27th Feb. 2023

23 Learned counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made further preparation for arguments. Adjourned. To come up for remaining arguments on 13.03.2023 before the D.B. P.P given to the parties.

(Farecha Raul) Member(E)

(Salah-ud-Din) Member (J)

13th March, 2023

ecanne

Appellant alongwith his counsel present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present.

Learned counsel for the appellant seeks further time for preparation of arguments. Adjourned. To come up for arguments on 15.05.2023 before the D.B. Parcha Peshi given to the parties.

(Salah-ud-Din)

Member (J)

(Kalim Arshad Khan) Chairman 01st Dec. 2022

CARSES POSTAN

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 15.02.2023 before the D.B.

(Fareeha Paul) Member (E)

(Rozina Rehman) Member(J)

15.02.2023

Learned counsel for the appellant present. Mr. Fazle Subhan, Head Constable alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Partial arguments heard. To come up for remaining arguments on 27.02.2023 before the D.B.

(Fareeha Paul) Member (E)

(Salah-ud-Din) Member (J) 08.04.2022

12-7-2022

Due

the case is

Counsel for the appellant present Mr. Kabirullah Khattak, Addl. AG for the respondents present.

a statistication

Learned AAG seeks adjournment. Last chance is given. To come up for arguments on 12.07.2022 before

D.B

Cartina Francis

Reade

(Mian Muhammad) Member(E) Chairman

to Holidys of End Ul Azha is adjourned to 26-10-2022

26.10.2022

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.



Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on

01.12.2022.

(Mian Muhammad) Member (E)

(Salah-ud-Din) Member (J)

29.07.2021 Appellant alongwith his counsel Mr. Noor Muhammad Khattak, Advocate present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

> Learned counsel for the appellant requested for adjournment on the ground that he has not met preparation for arguments. Adjourned. To come up for the argument before the D.B on 30.09.2021.

(ATIO-UR-REHMAN WAZIR) MEMBER (EXECUTIVE)

(SALAH-UD-DIN) MEMBER (JUDICIÁL)

Readob

Due to non Availibility of the ci concerned DB The case is adjurned to 05-01-2022

05.01.2022

30-9-21

Junior to counsel for the appellant present. Mr. Javed Ullah, Assistant Advocate General for respondents present.

Former made a request for adjournment as senior counsel for the appellant is not available today. Adjourned. To come up for arguments before the D.B on 08.04.2022.

Atiq-Ur-Rehman Wazir) Member (E)

airman

09.11.2020

Appellant in person present. Zara Tajwar learned Deputy District Attorney alongwith Fazle Subhan H.C for respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 26.01.2021 for hearing before the D.B.

Chairman

q-ur-Rehman Wazir) Member (E) Junior counsel for appellant present.

26.01.2021

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

A request for adjournment was made as issue involved in the instant case is pending before Larger Bench of this Tribunal. Adjourned. To come up for arguments on 13.04.2021 before D.B.

(Rozina^{[<] Rehman)} Member (J)

(Mian Muhammad) Member (E)

و العمورية : ومع

13.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 29.07.2021 for the same as before.

READER

27.07.2020

Due to COVID19, the case is adjourned to 01.09.2020 for

the same as before.

01.09.2020

Mr. Usman Ghani learned District Attorney present for the respondents.

Afrasiyab Khan Wazir Advocate junior counsel present on behalf of appellant with a request for adjournment as his senior counsel is busy before Dar-ul-Qaza Swat. Request is acceded being genuine and case is adjourned to 09.11.2020 before D.B. Respondents be put to notice to make sure presence of representative not below Grade-17 on the next date fixed.

(Attig ur Rehman) Member (E)

(Rozina Rehman) Member (J).

07.10.2019

Appellant in person and Addl. AG alongwith Muhammad Faheem, Inspector .for the respondents present.

Representative of respondents has furnished written reply, which is placed on record. The appeal is assigned to D.B for arguments on 16.12.2019. The appellant may submit rejoinder, within a fortnight, if so advised.

Chairman

16.12.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 20.02.2020 before D.B.

۲ Member

Member

20.02.2020

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn@To come up for arguments on 20.04.2020 before D.B.

Member

Member

Due to covid, 19. the case is ad Journed. To come up for the same m. 27-7-2020

20.06.2019

C. E.

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for further adjournment. Adjourned to 02.08.2019 for written reply/comments before S.B.

> (Muhammad Amin Khan Kundi) Member

02.08.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney for respondents present. Written reply/comments on behalf of the respondents not submitted. Learned District Attorney requests for further time to submit written reply/comments.

Adjourned to 11.09.2019 before S.B.

(Ahmad Hassan) Member

11.09.2019

Appellant in person present. Nemo for the respondents. Fresh notices be issued to the respondents by way of last chance for submission of written reply/comments on 07.10.2019 before S.B.

Chairma

Counsel for the appellant Muhammad Fayaz present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department. He was imposed major penalty of dismissal from service vide order dated 15.01.2018 on the allegation of absence being involved in criminal case. It was further contended that the appellant was acquitted by the court vide order dated 19.11.2018 therefore, the appellant filed departmental appeal on 12.12.2018 within one month after acquittal which was rejected on 01.03.2019 hence, the present service appeal. Learned counsel for the appellant further contended that neither proper inquiry was conducted nor any absence notice was issued to the appellant at his home address therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 29.04.2019 before S.B.

eposited Process Fee

13.03.2019

(Muhammad Amin Khan Kundi) Member

29.04.2019

Counsel for the appellant present. Addl: AG for respondents present. Written reply/comments not submitted. Requested for adjournment. Adjourned. Case to come up written reply/comments on 20.06.2019 before S.B.

(Ahmad Hassan) Member

Form-A

FORM OF ORDER SHEET

Court of 150**/2019** Case No. Order or other proceedings with signature of judge S.No. Date of order proceedings 3 1 2 . The appeal of Mr. Muhammad Fayaz resubmitted today by Mr. 31/1/2019 1-Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR 31/1/-19 This case is entrusted to S. Bench for preliminary hearing to be 2-9 put up there on 13 - 3 - 3CHAIRMAN

The appeal of Mr. Muhammad Fayaz Ex-Constable no. 511 Police Line District Sawabi received today i.e. on 29.01.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be flagged.
- 2- Copies of chare sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.

No.___/87___/S.T,

Dt.3/-/-/2019.

No te:

REGISTRAR

SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Noor Muhammad Khattak Adv.

Sir Objection No. I has been semeved and as Ic objection No. 2 Charge Sheet Statement of allegations show cause notice has not been Served on the appellant as well as enquiry has not been conducted in & the matter. Hence Sa- Submitteel Joelay dated 31/1/2019.

G31/1/2019.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 15 /2019

VS

MUHAMMAD FAYAZ

POLICE DEPARTMENT

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| 2 | FIR's | A | 4-7. |
| 3 1 | Compromise deeds | 8 | 8-12. |
| 4 | Orders | ¢ | 13-17. |
| 5 | Impugned order | D | 18. |
| 6 | Departmental appeal | E | 1.9 |
| .7 | Rejection order | F | 20. |
| 8 | Vakalat nama | ***** | 21. |

APPELLANT

THROUGH: NOOR MOHAMMAD KHATTAK

ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO.____/ 2019

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer, Mardan.
- 3- The District Police Officer, District Swabi.

RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 15.01.2018 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE AND AGAINST THE APPELLATE ORDER DATED 01.01.2019 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned orders dated 15.01.2018 and 01.01.2019 may very kindly be set aside and the appellant may be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH: ON FACTS:

- 1- That appellant was initially appointment as Constable No. 511 in the respondent Department and from the date of first appointment the appellant has performed his duty quite efficiently and up to the entire satisfaction of his superiors.
- 2- That during service the appellant was falsely involved in FIR's Nos.53, 54, 55 and 56 under section 381-A/411, on different dates in Police Station Utla. That consequently the appellant was arrested by the local police. Copies of the FIR's are attached as annexure

5- That appellant feeling aggrieved and having no other remedy filed the instant appeal on the following grounds amongst the others.

GROUNDS:

- A- That the impugned orders dated 15.01.2018 and 01.01.2019 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegations has been issued to the appellant before issuing the impugned order dated .15.01.2018.
- D-That no show cause notice has been served on the appellant before issuing the impugned order dated 15.01.2018.
- E- That no chance of personal hearing/defense has been provided to the appellant and as such the appellant has been condemned unheard.
- F- That no regular/fact finding inquiry has been conducted in the matter which is necessary as per law and Rules before taking any punitive action against the civil servant.
- G- That the absence of the appellant is not willful but because of the criminal case, therefore under the principle of natural justice the appellant deserved to be re-instated into service with all back benefits.
- H- That appellant seeks permission to advance other 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.

بز ۶۰ ۵۵ --۱۹۶۵ ۶۶ ۶۰۶ ۶۱۵ ۱بتدائی اطلاعی ریورٹ میں درم ابتلطل اطلاع نسبت جرم قابل وست اندازي پوليس ريورث شده زير دفعه ۱۵۴مجوعه ضابط _ و لا معلى و مد را معله) : con cal : Diotori اربخ دوت ربورث مردلد شاد ن مال و وسكونين اطلاع وجنده مستنفيت PPC 331-71 م مسبب « توریف جزم (- فردند) عال دگر برکه لیا کیا ہو۔ چیا ہی تعبر د ، د ال ف فرشاه و الع الم مائع وتوعد فأصله تعاليت ادرست الموسكوسين المرم تاروانی بالتیش مستعان کی آلی اکرا طلاح درج کرنے میں تد قف مواموتو وجد دیال کرد تماند _ در الح كالارت ستحدد محاضرين بمطرحة لتركي تر الم الم المروح مران مع دمام حداث لم أرمون 45701037580 1570-103758 OF 16x 4 6 2 3 2011 (isb لعة إلما تسارور د.». بر "مد کمه طلب المحاسم العامة DEG تعرفر وصلكما يورج in fare ردتهما لوفو <u>بر</u> وتولي خدد سي کر 20- 01652 یا بی تیل شرح و مش سركوم برارس من مد ipinities of instances به خلاف مرار المرابي ال د ۲ May ale Um Non alling د المرضا و الغ Conversiones 120613 1 malui الم تدريد الأراكية int? 66 12 some or 20 in soil Joge Look ت حرم بالد کالی جاکر این 5 میں حوالہ آبی دج انورش ک Y La C برم فوق فارتبت بلوك stropped and من شاف متعاديس Asi-ps 03-12-2012

NIJ 16203 - 0852513 - 5-NINGER - 0320 - 1921419 CAREER MANUNG UP H ا**بتدائی اطلاعی ر** بور. ۱. تدانی الالاع نسبت جرم قابل دست اندازی پولس د نیور ش بإوسنشر فالتشن بارج ووشت وابندست Horror, بام دستخشته اطلار کار بانده) عال اگر چھلیا تکما ہو. النے ذکرہ ہونا صلیقہ اندسے ادرسی ية م وسكونت الخرم كاردائي بي منتقل كالني اكراطلاح درج كرف مي قد قف موا موتو وجد بيان كر توان يبردوا عماران ارزغ دوقت المسرين من من المربع المتعالية اطلاب في الم 70. لر المرب كل فكركو ورك م jes au -1. 1. 938 G. J. ر. در انده 32012 VS62 RP70432020 (1031 RP704320200 -----لروقت مسرل برمع در ورجع د س ما دکس جا کس راج ا • C ذ الر 1 al Esta حدملاته محوالي رتي كله ت الم عوث بترم من اورمو John Burne hick Ale da ت الم الم الم من المي موت Spic Relay 6 بر بیش از این از ای این این از این 2 10 Milition Junes Relation 11 1 Parts ب مرفرا م and the second and the 30100 19 CHESTUS م م می میں جرائی کے لیے Lin all face and -e_) الحلامع فتنا لتسوير مسارقتهم 1.5 المتحسم حواكر زمجي ARUSE COURSE 2014, TADIE . 1.3

مر) شماة م^{ريس} سأدر يقطون كيهزا a 3 3 3 1 فرجزل بوليس موير مدفارم مبرس ابتدائي اطلاعي ريور ف وسنر فاتبل ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس ر بورٹ شدہ زمرد نعہ ۱۵۴ 0307 50/1== 16 Ja thipsting to the the اربخ ودت *ربور*ث بام دسکونت اطلاح د مند ومستغیث فقر كيفيت جرم (معدد فعه) حال اكر بحوليا كما و-Site Victor ولر برزنان سماريد بين المق لاميز ال رلمرزون ا مائے وتو عد فاصلہ تھا نہ نام بسكونت لمزم ورحد ورواد ورو کاروائی جوشیش سے متعلق کی گئی اگراطال درج کرنے میں تو تف ہوا ہوتو دجہ بیان کر و Control Marine تفاند _ روائل کی تاریخ دونت بخا صرمانها من كر لوب د المنال الطليع في ورج المتحد ما نوال برى 335 و المناشر الدار برال برخ عسر برد 105708/18 الى بر 705 8 7 3 عبر فر جراف ورف الن الم . يمتا كمال متعد الالمرا مرك لدى الإور أخر والد الرفع العد المعروالي أكر علف متد ا إن موارسا أول عدم موجود با با جرسلز ا/ لز مان تا سلم في سرق از مت لے توا عا ديوت ميں ديون وجه برهوان كم من ملزمان المرمويز من وكل ما المبت علامتي ما ابته مرد الكرو ما الله الحب م اب المان المان المان الى و الذلى حوالى بي كم مدير ما ميل المتيت خور متعالم الا كو ار بنا من ارجر الازمان كرد ار مار سرف الله ار را رو خان مار خان تكرد مود الله الم ے حسب الفرن بنا ال داورت درج بلاد علو تن البور بنا بے در سرت ال هريرام حون الحب وسترد الم التي إن التردين كرما حون مغر ن دار رث مع مريد جرم بالذكا بالذاط مندم برا الادرج ومسترجع ورافض Fil عباد كنسيش حداله انجا ما الومس تحيين بل جات بن إرج كرادس بي UQ1ª ASI-PS.(111 8-12.17 ATTESTED TO BE, TRUE COPY

. 11. 20.06.20 (بابغور (خارم مشور جانة) حمني فارم (بوليس) مريكي 282 286 - 2018 فارم نير ۲۰ ۵۵ بار ۲۹۵ - 2018 فارم نير ۲۰ ۵۵ () ۲۷ ايت الحکلاعی ر لور م ۲۵ الکل عالي الحکل علی ر لور مشده زیرد فعه ۱۵ الجموعه خالط و عداری 262 - 2.5 26 - 2.5 ۲ ۲۰۰۰ الکل 06 2:07:0 35 TT 34 Hator to the to the to the to the the ي رايوز مير MZ 3817 WIRMY ART ರಟೆ The feat of the & Lite La Lane, Entre Jan جنيش ي صاق ك أكرا الله عدر في في فق مواموتو وجد بان كرو toposto التي يما من الما ي المراجلواني الطلار على في المراجل المحالي المراجلي المحالي المراجلي المحالي المراجلي الما اذل المشرجين انو 192 ما الدي DSE 893443 بالمرك E 893443 بالد الدي فور فر جم الله المرابع المراجع ال المراجع ما المجرد و مردور المرجعين المراجع المراحد بالاجر المرائل المعلم في مرد المرجع الم عن عن الم المراجعة الم المراجعة الم المراجعة المراجعة المراجعة المراجعة المراجعة المراجعة المراجعة المراجعة الم أنا بقا ذان المراجات المراجعة المراجعة المراجعة المراجعة المراجعة المراجعة المراجعة المراجعة المراجعة المراج والم الذان الحالية المراجعة ال و دوری ا كر المربيان الم ترجيد الله لوفار المرف الله ف مرتب کا درخلوف مرح بالا دی مرا جعوب السبب السبب المران بر میں حسیب کا در دنی ہے دچالہ عربز فرور منذایا سجدایا دیا در میں الدی کا دند المراح کا حسیب کا در در المراح کا حسیب کا در در در د عول معرفاديوري على موريت جركم الدكام في حالي من ماج دوج دوم في Fire ATTESTED - いっしょういい 14 Per printer TO BENTRUE COPY

M859889 تحكومت بأكسنان EXPE Swalsi 190 Rupees 30 م **منا** رو په ۶ EXPA JM-1 Swabi 18.10.18 اسد داخت شاه دند شاه نشخ ای ای محد جامل دند محمد فرق (بانه) سد داخت شاه دند شاه ند شاه ای ای محد ادلی کسل ندق (بانه) سند تعا سی تعل در ا Nitil PPS 381A Fib 6 1/8 res 04 un2" سان ملی نیلم می دامن شاه در شاه نظر سلم از با می عمل مسم می در می میں میں میں میں میں میں میں مرسی دونی منابع مدونی خانوی میں میں اور میں یہ میں میں نام مالاح ملاق حدث میں مال مرد میں میں د مرد دوری کی تعلی - اور حوال ولين قد د د لمعال ج - إ ده س) سان علم لعد المعا-د منا المالي عامل مرتعد في مس سولي مح ادر ملذ المحلي مدي سلي تي مع ادر دينا مج . سب بر - التي عدات صد من بالا فر سالا بر - التي عدات صد من بالا فر سالا ی دن میں میں دور میں در ایس میں سانی میں بازی میں ی دنی در در ایس میں تو تی دان قبل نا لا سند میں نامی میں میں میں میں میں تو میں میں تاج

بيان سيدواقف شاه وارشاه فيؤخان سكهة 18.10.18 محمد من ، قصل فوي ، صلح موالى برحلت ، بال ما تم مين ف ملزم ورقباص ولد جروز مان كنم الم تردن صلح جوال کے خلاف مقرمہ علت میں 4 مورضہ 6.1.18 کو تھا۔ 1 ک میں اپنے مور سا شیک ی سرونیڈی کی دیو براری کی تی مگر دو دف لید م べきい ميدا مو فرسانيمل بداري كمر من ويك مادو شرماجل ير سنسان جد مر دور بر المرى على اور مين تر مور ساليكل برماية ك اللال يول كورى جوكم بوليون ف ملزم سرامد بيوتا سان ما مد من عداد حاتور مشلی کو جہار ہوں کم مدرم کے قصف سے مترکورہ مرد سا بہل مرامد بسین بوا - ادر مدمی میں زمارم و جوی کرت و کم این دمان ن خاتلی اور پر این بر این بر این می منا می کا منا بی جمرانی ب میں ملزم م حلاف مفدم حلاما بسن جاهت مون اور أم عدائت ملزم وباغر 1 برى ورائح و فر كوى اعتراص سن بولا - سان حلى بات واف عم ونستى مينان Ex PA (بينا تولى مار الم المولى مال EXPO (ستام در ست کما م پر دو افغ ب ان ولد ت د ندر خان 16202-6657223-3 ol ceresul 20 11-18 JM- Swabi 18-10-18 No of application][8]] Dann of precentation of application Date on which the very program and 20 112. Date on which the analy linear 20 1128 For an experience of the second Signature of Copvist

M866034 ب الديسة ظل Rupees 30 🖗 لعدالت موجدارى جوالى رويترخان وعيره ر الم تماشية أكمكم 381-A PPC. = P.? 53 - Uhr 3.12-17 Ex PA JM SURADI بيان حلق $\overline{\mathcal{A}}$ منكر مسى عارف سسيد ولد شاؤس خان سكية أيلم كدون ، خليج جهوابي ما يهول إوراقرار مرسا بهول كرمن معترة بروغ FIR غير 53 مورة 11-11 . برم <u>381-A</u> قارة أكرمس يدين معلوم المداد ت خلات این مور سائیل کا سرقید کا ک دعودداری کا بن اور اعدازان مع مور سائیل مل جان بر رور سائیکل تعابة لاكر بولىس فى مور سائيكل با فها بطه طور مر ولى كيك ملتهان رويتر خان الرفيا ص ی خلاف دعوسا می الکهانیا - میں شد اور بولس کے جلاح و سورے سرمان کے خلاف داد باری ی مورب ملزمان قرفیص (ور رویرخان نے محدوث سیکن میں کا سلی کی سے - میں ملزمان کے خلاف دقد م جلانا بنين جاهتا أكر عدالت حققور ملزمان كوبرى قرمائ تو مرح في اعتراص بنين -16203-0358873-7 _____n شاہدخات وار ستیہ صرن مأقط ممات حان رام عارف سعيد ولد شاوس خان Andiji شانوس سندائد سمنديتج بيير ، بنه جهوال كرون وينهم وران Attested to be true copy. Q.1118 Examiner Copying Branch District & Sessions Judio

مان عادف مصير ولا شاؤس خان ركبير أيلم أيرون برحل يدل صلى مما ب 10-11.2018 سان که که میں نے برون FIR عثران 53 مورض 18-2 12 کو اس مور سائنگل می مسروندی مر بر خلاف ملزمان نامعلوم وعود ارم کی علی اور دسر ازد مستمامی بولیس 6207.035 88 ر مال جو مستور سے ملزم رو مرتحان واورز لف خان سند سائد 10 اور ملزم ور مار ولد جروز ف سعد: أ بله قدون دعو مرارى كى على - مازمان مذكوره ف المع المن سلدا بى ی تشکی کی سے معن ند ملز مان کو فی سیسل اللہ معاف کر دیا ہے اور ملزمان کے حلاف مقدم جلاتا مس جادها. الرعدال حصور ملزمان مدكو ره ما لا A THUS ANALO كومرى وماريخ تولي كوف المراص بين بواكا يباق حلن ٨٩٨ ういろう しょ • • • سے حیکہ ثقل فوال کار و ExPB سے -عارف سعيد ولد شاو من حات ستغيث 16203-0358873-7 Arange س مردر سال ما . صلى جرل D te of presentation of application 15:11:15 10-11-2018 T al Number of pages U/E..... S nature of Cupyist Attested to be true copy .11:18 Examiner Copying Branch Certified to be true copy District & Sessiens Judge Swate EXAMINER District & Sessions Judge, Swabi Authorized Unc , Article 87 of The Danyn e Shahadat Ordar 1984

M866210 Rupees 30 🛉 روپيه لعدالت وحترارى مهوابى رو برخان دسيره مسہکار رزآ 381-A PPC = PPC تعابز وأثم 54 1 - - 12 Judicial Magintrate EXPL بان على ٢ swat 13-11-18 متكرمسى فقل قد ولد يير زمان خان سكم سوكيلي ، كرون ، طلع جوابي كا يون اور اقرار كرن يون كرس مقرف مود خفد مدور ومالا ابن مور ساشيل ى سرقيدى كا جر خلاف مازم / مدرمان المعلوم د مدتداد می تق اور بعدازان شبک کی شاء مر ملزم رویترخان اور ملزم اور فیاص دورداری کی تق منگر ا استان من مقر کی خانل طور ایر این با کنا میں کی سل بے بدس وجہ من مر اب ملزمان ے خلاف مقدمہ تہیں چلاتا چاھتا - اگر علالت حصور ملزمان کو بری فرمائے تو من مقر کو کو ٹی اعتراض بس بوكار من ابيان حلى سندا تحريب -16202-2252564-7 16203-0405703-7 كوار ست ______ حافظ مارت خان وار في ونوس فضل قد سمقر ملىرج ن ولد كل حيار سعبة (تديرون ، فعلم جوال سكية 1 تلوكرون ، حمل ميوان نفل نحمر على رين ب Attested to be true copy Examiner Cooving Branch District & Sessions Judge Swahi

South Parkon 4 202 S 040 2010 င်္က က سان فصل ور ولد بييرو مان خان سكنه سوكيلي كرون تحميل فوبى ، ضلع مهوابي يرحل ، -13.11.2018 فبعنل فيددلد بسيزدمان خال برون 54 Fir مردة و13 كما مرد مد بنس -سان كما كم مس مدين مورش سائيل كى سرقىدى كا برخلاف ملزم / ملزمان تا معلوم دعوبداری کی تقن اور اعد ازال شک کی سالد ایر سارمان رو سرخان اور اور فرونیاص کے خلاف د موبداری کی علی مگر اب ملزمان ف بعد انن ب تنا س کی بر حاف سلی کی سے برس وجم میں ملزمان کے خلاف مقدمہ حداثا بنیں جاجتا ۔ اگر عدالت سلزمان کو بری وَمائ تَومع حَيْنَ اعتراض مس بولا - يان حابي بابت ، منابى ملزمان ExPA یہ صبکہ تعلی فردی شناخت لارڈ EX PB سے سن مردرست مشلم كميا فنعنل يثد ولديسير زمان خان ستشت 16203-0405703-7 20 مل لولى ، صلح صوالى Judicial Magikbale Swabi 13-11-18 D al Number of pages U/E I S lature of Capyist 1 filis Attested to be true copy Certified to be true copy EXAMINER X -11 Examine: Copying Branch District & Sessions Judge, Swabi District & Sessions Judge Swabi Authorized and " Article 87 of The Qanun-e/Shahadat Grder 1984

M869514 PAKISTAN Name Sajid Khan Father Natio Khamid Shah Country of Stay Paldstan lentily Numitar 16202-3704506-5 05.04.1988 Date of Issue 17.12.2015 Date of Expiry 17.12.2025 PB Q 11.18 Rupees 30 0 لعدالت فوحدارى جوال قد نساحن , رورزخان (ii. A SHI-A = FR تماز = أمكم 55 i inter 8:12-17-JETPA JM-SWali JM-SWali نيان علن 5 مند مسى ساجد جان ولد جدد مشاه خدة كلينى دور خاس ، والم من عدر من المرب المعلى المرب ، المع جدال كام و اور وقرار روا مرد المرون برون معد ت برون جاج مدكوره بال مارمدن بويلامن ورومر خان ے خلاف مار من کا سا العد FIR میں ملوث موج کا دج سے ماد در الا الا کا مق مذالب الاج فالک رامی تام مدرمان فی مدروث فرام میران این بر تنابی کا تسلی برجلت فی به المرا من مقروب دسان بلسان مدرمان ، مدرمان ، مدرمان معظم مقد مدجلات بس جا هذا الزر علات مدرمان كو برى توسك الو مح اعداما بسر)-16201-3704506-5 مکر ش راه شد از تسابقانا فالمسر مانيا مراك بنان روساه نرس عيمة المركز من رطيع ال سمرفان والاليساه (متر) Shir Studiet/ K2811.28

) V 0 بان باجدهان والدجيمة الا في 19.11.2078 بن حيثره ، من جرال ، بر حلف 270 5 02.12. 17. Our SSin PIR Los icon & Willy - if a langer is and maring 27 in 1 54 ملزمان ف سيرى مشى كى بيد اور ملزمان زاين بد الماي <u>e</u>-: منامعتر كوتابت الرال بد المسية الوج ما على سال بابت بساياب 12-Carle 1 ميناب مدرمان كرخلاف مترم جلاك بين بالمحا وروات معتور مدين كرين وراية المحما المراض في حاف ا UND SIN OF THE MA EXPASSION OF WELCH ExPB Lottle Dopy Certifi. 14. · lilli (16,0 h 16202-370 450F-5 u. An ant 1 Swabi Judicial Magistrate Iwabi 18-11.18 12086 ATTERTED No of application مكر *ال* 82 Date of presentation of application 27-11-18 Con Sv Session 00 ið og words 28 M US Signature of Copyist

M859890 Rupees 30 لي، ت مناب جوف كى فري م مري ETX PA الله المسلح (Usic) - - vér (2), دند، <u>ما 50</u> وردم <u>12</u> ا محم A 18 2 2019 تما نها نها نها م مندر م) تعل خان داد تعل دون سدم ا زلم تعبل الما عود في المعرب . من م بها ي من سيس لمد صب ملنا تا تر تا يون. (بله ن کر م سای مذا بالا ی ضرف مالا بریس نا آمن در مردی تى نى - متب فعنى الل دانو - الم دى من مدى ت فاصلا بس تعن عا - دوم سان ولس مال تراللاع دی - اور بلنام سے تول میں میں میں شرک میں - حمد من بالا مولى مل ك مر اور الما من ، م مر ي تناهير. جريدات صغد معدل مماعت علدم بالا هر مري ري -لد سع الله لا الله الله الله المعالم المعالم المعالم المعالية المعالية المعالية المعالية المعالية المعالية الم الدنس وقان فنها ما بوسنده مرد های ۲ . این بان مها مدان که دی آن سند ج 16,203-0769202-5 (fine)- Ub (for Iner Copying Brang essions Judge Sw

سان مل خان ولد ممل رحان سنة حسر كرون , منه مهراي برحلف .

سان کما کم میں نے بردئے FIQ غیر 26 مور 11. 11. 11. کو اپنی موٹر سائیکل کی سرقیکی کا برقلاف ملزم فیاص وقوعہ کے کم 2 دن نعد پولی کے مسؤرہ پر دعو بداری کی تنی دیکن دو سرے ہی دن تج مادی نو الاسع میں نے الملاع ملی کم میرا موٹر سائیکل تحرہ شیرا مان کے قویب کمرا ہے صلی الملاع میں نے ولی کو دی اور یولی نے دیاں سے موٹر سائیکل تحویل میں لیکر ملزم سے برآمد ز ساق کیا ہے - میں نے ملزم کو موٹر سائیکل تحویل میں لیکر ملزم سے برآمد ز میں کہ مازم سے برآ مدید ہے - ملزم نے ابن نے ترای کا تسلی لے حلق پر میں میں ملزم کے خلف مقدم چلانا بین حاص کا تسلی لے حلق پر معرف کو یا مرزم کے خلف مقدم چلانا بین حاص میں ہوں اور آ مرمدان معمور و جیناہ ملزم کے حلف مقدم چلانا میں جا حک ہوں اور آ مرمدان معمور و جیناہ ملزم ہے کہ دی میں ملزم کے مولی مائیک تحل میں بین سے ایک کو بی میں میں ہیں و جیناہ ملزم ہے حلف مقدم چلانا میں حاص ہوں اور آ مرمدان

كل خان دلد على رون كية حد

16203-0369202-5

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District & Sessions Judge Swah

Certified to be true copy EXAMINER District & Sessions Judge, Swabi Authorized Unc. - Article 87 of The Danume-Shahadat Grder 1980 **HE COURT OF MUHAMMAD IRFAN,** JUDICIAL MAGISTRATE, SWABI The state vs Muhammad Fayaz FIR # 56 dated 11.12.2017 u/s 381-A/411 PPC

Will be

4.09 July

Order

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Present: The accused on alongwith counsel, complainant in person and SPP for the state.

I- The Un polisi set point

Complainant tendered an affidavit of compromise. EXTA, whereby, he has effected a compromise with the accused facing trial and pardoned him. His statement after obtaining copy of his CNIC as EXPB to that effect is recorded, wherein, he while reiterating the compromise to be forthright and genuine has extended his no objection on the acquittal of the accused. Offence u/s $381-\Lambda/411$ PPC is non compoundable in nature, but, if the parties had themselves voluntarily forgotten and forgiven the crime and had entered into an outside the court settlement, the same could be considered as ground for the acquittal of accused in the interest of justice and equity. Furthermore, when the complainant party also does not want to prosecute the matter any further, court could not compel it to do so. Therefore, by accepting the compromise the accused facing trial is acquitted on the basis of compromise from the charges leveled against him. Since, he is on bail. His bail bonds stand cancelled and suretics are discharged from liabilities of their bail bonds. Case property; if any, be dealt in accordance with law. Consigned.

<u>Announced</u>: 18.10.2018

Matinaminad Irfan

Attested to be true copy Examiner Copving Branch District & Sessions Judge Swani

IN THE COURT OF MUHAMMAD IRFAN,

JUDICIAL MAGISTRATE, SWABI The state vs Muhammad Fayaz

FIR # 04 dated 06.01.2018 u/s 381-A/411 PPC

Order # 08 18 October 2018

No

<u>nnounced</u>: 8.10.2018

Present: The accused on alongwith counsel. complainant in person and SPP for the state. PWs absent. Complainant tendered an affidavit of compromise, EXPA, whereby, he has effected a compromise with the accused facing trial and pardoned him. His joint statement after obtaining copy of his CNIC as EXPB to that effect is recorded, wherein, he while reiterating the compromise to be forthright and genuine has extended his no objection on the acquittal of the accused. Offence u/s 381-A/411 PPC is non compoundable in nature, but, if the parties had themselves voluntarily forgotten and forgiven the crime and had entered into an outside the court settlement, the same could be considered as ground for the acquittal of accused in the interest of justice and equity. Furthermore, when the complainant party also does not want to prosecute the matter any further, court could not compel it to do so. Therefore, by accepting the compromise the accused facing trial is acquitted on the basis of compromise from the charges leveled against him. Since, he is on bail. His bail bonds stand cancelled and sureties are discharged from liabilities of their bail bonds. Case property, if any, be dealt in accordance with law. Consigned.

> Muhammad Irfan Judicial Magistrate, Swabi

<u>der # 10</u> November 2018

10.110

Present: Both the accused on bail alongwith counsel, complainant in person and SPP for the state.

مام معلى فعل رافي العن بيان ، المرحار

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Complainant tendered an affidavit of compromise, EXPA, whereby, he has effected a compromise with the accused facing trial and pardoned them. His statement recorded overleaf of compromise deed. Copy of his CNIC is EXPB. He while reiterating the compromise to be forthright and genuine has extended his no objection on the acquittal of the accused. Offence u/s 381-A/411 PPC is non compoundable in nature, but, if the parties had themselves voluntarily forgotten and forgiven the crime and had entered into an outside the court settlement, the same could be considered as ground for the acquittal of accused in the interest of justice and equity. Furthermore, when the complainant party also does not want to prosecute the matter any further, court could not compel it to do so. Therefore, by accepting the compromise the accused facing trial are acquitted on the basis of compromise from the charges leveled against them. Since, they are on bail. Their bail bonds stand cancelled and sureties are discharged from liabilities of their bail bonds. Case property, if any, be dealt in accordance with law. Consigned.

<u>Announced</u>: 10.11.2018 Sudicial Judicial Juluhammad Irfan Reficial Magistrate, Swabi

Attested to be true copy

Examiner Copying Branch District & Sessions Judge Swa

مؤم نعل فعل فالم ماري وم نام سان فعل لي Gold für ten i Viere Q <u>السمع</u> - مرح ما منو . مترمان منامن , روم ما منرم عاراً بهان بیس که در فی نا در ما بین فرستس مو دیا بط مست ما فنون مع . بزش سفيت مور فر م ما المع حارى مور كرد مسبب دى وميد ميا درما مند Multammant Irfut - PB, w

Order # (13 November 2018

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15/11/18

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Case was fixed for 10.01.2019, but, counsel for the accused submitted an early hearing application for the purpose mentioned therein, which is accepted and case file requisitioned and fixed for today.

Present: Accused Fayaz, Revez are on bail alongwith counsel, complainant namely Fazal Muhammad in person and SPP for the state. PWs absent.

Complainant tendered an affidavit of compromise, EXPA, whereby, he has effected a compromise with the accused facing trial and pardoned them in the name of ALLAH, the Almighty. His statement to that effect is recorded after obtaining copy of his CNIC as EXPB, District & Sessions Judge Swap wherein, he while reiterating the compromise to be forthright and genuine has extended his no objection on

the acquittal of the accused facing trial. Offence u/s 381-A PPC is non compoundable in nature, but, if the parties. had themselves voluntarily forgotten and forgiven the crime and had entered into an outside the court settlement, the same could be considered as ground for the acquittal of accused in the interest of justice and equity. Furthermore, when the complainant party also does not want to prosecute the matter any further, court could not compel it to do so. Therefore, by accepting the compromise the accused facing trial are acquitted on the basis of compromise from the charges leveled against them. Since, they are on bail, their bail bonds stand cancelled and sureties are absolved. Case property, if any, be dealt in accordance with law. Consigned.

<u>Announced</u>: 13.11.2018

or not con chait.



Attested to be true copy Examiner/Copying/Br anch trict & Sessions Judge- Swapi

JUDICIAL MAGISTRATE, SWABI The state vs Ravez Khan etc FIR # 55 dated 03.12.2017 u/s 381-A/411 PPC PS Utla

vember 2018

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19/11/2

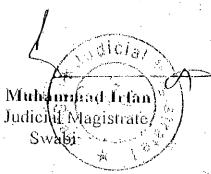
From perusal of the record, it found that the case was fixed for 10.01.2019, but, counsel for the accused submitted an early hearing application for the purpose mentioned therein, which is accepted, case file requisitioned and fixed for today.

Present: Both the accused on bail alongwith counsel, complainant in person and SPP for the state.

Complainant tendered an affidavit of compromise, EXPA, whereby, he has effected a compromise with the accused facing trial and pardoned them. His statement recorded overleaf of compromise deed. Copy of his CNIC is EXPB. He while reiterating the compromise to be forthright and genuine has extended his no objection on the acquittal of the accused. Offence u/s 381-A/411 PPC is non compoundable in nature, but, if the parties had themselves voluntarily forgotten and forgiven the crime and had entered into an outside the court settlement, the same could be considered as ground for the acquittal of accused in the interest of justice and equity. Furthermore, when the complainant also does not want to prosecute the matter any further, court could not compel it to do so. Therefore, by accepting the compromise the accused facing trial are acquitted on the basis of compromise from the charges leveled against them. Since, they are on bail. Their bail bonds stand cancelled and sureties are discharged from liabilities of their bail bonds. Case property, if any, be dealt in accordance with law. Consigned.

<u>Announced:</u> 19.11.2018

Contenent chart



E O28.11. Goul Straby

SOFFICE OF THE DISTRICT POLICE OFFICER, SWABI

<u>ORDER</u>

Constable Fayyaz Belt No. 511, while posted to Police Lines Swabi absented himself from duty with effect from 05.11.2017 till date without any leave or prior permission of the competent authority and meanwhile, he has also involved himself in case vide FIR No. 53 Dated 03.12.2017 U/s 381-A PPC PS Utla, FIR No. 54 Dated 03.12.2017 U/s 381-A/411 PC PS Utla, FIR No. 55 Date 08.12:2017 U/s 381-A/411 PPC PS Utla and FIR No. 56 Dated 08.12.2017 U/s 381-A/411 PPC PS Utla, which is highly against the discipline and amounts to gross misconduct.

In this connection, he was issued a Show Cause Notice vide this office Endst: No. 279/PSO, Dated 04.12.2017. He was directed time and again to receive his Show Cause Notice but he did not bother to receive, as such he was served with Charge Sheet and Summary of allegations vide this office Endst: No. 42/PSO. Dated 11.12.2017 and SDPO Razzar was appointed as Enquiry Officer. The officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. The Enquiry Officer submitted his findings wherein he found Constable Fayyaz Belt No. 511 guilty for the misconduct and recorded him for major punishment. The undersigned perused the enquiry papers, findings and by agreeing with the Enquiry Officer issued him Final Show Cause Notice vide this office Endst: No. 01/PSO, Dated 01.01.2018 and as per rules, he was bound to receive his Final Show Cause but neither he attended the office nor joined back his duty which means that he has nothing to offer in his defense and hence, deserves the ex-parte action on the aforementioned grounds.

Certified to be Keep Copy.

Therefore, I, Sohail Khalid, PSP, District Police Officer, Swabi, in exercise of the powers vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975, hereby award Constable Fayyaz Belt No. 511 Major punishment of <u>Dismissal</u> from service from the date of his absence i.e. 05.11.2017.

Order announced: On 11.01.2018

09

O.B.No. 48 Dated 15 / 1 /2018. District Volice Officer. SWABE OFFICE OF THE DISTRICT POLICE OFFICER, SWABL No. 52-56/PSO, dated Swabi, the 15 / 01 /2018. Copies to the: -L. DSP, ILQRs, Swabi. 2. Pay Officer. District Police Frider, Swabl. 3. Establishment Clerk. Fauji Missal Clerk. 5. Official Concerned.

. تحد أنى في في لوسيس في ميا ركمنت في ترسيس في دومرا ست تمراديم الى مكور مس تهز بال مؤ د ماد تر ارتس مید جوی که سائل داد میں لیویس دیپالگن میں بشین کان پیس مرب معود تھا ۔ ستر دیج سے انہی دیوں دنیا میں امرازی ستسياته الخام وستاري . 17 مد مين ايك دانته من سير ملاف الموج 55 dt 8 - 11 FJR 54 dt 3"2 1 For No. 53 dt. 312 - 100 (13) روبية وسلم المربع المربع المربع المربع المالية حرب من عمد المات مذكر عمالما ه فتر رورتر بری کلا . مسلم خد فران است معدان ما ت يم منه وكمر يشوطون في تما در آية جواب نهين ما ص بان ان دنون میں میں را تھا اور مستال میں المدم تما يتم مين كوش موجود يتق الروالوملوجين دويون سيس من سيق كمبا- عالى - مسير تحري مسي جون عروه مسين شين (ف اور وسنتدوار مين مين جو كرمين دار محان لهما ذکر سے دہ تینوں معدوں میں ۔ دائد میں نے کام کام کی تما بل س میں بر ربر بر ورائم مالوس كدم وركب من في معمال كو تع مسر من مون مربع المبلغ وت مرساحین ی هرمات میں تنب ایستای عافز ان ارتما یہ سے مرتب حمال مردهم فرع مجمع امن حلانات بربحال من من مربع بحول اور تروالول تد صباً دی رس کیس بری بری کا مسولگا۔ مودفر مارد a cal FLW محسر منيا من كالشيس مدر سالك سکند او کر تقسیل فوی در وکٹ مدوری .



The Regional Police Officer, Mardan Region, Mardan.

REVISION PETITION.

Subject: Memo:

To

The competent Authority has examined and filed the appeal submitted by Ex-Constable Fayaz No.511 of Swabi District Police against the punishment of dismissal from service awarded by District Police Officer, Swabi vide order No.52-56/PSO, dated 15.01.2018 being badly time barred.

The applicant may please be informed accordingly.

No. S/

(SYED ANIS-UL-HASSAN) Registrar, For Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

VAKALATNAMA clore hyber Pathtimthwa Service Tribing The. Pertian No. /2019 (APPELLANT) Muhammaa (PLAINTIFF) (PETITIONER) VERSUS (RESPONDENT) Police Department (DEFENDANT) I/Ve Muhammad Layaj Do hereby appoint and constitute NOOR MOHAMMAD KHATTAK, Advocate, Peshawar to appear, plead, act; compromisé, 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 cost. 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. Dated. /2019 CLIENT NOOR MOHAMMAD KHATTAK SHAHZULLAH KHAN YOUSAFZAI **ADVOCATES** OFFICE: Room No.1, Upper Floor, Islamia Club Building, Khyber Bazar,

Peshawar City. Phone: 091-2211391

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

<u>ORDER</u>

Constable Fayyaz Belt No. 511, while posted to Police Lines Swabi absented himself from duty with effect from 05.11.2017 till date without any leave or prior permission of the competent authority and meanwhile, he has also involved himself in case vide FIR No. 53 Dated 03.12.2017 U/s 381-A PPC PS Utla, FIR No. 54 Dated 03.12.2017 U/s 381-A/411 PC PS Utla, FIR No. 55 Date 08.12.2017 U/s 381-A/411 PPC PS Utla and FIR No. 56 Dated 08.12.2017 U/s 381-A/411 PPC PS Utla, which is highly against the discipline and amounts to gross misconduct.

In this connection, he was issued a Show Cause Notice vide this office Endst: No. 279/PSO, Dated 04.12.2017. He was directed time and again to receive his Show Cause Notice but he did not bother to receive, gs such he was served with Charge Sheet and Summary of allegations vide this office Endst: No. 42/PSO. Dated 11.12.2017 and SDPO Razzar was appointed as Enquiry Officer. The officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. The Enquiry Officer submitted his findings wherein he found Constable Fayyaz Belt No. 511 guilty for the misconduct and recommended him for major punishment. The undersigned perused the enquiry papers, findings and by agreeing with the Enquiry Officer issued him Final Show Cause Notice vide this office Endst: No. 01/PSO, Dated 01.01.2018 and as per rules, he was bound to receive his Final Show Cause but neither he attended the office nor joined back his duty, which means that he has nothing to offer in his defense and hence, deserves the ex-parte action on the aforementioned grounds.

Therefore, I, Sohail Khalid, PSP, District Police Officer, Swabi, in exercise of the powers vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975, hereby award Constable Fayyaz Belt No. 511 Major punishment of **Dismissal** from service from the date of his absence i.e. 05.11.2017.

Order announced: On 11.01.2018

12

O.B No. 45 Dated 15 / 1 /2018.

District Police Officer. SX ABL

OFFICE OF THE DISTRICT POLICE OFFICER, SWABL

No. 52-56/PSO, dated Swabi, the 15. / 01 /2018.

Copies to the: -

- L. DSP, H.QRs, Swabi.
- 2. Pay Officer.
- 3. Establishment Clerk.
- 4. Fauji Missal Clerk.
- 5. Official Concerned.

FINAL SHOW CAUSE NOTICE

Whereas, you Constable Fayyaz Belt No. 511, while posted to Police Lines Swabi absented yourself from duty with effect from 05.11.2017 till date without any leave/prior permission of the competent authority and thereby involved yourself in cases vide FIR No. 53 Dated 03.12.2017 U/s 381-A PS Utla, FIR No. 54 Dated 03.12.2017 U/s 381-A/411 PPC PS Utla, FIR No. 55 Dated 08.12.2017 U/s 381-A/411 PPC PS Utla and FIR No. 56 Dated 11.12;2017 U/s 381-A/411 PPC PS Utla, which is highly against the discipline and amounts to gross misconduct.

In this connection, you were charge sheeted and served with summary of allegation and **DSP**, **Razzar** was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry and submitted his findings, wherein, he held you Constable Fayyaz 511 guilty for the misconduct and thereby initiated ex-parte action against you with recommendation for major punishment.

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, **SOHAIL KHALID**, **PSP**, District Police Officer, Swabi in exercise of power vested in me under Rules 5(3) of the Khyber Pakhtankhwa Police Rules 1975 call upon you to show cause finally as to why the proposed punishment should not be awarded to you.

within seven days of the receipt of this notice failing which it will be presumed that you have no explanation to offer.

the undersigned.

You are also at liberty to appear for personal hearing before

District ofice Officer. Swabi.

No. OL Dated: 01/01



Government of Khyber Pakhtunkhwa.

Office of the Superintendent of Police,

Investigation, Swabi.

Phone No. 0938-280266, Fax No. 0938-280268.

To: -

The District Police Officer, Swabi.

No. 10450

(1)

/GB dated Swabi, the 19 / 12 2017.

Subject:

CASE FIR NO. 53 DATED 03.12.2017 U/S 381-A/411 PPC PS UTLA DISTRICT SWABL

 ϕ

(2) <u>CASE FIR NO. 54 DATED 03.12.2017 U/S 381-A PPC</u> <u>PS UTLA DISTRICT SWABI.</u>

(3) CASE FIR NO. 55 DATED 08.12.2017 U/S 381-A/411 PPC PS UTLA DISTRICT SWABL

(4) <u>CASE FIR NO. 56 DATED 11.12.2017 U/S 381-A/411</u> PPC PS UTLA DISTRICT SWABL.

Memo:

Accused Muhammad Fayaz S/o Jamrooz Khan r/o Lohar Serai Utla District Swabi has been charged in the subject cases. Reportedly, the aforesaid accused is serving as Constable No. 511 under your kind control and is posted at Police Lines Swabi.

It is, therefore, requested that the aforesaid accused may please be proceeded against departmentally under intimation to this office.

Copy to OII PS Utla for information w/r dated

Superintekdent of Police, Investigation, Swabi.

No. 10451 /GB,

12.12.2017.

78/9 78/9 20/12/12 For Man 20/12/12

Superintendent of Police, Investigation, Swabi. The Sub Divisional Police Officer, Circle Razzar, Kernal Sher Kelli.

To:

Freen

The District Police Officer, Swabi.

No. 747

DEPARTMENTAL ENQUIRY AGAINST CONSTABLE FAYAZ NO. 511.

Memo:

Subject:

In compliance with your office letter No.42/CC/PSO dated: 11.12.2017 on subject noted above.

dated Razzar the 29 1/2 /2017.

SUMMARY OF WILLEGATIONS:-

/S,

It is alleged that Constable Fayaz No. 511, while posted at Police line Swabi absented himself from duty with effect from 05.11.2017 till date without any leave/prior permission of the competent authority. In this regard, the delinquent was issued a show cause notice vide DPO office No. 279/PSO, dated: 04.12.2017 but he neither received the show case notice nor join back his duty and meanwhile, he has also involved himself in case vide FIR No.55 dated: 03.12.2017 U/s 381A, and FIR No. 56 dated: 05.12.2017 U/s 381A PS Utla, which speaks of his inefficiency and amounts to gross misconduct. Hence summary of allegations.

PROCEEDINGS:-

Constable Fayaz No. 511/FC posted at Police line Swabi was called for so many times to appear before the following dates to record his statement in connection with his departmental enquiry.

| S# | Memo No. | Date of issue | Date of appearance |
|----|----------|---------------|--------------------|
| 1. | 673 | 12.12.2017 | 15.12.2017 |
| 2. | 680 | 15.12.2017 | 18.12.2017 |
| 3. | 687 | 20.12.2017 | 21.12.2017 |
| 4. | 712 | 21.12.2017 | 22.12.2017 |

Constable Fazal No. 511 was failed to attend the office, due to which Ex-part action was also initiated against him vide this office Memo. No.714/S, Dated 22.12.2017. All the relevant contents are attached herewith.

Recommendation:

Therefore, Constable Fayaz No.511/FC is hereby strongly recommended for Major punishillent, please.

Enclosed: (18 -Pages)

ISSUE FSCM, DPO Burnsi

Sub Divisional Police officer, . Circle Razzar, Kernel Sher Kelli.

SUMMARY OF ALLEGATIONS

t is alleged that Constable Fayyaz Belt No. 511, while posted to Police Lines Swabi absented himself from duty with effect from 05.11.2017 till date without any leave/prior permission of the competent authority. In this regard, the delinquent was issued a Show Cause Notice vide this office No. 279/PSO, Dated 04.12.2017 but he neither received the Show Cause Notice nor join back his duty and meanwhile, he has also involved himself in case vide FIR No. 55 Dated 03.12.2017 U/s 381-A & FIR No. 56 Dated 05.12.2017 U/s 381-A PS Utla, which speaks of his inefficiency and amounts to gross misconduct. Hence, summery of allegations and charge sheet issued against him.

MR. SHAH MUMTAZ KHAN, SDPO RAZZAR is appointed t

conduct proper departmental enquiry against him.

Officer. Distri

/CC/PSO No. No. 12 / 12 /2017

:: :

CHARGE SHEET

Whereas I am satisfied that formal enquiry as contemptated by Khyber Pakhtunkhwa Police Rules 1975 is necessary and expedient.

And whereas I am of the view that the allegations it established would call for Major/Minor penalty as defined in Rules 4(b) a & b of the aforesaid Rules.

Now therefore as required by Rules 6(1) of the aforesaid Rules I Mr. Sohail Khalid, PSP, District Police Officer, Swabi charge you Constable Fayyaz Belt No. 511 on the basis of statement of allegations attached to this charge sheet

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and exparte action will be taken against you.

District Holige Officer. SWABL

كورتمنت پېرلىم پېلادد جاب تېر 13/2286 قادم سور - تىدادايك بزادر جرز مورد 2011-20.06 يې نور دا دم سور جابز) مخمنى قارم (پوليس) ما يويس موبه مرحد فارم تمبر ٢٢ فائتل (1)0_117, ilo 0 3/6-1969782 ابتدائی اطلاعی ریورٹ ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس ریورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ توجداری 0369202 مر2028 / ٪ انلم UNA 516 017 56 سب ورسالی 34 تاريخ برا الإن 0:90 S تاريخ ووقت ريورث كل خان دلي عن فرا العان جر 29/3 سال سان جر نام دسكونت اطلاع د منده مستغيث PPL 381A مخفر كيفيت جرم (معددفعه) عال اكر كجهليا كما بو-1285 ب جمعا ب المال فرد بناعد 2/ Km از در م حائ وتوغد فاصله تحاند ب ادرست لمرميكم فلر جرمرحان كن لوصار سرى انك نام وسكونت ملزم بر سر المروية مقدم درج رصد مراجا كا ج کاردائی جوّنتیش کے متعلق کی گنی اگراطلاع درج کرنے میں تو قف ہوا ہوتو دجہ بیان کرو · · ···) ¿]) تھاندےروائلی کی تاریخ وونت مستعيث مندرهم وام حمر 2 بومت ص - يم بخاص تفام ؟ كر بورا يتوان الطلر علي ودر في لو مناحر من فيك بزي 7.27 ما دم لو نو کسلا ما ول سن مجر بنو 10 با الد DSE 893443 بن DSE 893443 بند مرح مور م 17 که مع الم وفد بالا كمر أكر ي لاك منا)، ركر فرد جلاً من ا فره جد، من كون جد كموارد من الله الم مر الذي جيرديد فود، كر مدرسا فرق درم موجود بايا جسكر مان / ملزمان نا مدام ف سرقه كر لے تیا بتا تی ازمان مدر ارمول سائیل کی تلات و بن برارل کر مطابقا بر بی دج رو او م دربری آفی جادب مجه دادر معلومات مکل نسبن واغلی حوث مجم مرتز سائی ملکرت فرم مذکر كو فرياين دارجروز سي اوجار الدين الله فر مرقد كر الله الله موار معايش في سرتد آن کا درخدف مزج بالا دیو ارار هوی اله الم الدان از کسی سرگفته سان د بورف درج ما أ. حوكر در در منايا سجعارا قرا در مقل ۲ ، در مقا در مت اما حسّى من لعك دني ا حود العرب الورث على صوريت جمر بالدي با في حاك مفهم ودج دحد فرت لقول Fir ا تعسيس جرالمانجاد الألم كمن من فاقام كلطالا في يرج تزادس بع TG'PJUDU 1.12.017

مرجم ب 1620) - 3704505 فارم شور تعداد اي بزاريد فذين 1020 - (2016) قرر (ندم شور جايز) مورنمن پريس بنادر جاب نبر 11322 فارم شور تعداد اي بزاريد فذين 102006 - 2010 قرر (ندم شور جايز) 7006 - 505 - 533 یں عوبہ مرحد فارم مبر ۲ **ابتدائی اطلاعی ریږر میں** ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیرد فعہ ۱۵ مجموعہ خواط فوجداری فارم تمبر ۲۳_۵ ضلع <u>بالمحمد من المحمد المحمد</u> 33 11- 14:00 - 14:00 - 14:57103 . ريخ ودفت ريور ٺ مساجد خان ام لرت مع دمناه قرار مذا لع 30/2 ممال كذ أن في و اوسکونت اطلاع د منده مستغیث مرکیفیت جرم (معدوفعه) عال اگر کچرایا گرا بود از کی اقد او تر در در ۲ که / اولیم می کا مسل در بی جانب غیر مسجود دنداها به در ۲۰ م ادسكونت اطلاع د بهنده مستغيث ے دقوعة فاصلة خان جار محمد من خان سكن لوجار على أيلان را وين خان ركبر رني خان سكن من المرار سمري دور ورجوم الما 2 دائی جڑھنیش کے متعلق کی گئی اگراطلاع درج کرنے میں تو قف ہوا ہوتو وجہ بیان کرو Jischic <u>مەسەردانگى كى تارىخ دونت</u> ےردائی کاری دوت بخاصر ماندا من اکثر اور در مرور الکی اطلاع کی نیچ در بنا کو مرد ما نظل مزید محفان مزر در دست صدر ب برنگ سرج تی سنر بنر 38 88 64 14 بن بنر کا 39 38 37 مرد خر اللہ 30 کا در من مور الد کار کا دل ک بمناكا الح وقع بالا كراكر كرك لدى كالرر لقر بثما ولريع تصن بعد والجس كرجائ متوع ب ا بن موارسا شکل عدم معرجد با با جو ملز //ملز مان نا سلوم ف سر قد کرتے لے تکما دلورس میں دوری ۲ رجم يرجونى تم من ملزمان المرمويز انبل أن يست تلا من و به براد ماكر دوما عقارب مجد الجد معادمات مكل لعكر افى و لقتلى حوث بيع كم موير سا أيكل ملكيت خور متمذكر ده بالاكوم محربها من دلم جيوزخان ركدة لوصار سين الله امر البذخان دلم رزين خان محمد مسين كديران ت سم قد کرے لے کہا بھ دن سودن میں نیک مند ند و بالا کے سم قید تی کا برغاد ف بر و بلزمان بالاد الح حسب الفنة ما نل د تورث درج الدعوكر دبرينا م در مرز كا تكرير دستا الله مي على عن لفنديق كرما عود معز ن ديور ف مرا جرم بالاكا بان حاكم معدم، بجرًا با لا درج رصير عوتر (فغ ل Fir عبراد لتعقيش حوالم انجارج الزمسي كَيْن سناز الل جاف میں برج گزادس 2 TASI-PS.CITTA. 0-12.1

ORDER.

This order will dispose-off the appeal preferred by Ex- Constable Fayaz No. 511 of Swabi District Police against the order of District Police Officer, Swabi, whereby he was awarded Major punishment of dismissal from service vide District Police Officer, Swabi OB No. 48 dated 15.01.2018.

Brief facts of the case are that, the appellant while posted at Police Lines, Swabi absented himself from duty with effect from 05.11.2017 till the date of his dismissal without any leave or prior permission of the competent authority and meanwhile, he was also involved himself in case vide FIR No. 53 dated 03.12.2017 u/s 381-A PPC PS Utla, FIR No. 54 dated 03.12.2017 u/s 381-A/411 PC PS Utla, FIR No. 55 dated 08.12.2017 u/s 381-A/411 PPC PS Utla and FIR No. 56 dated 08.12.2017 u/s 381-A/411 PPC PS Utla which is highly against the discipline and amounts to gross misconduct. In this connection he was issued a Show Cause Notice. He was directed time and again to receive his Show Cause Notice but he did not bother to receive, as such he was served with Charge Sheet and summary of allegations and SDPO Razzar was appointed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. The Enquiry Officer submitted his findings wherein he found the alleged Constable guilty for the misconduct and recommend him for Major Punishment. The District Police Officer, Swabi perused the enquiry papers, findings and by agreeing with the Enquiry Officer issued him Final Show Cause Notice and as per rules, he was bound to receive his Final Show Cause Notice but neither he attended the office nor collected Final Show Cause Notice, which means that he has nothing to offer in his defence and hence, deserves the ex-parte action on the aforementioned grounds. Therefore he was dismissed from service from the date of absence i.e 05.11.2017.

On his appeal for re-instatement in service, he was called in Orderly Room held ir this office on 07.03.2018, and heard him in person, but he did not produce substantial proof/evidence in his defence. So, Officer Incharge of the cases alongwith case file was called to ascertain the real fact. The Officer Incharge confirmed his involvement in the stolen property cases and disclosed that during the investigation of the case the stolen property was recovered from possession of the appellant. Therefore being involved in a heinous crime against humanity, involvement in such like shameful acts, his retentio in Police Service shall certainly affect the dignity and image of Police Force as well as his colleagues. Th appellant has no right for retention in Police Department, besides the appellant was also discharged from service earlier on 17.10.2012. The appeal is rejected.

1605

Dated Mardan the 13/03

ORDER ANNOUNCED.

1413.

OBI

No. 1504

/ES,

(Muhammad Alam Shinwari)PSP Regional Police Officer, /Mardan

/2017.

Copy to District Police Officer, Swabi for information and necessary action w/r ut his offi Memo: No. 57/Insp: Legal dated 28.02.2018. The Service Record is returned herewith. waln (******)

Meip. 3/10/13511 4/10/1600 5/1 NE 10 july 1 $\boldsymbol{\theta}_{\boldsymbol{\lambda}}$ 1,5 28/17, Mat Curde 13/1 3 al forivardeel Six Pt/Swabr forwarded -17 23-Por Pay sterred 24-11-17 Pson Assue B.H. DWH T.J. SING day 17 24-

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

Service Appeal No. 150/2019.

Muhammad Fayaz Ex-Constable No. 511..... Appellant

VERSUS

WRITTEN REPLY ON BEHALF OF RESPONDENTS.

1. <u>Preliminary Objections.</u>

1:

7.

2.

3.

- 1. That the appellant has got no Cause of action and locus standi to file the present appeal.
- 2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
- 3. That the appeal is time barred.
- 4. That the appellant has not come to the Tribunal with clean hands.
- 5. That this Hon'ble Tribunal has got no jurisdiction to entertain the present appeal.

6. That the instant appeal is not maintainable in its present form.

That the appellant concealed the material facts from this Hon'ble Tribunal.

- 8. That the appellant has been estopped by his own conduct to file the appeal.
 - 2. <u>REPLY ON FACTS.</u>
- Para No. 01 of appeal to the extent of appointment of appellant as Constable is correct, however appellant at initial stage of his service proved himself an inefficient Police official. Appellant while undergoing recruit course had stolen an amount of Rs. 4995/- from various recruits and upon search stolen amount Rs. 4800/- and one stolen camera was recovered and proper FIR against him was registered, resultantly discharge from service (Copy of discharge is annexed as Annexure A & B).
 - Para No. 02 of appeal to the extent of falsely involvement in FIRs is incorrect. Appellant during service involved himself in the offences of moral turpitude and arrested in such cases.
 - Para No. 03 of appeal to the extent of acquittal of appellant is correct, however appellant patch up the matter and enter into the compromise with complainant

party on the basis of such compromise trial Court acquit him on technical ground whereas compromise amounts to admission of guilt.

Para No. 04 of appeal to the extent of dismissal is correct, however such order was passed after proper departmental enquiry. Appellant filed departmental appeal which was rejected by the respondent No. 2 vide order dated 13.03.2018. Appellant also filed review petition before respondent No. 1, which was rejected being time barred.

Appellant has got no cause of action to file the instant appeal which is badly time barred and groundless.

GROUNDS.

5.

A.:

- Incorrect. The orders of respondents dated 15.01.2018, 13.03.2018 and 01.01.2019 are quite legal in accordance with law/rules.
- В. Incorrect. Appellant was treated in accordance with law/rules.
- С. Incorrect. After proper departmental enquiry appellant was found guilty and dismissed from service through speaking order.
- D. Incorrect. Reply already given vide para above.
- E. Incorrect. Proper opportunity of defence was provided to appellant, but he failed to prove himself innocent.

F. Incorrect. Reply already give vide paras above.

- G. Incorrect. Appellant being member of force, suppose to protect life and property of public, but he himself snatched the property of public and brings bad name to the institution.
- Η. That respondents also seek permission of this Hon'ble Tribunal to advance further grounds/proofs at the time of argument.

It is therefore humbly prayed that the instant appeal may very kindly be dismissed.

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Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. **Respondent No. 1)**

Deputy Inspector General of Police, Mardan Region-I Mardan (Respondent No. 2)

District Police Officer Swabi,

(Respondent No. 3)



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

Service Appeal No. 150/2019.

Muhammad Fayaz Ex-Constable No. 511..... Appellant

VERSUS

AFFIDAVIT:-

We the respondent No. 1 to 3 do hereby solemnly affirm and declare on oath that the contents of the written reply are correct/true to the best of our knowledge / belief and nothing has been concealed from the honorable Tribunal.

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. Respondent No. 1)

Deputy Inspector General of Police, Mardan Region-I Mardan (Respondent No. 2)

District Police Officer Swabi, (Respondent No. 3)

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

offer

<u>ORDER.</u>

Recruit Constable Muhammad Fayaz No. 1245 while undergoing recruit course at PTC Hangu involved himself in case FIR No. 726 dated 18.09.2012 u/s 380/411 PPC Police station City District Hangu, which is highly against the discipline and amounts to gross mis-conduct.

Therefore, I, Abdur Rashid, District Police Officer, Swabi, in exercise of the powers vested in me under Police Rules 1975, hereby award Recruit Constable Muhammad Fayaz No. 1245, Major Punishment of discharge from service under Police Rules 12-21 with immediate effect.

OB No. 1116 Dated <u>17.10 - /2012</u>.

Attested

-sd-(Abdur Rashid) District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. <u>1690-94</u>/PA, dated Swabi, the <u>17 (10</u>/2012.

Copies to the:-

 Deputy Inspector General of Police, Mardan Region-I, Mardan for favour of information w/r to his Dairy No. 3303 dated 05.10.2012

2. Pay Officer.

- 3. Establishment Clerk.
- 4. Fauji Missal Clerk.
- 5. Official concerned.

appellant patch up the matter and enter into the compromise with complainant

1245 S Annexure - A LICE OFFICER, SWABL <u>380788</u>. Recruit Constable Muhammad Pavaz No.1245, while unucryolog received ourse at FTC Hange involved himself in case FIR No.726 dated 18 09.2412 afs. 380.411 PFC-Police Station City District Hange, which is highly against the discipline and an puets to gross this-conduct. Therefure, I. Abdur Rashid, District Police Officer, Swabi, in convise of the powers vested in me upder Police Rules 1975, hereby award Reprus Collision): Etchermed Fagin, NUL1245, Major Punishment of discharge from service under it dee icules 42-21 with ammediate offect. CR 1116. and 17-16/2014 Resisio) District Police Officer, Swah-<u>LEOLICE OFFICAR SWARL</u> P.A., dated Stynhill, Big. 1777 P.M.2. Capies to the H 4. Depays inspector Coneral of Police, Mardae Legionel 121, confor Accor of information with this office Daily Null Mile each vo.10.2012. . Pay Officer. Establishmen, Clerk, Frank Williss Clerk. 5. Otheral democrated.

Ph # 0925-621886 Fax # 0925-623236

OFFICE OF THE COMMANDANT POLICE TRAINING COLLEGE HANGU

The District Police Officer, Swabi.

/CC, Dated Hangu the 18 10 /2012.

Subject:-

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· To:

No.

r. Statestatest

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No.

CASE FIRE NO. 726 DATED 18.09.2012 U/S 330/411PPC PS HANGU

Merno:

Junior Recruit Muhammad Fayyaz No. 1245 of your District had stolen an amount of Rs. 4995/- from various recruits. On search, a sum of Rs. 4800/- with a Camera was recovered from him. To this effect, proper case had been registered against him. He was sent to the Jail. His bail application has now been admitted on 26.09.2012.

He is unable to be retained in the PTC, therefore he is returned to the District as unqualified vide O8 No. 841 dated 15 10.2012. He is recommended to be discharged from service under Police Rule No. 12-21. Enquiry papers with photocopy of FIR are also enclosed hopewith please.

Commandant Police Training College. Hang.

C. Dated Hangu the

Copy to Addl: Inspector General of Police Operations & Training, Khyber Pakhtunkhwa, Peshawar for information please.

/2012:

Commandant, Police Training College, Alang.