

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 1023/2015

Date of institution ... 15.09.2015
Date of judgment ... 09.12.2016

Javed Ali S/o Shah Sawar Ali,
R/o Asterzai Payan Tehsil & District Kohat.

... (Appellant)

VERSUS

1. Provincial Police Officer/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police Kohat Region, Kohat.
3. District Police Officer, Karak.
4. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 17.03.2015 PASSED BY RESPONDENT NO. 3 BY WHICH MINOR PUNISHMENT OF FORFEITURE OF 02 YEARS APPROVED SERVICE HAS BEEN AWARDED TO THE APPELLANT AND AGAINST THE ORDER DATED 06.05.2016 RECEIVED ON 14.09.2015 OF RESPONDENT NO. 2 BY WHICH HE UPHELD THE PUNISHMENT AWARDED TO APPELLANT AND THE APPEAL HAS BEEN FILED.

Mr. Shahid Qayum Khattak, Advocate.
Mr. Muhammad Jan, Government Pleader

.. For appellant.
.. For respondents.

MR. ASHFAQUE TAJ
MR. MUHAMMAD AAMIR NAZIR

.. MEMBER (JUDICIAL)
.. MEMBER (JUDICIAL)

JUDGMENT

ASHFAQUE TAJ, MEMBER:- The appellant Mr. Javed Ali has preferred appeal under section-4 of the Service Tribunal Act, 1974 against the order dated 17.03.2015 by which he was awarded punishment of forfeiture of two years approved service on the ground of misconduct. Against the impugned order dated 17.03.2015

appellant filed departmental representation on 03.04.2015 but the same was filed vide order dated 06.05.2015, which culminated in the shape of instant appeal.

2. Brief facts of the case of the appellant are that the appellant has joined the Police Department in the year 1992 and have served the department for about 22/23 years. That the appellant was posted as Madad Moharir in Police Station KDA Kohat when a suspect accused namely Muhammad Salman S/o Raees Khan resident of Mohallah Shenwari Jungle Khel escaped from his custody on 29.01.2015. That the appellant was charge sheeted on 16.02.2015 on the allegation of misconduct under the Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014). That on 19.02.2015 appellant submitted his reply to the charge sheet and denied the allegations. That on 05.03.2015 final show cause notice was issued which was also replied by the appellant. That thereafter impugned order dated 17.03.2015 was issued against the appellant by awarding him minor punishment of forfeiture of two years approved service. That the appellant filed representation against the impugned order dated 17.03.2015 on 03.04.2015 which was rejected vide order dated 06.05.2015 and hence the instant service appeal on 15.09.2015.

3. The learned counsel for the appellant argued before the court that the impugned orders dated 17.03.2015 and 03.04.2015 were illegal, void, without any lawful authority, based on malafide, void, ab-initio thus untenable in the eyes of law and are liable to be set-aside. He further argued that suspect Salman was properly kept and confined in lock-up on receiving him from P.S Jangle Khel. He was brought out from lock-up in the morning on direction of superior as the raid of bailiff of the court was expected. He contended that the said suspect has neither been charged in any case nor he was in the diary therefore in good faith and as per directions of the superior he was taken out from lock-up. He further contended that no final show-cause notice under the relevant provision of law had been issued to appellant which was mandatory under the law, similarly appellant was not personally heard no opportunity of defence had been provided to the appellant nor proper proceedings under the law had been carried against the appellant. He prayed that the impugned orders dated 17.03.2015 and 06.05.2015 might be set-aside by declaring it

7
9.12.16

illegal, unlawful, without any lawful authority, based on malafide, void ab-initio and against the rules & regulations.

4. The learned Government Pleader resisted the appeal and argued before the court that due to misconduct/negligence of the appellant, the suspect Salman make his escape good from the custody of the appellant. He further argued that proper departmental inquiry was initiated against the appellant in which he was held guilty. That the competent authority has rightly awarded the minor punishment of forfeiture of two years approved service to the appellant hence, the instant appeal being devoid of merits might be dismissed.

5. We have heard the arguments of learned counsel for the appellant and Learned Government Pleader for the respondents and have gone through the record available on file.

6. From perusal of the record it transpires that the appellant while posted as Madad Moharir in Police Station KDA, Kohat was charge-sheeted on the following allegation:

"It is noticed that when you was posted as Madad Moharir in PS KDA, a suspected namely Muhammad Salman S/o Raees Khan R/o Mohallah Shenwari Jungle Khel was brought to the Police Station from PS Jungle Khel at 00:30 hrs on 20.01.2015 and handed over to you but on 20.01:2015, he was escaped from your possession".

That the appellant submitted his reply on 19.02.2015 to the charge sheet which is as following:

"The undersigned complied with the direction of SHO P.S Jangle Khel. However next morning he was taken out of the "Hawalat" for the purpose of morning tea. He was taking tea whereas the undersigned remained busy in deputing the police for schools security duties. Meanwhile the said Muhammad Salman slipped from the P.S premises. The matter was immediately brought into the notice of Senior Officer by the undersigned. However it may be clarified that there was no malafide on the part of the undersigned".

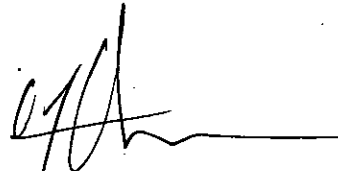
11/12/16

The appellant have made categoric admission of the guilt that the suspect namely Muhammad Salman S/o Raees Khan who was given into his custody slipped away. He also had made admission that he was brought out of lock-up as they were fearing raid of bailiff of the court. Thus further reflecting that he was involved in malpractices as well. It was his official duty to have take custody of accused, only after making proper entries in the relevant dairies/record. So, without falling into the controversy of the status of the suspect we are of the view that after categoric admission of the appellant, the respondents have succeeded in establishing case of misconduct against appellant. The competent authority has already taken lenient view and clemency towards appellant despite clear admission and have dealt the case accordingly to Police Rules, 1975 (Amended 2014).

7. In view of the above scenario, we are not inclined to interfere in the impugned order dated 17.03.2015 passed by the competent authority and order dated 06.05.2015 passed by the appellate authority. The appeal in hand being devoid of any merits stands dismissed.

File be consigned to the record room.

ANNOUNCED
09.12.2016


(MUHAMMAD AAMIR NAZIR)
MEMBER


(ASHFAQUE TAJ)
MEMBER

31.08.2016

Counsel for the appellant and Mr. Arif Salim, ASI alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments on 9.12.2016 before D.B.


Chairman

09.12.2016

Counsel for appellant and Mr. Arif Saleem, ASI alongwith Mr. Muhammad Jan, Government Pleader for the respondents present. Arguments heard and case file perused.

Vide our detailed judgment of today consisting of four pages placed on file, we are not inclined to interfere in the impugned order dated 17.03.2015 passed by the competent authority and order dated 06.05.2015 passed by the appellate authority. The appeal in hand being devoid of any merits stands dismissed. File be consigned to the record room.

ANNOUNCED

09.12.2016


(MUHAMMAD AAMIR NAZIR)
MEMBER


(ASHFAQUE TAJ)
MEMBER

12.10.2015


Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as LHC when subjected to inquiry on the allegations of escape of accused namely Muhammad Suleman from lawful custody and vide impugned order dated 17.3.2015 minor penalty in the shape of forfeiture two years approved service imposed against which appellant preferred departmental appeal on 3.4.2015 which was rejected on 6.5.2015 and hence the instant service appeal on 15.9.2015.

Appellant Deposited
Security & Process Fee



That the impugned punishment is contrary to the findings of the inquiry officer and, moreover, the said individual name Muhammad Suleman was not arrested in any case whatsoever. That the appellant fell ill due to Hbs and hence seeks condonation of delay.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 27.01.2016 before S.B.


Chairman

27.1.2016

Appellant with counsel and Mr. Arif Saleem, ASI alongwith Assistant AG for respondents present. Application for correction of address of respondent No. 3 submitted. Record perused respondent No. 3 may read with District Police Officer Kohat and correction be made accordingly. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 11.5.2016.


Chairman

11.5.2016

Appellant with counsel and Mr. Ziaullah, GP for the respondents present. Rejoinder submitted. Learned counsel for the appellant requested for adjournment. Adjourned for final hearing to 30.08.2016 before D.B.


Member


Chairman

FORM-A

FORM OF ORDER SHEET

Court _____

Case No. 1023/2015


| | Date of order/ proceedings | Order or other proceedings with signature of Judge/ Magistrate |
|----|---|---|
| 1 | 2 | 3 |
| 1. | 17.09.2015 21-9-15 28.09.2015 | <p>The appeal of Mr. Javed Ali, resubmitted to-day by Mr. Shahid Qayum Khattak, Advocate, may be entered in the institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p> <p>This case be put up before the S.Bench for preliminary hearing on <u>28-9-15</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p> <p>. Appellant in person present. Seeks adjournment. Adjourned to 12.10.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p> |

The appeal of Mr. Javed Ali S/O Shah Sarwar Ali R/O Asterzai Kohat received to-day i.e. on 15.09.2015 is incomplete on the following scores which is returned to him for completion and resubmission within 15 days:-

1. The present appeal has been submitted with 5 copies, which are insufficient. One more copy of appeal alongwith annexures i.e complete in all respect may be placed on file.
2. Address of the appellant may be corrected.

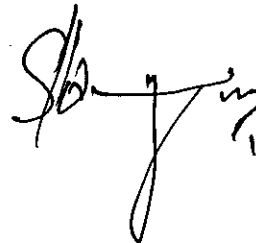
No. 1426 /ST,

Dated 16/9 /2015


REGISTRAR
KPK SERVICE TRIBUNAL,
PESHAWAR.

Mr. Shahid Qayum Khattak, Advocate, Peshawar

objection completed with paid for for n/a & order please


17/9/15

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. *1023* /2015

Javed Ali Appellant

Versus

Provincial Police Officer and others..... Respondents

INDEX

| S.No. | Description of Documents | Annexure | Pages |
|-------|---|----------|--------------|
| 1. | Memo of appeal with Affidavit | | 1-5 |
| 2. | Application for condonation of delay with affidavit | | 6-7 |
| 3. | Address of the parties | | 8 |
| 4. | Charge Sheet | A | 9-10 |
| 5. | Reply of appellant | B | 11 |
| 6. | Copy enquiry report. | C | 12-13 |
| 7. | Final SCN | D | 14 |
| 8. | Reply | E | 15 |
| 9. | Copy of impugned order dated 17/03/2015 | F | 16 |
| 10. | Copy of representation | G | 17-18 |
| 11. | Copy of Impugned order dated 06/05/2015 | | 19 |
| 12. | Other documents | | <i>20-29</i> |
| 13. | Wakalat Nama | | |

Javed
Appellant

Through

Shahid Qayum Khattak
Shahid Qayum Khattak
Advocate, High Court
Peshawar
Mob No. 0333-9195776

Dated: *15* /09/2015

①

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1023 /2015

Service Tribunal
Diary No. 1075
Dated 15-9-15

Javed Ali S/o Shah Sawar Ali R/o Asterzai Payan Tehsil
& District Kohat Appellant

Versus

1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
 2. Deputy Inspector General of Police Kohat Region, Kohat.
 3. District Police Officer, Karak
 4. Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar
- Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED 17/03/2015 PASSED BY
RESPONDENT NO. 3 BY WHICH MINOR PUNISHMENT OF
FORFEITURE OF 02 YEARS APPROVED SERVICE HAS BEEN
AWARDED TO THE APPELLANT AND AGAINST THE ORDER
DATED 06/05/2015 RECEIVED ON /09/2015 OF RESPONDENT
NO. 2 BY WHICH HE UPHELD THE PUNISHMENT AWARDED TO
APPELLANT AND THE APPEAL HAS BEEN FILED

PRAYER

*Filed today
15/9/15*

On accepting this service appeal, the impugned order bearing OB No. 215 dated 17/03/2015 and order dated 06/05/2015 bearing No. 3292/EC, dated Kohat the 06/05/2015 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable in the eyes of law

Respectfully Sheweth;

1. That appellant joined police department in the year, 1992 and has rendered satisfactory service in the Department for the last 22/23 long years and performed his duties with full zeal and enthusiasm.

(2)

2. That respondent No. 3 issued a charged sheet to the appellant on 16/02/2015 containing the allegation of misconduct which has properly been replied by the appellant on 19/02/2015. (Copies of charge sheet and reply are attached as Annexure "A" & "B")
3. That after the reply of appellant an enquiry was conducted fully exonerated him from the allegation leveled in the charged sheet. (Copy of the enquiry report is attached as Annexure "C")
4. That contrary to the finding and recommendation of the enquiry officer respondent No. 3 issue final show cause notice on 05/03/2015 to the appellant which too has been properly replied by the appellant. (Copy of the final SCN and reply are attached as Annexure "D" & "E")
5. That thereafter respondent No. 3 issued the impugned order dated 17/03/2015 by awarding Minor Punishment of forfeiture of 02 years approved service contrary to the rules and regulation. (Copy Impugned order dated 17/03/2015 is attached as Annexure "F")
6. That Appellant filed representation against the said order to respondent No. 2 on 03/04/2015 but the same has been filed by respondent No. 2 without intimation to appellant on 06/05/2015. (Copy of representation & impugned order are attached as Annexure "G" & "H")
7. That become seriously ill and was unable to take care of his case and after regain health he applied for the copy of the order which he received on 14/09/2015 hence, the petitioner filling this appeal on the following amongst other grounds inter alia:

GROUNDS:

- a. That both the impugned orders are illegal, unlawful, without authority, based on mala fide, void abinitio thus untenable in the eyes of law and is liable to be set aside.
- b. That both the impugned orders passed by respondent are very much harsh and is against the principle of natural justice.

- c. That respondent No. 3 has issue show cause notice contrary to the finding of enquiry officer and no proper opportunity of hearing has been provided to appellant but this aspect has not been taken by learned respondent No. 2 at all thus the impugned orders are nullity in the eyes of law and is liable to be set aside.
- d. That the case of appellant has been treated in very arbitrary manners and no evidence what so ever has been brought on record to substantiate the allegation leveled against appellant rather he has been proceeded under the rules and regulation which are not at all applicable to petitioner being a civil servant.
- e. That the impugned order has been passed in violation of law and rules of disciplinary proceedings and principles of natural justice. Enquiry officer has reported in clear terms that charges of misconduct did not stand proved as evidence of any kind was not procured in support of the charges. The authority wrongly and malafidly based the impugned order on assessments and speculations, therefore the impugned order is bad in law.
- f. That the suspect Salman was properly kept and confined to lock up after his receipt from P.S jangle Khel and taken out from lock up in the morning on direction of superior as the raid of bailiff of the court was expected. The message of the High Ups that the bailiff may not see him inside the lockup was properly conveyed to the appellant by constable Zar Bad Shah who has brought the said suspect from P.S Jangle Khel to P.S KDA Kohat. The said suspect has not been charged in any case nor he was in the dairy of our P.S, therefore in good faith and as per direction of the superior he was taken from lock up. In the same P.S a number of police officer are deployed but still only the appellant has been penalized although he has do nothing wrong. The enquiry officer in his enquiry rightly reached to the proper conclusion by studying the whole situation and bona fide of appellant but still respondents penalized appellant without any just reasons, thus but the order are liable to be set aside in the best interest of justice.

- g. That the enquiry officer in very explicit words has reported that no evidence has been procured to establish the charge leveled against the appellant
- h. That appellant was posted as Madad Moharir in PS KDA along with number of other staff. Being a Madad Moharir appellant remained busy in deputing the Police personal for school duties and attending to other official business due to which the suspect slipped from the P.S premises. There is no evidence whatsoever that appellant with mala fide intension help the suspect in escaping rather what he has done in good faith and on the directions of the high ups. But still he alone has been held responsible for the act in which he has no fault at all. Immediately after the said occurrence he informed high ups.
- i. That appellant is now at the verge of his retirement and what he has done with mala fide intention and as per directions of the High ups thus he seeks the mercy of this Hon'ble Tribunal.
- j. That no final show cause notice under the relevant provision of law has been issued to appellant which is mandatory under the law. Similarly appellant was not personally heard and no opportunity of defense has been provided to appellant nor proper proceeding under proper law has been carried against the appellant.
- k. That finding of the enquiry officer shows that nothing has been established against appellant which could connect him with the alleged allegation as no evidence has been collected by the inquiry officer. Mere allegation or opinion does not means that the appellant was involved in corruption thus the impugned order is not tenable in the eyes of law.
- l. That impugned order dated 17/03/2015 and 06/05/2015 are suffered from gross infirmities, illegality, based on no evidence totally contradictory to the enquiry report further appellant being a civil servant has not been proceeded under relevant provision of rules and regulation.
- m. That the learned respondent has not taken into consideration that the rules under which the appellant has been charged are not applicable on him.

n. That respondent No. 2 has not decided the representation in accordance to law nor the same has been properly communicated to appellant which clearly show mala fide intention thus the act of respondent No. 2 and 3 is totally based on mala fide intention which clearly shows discrimination and undue victimization.

It is, therefore, most humbly prayed that by accepting this service appeal, the impugned order bearing OB No. 215 dated 17/03/2015 and order dated 06/05/2015 bearing No. 3292/EC, dated Kohat the 06/05/2015 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio against the rules & regulation and thus not sustainable in the eyes of law by set aside the punishment awarded to the appellant.

Any other relief not specifically prayed for but deem appropriate in the circumstances of the case may also be granted.

Javed
Appellant

Through

[Signature]
Shahid Qayum Khattak
Advocate, High Court
Peshawar

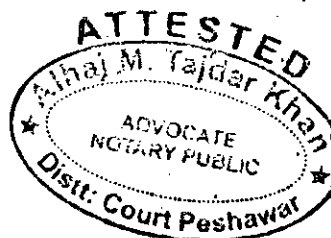
Dated: 15/09/2015

Certified that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.

[Signature]
Advocate

Affidavit

I, Javed Ali S/o Shah Sawar Ali S/o Asterzai Payan Tehsil & District Kohat, do hereby solemnly affirm and declare on Oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.



Javed
Deponent

15/9/2015

6

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2015

Javed Ali Appellant

Versus

Provincial Police Officer and others..... Respondents

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth;

1. That the above noted case has been filed before this Hon'ble Forum in which no date of hearing is yet fixed.
2. That as per date of order the present appeal is not within time due to the reason that appellant was not feeling well and was facing health problems due to which he was not able to move freely. Respondent No. 2 has not communicated the impugned order dated 06/05/2015 to the appellant within time. When appellant regain a little bit health he get information regarding his departmental appeal, wherein, he was informed on 14/09/2015 regarding the dismissal of the said appeal thus he applied for attest copies of the order and accordingly this appeal has been filed.
3. That not filing of appeal on time is not willful or intentional but due to the illness of the appellant and reason stated above.
(Copies of the medical documents are attached)
4. That valuable rights of appellants are attached with present case and it is also a settle law that cases has be decided on merit rather than technicalities.

7

It is, therefore; respectfully prayed that by accepting this application the delay causes in filing of appeal may please be condone in the best interest of justice.

Javid

Applicant/Appellant

Through

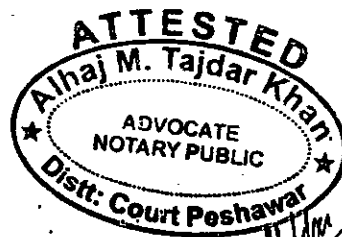
[Signature]
Shahid Qayum Khattak
Advocate, Peshawar

Affidavit

I, Javid Ali S/o Shah Sawar Ali S/o Asterzai Payan Tehsil & District Kohat, do hereby solemnly affirm and declare on Oath that the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.

Javid

Deponent



[Signature]
15/9/2015

(8)

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2014

Javed Ali Appellant

Versus

Provincial Police Officer and others..... Respondents

ADDRESS OF THE PARTIES

APPELLANT

Javed Ali, S/o Shah Sawar Ali S/o Asterzai Payan Tehsil
& District Kohat

RESPONDENTS

1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police Kohat Region, Kohat.
3. District Police Officer, Karak
4. Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar



Appellant

Through



Shahid Qayum Khattak
Advocate, High Court
Peshawar

Dated: 15/09/2015

9

Amendure - A

-1-

CHARGE SHEET.

1. I MUHAMMAD SOHAIB ASHRAF, DISTRICT POLICE OFFICER, KOHAT, as competent authority, hereby charge you LHC Javed Ali No. 52 Madad Moharir PS KDA Under Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014) as you have committed the following illegal act.

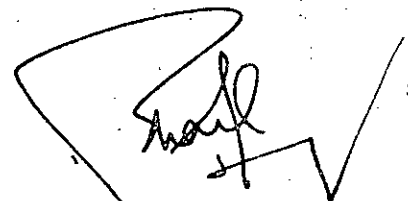
It is noticed that when you was posted as Madad Moharir in PS KDA, a suspected namely Muhammad Salman s/o Raees Khan r/o Mohallah Shenwari Jungle Khel was brought to the Police Station from PS Jungle Khel at 00:30 hrs on 29.01.2015 and handed over to you but on 29.01.2015, he was escaped from your possession.

2. By reasons of the above, you appear to be guilty of misconduct as defined in Rule 2 (iii) of Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) and have rendered yourself liable to all or any of the penalties explained in rule 04 of the said rules.

3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

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

4. A statement of allegation is enclosed.



DISTRICT POLICE OFFICER,
KOHAT

ATTESTED TO BE TRUE

Javed

DISCIPLINARY ACTION

1. I, **MUHAMMAD SOHAIB ASHRAF, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **LHC Javed Ali No. 52 Madad Moharir PS KDA** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

It is noticed that when you was posted as Madad Moharir in PS KDA, a suspected namely Muhammad Salman s/o Raees Khan r/o Mohallah Shenwari Jungle Khel was brought to the Police Station from PS Jungle Khel at 00:30 hrs on 29.01.2015 and handed over to you but on 29.01.2015, he was escaped from your possession. ✓

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations. SDPO Lachi is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Khyber Pakhtunkhwa Police Rules - 1975 (Amendment 2014) provide reasonable opportunity of hearing to the accused official, record its findings and make, within 10 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,
KOHAT**

No. 1122-23/PA, dated 16-2 /2015.

Copy of above is forwarded to:-

1. SDPO Lachi :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Khyber Pakhtunkhwa Police Rule-1975 (Amendment 2014).

LHC Javed Ali No. 52 Madad Moharir PS KDA:- The concerned official/ officer's with the directions to appear before the Enquiry officer, on the date, time and place fixed by the enquiry officer, for the purpose of enquiry proceedings.

ATTACHED TO BE FILED

Javed

(11)

Annexure - B

BEFORE THE DISTRICT POLICE OFFICER, KOHAT

Subject: REPLY OF THE CHARGE SHEET

Respected Sir,

Kindly with reference to the charge sheet received vide your office No. ~~order No.~~ 1122-23 dated 16-02-2015, it is submitted that while posted as Madad Muharrir at P.S KDA Kohat, the under signed received Muhammad Suleman S/o Raees Khan R/o Mohallah Shinwari Jangle Khel through constable Zar Bad Shah gunner of SHO P.S Jangle Khel with the direction from SHO P.S Jangle Khel to confine him in the "Hawalat". He further disclosed that the said Muhammad Suleman was not arrested in any case by police of P.S Jangle Khel. He further disclosed that the above named person was brought to P.S KDA to hide him from the bailiff of the court.

The undersigned complied with the direction of SHO P.S Jangle Khel. However next morning he was taken out of the "Hawalat" for the purpose of morning tea. He was taking tea whereas the undersigned remained busy in deputing the police for schools security duties. Meanwhile the said Muhammad Suleman slipped from the P.S premises. The matter was immediately brought into the notice of the Senior Officers by the undersigned. However it may be clarified that there was no malafide on the part of the undersigned.

The undersigned has stated the actual facts and nothing has been concealed from the high-ups.

In view of above, it is requested that the undersigned may kindly be exonerated and proceedings against the undersigned dropped.

The undersigned shall remain careful in future please.

ATTESTED TO BE TRUE COPY

Javed

Dated: 19-02-2015

Yours Obediently,

Javed

Constable Javid Ali No. 52
Police Line, Kohat

Javed

مائٹریل انکوائری رپورٹ

بصریاتی کٹیل جاوید علی ممبر 52 درجہ 352 ضلع KDA حال لوہا لہری کرکے۔

حالیہ رپورٹ 30 جولائی 2015 کو راجپوت اللہ شاہی DSP صدر ڈویژن کرکے نے کٹیل جاوید علی 52 درجہ

کے نام اس الزام کے تحت (EXPLANATION) جاری کیا۔ کہ SHO ضلع کٹیل نے

اپنے ختمہ 30 جولائی کو راجپوت اللہ شاہی کے ختمہ کو کٹیل ضلع کٹیل KDA کے حوالے

کے حوالے کیا گیا۔ اور اس سے وہی ختمہ جاری کیا۔

جاوید علی 52 درجہ 352 ضلع (EXPLANATION) کے ساتھ اپنا بیان DSP صدر ڈویژن

کے دفتر پر جمع کیا۔ DSP صدر ڈویژن کے بیان سے عین نہ ہو کر جمع کارڈی

کے حوالے کٹی انگریزی ممبری 7.31.140 13 جولائی 2015 کو راجپوت اللہ شاہی کے حوالے

کے دفتر سے کٹی گئی۔

ضلع DSP کے کٹیل جاوید علی ممبر 52 درجہ 352 ضلع KDA حال لوہا لہری کرکے۔

کے نام حوالہ شدہ ضلع کٹیل الزام کٹی انگریزی ممبری 2.3/140-1122 جاری کر کے ختمہ انکوائری

من DSP لہری کے حوالے ہوئی۔

دوران انکوائری جاوید علی طلب کر کے اس پر حوالہ شدہ تقسیم ہوئی۔ اور دستاویز

بیان پیش کردہ کٹیل انکوائری ہے۔

جاوید علی 52 درجہ 352 ضلع KDA نے اپنے بیان میں ظاہر کیا ہے۔ کہ راجپوت اللہ شاہی 29 جولائی 2015

کٹیل ضلع کے دفتر زریار شاہ غیر 111 نے اپنے ختمہ ممبری محمد شاہی و راجپوت اللہ شاہی کے ختمہ کو

کٹیل ضلع کٹیل KDA لہری۔ اور کہا کہ SHO کٹیل ضلع کٹیل سے یہ راجپوت اللہ شاہی کے حوالے

کے بیانات سے جانیے کہ صحیح حوالہ سے کٹیل ضلع کٹیل کے پیش نظر جمع ختمہ کو حوالہ

سے نکال کر اس پر ختمہ کر دیا۔ اور وہ دیگر کارڈوں میں مصروف ہوا۔ مگر ان کے سیکرٹری کے حوالے

تیار کر کے گیا۔ جب واپس آیا۔ تو ختمہ 30 جولائی جاری تھا۔ اسے 22 جولائی کو آفس میں لایا گیا۔

ممبری - اور اس کی کٹی گئی اور عدالت میں پیش جاری رہی۔ مذکورہ کا ضلع

کوئی بددیانتی نہیں تھی۔ اس پر کٹیل ضلع کٹیل

ATTESTED TO BE TRUE COPY

Jamil

ختمہ محمد سلمان کے متعلق راولپنڈی میں واقع 387-324/411/2015
 ختمہ محمد سلمان ختمہ کو عالم حدود عدالت
 فیصلہ سے KDA سے 50 مارچ 2015ء کو
 فیصلہ سے اس بار میں بطور حکام گرفتار کیا گیا ہے
 FIR نوٹس کی طرف سے

عام طور پر فیصلہ کی 52 صدر دفتر عدالت KDA حال میں اس کی ایک اور ذمہ دار
 مائیکرو اور کارکنوں کی ایک ہے۔ اور اس نے بیان میں بھی یہ بتا دیا ہے
 کہ کارکنوں میں مصروفیت کی وجہ سے وہاں کو کاٹ دیا گیا ہے۔ اور اس کی کسی بھی
 کوئی اطلاع یا احقر ذمہ داری نہیں ڈالی ہے۔ حالانکہ عدالت KDA میں اس کی کافی
 ترقی تھی۔ اور اس نے ساری ذمہ داری اپنے سر ڈالی ہے۔ حالانکہ صدر دفتر کا شمار KDA
 میں اس میں نہیں ہو گیا ہے۔ اس لئے کہ اس کے متعلق وارنٹ کی کوئی فہمائش
 کی گئی ہے۔ اس لئے کہ اس کی ذمہ داری اور گرفتاری ہو کر رہی ہے۔

DSO, Lachi
 27-2-2015
 SDPO Lachi

ATTESTED TO BE TRUE COPY

Jamil

(14)

Annexure - D

FINAL SHOW CAUSE NOTICE

1. I, **Muhammad Sohaib Ashraf, District Police Officer, Kohat** as competent authority under the Khyber Pakhtunkhwa, Police Rule 1975 Amendment 2014 serve you **LHC Javed Ali No. 52 Madad Moharir PS KDA** as follow:-

The consequent upon the completion of enquiries conducted against you by the Enquiry Officer, **Mr. Mirza Ali Khan SDPO Lachi, Kohat.**

2. On going through the findings and recommendations of the Enquiry Officer, the materials on the record and other connected papers, I am satisfied that the charge against you is proved and you have committed the following acts/omission specified in Police Rule 1975 Amendment 2014.

It is noticed that when you was posted as Madad Moharir in PS KDA, a suspected namely Muhammad Salman s/o Raees Khan r/o Mohallah Shenwari Jungle Khel was brought to the Police Station from PS Jungle Khel at 00:30 hrs on 29.01.2015 and handed over to you but on 29.01.2015, he was escaped from your possession.

3. As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Khyber Pakhtunkhwa, Police Rule 1975 Amendment 2014:

4. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

5. If no reply to this notice is received within seven (7) days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

6. Copy of finding of the enquiry officer is enclosed.

No. 1511 /PA

Dated 05-8-2015

ATTESTED TO BE TRUE COPY

Jawid


DISTRICT POLICE OFFICER,
KOHAT

(15)

Annexure - "E"

جناب عالی!

بحوالہ فائنل شوکار نمبر 1511/PA مورخہ 5/3/2015 بجاریہ جناب DPO صاحب کو باٹ معروض خدمت ہوں۔ کہ مجھے پچھ جو الزام لگایا گیا ہے اس کا جواب میں چارج شیٹ میں دے چکا ہوں اور میں نے تفصیل کیساتھ بیان تحریر کیا ہے مزید رد بدل نہیں کرنا چاہتا ہوں۔ میں نے کسی قسم کی کوتاہی نہیں کی یہ میرا بیان ہے اور معافی کا خواست گار ہوں۔
لہذا استدعا ہے کہ میرا فائنل شوکار داخل دفتر کیا جائے۔

مورخہ: 09/03/2015

الغاض

آپکا تالیح حکم جاوید علی 52/LHC متعینہ پولیس لائن کوٹوالا

ATTESTED TO BE TRUE

Jamil

Jamil

Dated 05-3-2015

ORDER

[Handwritten signature] (16)

Amir - "F"

This order is passed on the departmental enquiry against LHC Javed Ali No. 52 of this district Police under the Khyber Pakhtunkhwa, Police Rules, 1975 Amendment 2014.

Brief facts are that it was noticed that when he was posted as Madad Moharir in PS KDA, a suspected namely Muhammad Salman s/o Raees Khan r/o Mohallah Shenwari Jungle Khel was brought to the Police Station from PS Jungle Khel at 00:30 hrs on 29.01.2015 and handed over to him. The suspected was escaped from his custody on 29.01.2015.

He was served with Charge Sheet/Summary of Allegations and Mr. Mirza Ali Khan DSP Lachi, Kohat was appointed as Enquiry Officer to proceed against him departmentally. He submitted his finding and found him guilty of the charges leveled against him.

Final Show Cause Notice was issued and served upon him. His reply found un-satisfactory. He was also heard in O.R on 12.03.2015.

The undersigned gone through the record and has come to the conclusion that defaulter official has committed gross misconduct, therefore, I Muhammad Sohaib Ashraf District Police Officer, Kohat in exercise of the powers conferred upon me, award him minor punishment of forfeiture of 02 years approved service.

[Handwritten signature]
DISTRICT POLICE OFFICER,
KOHAT

OB No. 215
Date 17-3-2015

OFFICE OF THE DISTRICT POLICE OFFICER, KOHAT.

No. 207476 PA dated Kohat the 18-3-2015.

Copy of above is forwarded for information and necessary action to the:-
1. Pay Officer, OHC and SRE

ATTESTED TO BE TRUE COPY

[Handwritten signature]

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE,
KOHAT REGION KOHAT

Subject: APPEAL AGAINST THE ORDER OF DPO KOHAT ISSUED VIDE OB NO. 215 DATED 17-03-2015 WHEREBY THE APPELLANT LHC JAVED ALI NO. 52 WAS AWARDED THE PUNISHMENT OF FORFEITURE OF TWO YEARS OF APPROVE SERVICE.

Respected Sir,

The appellant with due respect submits the instant appeal on the following facts and grounds:

FACTS:

Briefly stated, allegation against the appellant was that while posted as Madad Muharrir P.S KDA Kohat, a suspect namely Muhammad Salman S/o Raees Khan R/o Muhallah Shinwari. Jangle Khel was received by the appellant on 29-01-2015 at 00:30 hours brought to PS KDA from PS Jangle Khel and the said suspect escaped from his custody the same day.

As such the appellant was dealt with departmentally and awarded the punishment cited as per subject. (copy of the order of DPO Kohat is attached herewith).

GROUND:

1. That there was no malafide in the matter on the part of the appellant.
2. That suspect named above was duly confined in the lock up after his receipt from P.S Jangle Khel and taken out from the lock up in the morning so that bailiff of the court may not see him inside the lock up as per direction of DSP / HQ conveyed through constable Zar Bad Shah No. 111 who had brought the said suspect from P.S Jangle Khel to P.S KDA Kohat.

ATTESTED TO BE TRUE COPY

Javed

3. That in the morning, the appellant remained busy in deputing the police personals for school duties and attending to other official business. Due to engagement of the appellant in performance of miscellaneous official work, the suspect slipped from the P.S premises.
4. That soon after the escape of the suspect, the appellant immediately informed the senior officers of the whole situation. There was no bad intention on the part of the appellant.
5. That the appellant is at the verge of retirement and therefore, seeks mercy of the high ups.
6. That the appellant shall remain vigilant in future.

PRAYER:

In view of the above, it is requested that the impugned order may be set-aside please.

Dated: 03-04-2015

ATTESTED TO BE TRUE COPY

Javed

Yours Obediently

Javed

LHC Javed Ali No. 52
Police Line Kohat

ORDER.

(19)

Annexure - G

This order is aimed to dispose of an appeal, preferred by LHC Javed Ali No. 51 of Kohat district Police against the punishment order passed by DPO Kohat whereby he was awarded minor punishment of forfeiture of two years approved service vide OB No. 215, dated 17.03.2015. The defaulter official seeks to set-aside the punishment order.

Short facts are that he while posted as Madad Muharrir PS KDA, one suspected namely Muhammad Salman s/o Raees Khan r/o Jungle Khel Kohat was brought to Police Station from PS Jungle Khel on 29.01.2015 and handed over to him. The suspected escaped from his custody on 29.01.2015, which speaks of negligence and irresponsibility on his part.

On the above score of charges, the appellant was dealt with departmentally by the competent authority, which resulted into the forfeiture of two years approved service.

Hence, the instant appeal against the punishment order. He was heard in person orderly room on 06.05.2015, but could not satisfy the undersigned regarding his negligent act.

Record gone through, which indicates that the appellant admitted his negligence and thus accused succeeded to escape from the Police custody and the same has also been established by the Enquiry Officer in his findings.

Keeping in view of the above and having gone through available record, the appellant has committed a negligent act. Hence, the undersigned does not seem to interfere the order passed by DPO Kohat, which is upheld and the appeal is hereby filed.

Order Announced
06.05.2015

(DR. ISHTIAQ AHMAD MARWAT)
Dy: Inspector General of Police,
Kohat Region, Kohat.

No. 3292 /EC, dated Kohat the 06/05 /2015.

Copy to the District Police Officer, Kohat for information w/r to his office Memo: No. 1355/LB, dated 24.04.2015. His service record is enclosed herewith.

Attested
[Signature]
D.S.P. Legal
Kohat
14-9-15

(DR. ISHTIAQ AHMAD MARWAT)
Dy: Inspector General of Police,
Kohat Region, Kohat.

ATTENDED TO BE THERE COPY

Javid

MEHMOOD CLINICAL COMPUTERIZE LABORATORY

Add Hassan Plaza opp Frontier Hospital Terah Bazar Kohat

Lab Tech Mehmood Bangash Mob 03339651536 Reg No HRA/500/F/ KT/GP/38

| | | | | | |
|----------------|-------|-------|----------|--------|-------------|
| Name : | Javid | Date: | 9-May-15 | Time : | 11:57:10 AM |
| Referd by Dr : | | Age : | | Sex : | |

| | | | |
|--------------------|-----------|--------------|--------------|
| Random Blood Sugar | 100 mg/dl | Normal Range | 50—180 mg/dl |
| Hbs Ag : | Positive | | |
| H.C.V : | Negative | | |
| H.I.V : | Negative | | |

Dr Qazi Naeem Shah P.M.D.C NO 7028 N
MBBS MASTER OF PUBLIC HEALTH

Sig 10

(20)

(21)



AL-HABIB

COMPUTERIZED CLINICAL LABORATORY

Mr. Mehboob Nawaz

B.S. (Hons) Microbiology
Molecular Microbiologist

Mr. Habib Nawaz

Medical Lab Technologist
(DMLT) PIMS Islamabad

Mr. Shoaib Nawaz

B.S. (Hons) Bio Technology
Bio Technologist

| | | | |
|---------------|--------------|------|-----------|
| | AHCCL-KT--15 | | |
| PATIENT NAME | JAVID ALI | AGE | ?YEARS |
| TEST REQUIRED | HBsAg | SEX | MALE |
| REFERRED BY | Dr. M NASIR | DATE | 09-May-15 |

VIRAL HEPATITIS

TEST

RESULT

HBsAg

REACTIVE (+IVE)

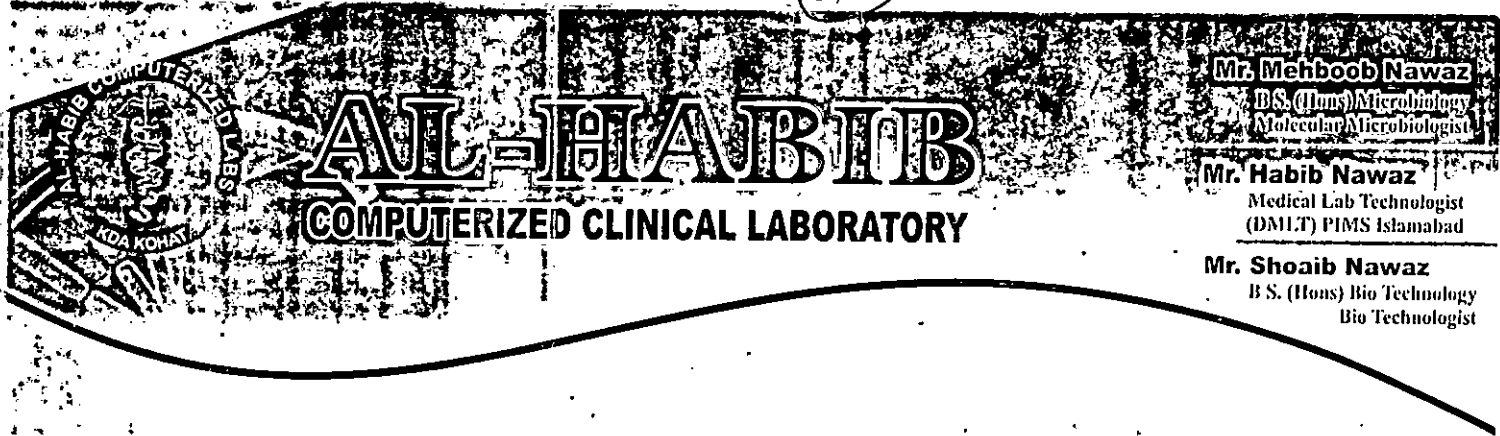
METHOD

Immunochromatographic

ATTESTED TO BE TRUE COPY

Jawid

22



Mr. Mehboob Nawaz
 B.S. (Hons) Microbiology
 Molecular Microbiologist

Mr. Habib Nawaz
 Medical Lab Technologist
 (DMIT) PIMS Islamabad

Mr. Shoaib Nawaz
 B.S. (Hons) Bio Technology
 Bio Technologist

| | | | |
|---------|-------------|----------------|--------------|
| Name | JAVID | Referred by | Dr. M. NASIR |
| Age | ? Years | Reporting Date | 12-05 -2015 |
| Sex | Male | Lab No | 5084- 15 . |
| Request | HBsAg ELISA | Interpretation | Reactive |

DIRECT ELISA

| TEST | Value | Status | Cutt Off Index |
|-------|-------|----------|----------------|
| HBsAg | 19.1 | Reactive | <2.0 |

REMARKS: Quantitative PCR for HBV DNA and LFT is suggested.
 Clinical correlation is advised.

Shoaib Nawaz
 BS (Hons), M.Phil
 Molecular Biologist

Mehboob Nawaz
 BS (Hons), M.Phil
 Microbiologist

ATTACHED TO BE FILE COPY

Jamil

38
Name Javid Ali Age 41 File No. 20215 Date 13/07/18 ⁽²⁸⁾

F- Shahzad Ali

Pulse:- 80 /min

Single

BP:- 110/80 mmHg.

Married. Kids 2

Temp:- — F°

Police
Job/Husband Job

Weight:- 81 Kg.

Screened out CLD°

Cough. درد کله

درد کله

Bladder.

Bowels.

Sleep.

Appetite.

Affect.

Past. Hx.

Hypertension.

Diabetes.

Epilepsy

Asthma.

Surgery

MBS+

Investigations.

Result.

SAPT SI

HBeAg ni

Current Medications.

Quantitative

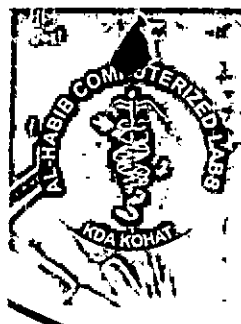
PCR

HBV

Nlet

DNA

24



AL-HABIB

COMPUTERIZED CLINICAL LABORATORY

Mr. Mehboob Nawaz
B.S. (Hons) Microbiology
Molecular Microbiologist

Mr. Habib Nawaz
Medical Lab Technologist
(DMLT) PIMS Islamabad

Mr. Shoaib Nawaz
B.S. (Hons) Bio Technology
Bio Technologist

| | | | |
|---------------|-----------------|------|-----------|
| ALICCL:KT-15 | | | |
| PATIENT NAME | JAVID ALI | AGE | ?YEARS |
| TEST REQUIRED | Hbe Ag / ALT | SEX | MALE |
| REFERRED BY | Dr. IRSHAD NOOR | DATE | 13-May-15 |

HEPATITIS B ENVELOPE ANTIGEN

| TEST | RESULTS |
|-------|-----------------|
| HBeAg | NEGATIVE (-IVE) |

| Test | Normal Ranges | Unit | Results |
|------|---------------|------|----------------|
| | | | 13-05-15 13:52 |

| | | | |
|----------|-----|-----|----|
| SGPT/ALT | <40 | U/L | 51 |
|----------|-----|-----|----|

ATTESTED TO BE TRUE COPY

Jamil

25



AL-HABIB COMPUTERIZED CLINICAL LABORATORY

Mr. Mehtobob Nawaz
B.S. (Hons) Microbiology
Molecular Microbiologist

Mr. Habib Nawaz
Medical Lab Technologist
(DMLT) PIMS Islamabad

Mr. Shoaib Nawaz
B.S. (Hons) Bio Technology
Bio Technologist

| | | | |
|---------|----------------------|----------------|----------------------|
| Name | JAVID ALI | Referred by | Dr. IRSHAD NOOR |
| Age | Years | Reporting Dt. | 14/05/2015 |
| Sex | Male | Source | Blood (3143-2015) |
| Request | PCR HBV Quantitative | Interpretation | HBV DNA NOT Detected |

HBV DNA BY PCR (Quantitative)

RESULTS: NOT DETECTED
TITER: <75 Copies/ml

METHOD: Real Time (Miniopticon ii)

The Real Time PCR quantitative assay allows the detection of HBV DNA genome. In patient infected with virus particles this assay detects HBV DNA even prior to sero-conversion and also in acute HBV infection where individual may fail to produce antibodies.

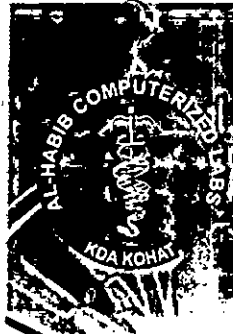
Method is based upon amplification of DNA and detection of amplified product by the release of light from the probe; DNA bound complex, which is proportional to starting quantity.

To eliminate false negative Result an internal control detection method is used for all negative samples.

ATTESTED TO BE TRUE COPY

Jamil

26



AL-HABIB

COMPUTERIZED CLINICAL LABORATORY

Mr. Mehboob Nawaz
B.S. (Hons) Microbiology
Molecular Microbiologist

Mr. Habib Nawaz
Medical Lab Technologist
(DMLT) PIMS Islamabad

Mr. Shoib Nawaz
B.S. (Hons) Bio Technology
Bio Technologist

| | | | |
|---------------|----------------|------|-----------|
| AHCCL-KT--15 | | | |
| PATIENT NAME | JAVID | AGE | ?YEARS |
| TEST REQUIRED | SGPT | SEX | MALE |
| REFERRED BY | Dr IRSHAD NOOR | DATE | 18-Jun-15 |

BIOCHEMISTRY

| Test | Normal Ranges | Unit | Results |
|----------|---------------|------|----------------|
| SGPT/ALT | <40 | U/L | 18-06-15 11:31 |

26

ATTESTED TO BE TRUE COPY

Jawid

27



AL-HABIB

COMPUTERIZED CLINICAL LABORATORY

Mr. Mehboob Nawaz
B.S. (Hons) Microbiology
Molecular Microbiologist

Mr. Habib Nawaz
Medical Lab Technologist
(DMLT) PIMS Islamabad

Mr. Shoab Nawaz
B.S. (Hons) Bio Technology
Bio Technologist

| | | | |
|---------------|----------------|------|-----------|
| | AHCCL-KT--15 | | |
| PATIENT NAME | JAVID | AGE | ?YEARS |
| TEST REQUIRED | SGPT | SEX | MALE |
| REFERRED BY | Dr IRSHAD NOOR | DATE | 22-Jul-15 |

BIOCHEMISTRY

| Test | Normal Ranges | Unit | Results |
|----------|---------------|------|---------|
| SGPT/ALT | <40 | U/L | 44 |

ATTENDED TO BE TRUE COPY

Javid

28

ھوالثانی

DR. IRSHAD NOOR
F.C.P.S

Medical Specialist

Not Valid for Legal Proceeding

کلینک: عقب موتی مسجد پکھری چوک کوہاٹ کینٹ

اوقات کار! صبح 8 بجے سے شام 5 بجے

جمعہ کے روز کلینک بند رہتا ہے

آنے سے پہلے فون نمبر 0922-512171 سے رابطہ کریں

ڈاکٹر ارشاد نور
ایف سی پی ایس

میڈیکل سپیشلسٹ

Name : Mr. Javid Ali

Age : 41y

Patient ID : 20215

Date: 20-08-2015 ;

City: Ustar Zee

Treatment:

| Name | Duration | Instructions | Frequency | Dose |
|---------------------|----------|---------------|-----------------|----------|
| PYLOCLAR TAB 250 MG | سات دن | کھانے کے بعد | صبح، دوپہر، رات | ایک گولی |
| COMBINOL E SYP | دس دن | کھانے کے بعد | صبح، دوپہر، رات | دو چمچے |
| UNIFYLIN SYP | دس دن | کھانے کے بعد | صبح، شام | دو چمچے |
| ERAZE TAB 10 MG | ایک ماہ | ناشتے سے پہلے | روزانہ ایک دفعہ | ایک گولی |
| JAIRO SYP | ایک ماہ | کھانے کے بعد | صبح، شام | دو چمچے |

پرمیٹڈ کیوبی نہیں۔ گھر والوں بشمول بچوں کو حفاظتی ٹیکے لگائیں۔

Next Visit: 20-Nov-2015

Irshad Noor.

20-08-2015

اگر کسی دوا کو جاری رکھنے کا لکھا گیا ہو تو اسے جاری رکھیں۔ بند نہ کریں بلکہ جاری رکھیں۔

ATTACHED TO E-FILE COPY

Javid

Powered By Easy Clinic (www.easyclinic.in)

13

Name Javid Al. Age 41 File No. 20215 Date 20/8/15

Shawar Al.

Pulse:- 88 /min.

Single

BP:- 130/90 mmHg.

Married. Kids 2

Temp:- 98.2 F°

Plr
Job/Husband Job

Weight:- 81 Kg.

HRSA. Act

INTOX.

Cough.

س) -

Bladder.

شبه

Bowels.

Sleep.

Appetite.

Affect.

Past. Hx.

Hypertension.

Diabetes.

Epilepsy.

Asthma.

Surgery

HBST

Current Medications.

ABV AP NACT

ABV DNA NACT

Investigations.

Result.

SGPT

39

(29)



AL-HABIB COMPUTERIZED CLINICAL LABORATORY

Mr. Mehboob Nawaz
B.S. (Hons) Microbiology
Molecular Microbiologist

Mr. Habib Nawaz
Medical Lab Technologist
(DMLT) PIMS Islamabad

Mr. Shoaib Nawaz
B.S. (Hons) Bio Technology
Bio Technologist

| | | | |
|---------------|----------------|------|-----------|
| | AHCCL-KT-15 | | |
| PATIENT NAME | JAVID ALI | AGE | ?YEARS |
| TEST REQUIRED | SGPT | SEX | MALE |
| REFERRED BY | Dr IRSHAD NOOR | DATE | 20-Aug-15 |

BIOCHEMISTRY

| Test | Normal Ranges | Unit | Results |
|----------|---------------|------|---------|
| SGPT/ALT | | U/L | 39 |

ATTENDED TO BE THE COPY

Imrat

10 روپے



15079

ایڈووکیٹ/دستخط:
بارکونسل ابار ایسوسی ایشن
PC-10-7677
رابطہ نمبر: 0333-9195776

پشاور بار ایسوسی ایشن، خیبر پختونخوا

بعدالت جناب: سر جسٹس ٹرائیونل لٹیا اور

| | |
|------------------|-----------|
| منجانب: ایڈووکیٹ | دعوی: |
| جاوید علی | علت نمبر: |
| بنام | مورخہ: |
| | جرم: |
| | تھانہ: |

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام لٹیا اور جسٹس ٹرائیونل کے سامنے پیش کیا گیا تھا۔ 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 کرنے و تقرر حالت و فیصلہ برطنت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں مدد دیکھ کر لے گا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یا کٹرف یا اہیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اہیل نگرانی 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 یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ مدد داختم منظور قبول ہوگا دوران مقدمہ
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا مختار 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 مندر ہے۔

المرقوم: 15 ستمبر 2018

العبد _____ واہ شد _____ العبد

مقام لٹیا اور کے لئے منظور ہے۔

نوٹ: اس ہالت، سرکی ڈوکمانی، قابل قبول، ہوگی

A Ustia
Acceptu

15/09/2018

جاوید علی
رٹائرڈ جج
Jawid



**BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR.**

Service appeal No. 1023/2015

Javed Ali s/o Shahsawar Ali

..... Appellant.

VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar and others

..... Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectively Sheweth:-

Parawise comments are submitted as under:-

Preliminary objections:-

1. That the appeal is not maintainable in the present form.
2. That the appellant has got no cause of action.
3. That the appellant has not come to this Hon: Tribunal with clean hands.
4. That the appeal is badly time barred.
5. That the appeal is bad for misjoinder of unnecessary parties and non-joinder of necessary parties.

Reply on Facts:-


1. Pertains to record.
2. Pertains to record.
3. Incorrect. The enquiry officer recommended the appellant for minor punishment after proper departmental enquiry.
4. Incorrect. Infact final show cause notice was issued after completion of enquiry proceedings and finding submitted by enquiry officer.
5. Incorrect. The order was passed by the authority in accordance with law & rules after proper departmental proceedings.
6. Correct to the extent that the appellant has filed representation before the appellate authority against the order of departmental punishment. Remaining portion of the para is incorrect. The appellate authority properly examined the case and filed the representation because of having no force in it.
7. The appeal of the appellant is time barred.


GROUNDS:-


- a. Incorrect. The order was passed by the authorities in accordance with law & rules after proper departmental enquiry. Thus are sustainable.
- b. Incorrect. The order was passed by the competent authority under the law & rules.

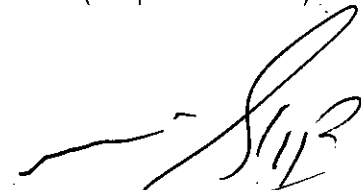
- c. Incorrect. The final show cause notice was issued under the rules after submission of finding by the enquiry officer in which he recommended appellant for minor punishment. Furthermore, proper opportunity of hearing was provided to the appellant.
- d. Incorrect. Proper departmental proceedings were initiated against the appellant on his professional misconduct, in which all the lawful opportunities of defence were extended to him.
- e. Incorrect. The order were passed by the authorities in accordance with law & rules after proper departmental enquiry. The enquiry officer in his finding recommended the appellant for minor punishment.
- f. Incorrect. A suspect namely Muhammad Suleman s/o Raees Khan was brought to the Police station from PS Jungle Khel and handed over to the appellant but due to negligence of the appellant the said suspect has been escaped from his custody. In this connection a proper departmental enquiry was initiated against the appellant in which he was held guilty.
- g. Incorrect. Infact enquiry officer has mentioned in his finding that due to negligence i.e kept himself in another official work and left the suspect alone due to which suspect got an opportunity to escape from custody.
- h. Incorrect. Infact proper departmental inquiry was initiated against the appellant on his professional misconduct and he was held guilty.
- i. Needs no comments.
- j. Incorrect. Final Show cause notice was issued on completion of departmental inquiry and it was admitted by the appellant in his appeal in corresponding paras.
- k. Incorrect. The orders were passed after proper departmental proceedings in accordance with law & rules. Thus are maintainable.
- l. Incorrect. The orders were passed by the Authorities in accordance with law & rules.
- m. Incorrect. All the legal formalities have been observed by the authorities before passing the orders.
- n. Incorrect. The orders were passed by the authorities in accordance with law & rules and no discrimination or undue victimization has been done.

In view of the above, it is prayed that on acceptance of this reply, the instant appeal of the appellant may kindly be dismissed with cost.


District Police Officer,
Kohat
(Respondent No. 3)


Dy: Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 2)


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


Govt. of Khyber Pakhtunkhwa
through Chief Secretary
Peshawar
(Respondent No. 4)



**BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR.**

Service appeal No. 1023/2015

Javed Ali s/o Shahsawar Ali

..... Appellant.

VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar and others

..... Respondents.

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Court.

District Police Officer,
Kohat
(Respondent No. 3)

Dy: Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 2)

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

Govt: of Khyber Pakhtunkhwa
through Chief Secretary
Peshawar
(Respondent No. 4)

Before The Service Tribunal Jehyee Pakhtunkhwa
Peshawar.

Appeal no: 1023/2015

Javid Ali vs IGP etc


Application for making Correction in
Address of Respondent No. 3

Respectfully Sheweth:

- 1- That above no. case is pending before this Honible Tribunal and is fixed for hearing today.
- 2 - That in memo of appeal address of Respondent no. 3 is wrongly written is Korak instead of Kohat.
- 3 - That the same mistake was not intinrowd but due to typographic mistake and thus liable to be correct so that no further complication occurs in the case.

It is therefore, most humbly prayed that by accepting this application necessary correction may please be made in the memo of appeal and address of Respondent no. 3 may please be read as Kohat instead of Korak.

Date: 27/01/2016

Applicant / Appellee
Through 
Shabir Qayum
Advocate, Peshawar.

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1023 /2015

Javid Ali..... Appellant

Versus

Provincial Police Officer and others..... Respondents

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;

Preliminary objection

That the reply/para-wise comment has not been competently filed and nor any affidavit has been filed in accordance with law nor the same has been properly attested, hence the same has no value in the eyes of law.

Rejoinder to Preliminary objection

Preliminary objection raised by respondents are erroneous, frivolous, based on male fide intention and having no factual and legal backing. Respondents have failed to explain as why the appeal is not based on facts; how the appeal is not maintainable in the present form; who are the necessary parties to the appeal; how the appeal is suffer from limitation; and what matter facts has been concealed by the appellant from this Hon'ble Tribunal. No plausible explanation has been given by the respondents. No specific and due objection regarding the controversial question of facts and law involved in the instant service appeal has provided, therefore, appellant is unable to submit proper rejoinder to the preliminary objection raised by the respondents.

Rejoinder to Facts of Reply/ Parawise comments

1. Para No. 1 and 2 of the reply / parawise comments needs no reply. However it is submitted that respondent have not attached any such document which can be used against

appellant to justify the allegation leveled against him. Furthermore whether it is not the duty of the respondent to prove allegation leveled against appellant.

2. In response to para No. 3,4,5 and 6 it is submitted that these paras are properly and comprehensively explained by appellant in his memo of appeal and no plausible explanation/ comments have been submitted to these para by the respondents therefore, needs no reply. However it is submitted that whether for the wrong act on the part of respondent an appellant can be held responsible. Further it submitted that proper procedure for disposal of appeal has not been adopted by respondent No. 2 envisages in the N.W.F.P Civil Servants (Appeal) Rules, 1986.
3. The appellant has submitted an application for condonation of delay with his memo of appeal wherein he stated the ground and reason of delay in filing of appeal.

Rejoinder to the Grounds of Reply/ Parawise comments

- a) Para No. a- c of the reply / parawise comments are incorrect and that of memo of appeal are correct. Both the orders are illegal, unlawful, without authority, based on mala fide, void abinitio. The appellant has been proceeded with the rules and regulation which are not applicable to him nor proper procedure has been adopted by the respondents to determine the guilt of appellant. No evidence whatsoever has been procured against appellant. Further appellant has been held responsible for the wrong act of the respondents.
- b) Para No. d- h of the reply / parawise comments are incorrect hence denied. Details given in the memo of appeal are correct. Under the law in opportunity of cross examination of witnesses is the unalienable right of appellant but no opportunity of hearing has been provided to him. The penalty imposed on appellant is only on the basis of surmises and conjunctures without taking into consideration the documents and evidence provided by the appellant nor

the illegal allegation leveled in the charge sheet. The stance forwarded by the appellant has not been taken into consideration nor any evidence to that effect has been procured by the enquiry officer which has basic and main responsibility under the law. Whether a person can be penalized only on here say evidence and whether this important aspect of the case has been considered by the respondent while awarding punishment to appellant. And whether it is justified under any canon of law that a good performance of a person has to be based for his punishment. Whether only appellant was only present in the P.S and responsible for the alleged allegation and whether only appellant can be held responsible when a number of other police official and officer were present in the P.S, are the question to be determined by this Hon'ble Tribunal.

- c) Para No. i- n of the reply / parawise comments are incorrect hence denied. No proper procedure of enquiry or awarding of punishment has been adopted by the respondent. The appellant being Civil Servant has wrongly been proceeded with. It is the ultimate purpose of law and rights guaranteed by the Constitution that no body has to be condemned unheard but here the basic right of the appellant has been violated and he has been condemned unheard, hence both the orders are liable to be set aside in the best interest of justice and the appellant is liable to be reinstated on his post with all back benefits. The Learned respondent No. 2 has not adopted proper procedure as mentioned in the N.W.F.P Civil Servants (Appeal) Rules, 1986. The question arises that whether there is any evidence regarding the allegation leveled against appellant and whether the punishment awarded to appellant being a civil servant is in accordance with law, rule and regulation. The procedure adopted by the respondents clearly show male fide intention, discrimination and undue victimization of the appellant and the appellant approaches this Hon'ble Tribunal being the final and highest forum of appeal. It is further submitted that rules and regulation are always in support of substantive law and substantive law always prevails over it.

It is therefore, most humbly prayed that by accepting this rejoinder and the ground of main appeal the order of respondent No. 2 & 3 may please be set aside and the appellant may please be retained/ reverted back/ reinstated on his post with all back benefits of pay and service.

Jawad
Appellant

Through

[Signature]
Shahid Qayum Khattak
Advocate, High Court
Peshawar

Dated: // /05/2016

Affidavit

I, do hereby solemnly affirm and declare on Oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.



Jawad
Deponent

14301-1965594-5