiner Copying Agency  
Branch: D.S.J. Nowshera



141

roped in the instant case malafidely. If arrested by the hands of local police in the captioned case, their reputation will be damaged in public eyes.

- 8) That as soon as they came to know about the present concocted story, the petitioners surrendering themselves before the court, to be treated according to law.
- 9) That in the circumstances mentioned above, accused/petitioners are entitled for the concession of bail before arrest in the instant case.
- 10) That the accused/petitioners are ready to furnish bail bonds of any kind to the satisfaction of this Honorable Court.
- 11) That accused/petitioners seeks leave of this Honorable Court to take additional grounds at the time of arguments.

PRAYER:-

It is therefore, most humbly prayed that the Accused/Petitioners may kindly be granted bail before arrest till final disposal of the case.

Accused/Petitioners

Through:

MIAN ARSHAD JAN  
Advocate High Court  
District Courts Nowshera

**ATTESTED**

Deputy Returning Agent  
Branch, P.S. Nowshera

Dated: 03-11-2020

3 DEC 2020

AFFIDAVIT

It is solemnly declare and affirmed by me that all the contents of this petition are true and correct to the best of my knowledge and belief, and nothing has been concealed. This is the 1<sup>st</sup> BBA petition before this Hon'ble Court in the instant case and NO other bail application has been moved before any court.

DEPONENTS:

SHEIKH M. BRAHIM  
Oath Commissioner  
Distt. Courts Nowshera

1)   
Shah Fahad

2)   
Qasim

3)   
Identified by

12015  
(15)

Order  
21.12.2020.

1. Accused/ petitioners namely (i) Shah Fahad (ii) Qasim, & (iii) Sami on ad-interim pre arrest bail with their learned counsel, Mst. Sumbal (widow of deceased Hamid Ali), Pazeer Gul (complainant/ injured), Taj Wali and Mst. Nabeela (both injured) in person and Mr. Minhaj learned APP for State present.

2. Accused/petitioners named above seek the confirmation of their ad-interim pre arrest bail, being involved in case FIR # 397, dated: 02.06.2020, u/s, registered under Sections-302, 324, 34 P.P.C, at Police Station Nowshera Kalan.

Address of Judge-1  
Nowshera.

3. At the very outset of the proceedings, parties stated at the bar that they have effect compromise. In this respect, separate statement of Mst. Sumbal, while joint statement of Pazeer Gul, Taj Wali and Mst. Nabeela recorded, today. Perusal of record would further reveal that joint compromise statement of Kachkool and Mst. Zuhar Bibi (parents of deceased Hamid Ali) had already been recorded on 21.11.2020. The legal heirs of the deceased in their statements have admitted the factum of compromise with all the accused and had got no objection over the confirmation of their bail before arrest and upon their acquittal once the trial is put in Court, while for the minors legal heirs of

30 DEC 2020

*[Signature]*  
Mst. Sumbal  
Counsel for Accused

(16)

deceased, Diyat amount to the extent of their shares have already been deposited. Copies of Saving Certificates produced and placed on file. The injured through separate joint statement have also verified the factum of compromise as well has have expressed their no objection over the confirmation of the pre arrest bail of accused/petitioner and on submission of challan, their acquittal.

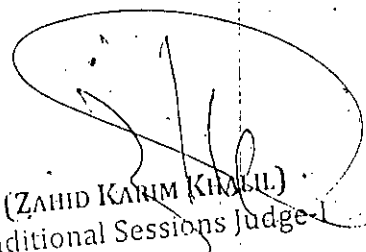
4. As all the survived major legal heirs of deceased as well as all the injured had effected a valid and genuine compromise with the accused/petitioners and further they have got no objection over the acceptance of BBA petition of the accused/ petitioners; hence, in these circumstances, the petition in hand is allowed purely on the basis of compromise and the ad-Interim Pre-arrest bail already granted to the accused/petitioners is hereby confirmed on existing bail bonds.

5. File be consigned to record room and record be transmitted forthwith.

Announced  
21.12.2020.

**ATTESTED**

Examiner Copying Agency  
Branch, D.S.J. Nowshera

  
(ZAHID KARIM KHATTAK)  
Additional Sessions Judge-I  
Nowshera

23 DEC 2020

2 | Page  
Shah Faisal & others Vs... State  
BBA \_\_\_ Confirmed

lec  
716

"D"

17

755

POLICE DEPARTMENT

DISTRICT NOWSHERA

ORDER

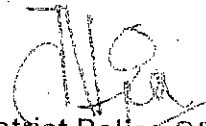
This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Constable Shah Fahad No. 755 that he while posted at Computerized Driving License (CDL) Branch, Police Lines, Nowshera is reportedly involved in case FIR No. 397 dated 02.06.2020 u/s 302/324/34 PPC. PS, Nowshera Kalan.

On account of which, he was placed under suspension, closed to Police Lines and proceeded against departmentally through Mr. Pasham Gul, DSP HQrs: Nowshera, who after fulfillment of legal formalities submitted his report to undersigned vide his office No. 167/St: dated 26.06.2020, wherein he highlighted that the defaulter official went into hiding after the commission of offence and evading from lawful arrest, therefore, recommended ex-parte action against him.

On 29.06.2020, he was served with Final Show Cause Notice through Mosam Khan s/o Azeem Khan r/o Zaidi Colony, Nowshera Kalan (cousin of FC Shah Fahad), but failed to submit his reply.

In the light of recommendations of enquiry officer, Constable Shah Fahad, No. 755 is hereby awarded major punishment of dismissal from service from 02.06.2020, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 564  
Dated 14/07 /2020

  
District Police Officer,  
Nowshera

No. 1846-50 /PA, dated Nowshera, the 14/07 /2020.  
Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. OHC.
4. FMC with its enclosures (12 pages).
5. Official concerned.

## درخواست برادر بھالی نوکری

جناب عالی!

مؤدبانہ گزارش ہے کہ سائل کو جناب DPO صاحب نوشہرہ نے بحوالہ OB نمبر 564 مورخہ 14.07.2020 کو نوکری سے برخواست کرنے کا حکم فرما کر نوکری سے برخواست کیا ہے۔ (نقل ہمراہ لف قابل ملاحظہ ہے)

مورخہ 02.06.2020 کو جب من سائل بحیثیت کپیوٹر آپریٹر ڈرائیونگ لائسنس برانچ پولیس لائسنز نوشہرہ میں تعینات تھا اور کرونا وبا کی وجہ سے عام تعطیلات تھیں۔ سائل اپنے گھر میں موجود تھا کہ اس دوران ہمارے گھر کے قریب فائرنگ کی آواز سن کر جب گھر کی چھت سے دیکھا تو میرے پیچھا ڈاگان اور دیگر رشتہ داران کے باہر کسی بات پر جھگڑا ہو کر فائرنگ شروع تھی جس کے نتیجے میں کسی حادثے میں جانی جھگڑا ہو گیا۔ بعد میں سائل کو معلوم ہوا کہ مخالف فریق نے میرے پیچھا ڈاگان اور میرے خلاف بھی FIR درج کی ہے حالانکہ سائل بالکل بے گناہ ہے اور سائل کو مقدمہ میں صرف اس بنیاد پر ملزم نامزد کیا گیا ہے کہ سائل ٹکڑے پولیس میں ملازم ہے اور سائل ان کی سپورٹ کرنے کا۔ (نقل ہمراہ لف قابل ملاحظہ ہے)

اس کے بعد من سائل مخالف فریق کے حملے سے بچنے کی خاطر اور اپنے خاندان کے بزرگوں کے دباؤ کی وجہ سے گرفتاری دینے سے قاصر رہا اور روپوش اختیار کی اور اس دوران ٹکڑے من سائل کے خلاف ایک طرف کارروائی کر کے نوکری سے برطرف کر دیا۔ جس کے بعد شرانے علاقہ نے میرے پیچھا ڈاگان اور مخالف فریق کے مابین راضی نامہ کر کے من سائل نے بھی عدالت جواز سے عبوری ضمانت حاصل کر کے جو عدالت حضور نے منظور کر کے برخواست رہائی دی ہے۔ (نقل ہمراہ لف قابل ملاحظہ ہے)

سائل نے اپنی پوری نوکری میں کوئی غیر ذمہ دار نہیں کیا ہے۔ نہ ہی سائل کو انسران والا صاحبان سے سزا دہ ایک ماہہ کوئی دیگر سزا یا شوکانہ وغیرہ دیا گیا ہے۔ علاوہ ازیں سائل اپنے والدین کا ایکوتا بیٹا ہے۔ سائل کے والد صاحب ضعیف اور کسی کام کاج کے قابل نہ ہیں، سائل کی والدہ بزرگوار اور چھوٹے چھوٹے بچے ہیں سائل کا دوسرا کوئی ذریعہ آمدن موجود نہ ہے۔ موجودہ وقت میں بھی سائل بے گناہ مقدمہ میں پھنس جانے کی وجہ سے کافی قرضدار بھی ہو چکا ہے۔

انتہائی عاجزانہ التماس ہے کہ من سائل کے سابقہ بے دانہ ملازمت اور ایذا ندامتی سے کی گئی نوکری، اور غربت و ذمہ داریوں کو مد نظر رکھتے ہوئے سائل کو نوکری پر بحال کرنے کا حکم فرما کر مشکور و ممنون فرمائیں۔

سائل اور سائل کا خاندان آپ جناب کی اقبال بلندی کے لئے حاضر دعا گو رہے گا۔

العبد  
شاہد محمد EX-FC/755 ضلع پولیس نوشہرہ

23.12.2020

1.F" (19)

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Shah Fahad No. 755 of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 564 dated 14.07.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Computerized Driving License (CDL) Branch, Police Lines Nowshera was found involved in Case FIR No. 397 dated 02.06.2020 u/s 302/324/34-PPC Police Station Nowshera, Kalan District Nowshera.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police Headquarter, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Nowshera, highlighted that the delinquent Officer went into hiding after commission of offence and evading his lawful arrest, therefore, recommended him for ex-parte action.

He was issued Final Show Cause Notice through Mosam Khan s/o Azeem Khan r/o Zaidi Colony, Nowshera Kalan, cousin of FC Shah Fahad, but failed to submit his reply.

Consequently in the light of recommendations of enquiry Officer, an ex-parte action was taken against the delinquent Officer and he was awarded major punishment of dismissal from Service with effect from 02.06.2020 vide District Police Officer, Nowshera OB: No. 564 dated 14.07.2020.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 12.01.2021.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations of misconduct against the appellant have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such heinous crime brought a bad name for entire Police force in the eyes of general public. During the course of enquiry proceedings, the appellant did not bother to join enquiry proceedings. The retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. Moreover, the appellant approached this forum at a belated stage without advancing any cogent reason regarding such delay. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being time barred.

Order Announced.

Regional Police Officer,  
Mardan.

No. 228 /ES, Dated Mardan the 14 - 01 - /2021.

Copy forwarded to District Police Officer, Nowshera for information and necessary, w/r to his office Memo: No. 35/PA dated 06.01.2021. His service record is returned herewith.

(\*\*\*\*)

Encls 5-Roll  
F-Miras  
D.Ali

No 102/PA  
12/01/2021



درخواست بمراد بحالی نوکری

جناب عالی!

مذکورہ گزارش ہے کہ سائل کو جناب DPO صاحب نوشہرہ نے بحوالہ OB نمبر 564 مورخہ 14.07.2020، کو نوکری سے برخاست کرنے کا حکم فرما کر نوکری سے برخاست کیا ہے۔ (نقل: مبراہف قابل ملاحظہ ہے)

مورخہ 23.12.2020 کو سائل نے جناب ریجنل پولیس آفیسر صاحب مردان ریجن کو نوکری پر واپس بحالی کے لئے اپیل دائر کی جو صاحب موصوف نے بحوالہ آرڈر نمبر 228/ES مورخہ 14.01.2021 کو خارج کر دی۔ (نقل: مبراہف قابل ملاحظہ ہے)

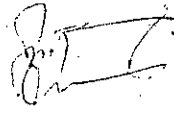
مورخہ 02.06.2020 کو جب سن سائل بحیثیت کمپیوٹر آپریٹر ڈرائیونگ لائسنس برانچ پولیس لائسنس نوشہرہ میں تعینات تھا اور کرونا وبا کی وجہ سے عام تعطیلات تھیں۔ سائل اپنے گھر میں موجود تھا کہ اس دوران ہمارے گھر کے قریب فائرنگ کی آواز سن کر جب گھر کی چھت سے دیکھا تو میرے چچا زادگان اور دیگر رشتہ داران کے مابین کسی بات پر جھگڑا ہو کر فائرنگ شروع تھی جس کے نتیجے میں مسمی حادثہ علی جاں بحق جبکہ دیگر کسان زخمی ہوئے بعدہ سن سائل کو معلوم ہوا کہ مخالف فریق نے میرے چچا زادگان اور میرے خلاف بھی FIR درج کی ہے حالانکہ سائل بالکل بے گناہ ہے اور سائل کو مقدمہ میں صرف اس بنیاد پر ملزم نامزد کیا گیا ہے کہ سائل محکمہ پولیس میں ملازم ہے اور سائل ان کی سپورٹ کرتے گا۔ (نقل: مبراہف قابل ملاحظہ ہے)

اس کے بعد سن سائل مخالف فریق کے حملہ سے بچنے کی خاطر اور اپنے خاندان کے بزرگوں کے دباؤ کی وجہ سے گرفتاری دینے سے قاصر رہا اور روپوشی اختیار کی اور اس دوران محکمہ نے سن سائل کے خلاف یکطرفہ کارروائی کر کے نوکری سے برطرف کر دیا۔ جس کے بعد مشران علاقہ نے میرے چچا زادگان اور مخالف فریق کے مابین راضی نامہ کر کے سن سائل نے بھی عدالت مجاز سے عبوری ضمانت حاصل کر کے جو عدالت حضور نے منظور کر کے بر ضمانت رہائی دی ہے۔ (نقل: مبراہف قابل ملاحظہ ہے)

سائل نے اپنی پوری نوکری میں کوئی غیر ڈسپلن فعل نہ کیا ہے، نہ ہی سائل کو افسران بالا صاحبان سے سزا لڈا کے علاوہ کوئی دیگر سزا یا شوکانہ وغیرہ دیا گیا ہے۔ علاوہ ازیں سائل اپنے والدین کا اکلوتا بیٹا ہے۔ سائل کے والد صاحب ضعیف اور کسی کام کاج کے قابل نہ ہیں، سائل کی والدہ، زوجہ اور چھوٹے چھوٹے بچے ہیں سائل کا دوسرا کوئی ذریعہ آمدن موجود نہ ہے۔ موجودہ وقت میں بھی سائل بے گناہ مقدمہ میں پھنس جانے کی وجہ سے کافی قرضدار ہو چکا ہے۔

انتہائی عاجزانہ التماس ہے کہ سن سائل کے سابقہ بے داغ ملازمت اور ایمانداری سے کی گئی نوکری، اور غربت و ذمہ داریوں کو مد نظر رکھتے ہوئے سائل کے حال پر رحم فرمایا جائے اور سائل کو نوکری پر بحال کرنے کا حکم فرما کر مشکور و ممنون فرمائیں۔

سائل اور سائل کا خاندان آپ جناب کی اقبال بلندی کے لئے تا عمر دُعا گورہیگا۔



العبد

شاہ فہد EX-FC/755 ضلع پولیس نوشہرہ

20.01.2021



CRC No-264/ES.

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

21, dated Peshawar the 25/7/2021.

1549  
5-7-21 No. Sl. 2769

CT H (21)

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Shah Fahad No. 755. The petitioner was dismissed from service by District Police Officer, Nowshera vide OB No. 564, dated 14.07.2020 on the allegations that he while posted at CDL Branch, Police Lines, Nowshera was found involved in case FIR No. 397, dated 02.06.2020 w/s 302/324/34 PPC Police Station Nowshera Kalan District Nowshera. His appeal was rejected being time barred by Regional Police Officer, Mardan vide order Endst: No. 228/ES, dated 14.01.2021.

Meeting of Appellate Board was held on 03.06.2021 wherein petitioner was heard in person. Petitioner contended that he is innocent and he was released on bail on compromise basis by the court of Additional Sessions Judge-I, Nowshera vide judgment dated 21.12.2020.

Perusal of record reveals that the applicant has effected compromise with the complainant which is tantamount to the admission of crime. Moreover, the retention of applicant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-  
KASHIF ALAM, PSP  
Additional Inspector General of Police,  
HQs: Khyber Pakhtunkhwa, Peshawar.

No. Sl. 2770-79/21.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 1215/ES, dated 03.03.2021 is returned herewith for your office record.
2. District Police Officer, Nowshera.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

EC/FME  
For n/a action  
DPO NR  
25/7/2021

(IRFAN ULLAH KHAN) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

EC/PA, NSR  
For n/a action

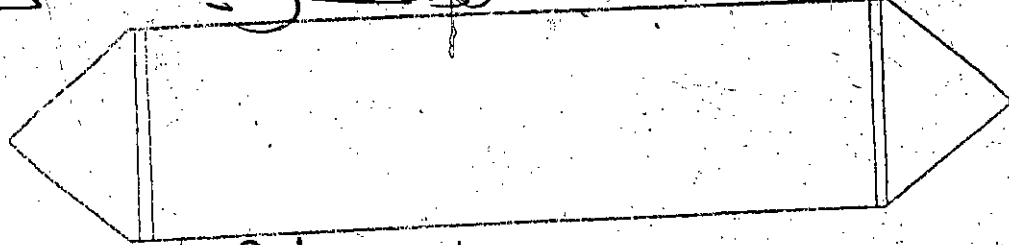
RPO, Mardan

NO. 1254/PA 22/7/21  
dt 08/07/2021

No. 353/ES  
dt. 06-07-21  
Encl: S: Roll  
F. Missal

attached  
APEC  
2/7

# بعد الت حساب اور سہولتیں



2021ء منجانب اللہ

شاہد

مورخہ  
مقدمہ  
دعویٰ  
جرم

لوگوں کے

## باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی و جواب دہی وکل کارروائی متعلقہ

آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلاف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیردی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیردی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبیل ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوا سے مقدمت کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیردی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ مندر ہے۔

14

المرقوم 14  
ماہ جولائی 2021ء

وہ الب  
مقام  
کے لئے منظور ہے۔

Accepted By

PC

19/9/2022

(DB)

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

Service Appeal No. 7044/2021

Shah Fahad ex-Constable No. 755 s/o Shamshad r/o Zaidi Colony,  
Khandar Nowshera Kalan, Tehsil & District Nowshera.

Khyber Pakhtunkhwa  
Service Tribunal

786

Diary No. 25/07/22

Dated 25/07/22

.....Appellant

**V E R S U S**

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc

.....Respondents

**I N D E X**

S.No.	Description of documents	Annexure	Pages
1.	Reply of Respondents	-	1-3
2.	Affidavit	-	04
3.	Copy of FIR	A	05
4.	Copy of suspension order	B	06
5.	Copy of enquiry report	C	07
6.	Copy of rejection order of departmental appeal	D	08
7.	Copy of rejection order of revision petition	E	09
8.	Copy of charge sheet and statement of allegation	F	10-11
9.	Copy of Final Show Cause Notice	G	12

*J. Han*  
Inspector Legal,  
Nowshera

(1)

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

Service Appeal No. 7044/2021

Shah Fahad ex-Constable No. 755 s/o Shamshad r/o Zaidi Colony,  
Khandar Nowshera Kalan, Tehsil & District Nowshera.

.....Appellant

**V E R S U S**

1. District Police Officer, Nowshera.
2. Regional Police Officer, Mardan.
3. Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar.
4. Inspector General of Police, Khyber Pakhtunkhwa.

.....Respondents

**REPLY ON BEHALF OF RESPONDENTS**

Respectfully Sheweth: -

**PRELIMINARY OBJECTIONS: -**

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the appeal is badly barred by law and limitation.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.
6. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

**Reply on Facts: -**

1. Para pertains to record.
2. Each and every Police Officer/Official is under obligation to perform his duty upto the entire satisfaction of his high-ups.
3. Incorrect. Appellant was directly charged by complainant (injured) alongwith 02 other accused in a criminal case registered vide FIR No. 397 dated 02-06-2020 u/s 302/324/34 PPC Police Station, Nowshera Kalan. Hence, he was suspended vide OB No. 429 dated 03-06-2020. (Copy of FIR is annexure "A" and order of suspension is annexure "B").
4. Mere grant of bail does not mean acquittal from criminal case.
5. Incorrect. In order to scrutinize conduct of the appellant, he was issued charge sheet with statement of allegations while DSP Hqrs: was nominated as enquiry officer. During the course of enquiry appellant was contacted time and again but each time his mobile phone was

found switched off as he was evading his lawful arrest. (Copy of enquiry report is annexure "C").


- 6. Correct to the extent that appellant moved departmental appeal before the appellate authority with a delay of almost 05 months, hence, the same was rejected/filed being badly time barred. (Copy of rejection order of departmental appeal is annexure "D").
- 7. Correct to extent that appellant moved revision petition which was also rejected/filed. (Copy of rejection order of revision petition order is annexure "E").
- 8. That appeal of the appellant is liable to be dismissed inter-alia on the following grounds: -

Reply on GROUNDS


- A. Incorrect. Punishment order dated 14-07-2020 was passed after fulfillment of all legal and codal formalities.
- B. Incorrect. In order to scrutinize conduct of the appellant, enquiry was conducted through DSP Hqrs: Nowshera but during course of enquiry, appellant went into hiding and did not join enquiry proceeding.
- C. Para already explained above.
- D. Incorrect. Appellant had been issued charge sheet and statement of allegation but not only he had gone into hiding but had also turned off his mobile phone. (Copy of charge sheet and statement of allegation is annexure "F").
- E. Incorrect. Appellant was issued Final Show Cause Notice which was received by Mosam Khan s/o Azim Khan r/o Zaidi Colony, Nowshera Kalan, cousin of appellant, but he failed to submit his reply to the same. (Copy of Final Show Cause Notice is annexure "G").
- F. Incorrect. Appellant was provided opportunity to defend himself but he did not join the enquiry proceeding rather went into hiding.
- G. Incorrect. As explained above, appellant was directly charged by the complainant (injured) in the FIR.
- H. Incorrect. Appellant had gone into hiding and avoided appearing before the enquiry officer therefore, plea of the appellant regarding opportunity of cross examination was out of place.
- I. Para already explained above.
- J. Incorrect. Departmental proceedings and criminal proceedings are two different entities which can run parallel and fate of the one cannot effect the other.
- K. The respondents also seek permission of this Honourable Tribunal to advance additional grounds at the time of arguments.

Prayers

It is, therefore, most humbly prayed that on acceptance of above submissions, the appeal of the appellant may very kindly be dismissed with costs, please.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.  
Respondent No. 03/04

  
Regional Police Officer,  
Mardan.  
Respondent No. 02

  
District Police Officer,  
Nowshera.  
Respondent No.01

(4)

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

Service Appeal No. 7044/2021

Shah Fahad ex-Constable No. 755 s/o Shamshad r/o Zaidi Colony,  
Khandar Nowshera Kalan, Tehsil & District Nowshera.

.....Appellant

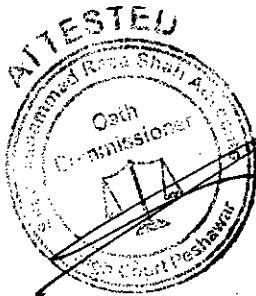
**V E R S U S**

1. District Police Officer, Nowshera.
2. Regional Police Officer, Mardan.
3. Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar.
4. Inspector General of Police, Khyber Pakhtunkhwa.


.....Respondents

**AFFIDAVIT**


We the respondents No. 1, 2 & 3/4 do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal.



11 MAY 2022

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.  
Respondent No. 03/04

  
Regional Police Officer,  
Mardan.  
Respondent No. 02

  
District Police Officer,  
Nowshera.  
Respondent No.01



ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ نو جداری

نیل

17201-7355420-1

0315-9317310

نوشترہ مکمل

47 عدل 397 تاریخ وقوع 26/2 وقت 45=11 ع

تاریخ وقت رپورٹ 26/2 وقت 10:12 ع

نام و سکونت اطلاع دہندہ مستغنیہ پتھر سیرنگ ولد اندر گل سے نمبر 30 سالہ ساہن زیدی کالونی بدھ کھنڈر نوشترہ مکمل

محقق کیفیت جرم (معدومہ) حال اگر کوئی کیا گیا ہو۔ 302-324-34

جائے وقوع فاصلہ تھانہ سے اور دست واسطہ روزہ زیدی کالونی نوشترہ مکمل بدھ کھنڈر

نام و سکونت ظلم 1 شاہ تہا ولد شمسداد 2 قاسم ولد شاہ شہیل 3 سبیح ولد سید اللہ ساہن زیدی کالونی نوشترہ مکمل بدھ کھنڈر

کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو

تھانہ سے روانگی کی تاریخ و وقت حوصلہ حاصل کرنا

لوگ رپورٹ

ابتدائی اطلاع نیچے درج کرو۔ حوصلہ حاصل کرنا۔ 1164 سال 1164 میں جنوں میں سے...  
فہمیت آہنہ افغانی خان نوشترہ مکمل حد اللہ HAMC ہسپتال نوشترہ مکمل اکثر پولی میں خنڈر ان  
مقبول جامعہ ولد کچھول نمبر 9/20 سالہ جیدان خرو میں کچھول ولد قبول خان نمبر 70 سالہ پتھر سیرنگ  
ولد اندر گل نمبر 30 سالہ، تاج ولی ولد کچھول نمبر 42 سالہ، سماہ بیگم زوجہ تاج ولی  
نمبر 33 سالہ ساہن زیدی کالونی بدھ کھنڈر نوشترہ مکمل حوصلہ حاصل کرنا پتھر سیرنگ کالونی  
درست سیرنگ و واپس لوں رپورٹ کرنا صبح امید میں ہمہ جہاں کچھول و حجاز اد جامعہ کالونی  
22 بیگم زورہ تاج ولی حجاز اد آ آ تاج ولی ولد کچھول کے کھنڈر خانے کھنڈر حویلی حجاز  
آ آ کچھول کے گھر سے نکلے تو اس دوران سماہ تہا ولد شمسداد، قاسم ولد شاہ شہیل  
سبیح ولد سید اللہ ساہن زیدی کالونی نوشترہ مکمل کھنڈر صلیح بر اسلام الشہین آ کر آئے  
میں جنوں سے ہمہ میرا نے اسے اسلحہ آئیں سے برار ارادہ میل ماہر شہ شریعی جنگی ماہر شہ  
سے مقبول جامعہ سے تاج ولی، کچھول سماہ بیگم تک کر مقبول جامعہ حوصلہ حاصل کرنا  
ہوا جس میں سے خرو میں مذکورین اہل سیدہ زخمی ہوئے وقوع ہذا سیر سیدہ دیگر خرو میں  
واسطہ روزہ کالونی کا حتم دہے وجہ بناد دو سیرنگ زیدی مکمل ہمہ فر کھنڈر کے درمیان  
سیرنگ والا کھنڈر انسا رہے جو کہ عرف کالونی میں ہے خود رہی میں حجاز اد ام حافظی میں  
اور نے آئے خرو میں مذکورین ماہا کی خرو میں کا عرف سماہ تہا ولد شمسداد، قاسم ولد  
شاہ شہیل، سبیح ولد سید اللہ ساہن زیدی کالونی بدھ کھنڈر نوشترہ مکمل حوصلہ حاصل کرنا  
خان نے رپورٹ ماہی ماشینی دستا اللہ کالونی کھنڈر رپورٹ کھنڈر رپورٹ درج ہو کر سیرنگ  
سماہ حجاز درست تسلیم کیے سیرنگ کھنڈر برائید کھنڈر کے دیکھا و اللہ کالونی سے مقبول جامعہ  
کالونی وقت و خرو میں کے کھنڈر کھنڈر کے کھنڈر کھنڈر کھنڈر کھنڈر کھنڈر کھنڈر کھنڈر  
ڈائری سیرنگ کھنڈر کھنڈر کھنڈر کھنڈر کھنڈر کھنڈر کھنڈر کھنڈر کھنڈر کھنڈر کھنڈر کھنڈر  
مد اسلام حوصلہ حاصل کرنا حوصلہ حاصل کرنا حوصلہ حاصل کرنا حوصلہ حاصل کرنا حوصلہ حاصل کرنا  
کالونی دور 26/2 کارروائی حوصلہ حاصل کرنا حوصلہ حاصل کرنا حوصلہ حاصل کرنا حوصلہ حاصل کرنا

کے لئے اصول AIR ہے اسلئے میرا لکھنا خواجہ ابوالفتح الرحمن  
آئی ایم ایے کے لئے ہے۔ اُنہوں نے بالخصوص نوپوشاں ریلوے  
الکھم دیکھائی ہے۔ میرا نوپوشاں ریلوے ڈرائیو ہے

میرا  
ASIPSNK  
2-6-20

دستخط

عہدہ

لائسنس دہندہ کا دستخط ہوگا یا اس کی نمبر نشان لگا یا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الفبا یا سبز یا روشنائی سے بالقابل نامہ  
ترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں، لکھنا چاہئے۔

6 Annex B,

10 20

**ORDER**

Constable Shah Fahad No. 755 of CDL Branch is hereby placed under suspension and closed to Police Lines, Nowshera being involved in case FIR No. 392 dated 02.06.2020 u/s 302/324/34 PPC PS Kalan, with immediate effect.

Charge sheet & statement of allegations will be issued against him separately.

OB No. 429

Dated 3/06 /2020.

**District Police Officer,  
Nowshera**

No. 1490-94/PA, dated Nowshera, the 03/06 /2020.

Copy for information and necessary action to the:

1. DSP Hqrs: Nowshera.
2. Pay Officer.
3. Establishment Clerk.
4. OHC.
5. FMC.

Annex: C  
(7) 2020 (5)

**OFFICE OF THE  
DY: SUPERINTENDENT OF POLICE  
HEADQUARTERS NOWSHERA**

Tel No. 0923-9220109 & Fax No. 0923-9220103

**DEPARTMENTAL INQUIRY AGAINST CONSTABLE SHAH FAHAD NO. 755**

**ALLEGATIONS:**

Constable Shah Fahad No. 755, while posted at CDL Branch Nowshera, now under suspension Police Lines, Nowshera reportedly involved in case FIR No. 392 dated 02.06-2020 u/s 302/324/34 PPC PS Kalan, which amounts to grave misconduct on his part and rendered him liable for minor/major punishment under Kyber Pakhtunkhwa police Rules, 1975.

In this regard, the defaulter official was charge sheeted and the undersigned was nominated as Enquiry Officer.

**PROCEEDING:**


During the course of inquiry, the defaulter official was contacted time and again but his contact no. was found switched off. He is also evading from his lawful arrest.

**FINDING:**

From the circumstances cited above, it transpired that the defaulter official along with his family members went into hiding after commission of offence as well as evading from his lawful arrest.

**RECOMMENDATIONS:**

Keeping in view the above, he is recommended for *ex-parte* action against him, please.

  
(PASHAMGUL KHAN)  
Dy: Superintendent of Police  
Headquarters, Nowshera.

No. 167 /St:  
Dt: 26/06/2020.

PA  
Serve F. SCN  
7/10  
/a

(8) Annex-1

**ORDER.**

This order will dispose-off the departmental appeal preferred by **Ex-Constable Shah Fahad No. 755** of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 564 dated 14.07.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Computerized Driving License (CDL) Branch, Police Lines Nowshera was found involved in Case FIR No. 397 dated 02.06.2020 u/s 302/324/34-PPC Police Station Nowshera, Kalan District Nowshera.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police Headquarter, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Nowshera, highlighted that the delinquent Officer went into hiding after commission of offence and evading his lawful arrest, therefore, recommended him for ex-parte action.

He was issued Final Show Cause Notice through Mosam Khan s/o Azeem Khan r/o Zaidi Colony, Nowshera Kalan, cousin of FC Shah Fahad, but failed to submit his reply.

Consequently in the light of recommendations of enquiry Officer, an ex-parte action was taken against the delinquent Officer and he was awarded major punishment of dismissal from Service with effect from 02.06.2020 vide District Police Officer, Nowshera OE: No. 564 dated 14.07.2020.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 12.01.2021.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations of misconduct against the appellant have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in such heinous crime brought a bad name for entire Police force in the eyes of general public. During the course of enquiry proceedings, the appellant did not bother to join enquiry proceedings. The retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. Moreover, the appellant approached this forum at a belated stage without advancing any cogent reason regarding such delay. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, **Sher Akbar, PSP S.St Regional Police Officer, Mardan**, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being time barred.

**Order Announced.**

**Regional Police Officer,  
Mardan.**

*4/1/21*  
*Cor on action*  
*OPD/SA*  
No. 228 /ES, Dated Mardan the 14 / 01 / 2021.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 35/PA dated 06.01.2021. His service record is returned herewith.

(\*\*\*\*\*)

*Encls 3-Roll*



CRC No-264/ES

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Annex: E  
9

21, dated Peshawar the 25/06/2021.

1549  
No. SI-2769

**ORDER**

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Shah Fahad No. 755. The petitioner was dismissed from service by District Police Officer, Nowshera vide OB No. 564, dated 14.07.2020 on the allegations that he while posted at CDL Branch, Police Lines, Nowshera was found involved in case FIR No. 397, dated 02.06.2020 u/s 302/324/34 PPC Police Station Nowshera Kalan District Nowshera. His appeal was rejected being time barred by Regional Police Officer, Mardan vide order Endst: No. 228/ES, dated 14.01.2021.

Meeting of Appellate Board was held on 03.06.2021 wherein petitioner was heard in person. Petitioner contended that he is innocent and he was released on bail on compromise basis by the court of Additional Sessions Judge-I, Nowshera vide judgment dated 21.12.2020.

Perusal of record reveals that the applicant has effected compromise with the complainant which is tantamount to the admission of crime. Moreover, the retention of applicant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-  
**KASHIF ALAM, PSP**  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI/2770-79/21,

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 1215/ES, dated 03.03.2021 is returned herewith for your office record.
2. District Police Officer, Nowshera.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

EC / F.M.E  
For initiation  
DPD NSR  
25/7/2021

(IRFAN ULLAH KHAN) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

attached  
APEC  
2/7

EC/DPD, NSR  
For initiation

RPO, Mardan

NO-1254/PA 2/7/21  
dt 08/07/2021

No. 353/ES  
dt 06-07-21

Encl: S.R.  
F.Mis

Annex: F

10

8

**CHARGE SHEET**

I, **Kashif Zulfiqar, PSP** District Police Officer, Nowshera, as competent authority, hereby charge **Constable Shah Fahad No. 755** as per Statement of Allegations enclosed.

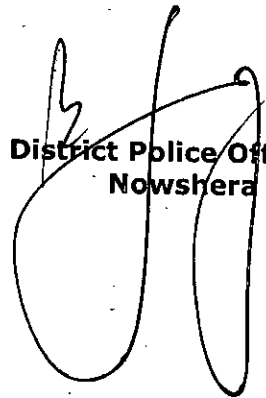
2. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

3. You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.

4. Your written defense, if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

5. Intimate whether you desire to be heard in persons.

**District Police Officer,  
Nowshera**



(7)

**DISCIPLINARY ACTION**

I, **Kashif Zulfigar, PSP**, District Police Officer, Nowshera as competent authority am of the opinion that **Constable Shah Fahad No. 755** has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules, 1975.

**STATEMENT OF ALLEGATIONS**

Whereas, **Constable Shah Fahad No. 755**, while posted at CDL Branch Nowshera, now suspended Police Lines, Nowshera is reportedly involved in case FIR No. 392 dated 02.06.2020 u/s 302/324/34 PPC PS Kalan, which amounts to grave misconduct on his part and rendered him liable for minor/major punishment under Khyber Pakhtunkhwa Police Rules, 1975.

For the purpose of scrutinizing the conduct of the said accused official with reference to above allegations, **Mr. Phasam Gul, DSP Hqr Nowshera** is hereby nominated as Enquiry Officer.

The Enquiry Officer shall in accordance with the provision of Police Rules, 1975, provides reasonable opportunity of hearing to the defaulter official, record his findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

**Constable Shah Fahad No. 755** is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

No. 67 /PA,  
Dated 3/06/2020.

  
**District Police Officer,  
Nowshera**



Annex. G:

(12)

(2)

**FINAL SHOW CAUSE NOTICE**

Whereas, you Constable Shah Fahad No. 755, while posted at Computerized Driving License (CDL), Branch are reportedly involved in case FIR No. 397 dated 02.06.2020 u/s 302/324/34 PPC PS, Nowshera Kalan.

On account of which, you were suspended, closed to Police Lines and proceeded against departmentally through Mr. Pasham Gul, DSP Hqrs: Nowshera, who after fulfillment of legal formalities submitted his report to undersigned, wherein he highlighted that you were contacted time and again but in vain. He further reported that, you are evading your lawful arrest, therefore, recommended you for ex-parte action.

Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I, Capt: (R) Najmul Husnain Liauqat, PSP, District Police Officer, Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within **07 days** of the receipt of this notice, failing which, it will be presumed that you have no defense to offer.

You are at liberty to appear for personal hearing before the undersigned.

*[Signature]*  
District Police Officer,  
Nowshera

No. 108 /PA,  
Dated 26/06/2020.

*Dismissed*  
*Dismissed.*  
*228*  
*29.6.2020*  
*SANK*