

21.03.2023

Appellant present through counsel.

Fazal Shah Mohmand, Additional Advocate General for the respondents present.

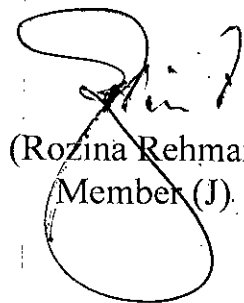
Former requested for withdrawal of the instant service appeal as grievance of the appellant has been redressed. In this regard, her statement was recorded on the margin of order sheet and her signature was obtained thereon.

In view of the above, instant service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.

RJ
21-3-2023



(Muhammad Akbar Khan)
Member (E)



(Rozina Rehman)
Member (J)

RECEIVED
21-3-2023


I have withdrawn my service appeal as such the grievance of the appellant has been redressed.


21.12.2022

Learned counsel for the appellant present. Muhammad Adeel Butt learned Additional Advocate General for respondents present.

SCANNED
BY PST
Peshawar

Former made a request for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 21.03.2023 before D.B.

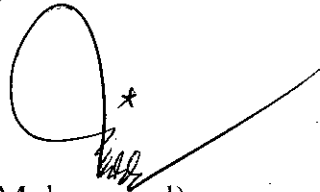

(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

13.10.2022

Appellant alongwith his counsel present. Mr. Ihsanullah, ASI alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Inquiry record of the appellant is not available on file, therefore, representative of respondents is directed to produce complete inquiry record of the appellant on the next date and to come up for arguments on 27.10.2022 before the D.B.



(Mian Muhammad)
Member (E)

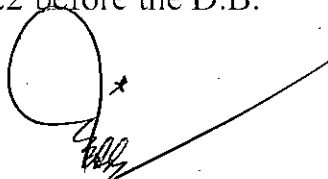


(Salah-Ud-Din)
Member (J)

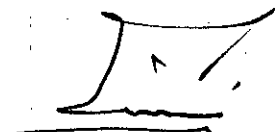
27.10.2022

Learned counsel for the appellant present. Mr. Ihsanullah, ASI alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Representative of respondents submitted copies of inquiry record consisting of 10 sheets, copy of which handed over to learned counsel for the appellant, who sought adjournment on the ground that she has not gone through the inquiry record submitted by the respondents today. Adjourned. To come up for arguments on 21.12.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)


SCANNED
KPST
Peshawar

20.06.2022

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

Learned Additional Advocate General seeks time for submission of written reply/comments on behalf of respondents. Request accepted. To come up for reply/comments on 28.07.2022 before S.B.


SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)

28.07.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Ihsan Ullah, S.I for respondents present.

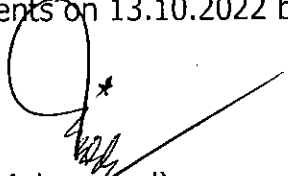
Written reply/comments on behalf of respondents No. 1 to 3 submitted which is placed on file. A copy of the same is handed over to the learned counsel of the appellant. To come up for rejoinder/arguments on 20.09.2022 before D.B.


(Fareeha Paul)
Member (E)

20.09.2022

Learned counsel for the appellant present. Mr. Naseer-Ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that she has not gone through the record. Adjourned. To come up for arguments on 13.10.2022 before the D.B.


(Mian Muhammad)
Member (E)


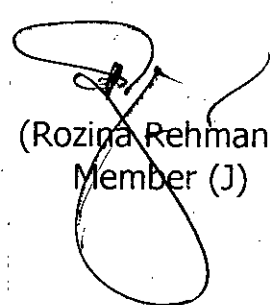

(Salah-Ud-Din)
Member (J)

Form- A

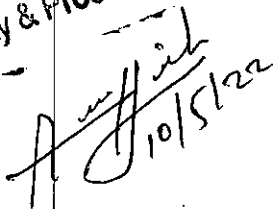
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 644/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/04/2022	<p>The appeal of Mr. Atta-ur-Rehman resubmitted today by Roeeda Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	29.04.2021	<p>Case file received from the office of Registrar on the verbal direction of Hon'ble Chairman.</p> <p>Appellant present through counsel. Preliminary arguments heard. Record perused.</p> <p>Points raised need consideration. Instant 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 respondents for submission of written reply/comments. To come up for reply/comments on <u>20 / 6 / 2022</u> before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

Rs 500/-
Appellant Deposited
Security & Process Fee


10/5/22

The appeal of Mr. Atta-ur-Rehman son of Naimat Ullah Khan Ex-HC No. 2305 District Swabi received today i.e. on 22.04.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


- 1- Check list is unsigned.
- 2- The authority to whom the departmental appeal made/preferred has not been arrayed as necessary party.

No. 913 /S.T,

Dt. 25-4-2022

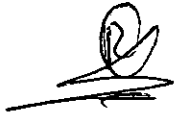


Roeeeda Khan Adv. Peshawar.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

objection N1 and 2
has been ~~fulfilled~~



28/4/2022


BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR

CHECK LIST

1.	Case title		
2.	Case is duly signed.	Yes	No
3.	The law under which the case is preferred has been mentioned.	Yes	No
4.	Approved file cover is used.	Yes	No
5.	Affidavit is duly attested and appended.	Yes	No
6.	Case and annexure are property paged and numbered according to index.	Yes	No
7.	Copies of annexure are legible and attested. If not, then better copies duly attested have annexed.	Yes	No
8.	Certified copies of all requisite documents have been filed.	Yes	No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filled.	Yes	No
10.	Case is within time.	Yes	No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes	No
12.	Court fee in shape of stamp papers affixed. For writ Rs. 500 , for other as required}	Yes	No
13.	Power of attorney is in proper form.	Yes	No
14.	Memo of addressed filed.	Yes	No
15.	List of books mentioned in the petition.	Yes	No
16.	The requisite number of spare copies-attached { Write petition- 3, Civil appeal(SB-2) Civil Revision (SB-1, DB-2)	Yes	No
17.	Case (Revision /appeal/petition etc) is filled on a prescribed form.	Yes	No
18.	Power of attorney is attested by jail authority (for jail prisoner only)	Yes	No

It is certified that formalities /documentations as required in column 2 to 18 above, have been fulfilled.

Name:- **Roeeda Khan**
Advocate High Court
Peshawar

Signature: - 

Dated: - 28-4-2022

FOR OFFICE USE ONLY

Case: - _____

Case received on _____

Complete in all respect: Yes/No, (If NO, the grounds) _____

Signature _____

(Reader)

Dated: - _____

Countersigned: - _____

(Deputy Registrar)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 644 /2022

Atta-Ur-Rehman

VERSUS

CCPO Peshawar & Others

INDEX

S#	Description of Documents	Annexure	Pages
1.	Grounds of Petition.		1-4
2.	Affidavit.		5
3.	Addresses of parties		6
4.	Application of Condonation of Delay		7-8
5.	Copy of Impugned Order	"A"	9
6.	Copy of Departmental Appeal & Rejection Order	"B & C"	10 to 12
7.	Copy of Revision Petition	"D"	13 to 14
8.	Wakalatnama		



APPELLANT

Through



Roeda Khan
Advocate, High Court
Peshawar.

Dated: 19/04/2022

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

In Re S.A No. 644 /2022

Diary No. 602

Dated 21-4-2022

Atta-Ur-Rehman S/o Naimat Ullah Khan Ex-HC No:
2305, R/o District Swabi.

Appellant

VERSUS

1. Commandant Frontier Reserve Police, KPK Peshawar.
2. Superintendent of Police, Police Headquarters Peshawar.
3. The Inspector General of Police, KPK, Peshawar.

Respondents

APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES
TRIBUNAL ACT 1974 AGAINST THE
ORDER DATED 17/11/2021, WHEREBY
THE APPELLANT HAS BEEN
AWARDED MAJOR PUNISHMENT OF
REMOVAL FROM SERVICE AND
AGAINST WHICH THE APPELLANT
FILED DEPARTMENTAL APPEAL ON
DATED 20/11/2021 WHICH HAS BEEN
REJECTED ON 05/01/2022 ON NO
GOOD GROUNDS.

Filed to-day

Registrar

21/4/2022

Re-submitted to -day
and filed.

Registrar

28/4/2022

Prayer:-

ON ACCEPTANCE OF THIS APPEAL BOTH
THE IMPUGNED ORDERS DATED
17/11/2021 & 05/01/2022 MAY KINDLY BE
SET ASIDE AND THE APPELLANT MAY

2)

**KINDLY BE REINSTATED IN SERVICE
ALONG WITH ALL BACK BENEFITS. ANY
OTHER REMEDY WHICH THIS AUGUST
TRIBUNAL DEEMS FIT THAT MAY ALSO
BE ONWARD TRIBUNAL DEEMS FIT
THAT MAY ALSO BE GRANTED IN
FAVOUR APPELLANT.**

Respectfully Sheweth,

1. That the Appellant was appointed as Constable on 05/03/1987 with Respondent Department.
2. That the appellant performed his duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.
3. That while performing his official security duty at Central Jail Peshawar the impugned order has been passed on 19/11/2021 against the appellant whereby the appellant has been removed from service on the allegation of a false, self-made and fabricated allegation of negligence of the discharge of official duty. **(Copy of Impugned order is attached as Annexure "A")**
4. That the appellant submitted departmental appeal on dated 20/11/2021 which has been rejected on 05/01/2022. **(Copy of Departmental Appeal and Rejection Order are attached as Annexure "B & C")**

5. That the appellant submitted revision petition on dated 07/01/2022 against the impugned order. **(Copy of revision petition is attached as Annexure "D")**
6. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUND:-

- A. That the impugned order 17/11/2021 and rejection order dated 05/01/2022 are void and ab-initio order because it has been passed without fulfilling codal formalities in this respect the appellant relied upon a judgment reported on 2007 SCMR Page 834.
- B. That no charge sheet or statement of allegations has been served or communicated to the appellant. Which is a clear cut violation of Rule 6 of Police Rules 1975.
- C. That no regular/ departmental inquiry was conducted against the appellant as neither statement of witnesses were recorded.
- D. That there are many judgments of Superior Courts that major penalty cannot be awarded through preliminary enquiry.
- E. It is a well settled maxim no one can be condemned unheard because it is against the natural justice of law in this respect the appellant

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relied upon a judgment reported on 2008 SCMR page:678.

F. That no opportunity of personal hearing has been provided to the appellant in this respect the appellant relied upon a judgment reported on 2003 PLC (CS) Page 365.

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

It is therefore, most humbly prayed that on acceptance of this appeal both the impugned orders dated 17/11/2021 & 05/01/2022 may kindly be set aside and the appellant may kindly be reinstated in service along with all back benefits.

Any other remedy which this august tribunal deems fit that may also be onward tribunal deems fit that may also be granted in favor appellant.

رويدا خان

APPELLANT

Through


Roeda Khan

&
Sheeba Khan

Advocates, High Court
Peshawar.

Dated: 19/04/2022

NOTE:-

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


Advocate.

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BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2022


Atta-Ur-Rehman

VERSUS

CCPO Peshawar & Others

AFFIDAVIT

I, Atta-Ur-Rehman S/o Naimat Ullah Khan Ex-HC No: 2305, R/o District Swabi, do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.


DEPONENT

Identified by:



Roeeda Khan
Advocate High Court
Peshawar.



6

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2022

Atta-Ur-Rehman

VERSUS

CCPO Peshawar & Others

ADDRESSES OF PARTIES

PETITIONER.


Atta-Ur-Rehman S/o Naimat Ullah Khan Ex-HC No: 2305,
R/o District Swabi

ADDRESSES OF RESPONDENTS

1. Capital City Police Officer, Peshawar
2. Superintendent of Police; Police Headquarters Peshawar.
3. The Inspector General of Police, KPK, Peshawar.


APPELLANT

Through


Roeda Khan
Advocate, High Court
Peshawar.

Dated: 19/04/2022

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BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2022

Atta-Ur-Rehman

VERSUS

CCPO Peshawar & Others

APPLICATION FOR CONDONATION OF DELAY (IF ANY)

Respectfully Sheweth,

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.

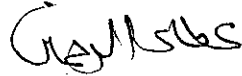
Grounds:

- A. That the impugned order is void and illegal and no limitation run against the void orders because the impugned order has been passed without fulfilling the codal formalities.
- B. That there are number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.

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C. That there are many judgments of the Superior courts that limitation has not become a hurdle in way of justice.

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



APPELLANT

Through



Roeeda Khan

Advocate, High Court

Peshawar.

Dated: 19/04/2022

(A) 9

ORDER.

This office order relates to the disposal of formal departmental inquiry against Head Constable Atta urRehman No.2305 of FRP Peshawar Range.

Brief facts of the case are that Head Constable Atta urRehman No. 2305, of FRP Peshawar Range, while deployed at Center Jail Peshawar for Security duty. He has shown cowardice and negligence in the discharge of official duty. Therefore, preliminary inquiry conducted against him along with other police officials vide letter No.2120/PA dated 05.05.2021, wherein he found guilty which amount to gross misconduct on his part and further rendered to be liable for initiating proper departmental inquiry.

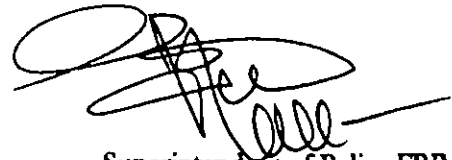
In this connection Head Constable Atta urRehman No.2305, was issued charge sheet along with summary of allegation and Inspectors Sabir Khan & Gul Nawaz Khan were appointed as Inquiry officers, vide this office order No.261/PA, dated 23.06.2021. The charge sheet served upon him to which he replied. After fulfillment the due codal formalities the inquiry officers submitted his findings wherein the defaulter official recommended for punishment.

After receiving the findings of inquiry officers he was issued Final Show Cause Notice vide this office No.331/PA, dated 17.08.2021 to which he replied that on 30.01.2021 at 7:10 pm indiscriminate firing took place near main jail gate on the road, meanwhile they found alert however due to darkness noting was visible. But aerial firing was made along with other police personnel. Due to rush of general public and darkness the accused escaped from the site. Later on, it came to know that Inspector Khushdil Khan has been killed in the same firing.

Later on he was called for orderly room which he appeared before the undersigned but he did not produce any cogent reason in his defense.

Keeping in view all above narrated facts, circumstance and available records, I Mr. Jehan Zeb Khan Superintendent of Police, FRP Peshawar Range, as competent authority the exercise of power vested upon me under 5 (5) of Khyber Pakhtunkhwa, Police, Rules 1975 (amended in 2014) is hereby awarded him for Major Punishment of "Removal from Service" with immediate effect.

Order announced.

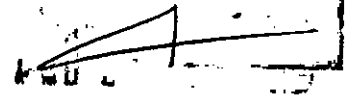


Superintendent of Police FRP,
Peshawar Range, Peshawar.

No. 553 - 56/PA dated Peshawar Range the 17 / 11 /2021.

Copy of the above is forwarded for information to SP HQrs
Peshawar with his reference letter No.2367/PA, dated 22.06.2021.

2. The Accountant FRP/PR
3. The SRC/FRP/PR.
4. The OASI/FRP/PR.



بخدمت جناب کمانڈنٹ صاحب F.R.P بمقام پشاور

اپیل

برخلاف آرڈر مورخہ 17-11-2021

جناب سپرنٹنڈنٹ آف پولیس F.R.P پشاور رینج

جناب عالی!

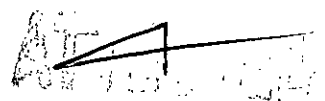
(1) یہ کہ سائل محکمہ پولیس میں F.R.P/P.R بطور ہیڈ کانسٹیبل عرصہ تقریباً 34 سال تک خدمات سرانجام دیتا چلا آ رہا ہے۔

(2) یہ کہ سائل مورخہ 30-01-2021 کو سینٹر جیل پشاور کے باہر سیکورٹی ڈیوٹی ہمراہ دیگر اہلکاران سرانجام دے رہا تھا۔

(3) یہ کہ سائل نے اپنے سرویس کے دوران ہمیشہ ایمانداری سے اپنے فرائض منصبی ادا کی اور مورخہ 30-01-2021 کو بھی سائل اپنی ڈیوٹی پوری جانفشانی اور لگن کے ساتھ ادا کر رہا تھا کہ اس دوران اچانک تقریباً 07:10 بجے پر جیل روڈ پر فائرنگ شروع ہوئی اس دوران چونکہ سردیاں تھی اور سات بجے کے وقت بہت زیادہ اندھیرا چھا جاتا ہے۔ ہم نے اپنی پوزیشن سمجھالی اور فائرنگ شروع کر دی حالانکہ مین گیٹ جیل اور جیل 1 کے درمیان تقریباً 80،90 گز فاصلہ ہے۔ فائرنگ کی وجہ سے عوام اور آنے جانے والے لوگوں کی دوڑیں لگ گئی اس دوران ڈرائیور افسر خان H.C نے Wires پر Control Room کو اطلاع دی افراتفری کا عالم تھا اور شدید اندھیرا تھا۔

(4) یہ کہ اس دوران اطلاع ملی کہ انسپکٹر خوش دل خان فائرنگ سے وفات پا چکے ہے۔

(5) یہ کہ اس سارے واقع میں جتنا ہو سکتا تھا ہم نے اپنی کوشش اور استطاعت کے مطابق رات کے اندھیرے میں اپنی کوشش جاری رکھی اور کبھی بھی غفلت اور بے احتیاطی کا مظاہرہ نہیں کیا۔



6۔ یہ کہ بعد ازاں سائل اور دیگر اہلکاران کے خلاف Inquiry Conduct کی جو کہ ات آئینہ کا
جناب سپرنٹنڈنٹ آف پولیس F.R.P بشاور رت کے سائل کی Major Punishment
Removal From service کے احکام صادر کیا۔ (نقل حکم آفت ہے)

7۔ یہ کہ سائل نے محکمہ پولیس کے آئیے بہترین خدمات سرانجام دی ہے۔ اور اپنی فرائض منصبی میں
کبھی بھی کوئی کوتاہی یا غفلت نہیں برتی ہے اور ہمیشہ اپنی دیوٹی صحیح طریقے سے سرانجام دی ہے۔
8۔ یہ کہ سائل کے چھوٹے چھوٹے بچے اور تعلیم حاصل کر رہے ہے۔ اور سائل کی نوکری کے
34 سال ہو چکے ہے۔ اور سائل کے علاوہ اور کوئی ذریعہ آمدن بھی نہ ہے اور اگر سائل کو نوکری
پر بحال نہ کیا گیا تو نہ صرف سائل بلکہ سائل کے چھوٹے چھوٹے بچے جو کہ تعلیم حاصل کر رہے
ہیں کا مستقبل تاریک ہو جائے گا۔

9۔ یہ کہ بذریعہ اپیل ہذا آپ صاحب سے ہمدردانہ التماس و گزارش ہے کہ سائل کو نوکری پر بحال
کرنے کے احکامات صادر کی جائے اور سائل کے بچوں کا مستقبل تاریک ہونے سے بچایا جائے۔
لہذا انتہائی مودبانہ گزارش کی جاتی ہے کہ سائل کی درخواست / اپیل پر ہمدردانہ غور فرمایا جا کر
سائل کو نوکری پر بحال کرنے کے احکامات صادر کی جائے۔ سائل اور سائل کے بچے تاحیات
آپ کے ذمہ گورینگے۔

العرض

الرقوم: 9021-11-20

ہیڈ کانسٹیبل عطا الرحمن ولد نعت اللہ خان

پلیٹ نمبر: CCP Line Peshawar F.R.P/PR-2305

رابطہ نمبر: 0321-9033846



"C" (12)

OFFICE OF THE COMMANDANT,
FRONTIER RESERVE POLICE,
KHYBER PAKHTUNKHWA, PESHAWAR.
No. 02 /PA, dated 05/01/2022.

ORDER

This order will dispose of the appeal lodged by Ex-Head Constable Atta-ur-Rahman No. 2305 of FRP Peshawar Range who was awarded major punishment of removal from service by SP FRP Peshawar Range on 17.11.2021.

Brief facts of the case are that the appellant was deployed at Central Jail Peshawar for security duty, he showed cowardice and negligence in the discharge of his official duty.

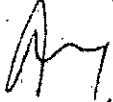
On the basis of above, preliminary enquiry was conducted against him vide letter No. 2126/PA, dated 05.05.2021, wherein he was found guilty, which amounts to gross misconduct on his part and further rendered to be liable initiating proper departmental enquiry. Therefore he was proceeded against departmentally. He was issued charge sheet / summary of allegations and a committee comprising of Inspector Sabir Khan and Inspector Gul Nawaz Khan of FRP Peshawar Range were constituted vide Order No. 261/PA, dated 23.06.2021. After completion of proper departmental enquiry, the Enquiry Committee submitted its findings, in which the accused official was found guilty and recommended him for suitable punishment.

Upon perusal of findings of the Enquiry Committee, Final Show Cause Notice was issued to the accused official vide No. 331/PA, dated 17.08.2021 to which he replied wherein he narrated that on the day of occurrence at 07:10 p.m indiscriminate firing was started at road near main gate of the Central Jail Peshawar. Therefore he got alert and concentrated to the occurrence however due to darkness, nothing was visible but he alongwith other police personnel started firing. Due to rush of General Public and darkness the accused fireman got escaped from the spot. Resultantly, Inspector Khushdil Khan was killed by the firing of unknown accused. His reply was found unsatisfactory by the competent authority. During enquiry he was also called and heard in person but he could not produce any cogent reason in his defence being a responsible official which is highly objectionable on his part. Therefore he was awarded major punishment of removal from service vide SP/FRP Peshawar Range Order Endst: No. 553-56/PA, dated 17.11.2021.

Now he preferred appeal to the undersigned against the orders of SP/FRP Peshawar Range. On the receipt of appeal he was called in orderly room on 05.01.2022 and heard in person. During hearing the applicant could not prove himself innocent.

Therefore, his appeal is hereby rejected.

Order announced.


COMMANDANT,
Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even:-

Copy of above is forwarded to the Superintendent of Police, FRP Peshawar Range for information and necessary action please. His Service Record is also returned herewith for your office record please. (Encl: Service Roll-1, Fauji Missal-1).

~~AD~~
AD 01/01/2022

بخدمت جناب آئی جی پی پشاور

مخوالہ چھٹی نمبر 2 مورخہ 05-01-2022 بجاریہ جناب کمانڈنٹ صاحب KPK/FRP پشاور

جناب عالی!

- (1) یہ کہ سائل محکمہ پولیس میں F.R.P/P.R بطور ہیڈ کانسٹیبل عرصہ تقریباً 34 سال تک خدمات سرانجام دیتا چلا آ رہا ہے۔
- (2) یہ کہ سائل مورخہ 30-01-2021 کو سینٹر جیل پشاور کے باہر سیکورٹی ڈیوٹی ہمراہ دیگر اہلکاران سرانجام دے رہا تھا۔
- (3) یہ کہ سائل نے اپنے سرولیس کے دوران ہمیشہ ایمانداری سے اپنے فرائض منصبی ادا کی اور مورخہ 2021-01-30 کو بھی سائل اپنی ڈیوٹی پوری جانفشانی اور لگن کے ساتھ ادا کر رہا تھا کہ اس دوران اچانک تقریباً 07:10 بجے پر جیل روڈ پر فائرنگ شروع ہوئی اس دوران چونکہ سر دیوان سنی اور سات بجے کے وقت بہت زیادہ اندھیرا چھا جاتا ہے۔ ہم نے اپنی پوزیشن سمجھالی اور جو انی فائرنگ شروع کر دی کیونکہ طرمان کی پہچان نہیں ہو رہی تھی۔ فائرنگ کی وجہ سے عوام اور آنے جانے والے لوگوں کی دوڑیں لگ گئی اس دوران ڈرائیور انسر خان H.C نے Wirles پر Control Room کو اطلاع دی انفر اتفری کا عالم تھا اور شدید اندھیرا تھا۔
- (4) یہ کہ اس دوران اطلاع ملی کے انسپکٹر خوش دل خان فائرنگ سے وفات پا چکے ہے۔
- (5) یہ کہ اس سارے واقع میں جتنا ہو سکتا تھا ہم نے اپنی کوشش اور استطاعت کے مطابق رات کے اندھیرے میں اپنی کوشش جاری رکھی اور کبھی بھی غفلت اور بے احتیاطی کا مظاہرہ نہیں کیا۔

ATTESTED

6۔ یہ کہ بعد ازاں سائل اور دیگر اہکاران کے خلاف Inquiry Conduct ہوئی جو کہ اب آخر کار جناب پرنسٹنٹ آف پولیس F.R.P پشاور ریجن نے سائل کو Major Punishment یعنی Removal From service کا احکام صادر کیا۔ (نقل حکم لف ہے)

7۔ یہ کہ سائل نے محکمہ پولیس نے اپنے بہترین خدمات سرانجام دی ہے۔ اور اپنی فرائض منصبی میں کبھی بھی کوئی کوتاہی یا غفلت نہیں برتی ہے اور ہمیشہ اپنی دیوٹی صحیح طریقے سے سرانجام دی ہے۔
8۔ یہ کہ سائل کے چھوٹے چھوٹے بچے ہیں اور تعلیم حاصل کر رہے ہیں۔ اور سائل کی نوکری کے 34 سال ہو چکے ہیں۔ اور سائل کے علاوہ اور کوئی ذریعہ آمدن بھی نہ ہے اور اگر سائل کو نوکری پر بحال نہ کیا گیا تو نہ صرف سائل بلکہ سائل کے چھوٹے چھوٹے بچے جو کہ تعلیم حاصل کر رہے ہیں کا مستقبل تار یک ہو جائے گا۔

9۔ یہ کہ بذریعہ ایپیل ہذا آپ صاحب سے ہمدردانہ اہتمام و گزارش ہے کہ سائل کو نوکری پر بحال کرنے کے احکامات صادر کی جائے اور سائل کے بچوں کا مستقبل تار یک ہونے سے بچایا جائے۔
لہذا انتہائی مودبانہ گزارش کی جاتی ہے کہ سائل کی درخواست / ایپیل پر ہمدردانہ غور فرمایا جا کر سائل کو نوکری پر بحال کرنے کے احکامات صادر کی جائے۔ سائل اور سائل کے بچے تاحیات آپ کے ذمہ دار رہیں گے۔

العرض

المرقوم: 71112-0222

ہیلڈ کا شیلیل عطا الرحمن ولد نعمت اللہ خان

پلیٹ نمبر: CCP Line Peshawar F.R.P / PR, 2305

رابطہ نمبر: 9033846-0321

ATTESTED

قیمت
50 روپے

121109



[Signature]

ایڈوکیٹ:

بار کونسل / ایسوسی ایشن نمبر:

رابطہ نمبر: ۰۳۳۳۵۲۹۵۵

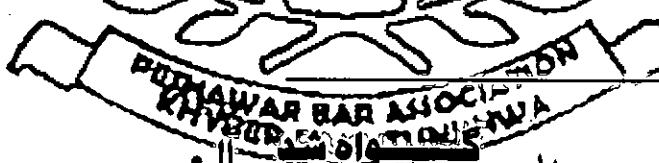
پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: *[Handwritten Name]*

منجانب: <i>[Handwritten Name]</i>	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
	باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام *[Handwritten Name]* کے لئے *[Handwritten Name]* کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کر کے وکیل موصوف کو مقدمہ کی کل کاروائی اور درخواست از جرم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل انگریزی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ مال اپنے بجائے نظر رکھا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور ان کا سزاخستہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائز اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المقوم:

مقام *[Handwritten Name]* کے لیے منظور ہے۔

[Signature]
Accepted by *[Signature]*

نوٹ: اس وکالت نامہ کی فوٹوکاپی ناقابل قبول ہوگی۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 644/2022.

**Atta Ur Rehman, S/o Naimat Ullah Khan Ex-HC No. 2305, R/o District Swabi
.....Appellant.**

VERSUS

**Inspector General of Police, Khyber Pakhtunkhwa, Peshawar &
others.....Respondents.**

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3.	Reply of Charge Sheet	B	04
4.	Enquiry Report	C	05
5.	Affidavit		06
6.	Authority Letter		07
Total			07

RESPONDENTS

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 644/2022.

**Atta Ur Rehman, S/o Naimat Ullah Khan Ex-Hc No. 2305, R/o District Swabi
.....Appellant.**

VERSUS

**Inspector General of Police, Khyber Pakhtunkhwa, Peshawar &
others.....Respondents.**

PARAWISE REPLY BY RESPONDENTS.

RESPECTFULLY SHEWETH.

PRELIMINARY OBJECTIONS

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has no cause of action and locus standi to file the instant appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant is trying to conceal the material facts from this Honorable Tribunal.

FACTS:-

1. Para No. 1 is admitted to the extent of appellant's enlistment in respondent department however, the remaining para is incorrect as the appellant has found a habitual absentee as per his service record.
2. Incorrect. That in the line of official duties the appellant was found an inefficient and irresponsibile officer and in this regard his service roll is full of red/bad entries.
3. Incorrect. The appellant while posted for security duty at Central Jail Peshawar, he shown extreme cowardice and negligence in the discharge of his official duties. In facts on the day of 30.01.2021 the unknown accused were started indiscriminate firing on one late Police Inspector Khoshdil Khan took place near the main gate of Central Jail Peshawar, resultantly he was embraced Shahadat, while the accused concerned were successfully escaped from the spot due to the negligence and mindless of the appellant alongwith others. On preliminary enquiry, the appellant was found guilty of the charges leveled against him. Later on, the appellant was dealt with proper departmentally, as he was issued Charge Sheet with Summary of Allegations and an enquiry committee was constituted to conduct enquiry into the matter. After fulfillment of all codal formalities, he was awarded major punishment of removal from service by the competent authority as per law/rules.


4. Correct to the extent that departmental appeal submitted by the appellant was thoroughly examined and rejected on sound grounds.
5. Revision petition submitted by the appellant is still under consideration.
6. The appellant has no cause of action to file the instant appeal and the same may be rejected on the following grounds.

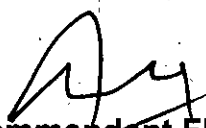
GROUND:-


- A. Incorrect. The impugned orders passed by the respondents in the case of appellant are legally justified and in accordance to law/rules as the same were issued after fulfillment of all codal formalities required as per law/rules. Moreover, the judgment mentioned by the appellant in the para is not applicable to the case of appellant.
- B. Incorrect the allegations are false and baseless as the appellant was issued Charge Sheet with Summary of Allegations and served upon him, to which he replied too, but his reply was found unsatisfactory. (Copy of Charge Sheet and his reply attached herewith as annexure "A & B").
- C. Incorrect. Proper departmental enquiry was already initiated against the appellant as per law/rules and the statements of all witness were also recorded by the Enquiry Committee during the course of enquiry. (Copy of Enquiry report attached herewith as annexure "C").
- D. Incorrect. The appellant is trying to mislead this honorable Tribunal by producing false and baseless grounds. In facts the appellant has already been proceeded against proper departmentally as he was issued Charge Sheet with Summary of allegations and enquiry committee was nominated for the purpose of departmental enquiry. After fulfillment of all codal formalities, he was awarded major punishment of removal from service as per law/rules.
- E. Incorrect. The appellant was called for personal hearing in orderly room and heard in person, but he failed to present any cogent justification before the Competent Authority regarding to his innocence. Thus the judgment of the Apex Court of Pakistan relied by the appellant in the Para is not applicable to the case of appellant.
- F. Incorrect. The Para has already explained in the preceding Para E above.
- G. The respondents may also be permitted to raise additional grounds at the time of arguments.

PRAYERS:-

Keeping in view the above facts and circumstances, it is most humbly prayed that the instant service appeal being not maintainable, may kindly be dismissed with costs please.


Superintendent of Police,
Peshawar.
(Respondent No. 02)


Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 03)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 644/2022.


**Atta Ur Rehman, S/o Naimat Ullah Khan Ex-Hc No. 2305, R/o District Swabi
.....Appellant.**


VERSUS

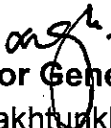
**Inspector General of Police, Khyber Pakhtunkhwa, Peshawar &
others.....Respondents.**

AFFIDAVIT

We respondents No. 1 to 3 do hereby solemnly affirm and declare on oath that the contents of the accompanying Para-wise Comments is correct to the best of our knowledge and belief that nothing has been concealed from this Honorable Court.


**Superintendent of Police,
Peshawar.
(Respondent No. 02)**


**Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)**


**Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 03)**

ATTESTED



"A"

(10)

CHARGE SHEET U/R 6(1)(A) NWFP (NOW KHYBER PAKHTUNKHWA)
POLICE RULES 1975.

You HC Atta ur Rehman No.2305, posted at FRP Peshawar Range, is hereby charged for committing the following Omission/Commissions.

This office intimated by SP HQrs Peshawar vide letter No.2367/PA, dated 22.06.2021 that Head Constable Atta ur Rehman No.2305 of FRP Peshawar Range, while deployed at Central Jail Peshawar for security duty has shown great cowardice & negligence in the discharge of official duty.

Your reply should reach to the inquiry officer within (7) days from date of receipt of this charge Sheet, failing with ex-part proceeding shall be initiated against you.

SUMMARY/STATEMENT OF ALLEGATION

This office intimated by SP HQrs Peshawar vide letter No.2367/PA, dated 22.06.2021 that Head Constable Atta ur Rehman No.2305 of FRP Peshawar Range, while deployed at Central Jail Peshawar for security duty has shown great cowardice & negligence in the discharge of official duty. Your reply should reach to the inquiry officer within (7) days from date of receipt of this charge Sheet, failing with Ex-part proceeding shall be initiated against you.

Superintendent of Police, FRP
Peshawar Range, Peshawar.

31

طاهر علی

طاهر علی
3305 HC علاء الرحمن

علاء الرحمن

NIC: 17301 - 9416189-9

Mob: 0391 - 9033846

12/07-01-07-091

1/2

(16)

ORDER OF INQUIRY AGAINST HEAD CONSTABLE ATTA UR REHMAN NO.2305,
CONTAINED UNDER SUB, RULE 4, OF RULE 5 OF NWFP (NOW KHYBER
PAKHTUNKHWA) (E&D) RULES 1975.

It has been made to appear before me that accused Head Constable Atta ur Rehman No.2305, is primes-faice guilty of the following charges to be dealt with under General Police proceedings contained u/r 5(4) of NWFP Rules (E&D) 1975.

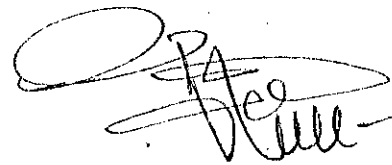
This office intimated by SP HQrs Peshawar vide letter No.2367/PA, dated 22.06.2021 that Head Constable Atta ur Rehman No.2305 of FRP Peshawar Range, while deployed at Central Jail Peshawar for security duty has shown great cowardice & negligence in the discharge of official duty.

The act of accused official falls within the ambit of misconduct within the meaning of rules 2 (iii) rules 1975 and is liable to be proceeded with under the General police proceedings contained in Police Rules 1975.

From the above charge, I am convinced that the said official has ceased to become efficient and it accused of gross misconduct therefore, I Superintendent of Police FRP/Peshawar Range, Peshawar being authorized officer within the meaning of 2(ii) of the said rules nominate Inquiry Officers Inspectors Sabir Khan & Gul Nawaz Khan of FRP Peshawar Range, to inquiry into the charge, levelled against him.

The inquiry committee after completing all inquiry proceedings, shall forward the verdict/Findings to the undersigned within due dated period of 10-days contained U/S 6 (5) of the rules.

Charge sheet and summary of allegations against the accused officer, are being issued separately, reply where of shall be submitted before the inquiry officer within the period of 07.days from date of receipt.



(Jehan Zeb Khan)
Superintendent of Police FRP,
Peshawar Range, Peshawar.

No. 261 /PA dated Peshawar Range the 23 /06 /2021.

Copy to:-

Inquiry Officers Inspectors Sabir Khan & Gul Nawaz Khan of FRP Peshawar Range.

جہاں تک...

مصر و فی خیرت ہوں کہ میں نے ساتل ہونے کا $\frac{30}{41}$ و صبح 08:00 بجے
 جیل میں جہاں پر آئی ٹی ٹی ٹی کا $\frac{7360}{41}$ اور ڈرائیور
 آصف خان $\frac{11}{41}$ کے ساتھ ساتھ ڈرائیور پر موجود تھے۔ شام تقریباً 07:00
 بجے 10 گھنٹے پر جیل روٹ پر بند میں ٹیٹ جیل اچانک ٹانہ بند
 ہو گیا۔ ڈرائیور آصف خان $\frac{11}{41}$ نے بڑے دھم دھم سے لہرائی اور قائم رہنے کی
 مشق کی۔ جب ہم نے پیر کیتھن سے حال کی۔ عوام کی اور میں نے
 میں نے اور ڈرائیور $\frac{7360}{41}$ نے اپنے اپنے سٹیشن پر پہنچنے میں نے یہ
 پتھر ڈالنے اور ڈرائیور $\frac{11}{41}$ نے سرکاری گاڑی سے پوری
 ٹانہ بند کی اور نہ ٹانہ بند کی جا سکی۔ کلنگان کی پہچان نہ ہو سکی
 تھی اور عوام کی روٹ میں بھی تھی۔ کچھ میں پتھر چارٹر اٹھانے
 خوشدل خان $\frac{10}{41}$ کو کلنگان نے قتل کیا ہے اور کلنگان قتل
 ہوئے ہیں۔ جس پہلی مہاجر بیان ہے۔



عطاء الرحمن

0331-9033846

30/07/2005

جناب عالی!

بحوالہ مشمولہ انکوائری کاغذات بر خلاف ہیڈ کانسٹیبل عطاوار حسن نمبر FRP/PR 2305 معروف خدمت ہوں

کہ HC مذکورہ کے متعلق چھٹی انگریزی نمبری PA/2367 مورخہ 22.06.2021 منجانب جناب SP صاحب CCP ہے

کوآرڈینیشن اور موصول ہوئی جس میں تحریر ہے کہ HC مذکورہ سنٹرل جیل سکیورٹی ڈیوٹی پر تعینات تھا۔ دوران ڈیوٹی مذکورہ ہیڈ

کانسٹیبل نے انتہائی بزدلی اور غفلت سے کام لیا ہے اور مذکورہ ہیڈ کانسٹیبل عطاوار حسن نمبر FRP/PR 2305 کے خلاف

ڈیپارٹمنٹل انکوائری کرنے کی سفارش کی گئی ہے۔ چھٹی متذکرہ بالا ہمراہ انکوائری قتل انسپکٹر خوشدل خان (CTD) لف ہذا اور

قابل ملاحظہ ہے۔ چھٹی متذکرہ بالا ہمراہ انکوائری قتل انسپکٹر خوشدل خان (CTD) بحوالہ ڈاری نمبر 918 مورخہ

23.06.2021 پر جناب SP صاحب FRP/PR کو موصول ہوئی۔ جس پر جناب SP صاحب نے بحوالہ آرڈر شیٹ نمبر

261/PA مورخہ 23.06.2021 مذکورہ ہیڈ کانسٹیبل کے خلاف چارج شیٹ و سمری آف الیگیشن جاری کرتے ہوئے

کاغذات انکوائری ہم انسپکٹر صابر خان اور انسپکٹر گل نواز خان کو حوالہ ہوئے۔ دوران انکوائری چارج شیٹ مذکورہ ہیڈ کانسٹیبل پر

بدست DFC اسرار نمبر 2509 مورخہ 01.07.2021 کو حسب ضابطہ تقسیم کی گئی۔ جو کہ مذکورہ ہیڈ کانسٹیبل نے بذات

خود وصول کرتے ہوئے چارج شیٹ پر اپنا دستخط ثبت کی اور چارج شیٹ کے جواب میں اپنا تحریری بیان پیش کیا۔

بیان اذماں ہیڈ کانسٹیبل عطاوار حسن نمبر FRP/PR 2305 : مذکورہ نے اپنے بیان میں تحریر کیا ہے کہ مورخہ

30.01.2021 صبح 8:00 بجے سے موہاٹیل جیل وین پر آن ڈیوٹی تھا۔ FC راز محمد نمبر 7360 اور ڈرائیور HC انسر خان بھی

میرے ساتھ ڈیوٹی پر موجود تھے۔ شام تقریباً 07:00 بجکر 10 منٹ پر جیل روڈ نزد مین گیٹ جیل اچانک فائرنگ شروع

ہوئی۔ ڈرائیور HC انسر خان نے ہذریہ وائرلیس کنٹرول کو فائرنگ کی متعلق اطلاع دی۔ جبکہ ہم نے پوزیشن سنبھال لی۔ عوام کی

دوڑیں تھیں۔ میں نے اور راز محمد نمبر 7360 نے اپنے اپنے یعنی میں نے اپنے ذاتی پستول سے اور FC راز محمد نے سرکاری SMG

سے ہوائی فائرنگ کی۔ کیونکہ تاریکی چھا گئی تھی۔ ملزمان کی پہچان نہ ہو رہی تھی اور عوام کی دوڑیں بھی تھی بعد میں پتہ چلا کہ انسپکٹر

خوشدل خان (CTD) کو ملزمان نے قتل کیا ہے اور ملزمان فرار ہوئے۔ پس یہی میرا بیان ہے جو کہ حقیقت پر مبنی ہے۔ بیان ہمراہ

لف انکوائری اور قابل ملاحظہ ہے۔ بسلسلہ انکوائری FC راز محمد نمبر 7360 اور ڈرائیور HC انسر خان جو کہ بوقت وقوعہ HC

عطاؤلرحمن کے ساتھ آن ڈیوٹی جیل وین موجود تھے کو طلب کر کے تحریری بیانات لئے گئے اور پوچھ گچھ کی گئی بیانات میں مذکورہ تحریر کیا ہے شام تقریباً 07:00 بجکر 10 منٹ پر جیل روڈ نزد مین گیٹ جیل اچانک فائرنگ شروع ہوئی۔ کیونکہ تاریکی چھٹی تھی۔ ملزمان کی پہچان نہ ہو رہی تھی اور عوام کی دوڑیں بھی تھی بعد میں پتہ چلا کہ انسپٹر خوشدل خان (CTD) کو ملزمان نے قتل کیا ہے اور ملزمان فرار ہوئے۔ تحریری بیانات ہمراہ لف انکوائری اور قابل ملاحظہ ہے۔

خلاصہ رپورٹ :-

دستیاب انکوائری کاغذات، بیانات اور سابقہ انکوائری جو کہ سینئر پولیس آفیسر جناب SP/HQrs صاحب CCP پشاور نے کی ہے کو مد نظر رکھ کر ہم انکوائری آفیسران اس نتیجہ پر پہنچے کہ جائے وقوعہ اور ڈیوٹی پوائنٹ (جیل وین) کے درمیانی فاصلہ تقریباً 15/20 گز ہیں اگر ڈیوٹی پوائنٹ (جیل وین) پر موجود اہلکاران بروقت کارروائی کرتے تو ملزمان قابو و گرفتار کئے جاسکتے تھے۔ مگر انچارج موبائیل HC عطاؤلرحمن ہمراہ دیگر اہلکاران بروقت کارروائی نہ کرتے ہوئے ڈیوٹی میں سستی اور غفلت کے مرتکب پائے گئے۔ تعینات اہلکاران میں ہیڈ کنسٹیبل عطاؤلرحمن نمبر FRP/PR 2305 سے ہے اور سزا کے مستحق ہے۔ مزید حکم افسران بالا صاحبان افضل ہے۔ انکوائری رپورٹ عرض ہے۔

کمپٹی ممبران:

- 1- انسپٹر صاحب خان
16/8/21
- 2- انسپٹر گل نواز خان
16/8/21

Issue Final Show
Cause notice.
17-8-21

FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975

I, Superintendent of Police FRP Peshawar Range, Peshawar as competent authority do hereby serve you Head Constable Atta ur Rehman No.2305 of FRP Peshawar Range, Peshawar.

1) That consequent upon the completion of Inquiry conducted against you by Inquiry committee i.e Inspectors Sabir Khan & Gul Nawaz Khan of FRP Peshawar Range, for which you were given full opportunity of hearing. On going through the finding/recommendations of the inquiry committee the materials available on record and other connected papers I am satisfied that you have committed the following acts/omissions per police rules 1975.

This office intimated by SP/HQrs Peshawar vide letter No.2307/PA, dated 22.06.2021 that you Head Constable Atta ur Rehman No.2305, of FRP Peshawar Range, while deployed at Central jail Peshawar for security duty has shown great cowardice & negligence in the discharge of official duty.

- 2) Therefore, I Superintendent of Police FRP Peshawar Range, Peshawar as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said rules.
- 3) You are, therefore, required to show cause as to why penalty should not be imposed upon you.
- 4) If no reply to final show cause notice is received within the seven days of it delivered in the normal course of circumstance, it shall be presumed that you have no defence to put in and consequently ex-parte action shall be taken against you.



Superintendent of Police, FRP
Peshawar Range, Peshawar.

No. 331/PA, dated Peshawar Range the 17/08/2021.

جسٹریٹ 2305 / 1164 HC 23 اگست 2021

Nic:- 1730-9416189-9

Mob:- 0301-9033846

Date 23-08-2021

3

د. ڈوالم فائیسبل شوکار لوٹس جج ایب ماب S ماب FRP/PR لٹاور

ماب عالی
م

مفروض خدمت یوں کہ من ماب FRP/PR کی طرف سے اے سی لائن
میں لیسنا تھا۔ اے سی لائن ٹھہر سٹاف نے من ماب کی جیل
میں جیل ون پر ڈیوٹی پر تھا میرے ہمراہ FC راز محمد 7360 اور
ڈرائیور آفسر خان Hz بھی میرے ساتھ ڈیوٹی پر موجود تھا۔ تمام
قریباً 07:00 بجے 10 مینٹ فوراً 30 ماہ اجوری۔ جیل
روڈ پر نزد مین لیسٹ جیل احاطہ کا ٹھہرنے شروع ہوئی۔ اس وقت
ڈرائیور آفسر خان Hz نے بدلیے ڈرائیور لیسٹ شروع ہوئی۔ اس وقت
کی متعلق اطلاع دی۔ جب من ماب اور لیسٹ شروع ہوئی تو ٹھہرنے
اور لیسٹ کے ساتھ لوزیشن سمجھال لی اور لیسٹ راز محمد 3637 نے اپنے
خونہ میں لیسٹ جیل اور جیل ون ماب کی ٹھہرنے شروع ہوئی
فاصلہ تھا اور ٹھہرنے کے ماب کے درمیان تقریباً 80/90
7 بجے 10 مینٹ پر وہم سر ماب کا فحاشی اندھیرا چھا جاتا ہے۔ یہ ہیں
وہم ٹھہرنے والے ولترخان کی تناسف نہیں ہو سکتی تھی اور
افر لیسٹ کا عام تھا۔ لیسٹ میں متہ حلام ان پر خوشدل خان
C.T.D لٹاور کو ولترخان نے قتل کر دیا ہے۔ اور ولترخان فرار ہو
میں ماب ہوئے۔ لیسٹ میں ہم شرفی ٹھہرنے اور آفسر ان بالہ
میں ماب ہوئے۔ اس میں ہم شرفی اور ماب کے ساتھ ماب سے لیسٹ کی بھی لوی
مفلت ہے افسانہ لیسٹ یا لیسٹ ماب کے ماب سے لیسٹ کی بھی لوی
مفلت ہے افسانہ لیسٹ یا لیسٹ ماب کے ماب سے لیسٹ کی بھی لوی

Hc عطا الرحمن FRP/PR مقیم اے سی لائن
الدعوات العرفیہ

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 644/2022.

Atta Ur Rehman, S/o Naimat Ullah Khan Ex-Hc No. 2305, R/o District Swabi
.....Appellant.


VERSUS


Inspector General of Police, Khyber Pakhtunkhwa, Peshawar &
others.....Respondents.


AUTHORITY LETTER

Respectfully Sheweth:-

We respondents No. 1 to 3 do hereby solemnly authorize Mr. Ghassan Ullah ASI FRP HQrs to attend the Honorable Tribunal and submit affidavit/Para-wise comments required for the defense of above Service Appeal on our behalf.


Superintendent of Police,
Peshawar.
(Respondent No. 02)


Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 03)



OFFICE OF THE
SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

Phone No. 091-9210737

No. 2267/PA, Dt: 22/6/2021

1

9

TO: The Deputy Commandant FRP,
Khyber Pakhtunkhwa, Peshawar

Subject: DEPARTMENTAL ENQUIRY AGAINST HC ATTA-UR-RAHMAN NO.2305

Memo:

It is submitted that HC Atta-ur-Rahman No.2305 of your unit while deployed at Central Jail Peshawar for security duty has shown great cowardice & negligence in the discharge of official duty. Therefore, preliminary enquiry against him along-with other Police officials were conducted wherein he found guilty which amount to gross misconduct on his part & rendered to be liable for initiating proper departmental proceedings against him.

It is requested that departmental action may please be initiated against above named official under intimation to this office. Moreover, copy of preliminary enquiry is appended herewith.

**SUPERINTENDENT OF POLICE
HQRS: PESHAWAR**

✓
SP F&P PR.

For Strict action
and Report M.

22 127 06 21 04

22/6/21

918 23/6/21

PA ✓

(2)

(8)

Page No. 588	GPO
Date 31.05.2021	
Encl. (34)	

No. 2120/PA

Dated 28/5/2021
Etc

Subject: **ENQUIRY INTO THE KILLING OF INSPECTOR KHUSHDIL KHAN OF CTD**

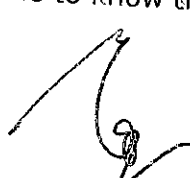
Please refer to the attached enquiry papers received from your good office vide No.312/PA dated 03.02.2021.

ALLEGATION

"It has been reported that on 30.01.2021 during the above incident sufficient strength were deployed at the following post on Jail road while the accused succeeded to decamp from the place of occurrence:-

- 1) Constable Imran No.2110 of FRP duly armed with LMG and SMG was present in post NO.08 on jail road but failed to respond.
- 2) Post No.09 is near the place of occurrence but no one was present there.
- 3) Constable Murad Al No.1029 of FRP and Constable Shahab No.4536 of Elite Force were present on duty at Post Tanki Jail Duly armed with LMG, Sniper Gun, RPG-7 and SMG but failed to respond.
- 4) Similarly in Jail Van, at the time of occurrence, HC Atta ur Rahman No.2305, Constable Raz Muhammad 7360 and D/HC Afsar Khan were present. They were in possession of one SMG and pistol with I/C Atta ur Rahman but failed to respond.

PROCEEDINGS

1. In order to probe into the matter, Supervisory Officer Inspector Rahmat Ullah was called & recorded his statement. He stated that he was supervisory officer of outer cordon of Central Prisoner Peshawar. He checked all points and found the security personnel present on duty. However, I/C was not available in Jail-I mobile, he accordingly, informed Lines staff and HC Atta ur Rahman was sent as Incharge of the mobile. He pleaded no guilty.
 2. FC Raz Muhammad No.7360 was called & his statement recorded. He stated that he was deputed in Jail Van on the day of incident at 07:10 pm indiscriminate firing was heard meanwhile, they became alert and due to darkness nothing was visible. However, message was conveyed to wireless control room by jail van driver. Aerial firing was also made however due to general public accused was escaped from the site. Later on, it came to know that Inspector Khushdil Khan has been killed in the same firing.
 3. HC Atta ur Rahman No.2305/FRP was called & his statement recorded. He stated that on 30.01.2021 at 07:10 pm indiscriminate firing took place near Main Jail Gate on the road, meanwhile they found alert however due to darkness nothing was visible. But aerial firing was made along-with other Police personnel. Due to rush of general public & darkness the accused escaped from the site. Later on, it came to know that Inspector Khushdil Khan has been killed in the same firing.
- 

- 4. Statement of FC Shahab Ali No.4536/E Platoon No.22 was recorded. He stated that he was deputed at Jail Tanki point. He heard indiscriminate firing but due to crowd & darkness he did not observe that who made firing for what purpose. He further stated that the site was not clear due to point No.09 at Jail Gate & not visible.
- 5. Statement of FC Imran Ullah No.2110/FRP/HQrs deputed at point No.08 jail security, Driver Afsar Ali No.2474 Jail Van & FC Murad Ali No.1029/FRP/HQrs deputed at Jail Tanki point were also recorded. They affirmed the same version as recorded by previous security personnel.

FINDINGS

- 1. Keeping in view the mitigating circumstances as aforementioned, HC Atta-ur-Rehman No.2305/FRP, FC Raz Muhammad No.7360 and Driver FC Afsar Khan found inefficient on duty. However, there is no proof of complicity on their part.
- 2. The driver & HC Atta-ur-Rahman-2305 have no official arms & there is no proof that anyone of the three officials have retaliated.
- 3. There is no proper lighting all along the boundary wall towards Nishter Road.
- 4. Point No.08 is located inside the boundary wall the sentry could not see the movement at the place of occurrence. Moreover, all the visitors, released prisoners/persons are get in and go out in front of point No.08. At this point the verification & search of the released persons and of the visitors are done.
So the Jail authorities have established a temporary point outside the boundary wall which is unsafe especially for released persons because every walking person on the main road can see persons going in or out.
- 5. As per practice in vogue in the Jail, all accused/prisoners are released after 04:00 pm daily. At times number of the released person are increased day-by-day. The persons/family members who are coming for receiving their relatives is also more than double of the person released. Therefore, number of person at this most happening point is huge and venerable with security point of view. I have also discussed with Jail authorities there is no bar on releasing persons from Jail before 04:00 pm.
- 6. The incident took place in the winter & shortest days of the season i.e 30.01.2021. Therefore, there is very less time after 04:00 pm and before the dark came in.
- 7. The CCTV Camera system is also insufficient. No camera has covered any movement of the whole incident.
- 8. CDR of HC Atta-ur-Rahman of phone Cell No.0333-9204497 was obtained & assessed. It shows that HC Atta-ur-Rahman No.2305 was located and covered by the tower installed in Shoba Bazaar. CDR don't show his exact location. All mobile contacts made round the Jail, Shoba Bazar & Khyber Bazar are covered by this tower.

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The time of occurrence is 19:15 hours while last call made, 70 minutes before the incident i.e at 18:00 hours. There is no contact made between 18:00 hours & 22:24 hours by HC Atta-ur-Rahman. His fellow officials stated that all three officials were present in Jail-1 mobile at the time of occurrence.

9. There is no proof that the deceased Inspector Khushdil Khan informed the Jail-I mobile officials about any activities.
10. The PSVs stopped in front of the point No.08 at main road and then go towards Bacha Khan Chowk. They take halt, picked up and alighted the passengers at this point. There is no proper bay and the road is also very narrow besides the movement as pointed in Para 4 and 5 above. The road however, comparatively wide about 30 feet ahead from the point currently used as bus bay.

CONCLUSION

- i. At the time of occurrence, the staff of Jail-I mobile i.e HC Att-ur-Rahman No.2305, FC Raz Muhammad No.7360 and Driver HC Afsar Khan No. 2474 were present. They were few yards away from the point of killing of Inspector Khushdil Khan. They neither prevent the accused from committing the murder even never seen or stopped. Similarly they did not make any efforts to arrest the accused after committing of offence.
- ii. Point No.09 was vacant on that day.
- iii. Point No.08 was gaurdad by FC Imran No.2110 but his location is inside the boundary wall and he could not see the point of incident.
- iv. It is fact that there is no proper lighting in front of the boundary wall where the incident took place so there was possibility of an unseen and unchecked movement by any person.
- v. The Jail-I Mobile was parked at the opposite side of the road and not towards Jail boundary wall.
- vi. The driver had no arms while the In-charge HC Atta-ur-Rehman had his own private pistol.

RECOMMENDATIONS

- I. All the three official i.e HC Atta-ur-Rehman No.2305/FRP, FC Raz Muhmmad No.7360 and Driver FC Afsar Khan are found guilty of misconduct for not performing duty efficiently. They did not prevent the arrival of accused, retaliate when they attacked Insp: Khushdil Khan (late), arrest accused after commission of offence. Therefore, found inefficient and are recommended for proper departmental enquiry. However, HC Atta-ur-Rahman No.2305 borne on the strength of FRP/HQrs and his case may be sent to Commandant FRP for further action.
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- II. The SP Security, all divisional SsP may be directed to make sure that In-charge, driver and other officials must have official arms and sufficient ammunition with them while performing duty in Police mobile.
- III. Authorities of the Central Prison, Peshawar may be requested to:
- i. Make sufficient lighting arrangements all along the boundary wall.
 - ii. Establish strong wall at the edge of road, if the area falls within Jail premises, so that the movement of the people, at entry/exist point outside the boundary wall done for search and verification, may not be seen from road side and make them secure. If the area outside the boundary wall does not fall in the premises of the Jail authorities, then cover the existing grill with steel shed for this purpose;
 - iii. Install sufficient number of CCTV cameras all along the boundary wall backed by un-interrupted electric power system and efficient DVR.
 - iv. Release the prisoners/accused from jail at different times and not in one go and after a specific timing i.e after 04:00 pm.
- IV. The vehicles and on duty officials of Jail-I mobile must be towards the Jail side outside of the boundary wall.
- V. The CTO may be requested to force the passenger vehicles to stop the vehicles at the wider point, of the road for pick and drop of the passengers instead of the narrow spot and in front of the entry/exit point of the prisoners and visitors.


**SUPERINTENDENT OF POLICE,
HEADQUARTER, PESHAWAR**

W/CCPO

Pl. take action at your end against the delinquent officers.

PA to communicate the recommendations to CTO

PA

For DPA

[Signature]
26/21

[Signature]
2/6/2

بیان میزان پیکر کشتل عقاد الرحمن 2305
149/12

صداقتی

مصرف ضرورت ہوں کہ اس میں داخل ہونے سے پہلے 3000 روپیہ جمع کروا کر 0800 سے
 پہلے داخل ہونے میں ہر روز کی مقدار 400 روپیہ 7360 روپیہ کر ڈالوں
 آصف خان سے مل کر معاوضہ کی رقم جمع کروا کر 07000
 ٹیکر 10 فیصد پر جمع کر دوں گا۔ میں ٹیکر میں اضافہ کرنا چاہتا ہوں
 شروع ہونے پر ڈالوں آصف خان سے مل کر معاوضہ کی رقم جمع کروا کر
 متعلقہ مالک سے مل کر ہم نے معاوضہ کی رقم جمع کروا کر
 میں نے کروڑ روپیہ 7360 روپیہ سے پہلے جمع کروا کر
 پستول خریدنے کے لئے ڈالوں گا۔ میں نے اس کے لئے 5000 سے ہونے
 چاہتا ہوں کہ اس کے لئے معاوضہ کی رقم جمع کروا کر
 کسی کروڑ روپیہ کے لئے معاوضہ کی رقم جمع کروا کر
 خوشنور خان سے مل کر معاوضہ کی رقم جمع کروا کر
 ہونے میں اس کے لئے معاوضہ کی رقم جمع کروا کر



اکرم عطاء الرحمن

9033846-0321

30/07/21

بیان اذان کٹل راز محمد 7360

جہاں عالی

درج حکم فوراً ۱۰:۳۰ کو صبح 8 بجے سے پہلے وین پر مہدی

ڈیوٹی شروع ہوئی تھی۔ ۱۱ بجے عطاء الرحمن اور ڈرائیور ۱۱ بجے افسر خان
 کے ساتھ ڈیوٹی پر موجود تھے۔ شکار وینا تقریباً 7 بجے ہاؤس
 پر پہلے روڈ پر نرڈ میں ٹینٹ چیل اجائیت فائرنگ شروع ہوئی۔ ہم
 نے بھی پوزیشن منتقل کی۔ عوام اور لوگوں کی ڈیوٹی میں تھی ڈرائیور
 افسر خان ۱۱ بجے نڈر وین پر نہیں لٹرنل کو فائرنگ کے متعلق اطلاع
 دی میں اور عطاء الرحمن ۱۱ بجے اپنے لینی وطاء اراکین نے اپنے کپول
 اور میں نے سرکاری 570 سے سوار کی فائرنگ کی چونکہ مارنے کا حکم
 تھی مگر ان کی بچان نہ ہو رہی تھی اور عوام کی بھی دوزخی ہیں
 تھی مگر سرکاری 570 سررا کے وہ موت کو جو دے رہے ہیں میں
 نے صلا تم اسلیم فوسڈل خان ۱۵ بجے کو مگر ان کے قتل کیا
 ہے اور مگر ان سررا موتے ہیں یہی مگر بیان ہے کہ

0344-9161150

الوداع محمد 7360

09/08/21

کراس والائن جوادات

8
10/30/2014
کراس والائن

سوال نمبر 1 :- آپ کیسے پہلے وقت میں گارڈ میں کھینٹا کرتے ہیں؟

جواب :- میں تقریباً 15 گھنٹے سے گارڈ شروع کرتا ہوں اور تقریباً 1 گھنٹے تک۔

سوال نمبر 2 :- یہ واقعہ کس وقت رونما ہوا؟

جواب :- تقریباً 7:15 بجے واقعہ رونما ہوا۔

سوال نمبر 3 :- آپ کے ساتھ کون کون سے ڈیوٹی پر کھینٹا کرتے ہیں؟

جواب :- HC عطاء الرحمن اور ڈرائیور مسٹر علی کھینٹا کرتے ہیں۔

سوال نمبر 4 :- جائے واقعہ سے آپ کا فاصلہ کتنا تھا؟

جواب :- تقریباً 250 گز فاصلہ ہے۔

سوال نمبر 5 :- اس وقت فائبرنگ میں آپ اور عطاء الرحمن کیا کر رہے تھے؟

جواب :- اس وقت وہاں HC عطاء الرحمن ڈرائیور کے ساتھ گاڑی میں بیٹھا تھا اور میں گاڑی کے ساتھ کھڑا تھا۔

سوال نمبر 6 :- آپ نے اور عطاء الرحمن نے کسی کو فائبرنگ کرنے سے روک دیا ہے؟

جواب :- ہاں، اس وقت اندھیرا تھا اس وجہ سے ہم نے کسی کو نہیں دیکھا۔

سوال نمبر 7 :- آپ اور عطاء الرحمن نے فائبرنگ کیسے کی؟

جواب :- ہمیں فائبرنگ کی جگہ سے اپنی SMS پر فائبرنگ کرنے اور عطاء الرحمن نے اپنی فائبرنگ لیمپ سے کی۔

دائیں

بیان اذعان ڈیپوٹ اور سنز خان

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1

صفا - عالی

معرضہ خدمت میں کدیں سائل فوراً 20/30 کو لے کر
 جہد سے نو بائیل پہل و میں ہم ان ڈیپوٹ تھا 119 عطاوار الرحمان
 اور 44 راز محمد بھی صہبت ساک ڈیپوٹ ہم موجود تھے۔ شام تقریباً
 7 بجکر 15 منٹ پہل پہل اور ڈیپوٹ میں گیسٹ پہل اچانک
 فائبرنگ مشین شروع ہوئی۔ میں نے نذرینہ واٹر لیس کنٹرول کو ٹائپرنگ
 کی مشین اطلاع دی۔ اس وقت تاریکی چھا چکی تھی۔ ملازمین
 کی بیہوشی نہ ہو رہی تھی اور عوام کی دوڑ میں بھی تھی۔ پھر میں پتہ
 پہلا ڈیپوٹ ٹائپرنگ فنان کو قفل کیا ہے اور ملازمین کو قرار
 سے لے رہے ہیں۔ ایسی ہی دریا میں آج کو صبح ہے۔

اردو نیا
 12/08/21



10

Sra
**OFFICE OF THE COMMANDANT,
FRONTIER RESERVE POLICE,
KHYBER PAKHTUNKHWA, PESHAWAR.**
No. 02 /PA, dated 05/01/2022.

ORDER

This order will dispose of the appeal lodged by **Ex-Head Constable Atta-ur-Rahman No. 2305 of FRP Peshawar Range** who was awarded major punishment of removal from service by SP FRP Peshawar Range on 17.11.2021.

Brief facts of the case are that the appellant was deployed at Central Jail Peshawar for security duty, he showed cowardice and negligence in the discharge of his official duty.

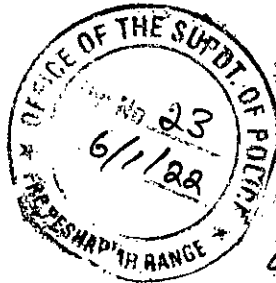
On the basis of above, preliminary enquiry was conducted against him vide letter No. 2126/PA, dated 05.05.2021, wherein he was found guilty, which amounts to gross misconduct on his part and further rendered to be liable initiating proper departmental enquiry. Therefore he was proceeded against departmentally. He was issued charge sheet / summary of allegations and a committee comprising of Inspector Sabir Khan and Inspector Gul Nawaz Khan of FRP Peshawar Range were constituted vide Order No. 261/PA, dated 23.06.2021. After completion of proper departmental enquiry, the Enquiry Committee submitted its findings, in which the accused official was found guilty and recommended him for suitable punishment.


Upon perusal of findings of the Enquiry Committee, Final Show Cause Notice was issued to the accused official vide No. 331/PA, dated 17.08.2021 to which he replied wherein he narrated that on the day of occurrence at 07:10 p.m indiscriminate firing was started at road near main gate of the Central Jail, Peshawar. Therefore he got alert and concentrated to the occurrence however due to darkness, nothing was visible but he alongwith other police personnel started firing. Due to rush of General Public and darkness the accused fireman got escaped from the spot. Resultantly, Inspector Khushdil Khan was killed by the firing of unknown accused. His reply was found unsatisfactory by the competent authority. During enquiry he was also called and heard in person but he could not produce any cogent reason in his defence being a responsible official which is highly objectionable on his part. Therefore he was awarded major punishment of removal from service vide SP/FRP Peshawar Range Order Endst: No. 553-56/PA, dated 17.11.2021.

Now he preferred appeal to the undersigned against the orders of SP/FRP Peshawar Range. On the receipt of appeal he was called in **orderly room on 05.01.2022** and heard in person. During hearing the applicant could not prove himself innocent.

Therefore, his appeal is hereby rejected.

Order announced.




COMMANDANT,
Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even:-

Copy of above is forwarded to the Superintendent of Police, FRP Peshawar Range for information and necessary action please. His Service Record is also returned herewith for your office record please. (Encl: Service Roll-1, Fauji Missal-1).

SRe/Acct/OAS
for information pl

SSP/FRP/PM/6/1