

FORM OF ORDER SHEET

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

Case No. - \_\_\_\_\_ 770/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	05/04/2023	The appeal of Mr. Muhammad Avaz resubmitted today by Syed Noman Ali Bukhari-Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____

By the order of Chairman


  
REGISTRAR

The appeal of Mr. Muhammad Ayaz Ex-Inspector Firearms Section Fst Khyber Pakhtunkhwa received today i.e. on 27.03.2023 is incomplete on the following score which is returned to the co Counsel for the appellant for completion and resubmission within 15 days.

Annexure-C of the appeal is illegible which may be replaced by legible/better one.

No. 1024 /S.T.

Dt. 28/03 /2023

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

M. Asif Yousafzai Adv.  
High Court at Peshawar.

Respected sir

1. illegible copy replaced by better copy  
objection Renew, file re-submitted.  
7/4/23  
5/4/23.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 770 /2023


Muhammad Ayaz

V/S

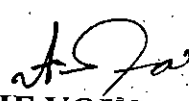
Police Deptt:


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APPELLANT  
Muhammad Ayaz

THROUGH:

  
(M. ASIF YOUSAFZAI),  
ASC

&   
SYED NOMAN ALI BUKHARI  
(ADVOCATE, HIGH COURT)

①

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 770 /2023

Muhammad Ayaz Ex-Inspector, Firearms,  
Section Fsl, Khyber Pakhtunkhwa, Peshawar.

.....(Appellant)

**VERSUS**

1. The Director forensic Laboratory, KPK Peshawar.
2. The AIG of Police (Investigation) KP, CPO, Peshawar.

.....(Respondents)

**APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 06.01.2023 WHEREBY, THE APPELLANT COMPULSORY RETIRED FROM THE SERVICE AND AGAINST THE ORDER DATED 02/03/2023 WHEREBY, THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.**

**PRAYER:**

**THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 06/01/2023 AND 02/03/2023 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.**

**RESPECTFULLY SHEWETH:**

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**FACTS:**

1. The appellant was enlisted in Police force as foot constable, served for long period of 31/32 years and in recognition of efficient working and outstanding performance, reached to the status of Inspector and also has good service record throughout.
2. That statement of allegation and charge sheet under police rules 1975 was served in which the appellant was charged for allegations as mentioned in charge sheet. The appellant properly replied to the charge sheet and denied all the allegations. **(Copy of statement of allegation, charge sheet and replied are attached as Annexure- A, b & C).**
3. That the proceedings are one sided and as per law / rules, the appellant was not associated with the inquiry proceedings to express his view point, regarding the alleged charges. The inquiry was conducted against the appellant but no inquiry report was provided to appellant along with show cause and not give a proper chance to appellant to defend himself. **Copy of the inquiry report is attached as annexure-D.**
4. That show cause notice was issued to the appellant which was properly replied by the appellant and denied the entire allegations. on the completion of proceedings, the appellant was awarded major penalty of punishment of compulsory retirement from service vide order dated 06.01.2023 under subject without any cogent/solid reason on record. **Copy of show cause , reply and inquiry report are attached as annexure-E, F & G.**
5. That the appellant feeling agrived filed departmental appeal, which was also rejected on dated 02/03/2023 for no good ground. **(Copy of departmental appeal and rejection order are attached as Annexure- H & I).**
6. That now the appellant come to this august Tribunal on the following grounds-amongst others.

**GROUND:**

- A) That the impugned order dated 06/01/2023 and 02/03/2023 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has been condemned unheard and has not been treated according to law and rules.
- C) That neither the appellant was associated with the enquiry proceedings nor has any statement of witnesses been recorded in the presence of appellant. Even a chance of cross examination was also not provided to the appellant which is violation of norms of justice.

- D) The whole inquiry proceedings are based on mala-fide; partiality and the impugned order dated 06.01.2023 has been passed in clandestine manner, total disregard of the available record, the law and rules on the subject, the norms of justice and fair play. Principle of justice would be violated.
- E) That Perusal of inquiry proceedings clearly reflects that there are no incriminating materials even the statement of complainant was also not recorded which can condemn or connect the appellant with the alleged charges but dragged for the reason as member of the Section / Branch. **Copy of application is attached as annexure-J.**
- F) That cabinet which is housed by many predecessors/persons. The cabinet was in excess of all and sundry working in the laboratory. However, instead of first fixing responsibility of the actual charge over the cabinet and ammunition, the appellant was arraigned and penalized on the basis of surmises and conjectures, which is quite unjust.
- G) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- H) The appellant belongs to middle class family, the service is his only source of earning and the awarded penalty shall be huge loss to him, his carrier as well family, for no good reasons, hence requires sympathetic consideration.
- I) There is not an iota of evidence, connecting the appellant prima-facie with the alleged act of misconduct hence cannot be adjudged / assessed from recorded evidence during the course of inquiry proceedings. But all proceeding was conducted due to personal grudges.
- J) The impugned order is in glaring violation of the principles of natural justice and principle of good governance, as no evidence has so far been collected by worthy Inquiry Committee to fix responsibility on the appellant.
- K) The inquiry proceedings have not been conducted as per provision, contained under Rule 6 of police rules 1975 as the appellant was not afforded the opportunity of cross examination on the witnesses, examined by worthy committee.
- L) The impugned orders are unjust, unlawful and without authority / jurisdiction hence illegal and void ab inito as the charges i-e not maintaining stock register and recovery of charas from cabinet, don't involve ill-intentions or malafide.

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M) That the appellant's guilt has not been proved beyond the shadow of doubt and the appellant has been punished on the basis of conjecture and surmises.

N) That no chance of personal hearing was provided to the appellant and as such the appellant has been condemned unheard throughout.

O) That Bare perusal of the finding report (Annexure D) does not reflect any direct or indirect evidence but based on here say, the major penalty in such situation, not sustainable; (reported in judgment 2005 PLS (C.S) 1559), The inquiry Committee has not disposed off inquiry proceeding in proper/legal way rather without collecting cogent evidence against appellant but completed it in haste, superfluous and slipshod manner. Therefore, awarding major penalty on the basis of such recommendations, are unjust, inappropriate and uncalled for, The Superior Courts have strongly condemned this short cut proceedings without recording evidence in disciplinary proceedings, reported in judgments, depicting as under:-

PLJ 2005(CS 113)  
2005 PLC (CS 1384)  
2004(SCMR 1662)  
2005 PLC(SC 1544).  
2004 (CS 1505).  
2004 SCMR 630  
2004 SCMR 116.

P) That no witness was examined in presence of appellant and he was also deprived of the right of cross examination hence appellant was reinstated and considered to entitle for full back benefits, in reported judgment 2005 PLC(CS)1527 of superior court.

Q) The appellant was enlisted in Police force as foot constable, served for long period of 31/32 years and in recognition of efficient working and outstanding performance, reached to the status of Inspector.

R) The inquiry proceedings have not been conducted in accordance with Rule 6(ii) of Rules 1975 (as amended in 2014), as the Enquiry officer has not afforded a fair opportunity to the Appellant to adduce defense evidence and thus deprived the Appellant of the fundamental right of self defence. Rule 6(ii) provides procedure as under:-

"The inquiry officer shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of accused as may be considered necessary and the witnesses against him". Therefore, the whole proceedings are against the principle of justice: *audi altram partem* and cannot be used against the Appellant.

S) That the report/findings of the Enquiry Committee are also in violation of Rule(v) of Police Rules, 1975. The Rules, reproduced hereunder in verbatim, make it obligatory upon the Enquiry Committee to reach conclusion about guilt or innocence of an accused official on the basis of cogent reason. No such reasons have been given by the Committee to connect the role of the Appellant to the alleged commission. Therefore, the findings/recommendations of the Enquiry Committee are void ab initio

violating the law and the basic right of the Appellant. The same are not maintainable and can be used adversely against the Appellant.

T) That Worth to highlight that no stock register in the Arms Ammunition branch has ever been maintained since the FSL establishment and neither, on the appellant's posting the same has been delivered nor such a lacuna was ever pointed out by any senior officer inspecting the Laboratory So far as the charge of stock register, allegedly stated in home is concerned, is not supported by any plausible and unrebutted evidence, therefore, it is based on surmises and conjecture. Such a bald findings, targeted to devastate the career of a senior officer, who has an unblemished service record, is highly inappropriate and damaging. Therefore, the same is not to be considered against the interest of the Appellant.

U) The action against the Appellant is also illegal in the sense that the Appellant acted in accordance with the settled procedure and practice since the very inception of the FSL but only the Appellant has been maligned and punished. Such Register was never maintained by the concerned incharge of the branch, never checked by any supervisory officer nor was any advice given to the Appellant to maintain it. But neither my predecessors nor the supervisory officers, responsible for monitoring the performance of the subordinates were charged for such negligence, if any. Therefore, the Appellant has been singled out in isolation for reasons beyond the apprehension of the Appellant.

V) The Committee has never made serious efforts to ascertain as to whether any of BUNG the live ammunition sent to the FSL were missing or otherwise. The ammunition 4211 sent to the FSL are recorded in every case diary, those used in test are also recorded and the left over rounds could also be counted. But the Committee has made no conscious attempt to find out whether any round(s) was missing or otherwise. It is my solemn affirmation that not a single bullet has misplaced from the FSL as these rounds are of no use elsewhere.


W) That the ammunition brought for testing in the Lab are normally used and those spared live are of no use. Therefore, there is no question of any loss to the Public exchequer. The record of the FSL shows that such left over ammunition was never utilized by the Department nor auctioned to fetch some revenue for the Government. When there is no question of loss to Government property, inflicting such a harsh punishment on the Appellant is unjust and improper.

X) That the Committee in its findings has not spelled out "NEGLIGENT" act of the Appellant and levelled the charge on mere presumption. Therefore on the basis of mere presumption, awarding major punishment to the appellant by the learned authority is uncalled for, unjust and very harsh. Such treatment with public servant has been deprecated by the Apex Court of the country. Referring the Hon'able Supreme Court Judgments (i) 2002 SCMR 857, (ii) 2005 PLC(CS)1559 (iii) 2005 PLC(CS)1527: No witness was examined in presence of appellant and he was also deprived of the right of cross examination hence appellant was reinstated and considered entitle to full back benefits.

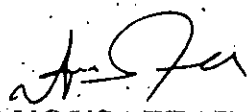


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Y) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

  
APPELLANT  
Muhammad Ayaz

THROUGH:

  
(M. ASIF YOUSAFZAI),  
ASC

&   
SYED NOMAN ALI BUKHARI  
(ADVOCATE, HIGH COURT)

(7)

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.**

SERVICE APPEAL NO. \_\_\_\_\_/2023

Muhammad Ayaz

V/S

Police Deptt:


**CERTIFICATE:**

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.


DEPONENT

**LIT OF BOOKS:**

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE
3. Any other case law as per need.

  
APPELLANT  
Muhammad Ayaz

THROUGH:

  
(M. ASIF YOUSAFZAI),  
ASC

&   
SYED NOMAN ALI BUKHARI  
(ADVOCATE, HIGH COURT)

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. \_\_\_\_\_/2023


Muhammad Ayaz

V/S

Police Deptt:

AFFIDAVIT

I, Muhammad Ayaz (Appellant), do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honourable Tribunal.

  
DEPONENT

Muhammad Ayaz



A

Forensic Science Laboratory  
29, Sector B-1 Phase-V Hayatabad  
Khyber Pakhtunkhwa Peshawar  
Tel. 091-9217394 / Fax. 091-9217251  
No 561/FSL Dated 26/07/2022

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CHARGE SHEET

I, Waqar Ahmad Director FSL, Khyber Pakhtunkhwa Peshawar as competent authority, hereby charge you Inspector Muhammad Ayaz Incharge Firearms Section FSL as follows:-

1. That you Inspector Muhammad Ayaz Khan of Fire Arms Section FSL Peshawar have a large number of live cartridges and you have not maintained a proper register for inventory and live cartridges despite instruction from seniors previously.
2. When DSP Admin FSL asked you for stock register you have told that the register was at your home.
3. That you have never informed your seniors regarding unaccounted live cartridges and inventory.
4. Storing large number of ammunition in a haphazard and unsafe way could have resulted in accidental mishap at FSL.
5. Upon search of the Fire Arms Section by DSP Admin FSL, 68.5 grams (gross weight) CHARAS was recovered from your cabinet under lock & key was opened with keys by yourself in the presence of Rahat Ullah (incharge HR) and Sana Ullah (Line Officer FSL).
6. The above mentioned allegations shows your lack of interest in official duty and attempt to misappropriate govt. property (unused ammunition). It is not clear at this stage as to how much ammunition you have taken away from FSL for your personal gains.


By reasons above, you appear to be guilty of misconduct under Rule-3 of Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid:

Your written defence if any should reach the Enquiry Committee, within the specified period, failing which it shall be presumed that you have no defence to put in and in that case exparte action shall be taken against you.

You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.

Intimate whether you desire to be heard in person or otherwise.

A statement of allegations is enclosed.

  
(WAQAR AHMAD) PSP  
Director

Forensic Science Laboratory  
Khyber Pakhtunkhwa  
Peshawar



303

Forensic Science Laboratory B  
29, Sector B-1 Phase-V Hayatabad  
Khyber Pakhtunkhwa Peshawar  
Tel. 091-9217394 / Fax. 091-9217251  
No. 562-6/FSL Dated 26/07/2022


### DISCIPLINARY ACTION

I Waqar Ahmad, Director FSL, Khyber Pakhtunkhwa Peshawar being competent authority am of the opinion that you Inspector Muhammad Ayaz Khan of Firearms Section FSL have rendered yourself liable to be proceeded against departmentally, as you have committed the following acts of omissions/commissions within the meaning of Rule-3 of Police Rules 1975.

### STATEMENT OF ALLEGATIONS

1. That you Inspector Muhammad Ayaz Khan of Fire Arms Section FSL Peshawar have a large number of live cartridges and you have not maintained a proper register for inventory and live cartridges despite instruction from seniors previously.
2. When DSP Admin FSL asked you for stock register you have told that the register was at your home.
3. That you have never informed your seniors regarding unaccounted live cartridges and inventory.
4. Storing large number of ammunition in a haphazard and unsafe way could have resulted in accidental mishap at FSL.
5. Upon search of the Fire Arms Section by DSP Admin FSL, 68.5 grams (gross weight) CHARAS was recovered from your cabinet under lock & key was opened with keys by yourself in the presence of Rahat Ullah (incharge HR) and Sana Ullah (Line Officer FSL).
6. The above mentioned allegations shows your lack of interest in official duty and attempt to misappropriate govt. property (unused ammunition). It is not clear at this stage as to how much ammunition you have taken away from FSL for your personal gains.

For the purpose of scrutinizing with reference to above allegations Enquiry Committee comprising of Mr. Irshad Khan SSP Investigation and Mr. Janan Habib DSP Investigation has already been constituted.

  
(WAQAR AHMAD) PSP  
Director  
Forensic Science Laboratory  
Khyber Pakhtunkhwa  
Peshawar

Copy of above is forwarded to the:-

1. Addl: Inspector General of Police, Investigation, Khyber Pakhtunkhwa Peshawar for kind information.
2. Mr. Irshad Khan SSP Investigation CPO, Peshawar.
3. Mr. Janan Habib DSP Investigation, CPO, Peshawar.

C 09 11

Before the Hon'ble Director Forensic Science Laboratory KP, Peshawar

Through: proper channel

Subject: REPLY TO CHARGE SHEET WITH SUMMARY OF ALLEGATIONS

Respected Sir,

I have the honor to refer charge sheet under subject, issued vide No 261 FSL dated 26/07/2022, submitting that the alleged charges do not involve any mala-fide or ill-intention, therefore, are unwarranted rather unjustified.

PRELIMINARIES

- i. The charge sheet is based on surmises and conjectures and there are no solid, proof/incriminating materials to substantiate the charge.
- ii. The left over ammunition is kept in the safe drawers in the Arms Wing of FSL and since decades and had there been ill-intention of the undersigned, the same would not have been found in store since long.
- iii. The office of FSL is visited by all and sundry official from Police and access to it is not exclusive for the undersigned.
- iv. The charas, allegedly recovered, is age old and in a very meager quantity i.e. 68 grams and it is not useable, so it is out of question how criminal intent can be attached to it.
- v. Suspension is not justifiable and attracts Rule 16.18 Police Rules 1934 r/w 43 FR.

FACTUALS

- 1. The ammunition in the safe drawers has been kept as per past practice, within the knowledge of the seniors, who always frequently visited the section and examined the same. Their instructions in this regard have been duly complied with. Had any instruction for storing the left over ammunition issued, the same would have been complied with. Rather the undersigned have for more than once requested that a separate safe place be provided but the requests are yet to be materialized.
- 2. The stock register has never been maintained since existence of FSL, i.e. year 1976 and the undersigned had never told the officer mentioned that he would produce the same. It is further explained that ammunition is not left over in each and every case. As per set procedure, 5 five rounds are provided, which are normally consumed in the test. Very rarely, in some cases, more than 5 rounds are supplied, which are stored in the allotted drawers since 1976. Since the establishment of the FSL, no one has pointed out that proper account of the same has to be maintained. Had such instructions issued previously, proper arrangement for the same could have been made. The ammunition storage practice is as old as the age of the FSL, therefore, it is not useable/practicable anywhere.

Reply received

mp  
01/08/2022

01/08/22

(Incharge Fire Arms Section FSI)

Inspector

Muhammad Ayes

(Obdiently Yours)

Reply received today on 1/8/2022

Further requests for personal hearing to explain the circumstances, behind the alleged charge, without further proceedings and substance, therefore, requesting that the charge sheet may very kindly be filed/withdrawn in circumstances, the alleged charges bear no authenticity, being without merit and justifies my release from suspension, as per aforesaid provision.

work but also amounts to additional penalty. The circumstances, therefore warrants unnecessary suspension should be avoided because it not only suffers the assigned ground, violating Rule 16.18 Police Rules 1934 wv 43 FR which clearly speaks that I have been placed under suspension without any justification and on no good irregularity or offence.

and nothing incriminating can be brought forth to implicate the undersigned with any over in the above paras are based on mere presumptions, surmises and conjectures nothing adverse has so far been reported against undersigned. That the charges spread I have put in 32 years of service length to the entire satisfaction of my seniors and intentionally and that too for use and safe.

quantity and the age of the charas, it is amply proved that the same was never kept it be before my *Pascal* to this section in December 2024. Keeping in view the stuff alongwith the ammunition inadvertently, without knowledge of the undersigned, may observed this stuff in the ammunition. It is just possible that the same has been placed quantity and very old. It is not usable. I declare on solemn affirmation that I never So far the charas recovery from the drawer is concerned, the same is very meager it. Even today, no such alternate place for the same could be provided.

There is no other alternative available for the undersigned to shift the ammunition to That unit and unless a safe place is provided by the FSI, management for the same safe place in the building.

That the seniors while visiting the Arms Wing of the FSI, have always seen the left over ammunition and no such inspections have every been issued to store it in some other place, though I had verbally requested many times for the provision of safe place for the same but the request could not be entertained due to non-availability of safe place in the building.

12

انکوائری رپورٹ

D

13

(H)

بنام: انچارج فائر آرمز سیکشن محمد آریز خان انسپکٹر FSL پشاور

بحوالہ چارج شیٹ نمبری FSL/56 مورخہ 26.07.2022 مجاریہ ڈائریکٹر FSL پشاور

جناب عالی!

1- انکوائری ہذا منجانب افسران بالا SSP/Investigation و ڈی ایس پی ایڈمن انوسٹی گیشن یونٹ سی پی او پشاور کو حوالہ ہوئی۔

2- ایک قطعہ چارج شیٹ FSL/56 مورخہ 26.07.2022 بنام انچارج فائر آرمز سیکشن محمد آریز خان انسپکٹر FSL پشاور پر تقسیم کیا گیا ہے۔

3- مدد 06 روز نامچہ 01.07.2022 ایف ایس ایل پشاور میں رپورٹ ذیل ہے:-  
اس وقت جناب ڈی ایس پی ایڈمن صاحب سبج لائن آفیسر اور راحت اللہ HR بحکم افسران بالا فائر آرمز سیکشن کی چیکنگ بابت شک رجسٹر کی گئی تو مذکورہ سیکشن میں بھاری مقدار میں مختلف بور کے زندہ کارتوس پائے گئے۔ جس کی نسبت انچارج سے پوچھا گیا تو اس نے بجواب بتلایا کہ اسٹاک رجسٹر گھر پر ہے۔ شک رجسٹر کی نسبت تسلی بخش جواب نہ دے سکا۔ اسٹاک رجسٹر کے بارے میں مذکورہ انچارج نے افسران بالا کو بے خبر رکھا تھا۔ جبکہ مذکورہ بالا سیکشن انچارج کا یہ فعل اپنی جائز ڈیوٹی میں عدم دلچسپی ہے۔ مذکورہ سیکشن میں سنور فائل دیکھ کر الماری خالی کیا گیا اور زندہ کارتوس کی گنتی کے لیے اس کے بعد سمیٹی بنا کر تفصیل کو تحریری طور پر سامنے لائیں گے۔ بعد میں انچارج فائر آرمز سیکشن کو بتلایا گیا کہ پرسنل لا کر کھولا گیا تو لا کر سے پلاسٹک میں بند چھ عدد شاپر میں جس برآمد ہوئی۔ موقع پر وزن ہو کر مجموعی وزن 68.5 گرام نکلی جب انچارج سے منشیات کی نسبت دریافت کیا گیا تو کوئی تسلی بخش جواب نہ دے سکا۔ انچارج نے منشیات غیر قانونی طور پر اپنی لا کر میں رکھے تھے۔ برآمد شدہ جس بند پہ پارسل کیا گیا۔ تمام کارروائی کی ویڈیو ریکارڈنگ کی گئی۔ جس کے خلاف رپورٹ درج روز نامچہ کر کے افسران بالا کو ارسال کی گئی۔

SSP-1 NV  
31-08-2022

4- رپورٹ پر ڈائریکٹر FSL نے ثناء اللہ لائن آفسر، ظہور خان انسپکٹر کیمیکل سیکشن، صفدر خان انسپکٹر FPB سیکشن  
و تصدیق کنندہ خالد انور خان ڈی ایس پی ایڈمن پر مشتمل سمیٹی بنا کر بحوالہ آرڈر نمبر FSL/63-460

31-08-2022



12 14

موردہ 01.07.2022 مقرر ہوئی۔ کمیٹی نے فائر آرمز سیکشن کے آفس میں موجود کیبنٹ الماری سے ذیل زندہ کارتوس مختلف بورہائے پائے گئے جس کی تفصیل ذیل ہے۔

File Rex Locker No. 01			
Bore	Quantity	Bore	Quantity
303	84	7.62	115
12	83	44	27
7.62 G-3	30	.223	56
7.92	4	.222	89
30	219	9mm	123
8mm	11	7mm	23
38	14	32	19
7.65	66	2.2	2
25	5		
File Rex Locker No. 03			
Bore	Quantity	Bore	Quantity
12	125	30	175
9mm	25	7.62	112
.223	1	.222	11
File Rex Locker No. 04			
Bore	Quantity	Bore	Quantity
12	680	303	336
7.62 G-3	23	7.62	28
8mm	42	.223	11
.222	12	44	3
7mm	38	7.92	56
30.6	19	30	22
7.65	3		

SSP-INV-  
31-08-2022

sd/-Member  
Insp: Safdar Khan  
Incharge FPB Section

sd/-Member  
Sanallah LO FSL

sd/-Member  
Insp: Zahoor Khan  
Incharge Chemical Section

verified by  
sd/-

Khalid Khan DSP/Admn  
FSL, Peshawar

1315

Detail of live cartridges for the period from 01.01.2021 to 30.06.2022, ( 18 months Fire Arms Section FSL)				
S.No.	Caliber	Received	Available in Rex (Locker)	Difference
1	SMG 7.62 Bore	8410	255	8155
2	12 Bore	2185	888	1297
3	303 Bore	660	420	240
4	223 Bore	375	68	307
5	222 Bore	195	112	83
6	7mm	130	61	69
7	8mm	100	53	47
8	44 Bore	15	30	15
9	7.92 Bore	20	60	40
10	G-3	10	53	43
11	30 Bore	19685	416	19269
12	9 mm	2350	148	2202
13	25 Bore	5	5	0
14	32 Bore	55	19	36
	Total	34195	2588	31607
Sd/ by DSP/Admn FSL				

5۔ درج بالا شیمنٹ کے بارے میں کمیٹی ممبران صفدر خان انسپٹر، ظہور اسلام انسپٹر، ثناء اللہ لائن آفیسر کے بیانات لیے گئے جنہوں نے تصدیق کی۔ اور شیمنٹ اور کمیٹی ممبران کے بیانات کی تصدیق ڈی ایس ڈی ایف ایس نے کی ہے۔ جو کہ لف انکوائری ہے۔

الزامات کی تفصیل ذیل ہے۔

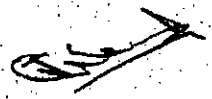
1. That you Inspector Muhammad Ayaz Khan of Fire Arms Section FSL Peshawar have a large number of live cartridges and you have not maintained a proper register for inventory and live cartridges despite instruction from seniors previously.

2. When DSP Admin FSL asked you for stock register your have told that the register was at your home.

3. That you have never informed your seniors regarding unaccounted live cartridges and inventory.

4. Storing large number of ammunition in a haphazard and unsafe way could have resulted in accidental mishap at FSL.

5. Upon search of the Fire Arms Section by DSP Admin FSL,



68.5 grams (gross weight) Charas was recovered from your cabinet under lock and key was opened with keys by yourself in the presence of Rahat Ullah (Incharge HR) and Sana Ullah (Line Officer FSL)

6. The above mentioned allegations shows your lack of interest in official duty and attempt to misappropriate govt. property (unused ammunition). It is not clear at this stage as to how much ammunition you have taken away from FSL for your personal gains.

چارج شیٹ میں درج الزامات کی انکوائری کی خاطر دفتر ڈی ایس پی ایڈمن FSL پشاور جا کر موجودگی ڈی ایس پی ایڈمن FSL الزام علیہ دفتر طلب کر کے ذاتی طور پر سنا گیا۔ مزید یہ کہ الزام علیہ کا تحریری بیان بھی لیا گیا جس کا متن ذیل ہے۔

✓ جناب عالی!

558-11  
31-08-2022

بحوالہ الزامات چارج شیٹ نمبری FSL/64-562 مورخہ 26.07.2022 مجاریہ ڈائریکٹر صاحب صاحب

FSL پشاور معروض ہوں کہ:-

1- 1976 سے لیکر اب تک کوئی اسٹاک رجسٹر کسی بھی انچارج صاحب نے قائم نہیں کیا ہے اور نہ افسران بالا سے

اس بارے میں ہدایات جاری ہوئے ہیں۔ جو کارٹوس ٹیسٹ کے لیے آتے ہیں وہ سارے کے سارے ختم

ہو جاتے ہیں جو بیچ جاتے ہیں وہ ریٹس میں محفوظ کیے جاتے ہیں۔ یہ طریقہ FSL کے قیام سے جاری و ساری

دہر قرار ہے۔

2- ڈی ایس پی صاحب ایڈمن کو اس نے کسی بھی اسٹاک رجسٹر کے بارے میں نہ کوئی بات کی ہے کہ اسٹاک رجسٹر اسکے

گھر میں موجود ہے جس کی وہ تردید کرتا ہے۔

3- افسران بالا وقتاً فوقتاً ویزٹ کرتے رہے اور تمام افسران بالا اس سے مکمل طور پر باخبر رکھے جاتے ہیں۔ اور تمام

تفصیل زندہ کارٹوس افسران بالا کے نوٹس میں بار بار لایا چکا ہے۔ کوئی بھی حقیقت افسران بالا سے پوشیدہ نہیں رکھا

گیا ہے۔

4- جب تک ایمنیشن کی الگ جگہ کی منظوری نہیں ہوتی یا متبادل انتظام نہیں کیا جاسکتا یہ طریقہ کار اسی طرح چلتا رہا اور

آج تک چل رہا ہے۔

5- جہاں تک چرس کی برآمدگی کا تعلق ہے وہ انتہائی کم مقدار پرانے اور ناقابل استعمال ہے اس کے بارے میں اسے

کوئی علم نہیں ہے۔ جس کی عمر دیکھتے ہوئے شاید ۱۹۶۰ء کی 2021 سے چارج ملنے سے پہلے کے ہو لیکن وہ حلقہ کہتا ہے کہ نہ وہ جس پیتا ہے اور نہ اسے علم ہے کہ یہ جس ریکس میں کیے آئے۔

6۔ جنوری 2021 سے کوئی مقدمہ تاخیر / پینڈنگ نہ ہوئے اور کافی مقدار میں زندہ کارتوس بمعہ خول ہر دو الماری ریکارڈ اور انچارج آفس کے جملہ ریکس میں محفوظ رکھنا اسکی ایمانداری، سخت محنت اور دلچسپی کا منہ بولتا ثبوت ہے۔

دستور: اندر آواز خان انسپکٹر آرمز سیکشن FSL پشاور

سوال نمبر 1۔ آپ کا عمر۔ ملازمت کتنا ہے اور کہاں؟  
آپ کا عمر۔ ملازمت کتنا ہے اور کہاں؟  
32 سال نوکری ہے۔ صرف ایک سال نوٹو کرائی سیکشن میں گزارا ہے باقی 31 سال آرمز سیکشن میں رہا  
جواب:  
ہوں۔

سوال نمبر 2۔ کتنے کارتوس انگریزی ساخت کے برائے ٹیسٹ منگوائے جاتے ہیں؟  
کتنے کارتوس انگریزی ساخت کے برائے ٹیسٹ منگوائے جاتے ہیں؟  
ایک ٹیسٹ کے لیے 05 عدد زندہ کارتوس انگریزی ساخت کے منگوائے جاتے ہیں۔ جو ریکس میں  
جواب:  
موصول ہو کر بعد میں اسکی سیکشن کھجوائے جاتے ہیں۔

سوال نمبر 3۔ ایک ٹیسٹ کے لیے کتنے فائر کرتے ہو؟  
ایک ٹیسٹ کے لیے کتنے فائر کرتے ہو؟  
کیسز کی نوعیت مختلف ہوتی ہے۔ بعض میں ایک فائر کیا جاتا ہے بعض میں دو اور کبھی کبھی پانچ یا دس ٹیسٹ  
جواب:  
فائر بھی کرتے ہیں تاکہ درست موازنہ ہو۔

سوال نمبر 4۔ موصول شدہ پانچ عدد انگریزی کارتوس کا کوئی اندراج وغیرہ کرتے ہو؟  
موصول شدہ پانچ عدد انگریزی کارتوس کا کوئی اندراج وغیرہ کرتے ہو؟  
نہیں۔  
جواب:

سوال نمبر 5۔ بچے ہوئے کارتوس کا کیا ڈسپوزل ہوتا ہے؟  
بچے ہوئے کارتوس کا کیا ڈسپوزل ہوتا ہے؟  
سنور میں پڑے رہتے ہیں۔ کوئی میکنزم نہیں ہے۔ مزید وضاحت کی کمی کی صورت میں متعلقہ میک یا میڈ  
جواب:  
ٹیسٹ کے لیے چلائے جاتے ہیں۔

سوال نمبر 6۔ اگر زندہ پڑے کارتوس حادثاتی طور پر فائر ہو جائے تو نقصان نہیں ہوگا؟  
اگر زندہ پڑے کارتوس حادثاتی طور پر فائر ہو جائے تو نقصان نہیں ہوگا؟  
اب تک ایسا نہیں ہوا ہے۔  
جواب:

سوال نمبر 7۔ آپ کے پاس ریکس میں کافی تعداد میں زندہ کارتوس پڑے ہیں۔ کوئی اشاک رجسٹر وغیرہ ہے؟  
آپ کے پاس ریکس میں کافی تعداد میں زندہ کارتوس پڑے ہیں۔ کوئی اشاک رجسٹر وغیرہ ہے؟  
کوئی اشاک رجسٹر نہیں ہے۔  
جواب:

سوال نمبر 8- جب ڈی ایس پی ایڈمن صاحب نے آپ کے سیکشن کا دورہ کیا تو اس دوران آپ سے شاک رجسٹر کے بارے میں دریافت کیا تو آپ نے بتلایا کہ وہ گھر پر ہے کہاں ہے؟  
جواب: بالکل موجود نہیں ہے۔

سوال نمبر 9- آپ کے ریکس میں پڑے چرس وزنی 68.5 گرام کے بارے میں کیا جواز پیش کرتے ہو؟  
جواب: اسکا ذکر اس نے اپنی بیان میں کیا ہے اسے کوئی علم نہیں۔ از خود بتلایا کہ تقریباً 2400 خول کارتوس مختلف بورے پڑے ہیں جس کا ذکر کمیٹی رپورٹ میں نہیں کیا گیا ہے۔

سوال نمبر 10- آپ کو نئے خول واپس بھجواتے ہیں؟  
جواب: ٹیسٹ اسلحہ کے ساتھ یا پارسل میں بھجواتے ہیں۔ آئے ہوئے پارسل میں واپس بند کرتے ہیں۔

نتیجہ:

- 1- دوران انکواری / انکواری ٹیم اس نتیجہ پر پہنچی کہ الزام علیہ پر لگائے گئے الزامات کی نسبت جب اس سے شاک رجسٹر کی نسبت پوچھا گیا تو مناسب جواب نہیں دیا۔
- 2- زندہ انگریزی ساخت 05 عدد کارتوس کے روز اریگولیشن کے بارے میں دریافت پر بھی کوئی ریکارڈ پیش نہ کر سکا۔ علاوہ ازیں شاک رجسٹر کا نہ ہونا کسی بھی روز اریگولیشن یا میکنزم کا نہ ہونا اور یہ کہنا کہ روٹین میں اس طرح چلا آ رہا ہے۔
- 3- علاوہ ازیں الزام علیہ سے چرس کی موجودگی کی نسبت لاعلمی متعجب کنیز ہے۔ معلوم ہوتا ہے کہ مرضی کے مطابق بغیر کسی روز وغیرہ کے خود ساختہ نظام مرضی کے تحت اس طرح چلایا جا رہا ہے۔  
انکواری سے الزام علیہ غفلت و لاپرواہی کا مرتکب پایا جا کر مناسب سزا کی سفارش کی جاتی ہے۔  
مزید یہ کہ باقاعدہ SOP میکنزم عمل میں لا کر اسکے مطابق عمل ہو۔

(جانان حبیب)

ڈی ایس پی ایڈمن انوسٹی گیشن یونٹ سی پی او پشاور۔

(محمد ارشاد خان)

SSP انوسٹی گیشن یونٹ سی پی او پشاور۔

use f s c a

02/09

### FINAL SHOW CAUSE NOTICE

WHEREAS, you, Inspector Muhammad Ayaz of Firearms Section FSL Peshawar committed the gross misconduct, as defined in Rule 3 of Police Rules 1975. The following is the statement of allegations:


1. That you Inspector Muhammad Ayaz Khan of Fire Arms Section FSL Peshawar have a large number of live cartridges and you have not maintained a proper register for inventory and live cartridges despite instruction from seniors previously.
2. When DSP Admin FSL asked you for stock register you have told that the register was at your home.
3. That you have never informed your seniors regarding unaccounted live cartridges and inventory.
4. Storing large number of ammunition in a haphazard and unsafe way could have resulted in accidental mishap at FSL.
5. Upon search of the Fire Arms Section by DSP Admin FSL, 68.5 grams (gross weight) CHARAS was recovered from your cabinet under lock & key was opened with keys by yourself in the presence of Rahat Ullah (incharge HR) and Sana Ullah (Line Officer FSL).
6. The above mentioned allegations shows your lack of interest in official duty and attempt to misappropriate govt. property (unused ammunition). It is not clear at this stage as to how much ammunition you have taken away from FSL for your personal gains.

Resultantly you were issued charge sheet with the summary of allegations. Enquiry Committee consisting of Mr. Muhammad Irshad SSP Investigation CPO and Mr. Janan Habib DSP Admin was constituted to conduct Departmental Enquiry into the matter.

WHEREAS, the enquiry officers finalized the enquiry proceeding by giving you full opportunity of defense as well as cross examination and the statements of all PWs have been recorded. Consequent upon completion of enquiry proceedings, the Enquiry Committee has communicated its findings.

WHEREAS, going through the findings and recommendation of the Enquiry Committee, material placed on record and other relevant papers including your defense before the Enquiry Committee. I Waqar Ahmad, PSP, Director FSL, Khyber Pakhtunkhwa, Peshawar issue you this final show cause notice to offer you full opportunity to come up with satisfactory reply supported by evidence in your defense.

You are therefore, required to submit reply to this Final Show Cause Notice within Seven Days of the receipt of this notice.

  
(WAQAR AHMAD) PSP  
DIRECTOR  
Forensic Science Laboratory  
KP, Peshawar

بیان اذان اسپیکر محمد آیاز خان فائر آرمز سیکشن FSL پشاور

F 18 20  
جناب عالی!

بحوالہ فائل شوکاز نوٹس نمبری FSL/359 مورخہ 06/09/2022 مجاریہ محترم ڈائریکٹر صاحب FSL نہایت مؤدبانہ لٹرس ہوں کہ درج شدہ لگائے گئے الزامات کے جوابات مفصل طور پر دے چکا ہوں کہ مجھے بطور انچارج فائر آرمز سیکشن عرصہ تقریباً ڈیڑھ سال ہو چکا ہے۔ سال 1976 سے کسی بھی انچارج صاحب نے کوئی سٹاک رجسٹر بائٹ زندہ کار تو س برائے سٹاک کے بارے میں قائم نہیں کیا ہے اور نہ ہی مجھے سابقہ انچارج صاحب سے کوئی سٹاک رجسٹر مل چکا ہے اور نہ ہی افسران بالا سے اس بارے میں کسی قسم کے ہدایات جاری ہو چکے ہیں۔ 1976 سے یہ طریقہ جاری و ساری ہے۔ ڈی ایس پی ایڈمن صاحب سے میں نے سٹاک رجسٹر کے بارے میں اس قسم کی کوئی بات نہیں کی ہے اور نہ میرے گھر میں کوئی سٹاک رجسٹر موجود ہے یہ بات بالکل بے بنیاد ہے۔ یہ کار تو س برائے سٹاک وصول کئے جاتے ہیں نہ کہ بطور سٹاک اور ہر مقدمہ کرائم خول کے نوعیت کو دیکھ کر مختلف سٹاک فائر کئے جاتے ہیں اور حسب ضرورت سٹاک خول مقدمہ کے ساتھ بھیجوائے جاتے ہیں جس کی باقاعدہ رپورٹ میں اندراج کی جاتی ہے۔ اتفاقاً چونک جاتے ہیں وہ محفوظ کئے جاتے ہیں جو کہ کسی قسم کے نقصان دہ نہیں ہوتے اور نہ ان زندہ کار تو سوں سے کسی نقصان کا احتمال ہے اور بھاری مقدار میں زندہ کار تو س کا موجود ہونا محفوظ رکھنے کا ثبوت ہے۔

افسران بالا وقتاً فوقتاً وزٹ کرتے رہیں اور تمام افسران بالا گھل طور پر باہر رگھے جاتے ہیں۔ کوئی بھی بات بائٹ زندہ کار تو س افسران بالا سے چھپی ہوئی نہیں ہے اور نہ میں نے کبھی کوئی حقیقت اس بارے میں افسران بالا سے چھپائی ہے۔ جب تک ایسوسی ایشن کے لئے الگ بجگہ کی منظوری نہیں ہوتی یا تبادلہ انتظام نہیں کیا جاتا یہ طریقہ کار اس طرح چلتا رہا اور آج موجودہ وقت تک چل رہا ہے۔ جہاں تک چرس برآمدگی کا تعلق ہے وہ انتہائی کم مقدار اور انتہائی پرانی اور ناقابل استعمال ہے اس کے بارے میں مجھے کوئی علم نہیں ہے۔ چرس کے عمر کو دیکھتے ہوئے شاید اسے جنوری 2021 سے مجھے چارج ملنے سے پہلے کے ہوں لیکن میں حلفاً کہتا ہوں کہ میں نہ چرس پیتا ہوں اور نہ اس کے بارے میں مجھے کوئی علم ہے۔ آج تک کسی سابقہ انچارج صاحب کو اور نہ مجھے افسران بالا کی طرف سے کوئی SOPS بائٹ زندہ کار تو س جاری ہوئے ہے۔ افسران بالا سے اسکے بارے میں SOPS جاری ہو جائے تو اس کے مطابق آئندہ عمل درآمد کریں گے۔ میرے خلاف لگائے گئے الزامات بے بنیاد ہے اور میں نے 32 سالہ سروس انتہائی محنت اور جانفشانی سے کی ہے۔ نہایت عاجزانہ استدعا ہے کہ فائل شوکاز نوٹس کو فائل کیا جائے۔ میں تاحیات دعا گو رہوں گا۔

Reply received

09/09/22

العارض

تاریخ: 09/09/2022

آپ کا نائب دار اسپیکر محمد آیاز خان فائر آرمز سیکشن FSL پشاور



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H 21

ORDER

This order will dispose off the departmental enquiry against Inspector Muhammad Ayaz of Firearms Section FSL Peshawar who committed the following acts of omission/commission:

1. That you Inspector Muhammad Ayaz Khan of Fire Arms Section FSL Peshawar have a large number of live cartridges and you have not maintained a proper register for inventory and live cartridges despite instruction from seniors previously.
2. When DSP Admin FSL asked you for stock register you have told that the register was at your home.
3. That you have never informed your seniors regarding unaccounted live cartridges and inventory.
4. Storing large number of ammunition in a haphazard and unsafe way could have resulted in accidental mishap at FSL.
5. Upon search of the Fire Arms Section by DSP Admin FSL, 68.5 grams (gross weight) CHARAS was recovered from your cabinet under lock & key was opened with keys by yourself in the presence of Rahat Ullah (incharge HR) and Sana Ullah (Line Officer FSL).
6. The above mentioned allegations shows your lack of interest in official duty and attempt to misappropriate govt. property (unused ammunition). It is not clear at this stage as to how much ammunition you have taken away from FSL for your personal gains.

Inspector Muhammad Ayaz was placed under suspension and charge sheet and summary of allegations were issued to him while an enquiry committee comprising SSP Investigation Unit CPO Mr. Muhammad Irshad Khan and DSP Admn Investigation Mr. Janan Habib was constituted to conduct the departmental enquiry against the above named official.

Findings of the enquiry committee were received wherein Inspector Muhammad Ayaz was found guilty. Final Show Cause Notice was issued to the defaulter Inspector and reply of the same was received which was found to be unsatisfactory.

He was heard in person and was given ample opportunity but he could not present any plausible justification regarding allegations leveled against him.






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**Forensic Science Laboratory**  
29, Sector B-1, Phase-V, Hayatabad,  
Khyber Pakhtunkhwa, Peshawar.  
Tel. 091-9217394 / Fax. 091-9217251

I have gone through the available material placed on file and has found Inspector Muhammad Ayaz of Firearms Section FSL guilty of the charges leveled against him.

Keeping in view the above facts and his 31 years of service I, the undersigned being competent authority, hereby award him major punishment of "Compulsory Retirement from Service" under Police Rules 1975 (Amended 2014 KP Police E&D Rules 2014), with immediate effect.

Order announced.

  
(WAQAR AHMAD) PSP  
Director  
Forensic Science Laboratory,  
K.P, Peshawar.

No. 22-27 /FSL,

Dated Peshawar, the 06 /01/2023

Copy of above is forwarded for information and necessary action to the:

1. Addl. Inspector General of Police, Investigation Khyber Pakhtunkhwa, Peshawar for kind information, please.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. SSP Investigation Unit, CPO Peshawar w/r to his office letter No.527/PA/SSP, dated 31.08.2022.
4. Accountant, FSL, Peshawar.
5. Line Officer, FSL, Peshawar.
6. Official concerned.

To,

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The Hon'able Additional Inspector General of Police (Investigations),  
Khyber Pakhtunkhwa Central Police officer, Peshawar.

Subject:

Departmental Appeal u/r 11 KP Police rules 1975 (amended 2014), against the impugned orders, Passed by Director FSL bearing endst No.22-27/FSL dated 06.01.2023, whereby the appellant was compulsorily retired.

Sir,

The appellant respectfully prefers this appeal against the impugned order under subject (Annexure A), inter-alia on the following grounds, amongst others.

**PRELIMINARIES:**

1. The inquiry proceedings have not been conducted in accordance with Rule 6(ii) of Rules 1975 (as amended in 2014), as the Enquiry officer has not afforded a fair opportunity to the Appellant to adduce defense evidence and thus deprived the Appellant of the fundamental right of self defence. Rule 6(ii) provides procedure as under:-

"The inquiry officer shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of accused as may be considered necessary and the witnesses against him".

Therefore, the whole proceedings are against the principle of justice: *audi altram partem* and cannot be used against the Appellant.

2. The report/findings of the Enquiry Committee are also in violation of Rule(v) of Police Rules, 1975. The Rules, reproduced hereunder in verbatim, make it obligatory upon the Enquiry Committee to reach conclusion about guilt or innocence of an accused official on the basis of cogent reason. No such reasons have been given by the Committee to connect the role of the Appellant to the alleged commission. Therefore, the findings/recommendations of the Enquiry Committee are *ib initio* violating the law and the basic right of the Appellant. The same are not maintainable and can be used adversely against the Appellant. Rule 6(v) reads as under:-

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"The inquiry officer shall within 10 days of the conclusion of proceedings or such longer period as may be allowed by the authority, submit his findings and grounds thereof to the authority".

Additionally the time frame provided for in the above Rules were also not adhered to, therefore, the Enquiry Committee has also violated the above Rule, and rendered the report and recommendations based thereupon illegal.

3. Worth to highlight that no stock register in the Arms Ammunition branch has ever been maintained since the FSL establishment and neither, on the appellant's posting the same has been delivered nor such a lacuna was ever pointed out by any senior officer inspecting the Laboratory.
4. So far as the charge of stock register, allegedly stated in home is concerned, is not supported by any plausible and unrebutted evidence, therefore, it is based on surmises and conjecture. Such a bald findings, targeted to devastate the career of a senior officer, who has an unblemished service record, is highly inappropriate and damaging. Therefore, the same is not to be considered against the interest of the Appellant.
5. The action against the Appellant is also illegal in the sense that the Appellant acted in accordance with the settled procedure and practice since the very inception of the FSL but only the Appellant has been maligned and punished. Such Register was never maintained by the concerned incharge of the branch, never checked by any supervisory officer nor was any advice given to the Appellant to maintain it. But neither my predecessors nor the supervisory officers, responsible for monitoring the performance of the subordinates were charged for such negligence, if any. Therefore, the Appellant has been singled out in isolation for reasons beyond the apprehension of the Appellant.
6. The Committee has never made serious efforts to ascertain as to whether any of the live ammunition sent to the FSL were missing or otherwise. The ammunition sent to the FSL are recorded in every case diary, those used in test are also

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recorded and the left over rounds could also be counted. But the Committee has made no conscious attempt to find out whether any round(s) was missing or otherwise. It is my solemn affirmation that not a single bullet has misplaced from the FSL as these rounds are of no use elsewhere.

7. That the ammunition brought for testing in the Lab are normally used and those spared live are of no use. Therefore, there is no question of any loss to the Public exchequer. The record of the FSL shows that such left over ammunition was never utilized by the Department nor auctioned to fetch some revenue for the Government. When there is no question of loss to Government property, inflicting such a harsh punishment on the Appellant is unjust and improper.

8. The Committee in its findings has not spelled out "NEGLIGENT" act of the Appellant and levelled the charge on mere presumption. Therefore on the basis of mere presumption, awarding major punishment to the appellant by the learned authority is uncalled for, unjust and very harsh. Such treatment with public servant has been deprecated by the Apex Court of the country. Referring the Hon'able Supreme Court Judgments (i) 2002 SCMR 857, relevant para whereof is reproduced, as under.

"Negligence in duty on the part of accused officer for reversion in rank, awarded to civil servant by competent authority was converted to minor penalty due to reason that no malice was reportedly involved as reduction was based on non-existing ground"

(ii) 2005 PLC(CS)1559: Fault of appellant at the most could be turned as negligence (the appellant though do not accede/admit) for which a minor penalty would suffice.....Appellant had more than 20 years clean record of service as low paid subordinate which also deserves due consideration before imposition of major penalty under given circumstances.

(iii) 2005 PLC(CS)1527: No witness was examined in presence of appellant and he was also deprived of the right of cross examination hence appellant was reinstated and considered entitle to full back benefits.

- 9. No tangible and substantial reasons were recorded by worthy authority, for dispensing with inquiry proceedings as per law hence the services tribunal set aside the major penalty of compulsory retirement. (2005 PLS (C.S) 240), on this ground.
- 10. Bare perusal of the finding report (Annexure C) does not reflect any direct or indirect evidence but based on here say, the major penalty in such situation, was converted into minor penalty of stoppage of 03 increments, without cumulative effect (reported in judgment 2005 PLS (C.S) 1559).
- 11. The inquiry Committee has not disposed off inquiry proceeding in proper/legal way rather without collecting cogent evidence against appellant but completed it in haste, superfluous and slipshod manner. Therefore, awarding major penalty on the basis of such recommendations are unjust, inappropriate and uncalled for. The Superior Courts have strongly condemned this short cut proceedings without recording evidence in disciplinary proceedings, reported in judgments, depicting as under:-
  - PLJ 2005(CS 113)
  - 2005 PLS (CS 1384)
  - 2004(SCMR 1662)
  - 2005 PLS(SC 1544)
  - 2005 PLC (CS 1505)
  - 2004 SCMR 630
  - 2004 SCMR 116
- 12. No witness was examined in presence of appellant and he was also deprived of the right of cross examination hence appellant was reinstated and considered to entitle for full back benefits, in reported judgment 2005 PLC(CS)1527 of superior court.

**ON FACTS:**

The appellant was enlisted in Police force as foot constable, served for long period of 31/32 years and in recognition of efficient working and outstanding performance, reached to the status of Inspector.

- ii. Short facts are that the appellant was charged for not maintaining stock register for live cartridges/ rounds of different bores, lying haphazardly and in unsafe way which could result in any mishap at FSL. Secondly, charas weighing 68.5 grams was recovered from the cabinet of the laboratory, which is housed by many predecessors/persons. The cabinet was in excess of all and sundry working in the laboratory. However, instead of first fixing responsibility of the actual charge over the cabinet and ammunition, the appellant was arraigned and penalized on the basis of surmises and conjectures, which is quite unjust.
- iii. The proceedings are one sided and as per law / rules, the appellant was not associated with the proceedings to express his view point; regarding the alleged charges.
- iv. On the completion of proceedings, the appellant was awarded major penalty of punishment of compulsory retirement from service **under subject** without any cogent/solid reason on record.
- v. The quantum of punishment as per law must be appropriate, compatible and reasonable qua act or omission, allegedly committed by civil servant, reported in **1988 PLC (CS) 179**, therefore the punishment awarded to appellant is very harsh, unreasonable and against the natural justice.

**GROUND OF APPEAL:**

- The impugned order of W/Director FSL Peshawar is assailable on the following grounds.
- a. The impugned order is in glaring violation of the principles of natural justice and principle of good governance, as no evidence has so far been collected by **worthy Inquiry Committee to fix responsibility on the appellant.**
  - b. The inquiry proceedings have not been conducted as per provision, contained under Rule 6 of police rules 1975, as the appellant was not afforded the opportunity of cross examination on the witnesses, examined by **worthy committee.**
  - c. There is not an iota of evidence, connecting the appellant prima-facie with the alleged act of misconduct hence cannot be adjudged / assessed from recorded evidence during the course of inquiry proceedings.
  - d. The alleged charges against the appellant are unjustifiable as no direct evidence for his involvement in the act of misconduct is available, thus was required to be


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considered under the law of justice, recorded evidence and factuality on the following principle.

- a. The principle of natural justices would be violated only when an action is taken against a person without his knowledge (NLR 214 April QTA). As per record, there is nothing that the missing parcels have been received / acknowledged by appellant.
- e. The whole inquiry proceedings are based on mala-fide, partiality and the impugned order dated 06.01.2023 has been passed in clandestine manner, total disregard of the available record, the law and rules on the subject, the norms of justice and fair play. Principle of justice would be violated only when action is taken against a person without his knowledge, reported in superior court judgment NLR 214, April Quetta.
- f. Perusal of inquiry proceedings clearly reflects that there are no incriminating materials which can condemn or connect the appellant with the alleged charges but dragged for the reason as member of the Section / Branch.
- g. The impugned orders are unjust, unlawful and without authority / jurisdiction hence illegal and void ab inito as the charges i-e not maintaining stock register and recovery of charas from cabinet, don't involve ill-intensions or malafide.
- h. The applicant has spotless service record of 31/32 years and throughout his carrier he has been awarded, commended and blessings with good ACRs.
- i. The appellant belongs to middle class family, the service is his only source of earning and the awarded penalty shall be huge loss to him, his carrier as well family, for no good reasons, hence requires sympathetic consideration.

**PRAYER**

Above in view, it is humbly prayed that by accepting this appeal, the impugned order dated 06.01.2023 may very kindly be set aside and the appellant reinstated to meet the ends of justice.

  
18/01/2023  
Obediently yours.

Ex-Inspector Muhammad Ayaz  
(Appellant)



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**OFFICE OF THE ADDITIONAL INSPECTOR GENERAL OF POLICE,  
INVESTIGATION - KHYBER PAKHTUNKHWA, PESHAWAR.**

**Ph: 091-9210024**

**Fax: 091-9210052**

ORDER

This order will dispose-off the departmental appeal of the then Inspector Muhammad Ayaz of Forensic Science Laboratory (FSL), Khyber Pakhtunkhwa under 11 KP Police Rules 1975 (amended 2014) against the impugned order, passed by Director FSL, bearing Endst: No.22-27/FSL, dated 06.01.2023, whereby the appellant was compulsorily retired from Service on the following charges levelled against him:-

1. That he while posted as Incharge Fire Arms Section, FSL has a large number of live cartridges and he did not maintain proper register for inventory and live cartridges despite instructions from seniors issued in this regard earlier.
2. When DSP Admin FSL asked him for stock register, he replied that the register was at his home.
3. That he neither informed his seniors regarding unaccounted live cartridges and inventory nor produced any cogent reason.
4. Storing large number of ammunition in a haphazard and unsafe manner could have resulted in accidental mishap at FSL.
5. Upon search of the Fire Arms Section by DSP Admin FSL, 68.5 grams (gross weight ) CHARAS was recovered from his cabinet in the presence of Rahat Ullah (Incharge HR) and Sana Ullah ( Line Officer FSL)
6. The above mentioned allegations show his lack of interest in official duty and attempt to misappropriate Govt. property (unused ammunition). It is not clear at this stage as to how much ammunition he has been taken away from FSL for his personal gains.

Proper departmental enquiry against him was conducted by a committee consisting of DSP Admin Khalid Anwar & Inspector Syed Amarat Ali Shah of FSL, KP.

Upon the finding of enquiry committee he was issued Final Show Cause Notice to which he replied. His reply to the Final Show Cause Notice was perused and found unsatisfactory. He was given an opportunity of personal hearing and heard in person by Director FSL, KP, but again he failed in producing any cogent reason in support of his self-defence.





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On receipt of his appeal, the undersigned called all the relevant record & perused. He was called, heard and given full opportunity, but again failed in producing any plausible justification regarding the allegations levelled against him.

Hence, being found guilty of the gross misconduct and the charges levelled against him being proved beyond any shadow of doubt, therefore, the undersigned being competent authority came to the conclusion that the punishment of compulsorily retirement is just and commensurate with his misconduct and his appeal is hereby rejected.

Order announced.

(DR. ISHTIAQ AHMED MARWAT)  
PSP/PPM

Additional Inspector General of Police,  
Investigation, Khyber Pakhtunkhwa,  
Peshawar

No. 2437-40/20 / Invest: dated Peshawar the 02/03/2023.

Copy of the above is forwarded for information and necessary action to the:-

1. DIG/Admin: Investigation HQrs: CPO, Peshawar.
2. Director/FSL, Khyber Pakhtunkhwa, Peshawar.
3. SSP/ Investigation HQrs:, CPO.
4. PA to Addl: IGP/Investigation, KP, Peshawar.

صباح 10

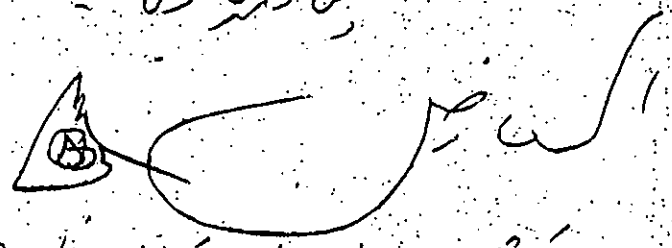
مری شاہجہاں اور سیدہ صاحبہ کے لئے ہر دو بیماری  
 جو ایک دوسرے کے لئے ہیں جبکہ دوسرا ان کے لئے  
 ہر دو بیماریوں کے لئے ہیں جنہیں رتدہ مارتوں کے لئے  
 حالی کے لئے ہیں جنہیں کی ہیں لیکن ان کے لئے  
 ایک ہی لیٹ میں آتا ہے

اس کا علاج ہر دو لیٹ کے لئے ہے جنہیں  
 سے اہلکال ہوتی ہے تاکہ رتدہ مارتوں کے لئے  
 لیٹوں کو استعمال کیا جائے

29-8-2022

عین لکھنؤ

الکلی



اس کا علاج ہر دو لیٹ کے لئے ہے تاکہ رتدہ مارتوں کے لئے

**VAKALAT NAMA**

NO. \_\_\_\_\_/2023

IN THE COURT OF 1st Service Tribunal, Peshawar

Muhamad AZAZ (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Police Dept (Respondent)  
(Defendant)

I/We, Muhammed AZAZ. Appellant

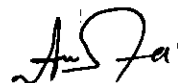
Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any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

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

Dated \_\_\_\_\_/20

  
(CLIENT)

**ACCEPTED**

  
**M. ASIF YOUSAFZAI**  
Advocate Supreme Court  
B.C NO. 10-7327  
CNIC NO. 17301-5106574-3

  
**SYED NOMAN ALI BUKHARI**  
Advocate High Court

**OFFICE:**

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