

27<sup>th</sup> Feb, 2023

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG alongwith Mr. Gul Zad, S.I CTD for respondents present.

Learned counsel for the appellant has submitted copy of FIR No. 1303 dated 19.12.2019 as well as copy of order dated 05.01.2023 of the Judicial Magistrate-I Abbottabad which is placed on file. Respondents are directed to submit complete inquiry record within three days positively, failing which the case will be decided on the available record. To come up on 19.05.2023 before D.B. P.P given to The Parties.

SCANNED  
K.P.S.T  
Peshawar



(Rozina Rehman)  
Member(Judicial)



(Kalim Arshad Khan)  
Chairman

26.10.2022

Clerk of learned counsel for the appellant present. Mr. Gul Zad Khan, SI alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 01.12.2022.

SCANNED  
KFST  
Peshawar



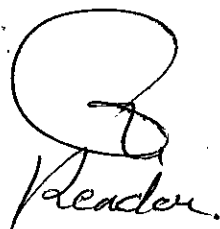
(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

01/12/22

D Deleted from the list to  
come up on the next  
date 27/12/23

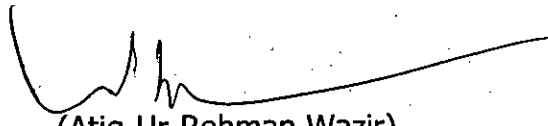


Reader.

23.12.2021

Appellant in person present. Mr. Muhammad Adeel Butt,  
Additional Advocate General for respondents present.

Former made a request for adjournment as he has not  
prepared the brief. Adjourned. To come up for arguments before  
D.B on 06.04.2022.

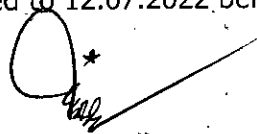
  
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
Chairman


06.04.2022

Clerk of the counsel for appellant present. Mr.  
Kabirullah Khattak Adl. AG along with Mr. Gulzar khan (Sub  
Inspector) for respondents present.

Counsel are at strike. Therefore the case is  
adjourned to 12.07.2022 before D.B.

  
(Mian Muhammad)  
Member (E)

  
Chairman

12-7-2022 Due to Holidays of Eid Ul Azha  
the case is adjourned to 26-10-2022  
  
Reader

18.02.2021

Junior to senior counsel for the appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Written reply on behalf of respondents No. 1 to 3 has already been submitted while written replies on behalf of respondents No. 4 & 5 have not been submitted despite last chance given in the preceding order sheet dated 06.01.2021, therefore, file to come up for rejoinder and arguments on 05.05.2021 before D.B

(Muhammad Jamal Khan)  
Member


*5.5.21*  
*Due to COVID-19, the case is adjourned to 4.9.2021 for the same.*

09.09.2021

Counsel for appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Wajid Khan A.S.I for respondents present.

Former made a request for adjournment. Request is accorded. To come up for arguments on 23.12.2021 before D.B.

  
(Rozina Rehman)  
Member (J)

  
Chairman

17.11.2020

Appellant with counsel and Addl. AG alongwith Wajid, ASI for the respondents present.

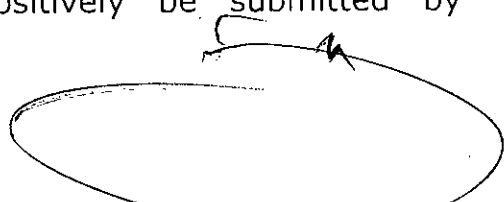
Representative of respondents seeks further time to submit reply/comments. Adjourned to 06.01.2021 on which date the requisite reply/comments shall positively be submitted.

  
Chairman

06.01.2021

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Munir Khan, ASI, on behalf of respondents No. 1 to 3 are also present.

Representative of respondents No. 1 to 3 submitted written reply which is placed on record. Learned Additional Advocate General seeks time to contact respondents No. 4 & 5 for submission of reply/comments on the next date. Last chance is given to respondents No. 4 & 5 for submission of written reply/comments. Adjourned to 18.02.2021 on which date the requisite reply/comments shall positively be submitted by respondents No. 4 & 5.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

6332/20

24.09.2020

Appellant with counsel and Addl. AG alongwith Wajid, ASI for the respondents present.

Representative of the respondents seeks time to submit reply/comments. Adjourned to 17.11.2020<sup>or</sup> which date the requisite reply shall be submitted positively.

  
Chairman

24.07.2020

Malik Haroon Iqbal, Advocate for appellant is present. He contends that during the course of departmental proceedings he was confined in the jail and could not partake in the process resulting into the issuance of final show-cause notice which culminated into his dismissal from service with immediate effect vide final order of the competent authority dated 17.04.2020. Departmental appeal to the next higher authority also resulted in rejection vide order of the Deputy Inspector General of Police CTD Khyber Pakhtunkhwa, Peshawar, dated 21.05.2020 against which he has brought the instant appeal on 15.06.2020. It has to be determined as to when the appellant was kept behind the bar and when his release has taken place the learned counsel has placed reliance on PLD 2006 Supreme Court page 602 where leave to appeal was granted by the Hon'ble apex court of the homeland to examine the questions that whether or not the teachers/employees of PAF Educational Institutions managed by the Managing Committee or bodies were civil servants under Section 2 (1) Clause (b) of the Civil Servants Act, 1973 or for the purpose of Section 2-A of the Services Tribunal Act, 1973; that whether the PAF employees could invoke the jurisdiction of Services Tribunal as well as of the Supreme Court under Article 212 (3) of the Constitution and the questions of validity and vires of Section 2-A of the Service Tribunal Act, 1973 vis-à-vis of the Article 212 of the Constitution and its other provisions.

The perusal of record obviously reflect agitation and consequently involvement of important issues of law and fact requiring proper resolution in accordance with law which need consideration, therefore, this appeal is admitted for regular hearing. The appellant is direct to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 24.09.2020 before S.B.

(MUHAMMAD JAMAL KHAN)  
MEMBER

Appellant Deposited  
Security & Process Fee

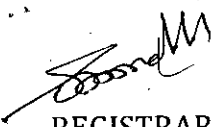

7/6/9/20

Form- A

# FORM OF ORDER SHEET

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

Case No. - 6332 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29 /06/2020	<p>The appeal of Mr. Hazir Ali resubmitted today by Malik Haroon Iqbal Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/07/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

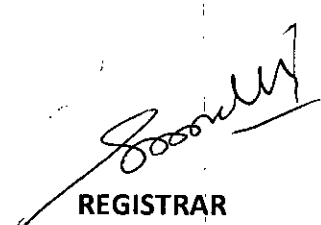


The appeal of Mr. Hazir Ali Ex-Head Constable No.665 CTD Police received today i.e. on 12.06.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of charge sheet, statement of allegation, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed it.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 3- Annexure-F of the appeal is illegible which may be replaced by legible/better one.
- 4- Annexures of the appeal may be attested.
- 5- Annexures of the appeal may be flagged.
- 6- Appeal may be paged marked according to the index.
- 7- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1230 /S.T,

Dt. 15-06 /2020.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Malik Haroon Iqbal Adv. Swabi

S/165 De Submitted After  
Complainer P/3 fix before the Hamidul  
Case of  
dated. 24/6/2020

JM/

**IN THE COURT OF WAQAR SAEED,  
JUDICIAL MAGISTRATE-I, ABBOTTABAD**

Case no 113/2  
State Vs Hazir Khan etc

ORDER:-  
05-01-2023



1. APP for the state present. Complainant through Mr Mazhar Khan Jadoon Advocate appeared who submitted WAKALATNAMA which is placed on file. Accused facing trial namely Hazir Khan alongwith his on bail present while co-accused namely Ayaz, Muhammad Saleem and Sajad and are Absconding.
2. Perusal of the record reveals that present accused alongwith other co-accused named above (absconding) have been charged in case FIR # 810, dated 03.12.2019 u/s 381-A PS Nawansher, Abbottabad.
3. This order of the court is aimed at deciding the application filed by accused/petitioner namely Hazir Khan u/s 249-A CrPC on 09.06.2022 whereby the accused facing trial is seeking acquittal on the ground of there being no probability of his conviction in the instant case.
4. Arguments heard and record Scanned
5. Scanning of the record reflects, that complete challan against accused facing trial was submitted through prosecution on 11.06.2021 whereafter charge was framed to the extent of accused Hazir Khan on 16.04.2022 whereafter the application in hand was submitted and notice of the same was given to prosecution on 05.07.2022.
6. At the very outset, Mr Mazhar Khan Jadoon Advocate counsel for the complainant appeared before court and

مقدمہ نمبر

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9/2/23

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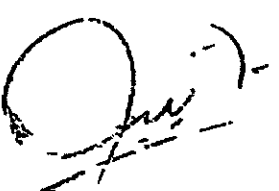
2023

EXAMINER:  
Abbottabad

stand at the bar that he was counsel of complainant namely Saqib Khan and submitted his Wakalatnama as proof which is placed on file. He during the course of arguments expressed no objection upon acquittal of petitioner namely Hazir Khan. To this effect learned counsel for complainant took down no objection note on margin of application u/s 249-A Cr.P.C which is duly signed by him.

7. Admittedly the section of law leveled against the accused is not compoundable in nature. However, as the complainant through counsel expressed no objection on acquittal of the accused/petitioner, therefore, it would be useless to proceed further with the case in hand to the extent of present petitioner/accused. By expressing no objection on the application under consideration it can safely be inferred that complainant has lost interest in the instant case to the extent of present petitioner/accused. Reluctantly, he does not want to charge accused facing trial namely Hazir Khan which is why carrying out further proceedings in the instant case to the extent of present petitioner/accused it would be nothing but futile exercise just to waste the precious time of court and resources of the state. Thus, keeping in mind the factum mentioned above the application u/s 249-A filed by petitioner/counsel is hereby accepted on the ground of no objection recorded by the complainant through counsel.

8. Consequently, in these circumstances, by invoking the power u/s 249-A Cr.P.C the accused facing trial namely Hazir Khan son of Namir Khan is hereby

  
73  
EXAMINER  
District & Sessions Judge  
Muzaffargarh

acquitted of the charge leveled against him. He is already on bail; His sureties stand discharged from liability of bail bond.

9. As far as accused namely Sajad Ayaz and Muhammad Saleem are declared as absconder and proceeding under section 512 CrPc are initiated against them. Prosecution is directed to produce evidence in absentia against absconding accused. Therefore, FWs be summoned to the extent of absconding accused for 09/2/23.

10. Record reveals that vide order dated 06.04.2022 accused namely Tasleem Alias Laal was declared as absconder and later on supplementary challan of accused namely Tasleem was received. Therefore, proceeding already initiated against accused Tasleem Alias Laal stands suspended. Accused Tasleem alias ~~\_\_\_\_\_~~ shall be summoned for date already fixed.

75  
18 JUN 2023

EXAMINER  
Magistrate & Sessions Judge  
Abbottabad

Waqar Saheed  
JM-I, Abbottabad

NO. 994      14-07-23  
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20-01-23  
23-01-23

مختصر حالات مقدمہ

صفحہ 3

351/A/34

قائد

خواتین



مقدمہ نمبر 113/2  
تاریخ 12/3/19

تعداد نمبر

1	نام مقدمہ کاروان	تفصیل مال مقدمہ	نام ملزم یا ملزمان جو	تعداد نمبر
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EXAMINER  
OFFICE OF DEPUTY COMMISSIONER  
Abbottabad

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213 EX  
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Handwritten notes and signatures in Urdu, including names like 'محمد علی', 'محمد عزیز', and 'محمد رفیق'. There is also a signature of 'محمد رفیق' at the bottom right.

تعداد نمبر

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بھارت بنجاب جوڈیشل مجسٹریٹ صاحب - ایسٹ آباد

سرکار نام حاضر علی وغیرہ

درخواست: میرا صدور گم بری کیئے جانے سائل / ملزم حاضر علی زیر دفعہ A-249 ض-ف۔

بنجاب مالی اور خواست ذیل ہے۔

09-06-2022  
 ججین آئیڈنہ تاریخ مورخہ

1- یہ کہ مقدمہ عنوان بالا زیر سماعت عدالت حضور ہے جس میں آئیڈنہ تاریخ مورخہ 09-06-2022 برائے مزید بات استغناء کیلئے مقرر شدہ ہے۔

EXAMINER

75

2- یہ کہ سائل / ملزم حاضر علی کا مقدمہ ہذا سے کوئی تعلق واسطہ نہ ہے و نیز سائل کے خلاف

EXAMINER  
 Name & Position  
 Abbreviated

ایک دیگر مقدمہ عدالت نمبر 1303 محررہ 19-12-2019 تھانہ شی مردان غانا کی بنیاد پر درج کیا گیا تھا جس میں سائل سے اپنی ذاتی کار نمبر LEF 1538 برآمد ہوئی تھی جو بھی اپنے سابقہ مالک کو ASJ سوابی نے مورخہ 20-07-2019 کو سپرداری پر حوالہ کی تھی۔ تانید میں حکم محررہ 20-07-2019 لف ہے۔ و نیز اقرار نامہ بھی لف ہے۔

3- یہ کہ سائل کو مقامی پولیس نے اپنے نمبر زیادہ مانے کی خاطر دیگر بچوں قسم کے مقدمات میں ملوث کیا جو سائل ضلع سوات، ضلع مانسہرہ کے مقدمات میں بری ہو چکا ہے۔ حکم عدالت ہائے بوقت بحث پیش کیئے جائینگے۔

4- یہ کہ سائل سے متذکرہ بالا مقدمہ کی بابت کوئی ریکوری نہ ہوئی ہے اور ریکوری پولیس خود ساختہ ہے۔ کئی کوئی قانونی حیثیت نہ ہے و نیز گاڑی نمبر EX 213 کی کوئی FSL رپورٹ مثل پر موجود نہ ہے و نیز سپرداری کی بابت بھی مثل پر کسی قسم کا آرڈر موجود نہ ہے

we required & accused  
 we got no objection depen - the  
 counsel for complainant Khan Jassar  
 05/01/22

جس سے بھی استغاثہ کا مقدمہ کسی بھی صورت مسائل / ملزم کے خلاف ثابت نہ ہوتا ہے۔

5- یہ کہ مستغیث مقدمہ اور اسی طرح اگر پولیس والوں کی شہادت قائم بندھی ہو جائے تب بھی مسائل کے خلاف مقدمہ ثابت نہ ہوتا ہے و نیز مستغیث مقدمہ بھی مقدمہ میں واپس نہ رکھتا ہے و نیز مسائل / ملزم محکمہ پولیس کا ملزم ہے اور مقدمہ ہذا کی وجہ سے مسائل / ملزم کی ملازمت میں رکاوٹ بنے ہوئے ہے اسلئے مسائل / ملزم تدارک حثور۔ درخواست ہذا کے تحت مقدمہ ہذا ترمیم کرنے کے لئے درخواست لگاتا ہے۔

لہذا استدعا ہے کہ مسائل / ملزم کو زیر دفعہ 249-A ض۔ ف مقدمہ ہذا سے بری کیے جانے کا حکم صادر فرمایا جاوے۔

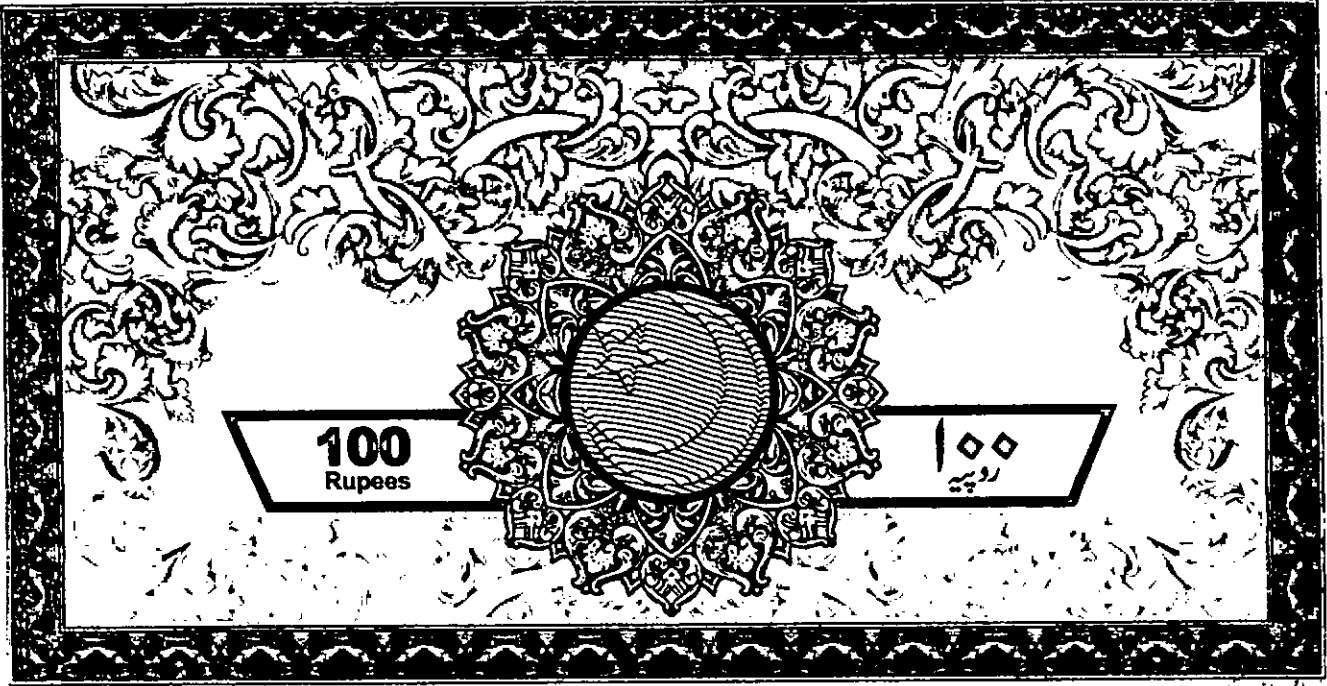
المرقوم: 10/6/2022

حاضر علی مسائل / ملزم بذریعہ وکیل خود  
9/6  
2022

7

EXAMINER  
District & Sessions Judge  
Abbottabad





اقرار نام لکاری

Muharrafat  
2368  
7-12-19  
Notary Public

صاحب رحیم شاہ ولد نواب علی خان ناگن اکرم اور احمد کوشہ سلطان شہزاد  
برائے تیس برس دراصل اقرار نام لکری کے نام سے تیار ہوئی ہے ایک عدد لکاری نمبر کار  
اصول نمبر EX 213 طاق 2015 انجمن 2295221 ستر  
نو - NZE170R4041252 بزرگ گرتے من قومی ملکیت ہے  
سواب من صورت من طورہ لکاری عبد عبد حقوق خان کا نام ہے  
صاحب علی ولد غلام خان ناگن اصحاب علیہ صلح صراحتی ہے یہ صلح مبلغ ایک لاکھ  
بیس ہزار روپے اور ایک سو فوفت کردی ہے۔ یہی زر زمین من سے صلح جاری لاکھ  
بیس ہزار روپے من صورت صراحتی کر تیار ہوئی ہے۔ صلح نام رقم مبلغ  
سترہ لاکھ روپے اے جے بیس دن بعد صلح حاف علی من صورت  
ادا کرنے کا نام اور ان دار ہے۔ لکاری نام عبد رحیم شاہ حوالہ منتری  
ہے صلح نام رقم صراحتی ادا کرنے پر رقم اصول من اور صلح حوالہ منتری  
کروں گا۔ لکاری من صورت صراحتی من رقم منقی ملکیت  
من لکاری من لکاری اور احداثت کا من صورت صراحتی دار ہوئی ہے صلح اے جے  
کے بعد منتری من دار ہے۔ اقرار نام لکاری اور من صورت صراحتی  
من دار ہے صلح اے جے 7/12/19

مضد  
صاحب دار  
16101-2574907-3  
16101-9459146-3  
16101-9459146-3

16202-0115795-5 اے جے حاف علی (منتری)  
17301-9220270-9 رحیم شاہ (منتری)  
Raheem Sha.

7-12-19

1135  
7-12-19  
رحیم شاہ ولد نور علی خان ساکن ٹریم لپورنہ کوئٹہ سلطان پور  
اتر، نام کن حافظ علی

1730-9220270-9

Syed Awaris Ali Shah  
7-12-19

حاصل شدہ - 5679370-0300  
0313-9508120

(8)

## ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت قابل دست اندازی پولیس رپورٹ شدہ زبردستی 153 مجموعہ ضابطہ نو جداری

تھانہ 1303 شی ضلع مردان بوقت 07:30 بجے تاریخ 19/12/19

تاریخ وقت رپورٹ 19/12/19 وقت 8:45 بجے	چاکیڈگی 19/12/19 وقت 9:20 بجے
نام و سکونت اطلاع دہندہ مستفیضت	مسن نوادہ INSP/SHO
مختصر کیفیت جرم (موقوفہ) حال اگر کچھ لیا گیا ہو۔	381-A/411/419/420/468/471/473/412/148/149PPC
جائے وقوعہ فاصلہ تھانہ سے اور سمت	مکان ازماں ملزم حاضر علی واقع خواجہ ناؤن مردان
نام و سکونت ملزم	1- حاضر علی 2- جاوید عرف کویر 3- سلیم خان عرف ڈاکٹر سلیم 4- آریز 5- شاہد 6- جاس 7- تسلیم عرف لال کوہستانی عرف نوجی 8- سید محمد عرف بابو
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	بہ سیدگی مراسلہ مقدمہ قائم کیا جاتا ہے۔
تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل ڈاک

ابتدائی اطلاع نیچے درج کرو۔ مراسلہ موصولہ منجانب مسن نوادہ Insp/Sho بدست کنسٹیبل طاہر شاہ 2055 ذیل ہے مگر ASI  
رہی امروز میں معہ کنسٹیبلان مفتاح الرحمن 549، نورالامین 54، ضیاء اللہ 1081 باسلسلہ گشت علاقہ میں موجود تھا کہ اطلاع ملی کہ موٹر کار نمبر

EX213 ماڈل 2015 برنگ کے مطلوبہ بحوالہ مقدمہ علت 810 مورخہ 3/12/19 جرم 381-A تھانہ نوشہر ضلع ایبٹ آباد سے سرفہ ہو چکا ہے اور  
نے وقوعہ بالا میں موجود ہے اور ٹیپر کر رہا ہے اطلاع کو مصدقہ جا کر بعد دیگر نفری پولیس کے فوراً جائے وقوعہ بالا آکر واقعی موٹر کار منڈ کرہ بالا موجود پا کر ساتھ ہی  
پر حاضر علی ولد نمیر خان سکندری محلہ منی خیل اسماعیلہ ضلع صوابی 2 سجاد عرف زبیر ولد محمد فاروق شاہ سکندری ملتان ناؤن مکان نمبر 28 سیکٹر اے 3- سلیم خان عرف  
رسلیم ولد طاؤس خان سکندری ڈاؤن حاجی اشرف کلے تخت بھائی 4 آریز ولد شاہ جہان سکندری سے پار ہوتی موجود پا کر جنھوں نے موٹر کار منڈ کرہ بالا کی چسپاں  
بذریعہ اوزار ٹیپر کر رہے تھے کہ موقع پر گرفتار کر کے ساتھ ہی مکان میں مزید 4 عدد گاڑیاں 1- موٹر کار نمبر LEF 1538 اور انجن نمبر 2451890

س نمبر 170 = NZE برنگ سلور R4081681۔ 2۔ موٹر کار نمبر LZ07776 برنگ سفید جس نمبر NZE120-6080088  
وٹر کار نمبر B-5272 پشاور جس نمبر BAABL-3-510255۔ 4۔ سوزکی پک اپ نمبر H-6287 پشاور بھی کٹری پا کر جنکے متعلق بھی بتلایا کہ  
یاں ہم نے سرفہ کر کے اس کے نمبرات ٹیپرنگ کرتے ہیں موٹر کار سرفہ شدہ نمبر EX213 اسلام آباد مقدمہ ہذا کے علاوہ مقدمہ متذکرہ بالا میں بھی بطور مال  
قدہ بازیافتہ جبکہ دیگر گاڑیاں چوری شدہ بعد اوزار ٹیپرنگ کو بروئے فرد قبضہ پولیس میں کر کے گرفتار شدہ بالا کسان کو سرسری انٹرویو گیت کر کے بتلایا کہ ہمارے  
اس گینگ میں 1 شاہد ولد نامعلوم سکندری 2 جاس ولد برہان سکندری پار ہوتی 3 تسلیم عرف لال کوہستانی عرف نوجی ولد نامعلوم سکندری 4 سید محمد عرف  
رنا نامعلوم سکندری چار باغ سوات بھی شریک ہیں ہم حملہ کسان چوری شدہ گاڑیوں کے چسپاں نمبرات میں جھلسازی، دھوکہ دہی، فریب اور بددیانتی کرتے ہیں  
مان بالا کو مرتکب جرم بالا پا کر ملزم حاضر علی، سجاد علی، سلیم عرف ڈاکٹر سلیم، آریز کو حسب ضابطہ گرفتار کر کے جبکہ ملزمان شاہد، جاس، تسلیم، سید محمد کی گرفتاری  
ہرگز کر مر اسلہ بغرض قاضی مقدمہ بدست کنسٹیبل طاہر شاہ 2055 ارسال تھانہ ہے۔ تفتیش کی جائے۔ دستخط انگریزی۔ مسن نوادہ Insp/Sho تھانہ شی  
مورخہ 19/12/19 کارروائی تھانہ میں آمدہ مراسلہ حرفہ بحرف درج ہو کر پرچہ بگرام نون مرتب کر کے لفظول FIR مراسلہ بمرافقتیش حوالہ انچارج شعبہ

AT 27-1

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

Service Appeal No. \_\_\_\_\_/2020

Hazir Ali, Ex-Head Constable No. 665..... Appellant

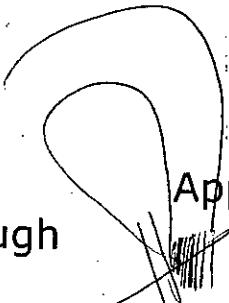
VERSUS

Inspector General & Police and others ..... Respondents

**I N D E X**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Grounds of Appeal		1-10
2.	Affidavit		11
3.	Addresses of parties		12
4.	Copy of appointment letter	A	13
5.	Copy of office order of promotion to Head Constable Post	B	14
6.	Copy of Sale Agreement	C	15
7.	Copy of Order dated 08.07.2019	D	16-19
8.	Copy of Order dated 20.07.2019	E	20-22

9.	Copy of order dated 18.12.2049 and ground of application U/S 491 Cr. PC	F	23-24
10.	Copy of Order dated 19.03.2020 and bail application	G & H	25-28
11.	Copies of Charge Sheet and Statement of allegation, reply and dismissal from service order dated 17.04.2020	I to I/3	29-35
12.	Copies of order and grounds of appeal	J & J/1	36-40
13.	Wakalat Nama		41

Through  Appellant

**Malik Haroon Iqbal**  
Advocate Supreme Court.

DL 12.6.2020

1

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

Service Appeal No. \_\_\_\_\_/2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 5043

Dated 12/6/2020

Hazir Ali, Ex-Head Constable No. 665, (CTD)

S/o Nameer Khan R/o Mohallah Mana Khel, Tehsil Razar  
District Swabi, Khyber Pakhtunkhwa.

..... Appellant

VERSUS

1. Inspector General & Police / Provincial Police Chief,  
Central Police office, Khyber Road, Peshawar.
2. Deputy inspector General of Police, CTD, CPO  
Khyber Pakhtunkhwa, Peshawar.
3. Superintendent of Police, CTD Region, Police lines,  
District Mardan Khyber Pakhtunkhwa.
4. Government of Khyber Pakhtunkhwa through Chief  
Secretary, Civil Secretariat, Peshawar.
5. Secretary Home and Tribal Affairs, Govt. of Khyber  
Pakhtunkhwa, Civil Secretariat, Khyber Road,  
Peshawar.

..... Respondents

Filed to day  
12/6/2020  
Registrar

2

**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT,  
1974 AGAINST THE IMPUGNED ORDER OB  
NO. 150/CTD DATED 21.05.2020 WHEREBY  
APPEAL / DEPARTMENTAL PRESENTATION OF  
THE APPELLANT WAS DISMISSED BY THE  
RESPONDENT NO. 2 WHICH WAS FILED BY  
THE APPELLANT AGAINST THE ORDER NO.  
554 DATED 17.04.2020 OF RESPONDENT NO.  
3 BY VIRTUE OF WHICH THE MAJOR  
PUNISHMENT OF DISMISSAL FROM SERVICE  
WAS IMPOSED UPON APPELLANT.**

**Prayer in Appeal:**

On acceptance of this Appeal, the impugned Order in Appeal vide Order OB No. 150/CTD dated 21.05.2020 and Order in Original / Dismissal from Service vide Order No. 554/CTD/Mardan region dated 17.04.2020 may kindly be set aside and the appellant may please be reinstated into service with all back benefits.

Respectfully Sheweth:

1. That the appellant was induced in the police service as Police Constable on 25.05.2006. (Copy of appointment letter is attached as Annexure "A").
2. That due to unblemished record of service and for giving a best performance in the police department, the Appellant was promoted as Head Constable on 1-3-2010. (Copy of office order of promotion to Head Constable Post is attached as Annexure "B").
3. That appellant was lastly posted as Head Constable in the Operation Wing CTD Mardan Region Mardan, District Mardan.
4. That it was the misfortune of the appellant when he purchased a vehicle No. LEF-1538, Model 2016, Corolla from one Wahdat Ali S/o Abdul Khitab R/o Dobian, District Mardan in the light of Sale Agreement dated 07.8.2019. (Copy of Sale Agreement is attached as Annexure "C").
5. That as a matter of fact, the vehicle was taken into possession from Wahdat Ali (seller) by the local police of P. S. Yar Hussain, Swabi vide Daily Diary No. 7 dated 25.05.2019 on suspicion and



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later on, the said vehicle was released on Superdari by the Court of learned Additional Sessions Judge Mardan (Mr. Ijaz ul Haq Awan) vide its Order dated 08.07.2019. (Copy of Order dated 08.07.2019 is attached as Annexure "D").

6. That with malafide and ulterior motives, FIR No. 381 dated 19.12.2019 U/S 381-A/411/419/420/468/471 PPC was registered by the local police of P. S. Yar Hussain after reason of vehicle on Superdari by competent Court to Wahdat Ali by the Order of learned Additional Session Judge, Mardan.

7. That again the learned Court of Additional Session Judge Mardan vide its Order dated 20.07.2019 directed the SHO, P. S. Yar Hussain to hand over the vehicle to the Superdar Wahdat Ali S/o Abdul Khitab. (Copy of Order dated 20.07.2019 is also attached as Annexure "E").

8. That the vehicle in questioned was purchased on payment of consideration on 07.08.2019 after its release on Superdari dated 08.07.2019 and implementation order dated 20.07.2019 is in fact not stolen, nor a crime property regarding which no offence is committed. No pointation made nor any vehicle recovered.

5

9. There is no involvement of appellant in case of FIR No. 314 dated 31.07.2018 U/S 381-A P. S. Ternol Islamabad and the allegation re wrong and false and further tainted with malafide and personal malice.

10. That on 17.12.2019, while appellant was on his way to his village at Swabi on night pass, the staff of PP-Sangemarmar stopped the petitioner took the car into possession and illegality confined the appellant for two days into custody. Till the brother of appellant moved application U/S 491 Cr.PC (Habeas Corpus) to learned Court of Additional Sessions Judge-VI, Mardan and learned Court passed order dated 18.12.2019. (Copy of order dated 18.12.2019 and ground of application U/S 491 Cr. PC are attached as Annexure "F").

11. That later on 19.12.2019 case FIR No. 1303 U/S 419/420/468/471 PPC was registered by police of P. S. Yar Hussain and appellant was shown arrested just to frustrate the proceedings and order dated 18.12.2019 passed on application U/S 491 Cr. P.C.

12. That appellant was released on bail by learned Peshawar High Court, Peshawar vide its order dated 19.03.2020 in case FIR No. 1303 dated 19.12.2019 under Section 381-A/411/419/420/468/471/473/412/148/149 PPC registered falsely by local police of P. S. Yar Hussain. (Copy of Order dated 19.03.2020 & bail application are attached as Annexure "G & H").
13. That later on, departmental proceeding were initiated against the appellant without association of appellant with any kind of inquiry proceedings and without giving him any opportunity to defend his case, on the basis Charge Sheet / Reply, the major penalty of dismissal from service was imposed upon the appellant by respondent No. 3 vide order No. 554/CTD/Mardan region dated 17.04.2020. Copies of Charge Sheet and Statement of allegation are annexed I, I/1 while reply is I/2 and dismissal from service order dated 17.04.2020 is attached as Annexure "I/3".
14. That appellant filed departmental appeal / presentation which was also dismissed by respondent No. 2 vide impugned order OB No. 150/CTD dated 21.05.2020. Copies of order is attached as Annexure "J" and grounds of appeal is "J/1".

15. That feeling aggrieved of the impugned order dated 21.05.2020 and Order dated 17.04.2020 whereby the appellant was dismissed from services, the appellant is constrained to file the instant appeal on the following grounds inter-alia:-

**GROUND:**

A. That impugned Order No. OB No. 150/CTD dated 21.05.2020 of respondent No. 2 by virtue of which the departmental appeal / presentation of appellant was dismissed and Order dated 17.04.2020 of Respondent No. 3 whereby the appellant was dismissed from service by imposing major penalty are coram non judice, illegal, without jurisdiction, lawful authority, against the principal of natural justice, without any grounds and basis, hence the said Orders are liable to set aside.

B. That impugned order are illegal and unjust and in violation of rules and law applicable to the matter.

C. That the appellant rendered unblemished services in the department and acted in accordance to law and to the entire satisfaction

of high ups but has been involved in a criminal case of vehicle (doubtful Chassis No.) although the same was purchased from a lawful custodian of vehicle which was released to him / Wahdat Ali on 08.07.2019 by court of learned Additional Session Judge, Mardan.

D. That Superdari Order in favour of Wahadat Ali is of 08.07.2019 while case was registered by local police of P. S. Yar Hussain. Later on 10.07.2019 U/S 419-420-468-471 PPC vide FIR No. 381 and appellant is falsely implicated afterward, hence implication in the case is highly doubtful, on personal ill-will and malice of SHO concerned.

E. That there is no truth in the allegations mentioned in the Order of dismissal from service dated 17.04.2020 since vehicle of Superdari was taken into possession from appellant and rest of vehicles were from other persons having no nexus with the appellant.

F. That appellant is enjoying the concession of bail from learned Peshawar High Court Peshawar vide order dated 19.03.2020 in Cr. Misc No. 589-P/2020.

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G. That there is no conviction of appellant in above FIR or any other FIR, nor there is any criminal history but the appellant has been dismissed from service illegally by respondents.

H. That no proper inquiry has been conducted against the appellant neither he was offered any opportunity to cross-examine the PWs. Furthermore, the appellant not associated with any kind of inquiry proceedings and has been condemned unheard in violation of principle "Audi alteram Partem."

I. That it is the principle of law that in case there is a stigma, then inquiry is must in the case which has been violated by the respondents.

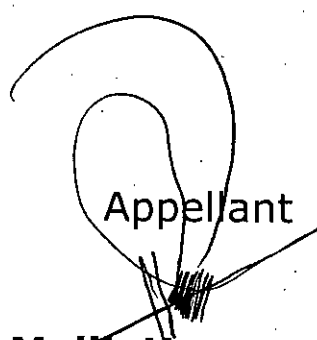
J. That Order of dismissal from service and appellate order is against the principles of natural justice, equity and fair play.

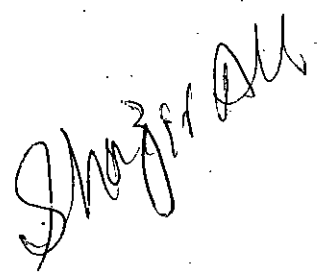
K. That any other grounds would be adduced by the appellant during arguments on the instant appeal with permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that on acceptance of this appeal the impend Order dated 21.05.2020 and Order dated 17.04.2020

may please be set aside and the appellant may please be reinstated in the service with all back benefits.

12.6.2020 Through

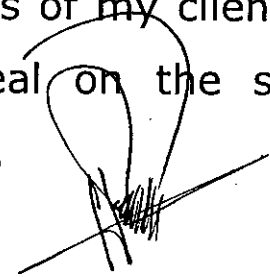
  
Appellant



**Malik Haroon Iqbal**  
Advocate Supreme Court.

**CERTIFICATE**

Certified that as per instructions of my client, that this is the first Service Appeal on the subject before this Honourable Tribunal.



ADVOCATE

11

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

Service Appeal No. \_\_\_\_\_/2020

Hazir Ali, Ex-Head Constable No. 665..... Appellant

VERSUS

Inspector General & Police and others ..... Respondents

**AFFIDAVIT**

I, Hazir Ali, Ex-Head Constable No. 665, (CTD) S/o Nameer Khan R/o Mohallah Mana Khel, Tehsil Razar District Swabi, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*[Handwritten Signature]*

Deponent

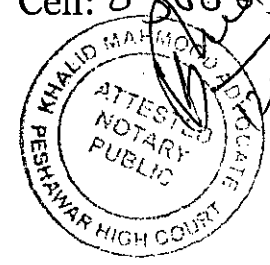
CNIC: 16202-0115795-5

Cell: 0700-56079370

*[Handwritten Signature]*

Identified by:

**Malik Haroon Iqbal**  
Advocate Supreme Court.





12

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

Service Appeal No. \_\_\_\_\_/2020

Hazir Ali, Ex-Head Constable No. 665..... Appellant

VERSUS

Inspector General & Police and others ..... Respondents

**ADDRESSES OF PARTIES**

**APPELLANT**

Hazir Ali, Ex-Head Constable No. 665, (CTD) S/o  
Nameer Khan R/o Mohallah Mana Khel, Tehsil Razar  
District Swabi, Khyber Pakhtunkhwa

**RESPONDENTS**

1. Inspector General & Police / Provincial Police Chief,  
Central Police office, Khyber Road, Peshawar.
2. Deputy inspector General of Police, CTD, CPO  
Khyber Pakhtunkhwa, Peshawar.
3. Superintendent of Police, CTD Region, Police lines,  
District Mardan Khyber Pakhtunkhwa.
4. Government of Khyber Pakhtunkhwa through Chief  
Secretary, Civil Secretariat, Peshawar.
5. Secretary Home and Tribal Affairs, Govt. of Khyber  
Pakhtunkhwa, Civil Secretariat, Khyber Road,  
Peshawar.

Through

Appellant

**Malik Haroon Iqbal**  
Advocate Supreme Court.

13

Annex 'A'

POLICE DEPARTMENT,

SWABI DISTRICT.

ENLISTMENT ORDER.

R/O Ismailla Mr. Hazir Ali S/O Namir Khan  
Police Station Kale Khan  
Having domicile of Swabi District is hereby enlisted as Constable on three  
years probation in BPS- 5 in FRP with effect from.....

Constabulary Number of FRP will be allotted by  
Commandant FRP, NWFP, Peshawar.

Height. 5 - 11 -

Chest. 36 x 38

Education. F.A

Date of birth. 13.3.1985

Blood group. O + ve

Age. Year \_\_\_ Month \_\_\_ Days. \_\_\_

O.B. No. \_\_\_ dated \_\_\_

Anasheed  
District Police Officer,  
Swabi.

FRP Constabulary Number 194... allotted.

Countersigned

Commandant FRP, NWFP, Peshawar.

14  
Annex C  
B

ORDER

Constable Hazir Ali No.2384 of FRP Peshawar Range, Peshawar is hereby promoted to the rank of Head Constable (BPS-07) with immediate effect.

*[Handwritten signature]*

Superintendent of Police, FRP,  
Peshawar Range, Peshawar

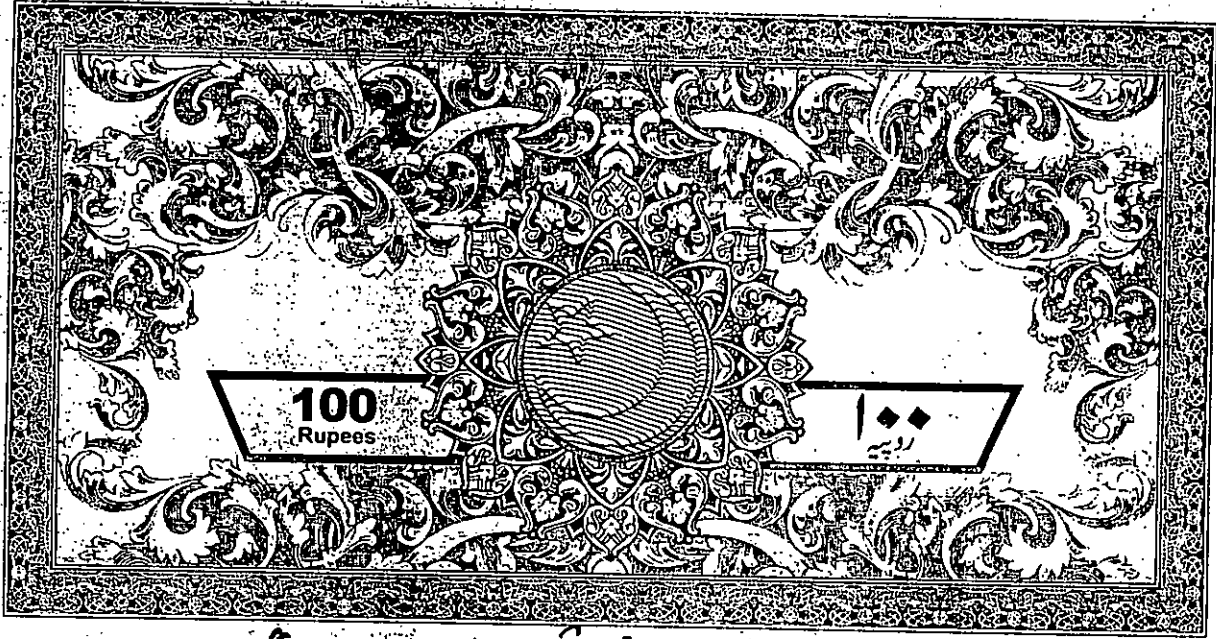
No: 244 /OSI, dated Peshawar the 01/03/2010.

Copy of above is forwarded for information

and necessary action to the:-

1. Acctt: FRP Peshawar Range
2. LO FRP Peshawar Range
3. SRC FRP Peshawar Range
4. OHC FRP Peshawar Range

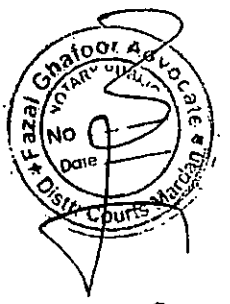
*[Handwritten signature]*



افسرانہ ضمانت

مکہ :- وکیل علی دہ عبدالقادر نے درج ذیل میں درج ذیل صلح کردی  
 مکہ :- حافظ علی دہ گلبرخان نے درج ذیل میں درج ذیل صلح کردی  
 میں نے درج ذیل میں درج ذیل صلح کردی اور اس کے لئے  
 میں نے درج ذیل میں درج ذیل صلح کردی اور اس کے لئے  
 میں نے درج ذیل میں درج ذیل صلح کردی اور اس کے لئے  
 میں نے درج ذیل میں درج ذیل صلح کردی اور اس کے لئے  
 میں نے درج ذیل میں درج ذیل صلح کردی اور اس کے لئے  
 میں نے درج ذیل میں درج ذیل صلح کردی اور اس کے لئے  
 میں نے درج ذیل میں درج ذیل صلح کردی اور اس کے لئے  
 میں نے درج ذیل میں درج ذیل صلح کردی اور اس کے لئے  
 میں نے درج ذیل میں درج ذیل صلح کردی اور اس کے لئے

239



7/8

16202-7601407-3

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ذرا: 08/07/19  
 16202-7376681  
 16202-5115785-5  
 16202-3-1438-16202  
 Hafiz Ali  
 Wahdat Ali  
 Abid Ali



16

Annex 'D'

FORM "A"  
FORM OF ORDER SHEET



IJAZ UL HAQ AWAN, ADDITIONAL SESSIONS JUDGE-II  
CAMP COURT LAHOR, SWABI

Case No. 62 / 6 of 2019  
Wahdat Ali vs. The State

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of party or counsel where necessary
-----------------------------------	-----------------------------	---

Order: 01	01/07/2019	<p>Superdari petition submitted. Be entered in the relevant register.</p> <p>Let notice be issued to the complainant prosecution and record of the case be also requisitioned for 8/7/2019</p>
-----------	------------	--

*[Signature]*  
Ijaz-ul-Haq Awan,  
Addl. Sessions Judge-II  
Judge Camp Court, Lahor,  
Swabi

Order: 02	08/07/2019	<p>Petitioner in person alongwith counsel is present.</p>
-----------	------------	---

His learned APP for the State also present. Record received

Petitioner Wahdat Ali has brought the instant petition u/s 516-A of Cr.P.C for the return /custody of vehicle bearing registration No. LEF-1538, alongwith original registration book on Superdari, which was refused to him by the learned Judicial Magistrate Lahor, Swabi vide order dated 29.06.2019.

The local police of police station Yar Hussain, during routine patrolling intercepted a white color

*[Signature]*  
*[Signature]*  
ATTESTED TRUE COPY  
9/7/19

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
<p>Order No. 2 Contin....</p>	<p>8/7/2019</p>	<p>motorcar having registration No. LEF-16-1538, being driven by the present petitioner, who at the relevant time failed to produce any ownership documents of the vehicle. The police took the vehicle in custody u/s 550/523 Cr.P.C. and entered a report in Daily Diary at serial No. 07 dated 25.05.2019. The petitioner was also arrested u/s 54 of Cr.P.C. Thereafter, a proper inquiry u/s 156(3) of Cr.P.C was conducted by the police, during which the original registration book of the vehicle in question was produced by the petitioner to the I.O who sent the same to the concerned Motor Registration Authority/I.O. which was reported to be genuine one by the concerned Authority. The chassis number was also subjected to chemical analysis at FSL Peshawar and according to the expert report, the chassis was found tempered.</p> <p>I have heard learned counsel for the petitioner and learned A.P.P for State at length and perused case record.</p> <p>The only allegation against the vehicle in question is that its chassis is tempered. The petitioner has presented sufficient documents to the I.O. that he is the bonafide purchaser of the vehicle in question which was purchased by him from its previous owner namely Dilawar Khan against a huge amount. It is also on record</p>

*[Signature]*  
8/7/2019

*[Signature]*

*[Signature]*  
8/7  
ATTESTED TRUE COPY

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
-----------------------------------	-----------------------------	---

Order No. 2 Contin....	8/7/2019	that back in the year 2016 due to a road accident, the vehicle got damaged resulting into loss of its chassis number sheet as well. In this respect a <i>Mad</i> report lodged by the previous owner Dialwar Khan to the local police of police station Allaie of District Batagram, is also available on record of the case.
---------------------------	----------	---

Order No. 2 Contin....	8/7/2019	that back in the year 2016 due to a road accident, the vehicle got damaged resulting into loss of its chassis number sheet as well. In this respect a <i>Mad</i> report lodged by the previous owner Dialwar Khan to the local police of police station Allaie of District Batagram, is also available on record of the case.
---------------------------	----------	---

Order No. 2 Contin....	8/7/2019	that back in the year 2016 due to a road accident, the vehicle got damaged resulting into loss of its chassis number sheet as well. In this respect a <i>Mad</i> report lodged by the previous owner Dialwar Khan to the local police of police station Allaie of District Batagram, is also available on record of the case.
---------------------------	----------	---


The petitioner, thus, is last possessor and sole claimant of the vehicle in question. There is no rival claimant of the same. Furthermore, the report of concerned MRA/ETO regarding the genuineness of its registration book is also positive.

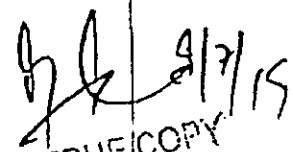
It was also established on the record that the vehicle in question has no criminal history as there is nothing on the record to reflect that the same was either a stolen property or was ever used in commission of any offence.

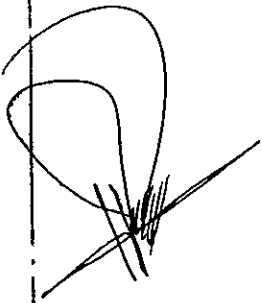
In the given circumstances, the instant petition is hereby allowed and the vehicle in question i.e. LEF-1538 alongwith original registration book is ordered to be returned to the petitioner on Superdari if not required in any other case, provided the petitioner furnishes surety bond in the sum of Rs:1,000,000/- (Ten Lac only) with two sureties each in the like amount to the satisfaction of SHO P.S Yar Hussain. The sureties must be local.

*[Signature]*  
8/7/2019

*[Signature]*  
8/7/19  
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Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
Order No. 2 Contin....	08.07.2019	<p>reliable and men of means.</p> <p><i>The petitioner is, however, directed to keep the vehicle in question in his safe custody and not to sell, transfer or dispose of the same in any other manner till the conclusion of inquiry/trial. He is further directed to produce the same as &amp; when required by court.</i></p> <p>File of this court be consigned to Record Room after its completion whereas requisitioned record be returned accordingly.</p> <p><u>Announced:</u> 08.07.2019</p> <p style="text-align: right;"> Ijaz-ul-Haq Awan, Addl: Sessions Judge-II Judge Camp Court, Lahor, Swabi.</p>

  
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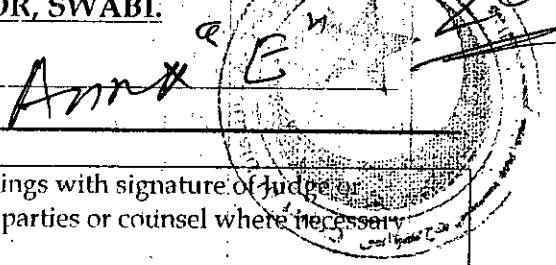





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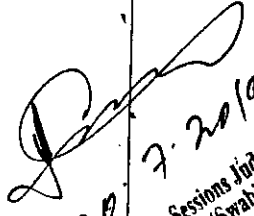
**Form "A"**  
**Form of order sheet**  
**IAZ-UL-HAQ AWAN, ADDL: SESSIONS JUDGE-II/CAMP**  
**COURT LAHOR, SWABI.**

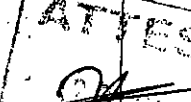
Case No. 69/6 of 2019



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Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 1	15/7/2019	<p>Instant Superdari application is presented by <u>Wahdat Ali</u> Advocate. It be registered. Notice &amp; Record for <u>20.07.2019</u>.</p> <p style="text-align: center;">  <b>Ijaz-ul-Haq Awan,</b>                      ASJ-II/Camp Court Lahor.                      Swabi</p> <p style="text-align: center;"><b><u>IN THE COURT OF IJAZ-UL-HAQ AWAN,</u></b>  <b><u>ADDITIONAL SESSIONS JUDGE-II/ JUDGE CAMP</u></b>  <b><u>COURT, LAHOR, SWABI.</u></b></p>
Order No. 02	20.07.2019	<p>Counsel for the Petitioner present.</p> <p>APP for the State also present. Record received.</p> <p>By way of this order, I intend to dispose of the instant application filed by Wahdat Ali son of Abdul Khitab resident of village Dobyhan, presently residing at District Mardan, for superdari of Motorcar bearing No. LEF-16-1538.</p> <p>Record transpires that local police of Police Station Yar Hussain took into possession the Motorcar in question vide D.D No. 7datd 15.05.2019 read with S. 156(3) of Cr.P.C.</p>

  
 20.7.2019  
 Additional District & Sessions Judge  
 Camp Court at Lahor (Swabi)

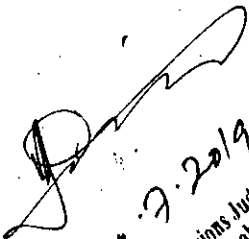
**ATTESTED**  
  
 2019  
 Examiner  
 Sessions Court Swabi


21

Later on the petitioner Wahdat Ali filed an application for return of the motorcar in question, on superdari, which was accepted by this court vide order dated 08.07.2019 and the SHO concerned was directed to handover the Motorcar alongwith its original registration book to the petitioner on superdari on furnishing surety bonds in the sum of Rs. 1,000,000/- (ten lacs only) with two sureties to the satisfaction of SHO concerned.

Learned counsel for the petitioner contended that on presenting superdari order of this court, the concerned SHO lodged an FIR U.Ss 419/420468//471 of PPC against the present petitioner and retained the motorcar in question being the case property of ibid FIR.

It is evident from record that this court has already passed an order regarding the return of motorcar in question on superdari in connection with Mad No. 07 of 25.05.2019 read with S. 156(3) of Cr.P.C of Police Station Yar Hussain and the instant FIR is also the outcome of the ibid Mad Report and Inquiry, therefore, the application in hand is accepted. SHO concerned is directed to hand

  
20.7.2019  
Additional District & Sessions Judge  
Camp Court at Labor (Swabi)

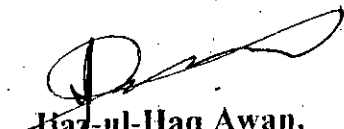
  
Additional District & Sessions Judge  
Camp Court at Labor (Swabi)

22

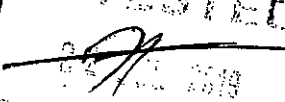
over the motorcar in question to the present petitioner on the terms as mentioned in the order dated 08.07.2019 of this court.

File of this court be consigned to Record Room after its completion whereas requisitioned record be returned accordingly.

**Announced:**  
20.07.2019

  
**Haz-ul-Haq Awan,**  
Addl: Sessions Judge-II  
Judge Camp Court, Lahor  
Swabi.



**ATTESTED**  
  
02/07/2019  
Examiner Copying Court  
Sessions Court Swabi

491 نوٹس

Amir F

ASTV 13  
سید عزیز علی خان صاحب  
پتھر مارڈان پولیس سٹیشن

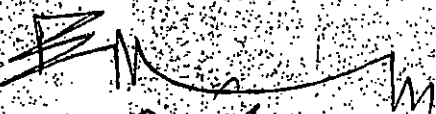
ORDER-02  
Dt: 18/12/2019

Instant petition by Section 491 Cr.P.C received on entrustment. It be registered.

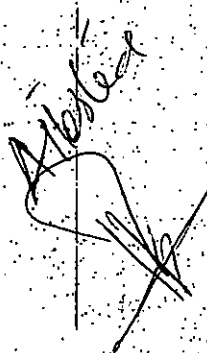
The petitioner through instant petition alleged that his brother namely Hazir Ali son of Namer Khan is illegally, unlawfully & improperly been confined and detained by local police of Police Station City Mardan. The contention of petitioner is duly supported by affidavit, as such, bailiff of the Court is directed to inspect police station concerned and address the allegation/ grievance of petitioner to verify the factum of illegal detention of detunees, peruse record of police post concerned and furnish his report today positively. Needless to say that, if the alleged deteunee is lawfully booked and in lawful custody of local police, he need not to be produced.

  
(FARYAL ZIA MUFTI)  
ADDITIONAL SESSIONS JUDGE-VI,  
MARDAN.

سید عزیز علی خان صاحب کے والد صاحب نے پولیس سٹیشن پتھر مارڈان میں ایک نوٹس نمٹا ہے جس میں کہا گیا ہے کہ میرا بیٹا سید عزیز علی خان صاحب کو غیر قانونی طور پر قید کر رکھا ہے۔ اس پر پولیس سٹیشن پتھر مارڈان میں ایک نوٹس نمٹا گیا ہے۔

  
ASIM





23

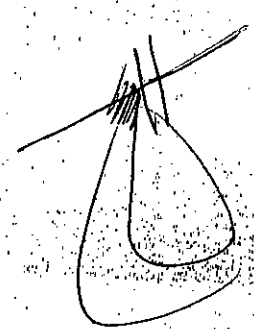
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~~226~~ A

	<p>ORDER-02 Dt 18.12.2019</p>	<p>Instant petition u/Section 491 Cr.PC received on entrustment, it be registered.</p> <p>The petitioner through instant petition alleged that his brother namely Hazir Ali son of Namer Khan is illegally, unlawfully &amp; improperly been confined and detailed by local police of Police Station City Mardan . The contention of petitioner is duly supported by affidavit, as such, bailiff of the Court is directed to inspect police station concerned and address the allegation/grievance of petitioner to verify the factum of illegal detention of Detenue, peruse record of police post concerned and furnish his reoprt today positively. Needless to say that, if, the alleged detenuee is lawfully booked and in lawful custody of local police, he need not bto be produced.</p> <p style="text-align: center;">-sd- (FARYAL ZIA MUFTI) ADDITNIOAL SESSIONS JUDGE- VI, MARDAN.</p>
--	-----------------------------------	--

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25 / 20  
Amir G  
Culp

**JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT, PESHAWAR.  
JUDICIAL DEPARTMENT**

Cr. M BA No. 589-P/2020.

JUDGMENT.

Date of hearing 19<sup>th</sup> March, 2020.

Hazir Ali.....Vs.....

Petitioner(s) by :- *Mr. Rehman Dli brother of petitioner.*

State/respondent by :- *Mr. Aziz Dli whom V.D.P.*



**WAOAR AHMAD SETH, CJ:** - Accused-petitioner,

Hazir Ali son of Nameer Khan, charged in case vide FIR No.

1303 dated 19.12.2019 under sections 381-A / 411 / 419 / 420 /

468 / 471 / 473 / 412 / 148 / 149 PPC, registered at Police

Station, City Mardan, has approached this Court for release on

bail, which was refused to him by learned Additional Sessions

Judge-VI, Mardan, vide order dated 26.02.2020.

2. Allegations against the accused-petitioner is that

he alongwith other co-accused have been charged by the

complainant for theft / snatching and tampering the chassis

numbers of cars mentioned in the FIR, hence the instant

*h.* petition.

**ATTESTED**

**EXAMINER**  
Peshawar High Court

20/26

3. I have heard learned counsel for the accused-petitioner, learned AAG for the State and available record gone through.

4. Perusal of available record suggests that complainant while recovering the cars in question have charged either persons for the commission of offence, hence, the vicarious liability on the part of present accused-petitioner is yet to be determined during trial, after recording of evidence. Furthermore, in one of the FIRs so cited / placed on file, the present accused-petitioner is charged. Sections 418/420/471 are bailable offences whereas the rest of sections of law carry punishment of at least ten years, which does not fall within the purview of section 497 Cr.PC and in such like cases bail is a rule and refusal thereof is an exception. This Court in C.M.B.A. No. 9-P/2000 had granted bail co-accused, who was a police official, hence, keeping in view the facts and circumstances of the case with regard to role of consistency, petitioner is seen to be released on bail.

5. Moreover, it has been held time and again by the apex Court that bail does not mean acquittal of accused but only change of custody from Government agencies to the sureties,

who on furnishing bonds take responsibility to produce the

**ATTESTED**  
**EXAMINER**  
Peshawar High Court



30 27

3

accused whenever and wherever required to be produced.

Reliance could be placed on the case reported in 2008 SCMR

807, titled Haji Muhammad Nazir vs State.

6. For the reasons recorded hereinabove this bail petition is allowed. Accused-petitioner be released on bail provided he furnishes bail bonds in the sum of Rs. 6,00,000/- (Rupees Six lacs) with two sureties each in the like amount to the satisfaction of Illaqa / Duty Magistrate, who shall ensure that the sureties are local, reliable and men of means.

7. Needless to mention here that the assessments made hereinabove are tentative in nature and shall not prejudice the case of either side, during trial.

8. These are the reasons of my short order of even date.

Announced.  
19.03.2020.

No. 378 28  
Date of Presentation of Application 04/4/2020  
No of Pages 2  
Copying fee 200  
Total 200  
Date of Preparation of Copy 04/4/2020  
Date of Delivery of Copy 04/4/2020  
Received By [Signature]

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Chief Justice

Tariq Jan. PS.

SB Mr. Justice Waqar Ahmad Set, Chief Justice.

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Exemplar  
Solemnly Sworn, Registered  
Authorised Under Article 87 of  
the Qanun-e-Shahadat Order 1988  
04 APR 2020

28  
Annex "H"

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Cr. Misc (BA) No. \_\_\_\_\_/2020

Hazir Ali S/O Nameer Khan

R/O Esmaila District Swabi-----

Petitioner

Versus

The State -----



Respondent

Case FIR No. 1303, Dated: 19-12-2019

Registered U/S: 381-A/411/419/420/468/471/473/148/149 PPC

Police Station: City (Mardan)

**PETITION U/S 497 CR.P.C. FOR RELEASE OF  
THE PETITIONER ON BAIL TILL THE FINAL  
DECISION OF THE CASE**

**Respectfully Sheweth:**

**A) That**, the subject case was registered by the police against the arrested accused vide FIR No. 1303 dated 19-12-2019 U/S. 381-A/411/412/419/420/468/471/473/148/149 PPC at PS City, Mardan

*FIR with better copy is annexed-"A"*

**B) That**, on dismissal of his bail application by the learned JMIG, Mardan, the petitioner applied for the same relief to the worthy Court of Sessions, which too was declined by the learned ASJ-VI, Mardan vide order dated 26-02-2020.

*Copy of bail application is annexed-"B"  
Impugned order is annexed-"C"*

**N**ow, the petitioner begs leave to seek the same relief from this august Court, inter-alia, on the following grounds;

**G****R****O****U****N****D****S**:

I. **B**ecause, neither any offence has been committed as depicted by the police nor any recovery effected, rather, due to professional grudges, the complainant has roped the petitioner in an engineered case.

**ATTESTED**

**EXAMINER**  
Peshawar High Court

CHARGE SHEET U/S 6(1)(a) KP POLICE RULE 1975.

You, accused HC Hazir Ali 665, posted at Operations staff CTD Mardan hereby charged for committing the following omissions/ commissions.

ANNEX I/O

"You, HC Hazir Ali 665 remained absent vide DD No.07 dated 18.12.2019 PS CTD Mardan Region. You were found involve vide case FIR No. 1303 dated 19-12-2019 u/s 381A/ 411/ 419/ 420/ 468/ 471/ 473/ 412/ 148/ 149 PPC PS City of District Mardan and the local police of PS City arrested you on the same date".

The undersigned hereby calls upon you to submit your written defence against the above charge before the enquiry officer.

Your reply must reach the enquiry officer within 07 days from date of receipt of this charge sheet, failing which ex-parte proceedings shall be initiated.

Summary of allegations are enclosed herewith.

Superintendent of Police,  
CTD, Mardan Region.

No 1070-53 /CTD

Mardan Dated 19/12/2019

Copy to: -

1. Worthy Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.
2. SSP Operation CTD KP Peshawar
3. Accounts Branch CTD KP Peshawar.
4. DSP operations, CTD Mardan Region.
5. DSP Investigation, CTD Mardan Region.
6. All concerned.
7. HC Hazir Ali 665


Superintendent of Police  
CTD Mardan Region

22 39  
Anwar I/1

SUMMARY / STATEMENT OF ALLEGATIONS U/R 6(1)(a) KP POLICE RULE 1975.

"You, HC Hazir Ali 665 remained absent vide DD No.07 dated 18.12.2019 PS CTD Mardan Region. You were found involve vide case FIR No. 1303 dated 19-12-2019 u/s 381A/ 411/ 419/ 420/ 468/ 471/ 473/ 412/ 148/ 149 PPC PS City of District Mardan and the local police of PS City arrested you on the same date".

DSP Investigation CTD Mardan Region, Mr. Farooq Khan is hereby appointed an enquiry officer in order to ascertain the factuality of alleged charge and to conclude the proceedings with in span of 15 days and to submit finding report.

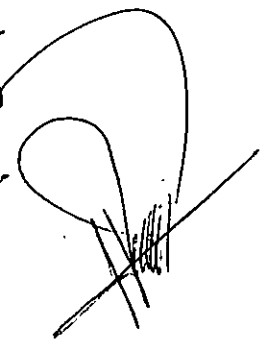
  
Superintendent of Police,  
CTD, Mardan Region.

صبا غالا:-

بحوالہ چارج شیٹ اینڈ سمری آف اسٹینڈرڈ معروضی خدمت میں کہ عرصہ  
 17/19/2019 سے 12/19/2019 کو بر وقت تقریباً 8 بجے ٹھانہ  
 سپر کازینٹلان طاہر علی اور داہت علی کے ہمراہ Riu مرزا کے عرفی پستل ڈروٹی  
 عفری مارغ قندے روانہ ہوئے۔

12/19/2019  
 17/19/2019

16/01/2019  
 فوٹ 201400



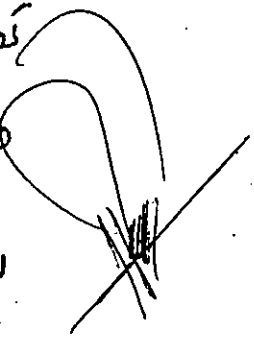
ڈروٹی سے خارج ہو کر بر وقت تقریباً 9 بجے ٹھانہ سے نکل کر گھر خود اسٹیشن (صوبائی)  
 جاری تھا۔ کہ بعد اچھری سب سے مراد صوبائی اور ٹیلی میٹر کارڈ نمبر 1538-16-LEF  
 کے ایک سو نو کارڈ رکھنا اور جمع گاڑی اور کچھ کا اسٹانڈ کیا۔ جب یہ سب گاڑی  
 روکی تو مندرکہ بالا سو نو کارڈ سے DSP/R انعام جان و انسپٹر عاشق H.O  
 آئی انسپٹر محسن فراد H.O سٹی عفری H.O مقدم ٹھانہ سب سے  
 ڈروٹی تقریباً پورس ڈیگر گاڑیوں سے اتر آئے جنہوں نے مجھے کہا کہ تم نے میٹر بھلا  
 عرفی رہیں سناؤ بیس مٹروں تاؤں مرزا کے ساتھ رابطہ کر لیا۔ اور تم نے اسے  
 چھپایا۔ اس کے ساتھ ہی مجھے اپنی سو نو کارڈ نمبر 1538-16-LEF کہ اسٹیشن  
 جمع صوبائی ایماز الحق اعوان کی آڈر کی سپر ڈاوی تھی۔ میرے قبضے سے ہی آڈر  
 ڈروٹی کے سب سے H.O سٹی محسن فراد خان بیٹھو کہ آڈر فوٹ سب سے  
 انعام جان DSP/R اور H.O مقدم خان اور H.O عاشق اور H.O  
 MT سے جو کچھ۔ اور میرے سر کے مٹری ڈروٹی سے سنا کر سٹی نامعلوم پر اسٹیشن  
 گھر کے باہر مجھے مٹری سے رخصت کر دیا سے بلڈ کو کہ بالا ٹکڑا گیا۔ اور وہ جسے  
 مندرکہ بالا سب سے H.O سٹی کے مجھے مارے اسے۔ بس اس کے 12/19/2019  
 کو بر وقت 11 بجے رات کی تاؤں میں مٹری کے نکال کر تمام صوبائی کے

جہاں پر جمع حوالہ میں بند کیا اور جمعہ بتایا کہ ایک صلاف کھانہ بی بی ۱۱۸ میں Fi8  
 سرکاری ہے۔ ۲۰۱۸ میں الزام لگایا گیا کہ ہم وقت وقوعہ ہونے سے پہلے ہی اس میں گولی  
 کی ٹیسٹ میں معروف جمع الزام میں ایک نگران مریا میں ٹیسٹ کیا CDR نکال  
 کر مہلک روکٹین معلوم کیا جائے کہ کیا میں فراہمی ٹیسٹ میں معروف تھا یا نہیں۔

میرے موبائل نمبر پر ۰۳۰۰۵۶۷۹۳۲۰ سے ۰۳۱۳۹۵۰۸۱۲۰

۰۳۴۲۱۹۱۵۹۴۳ سے ۰۳۴۲۹۰۲۵۹۰۷ سے ۰۳۱۴۹۳۹۰۱۹۸

بند کرنے پر ۱۲/۱۶ تا ۱۲/۱۹ اور جمعہ نا معلوم صلاہ میں جس میں اٹھایا  
 تھا۔ مورخہ ۱۶/۱۹ کو میں اپنی سربراہ میں سے اور تھا۔ اور کہا کہ گولی سے مرہ  
 ہوئی اور سے جمع اٹھایا گیا (اور میرے موبائل فون نمبر کے CDR میں  
 بھی معلوم کیا جائے کہ مورخہ ۱۲/۱۶ اور وقت فریڈا ہے اور یہ نکل گیا  
 ساتھ رابطہ شروع۔ یا نہیں۔ (اور مورخہ ۱۲/۱۶ سے نکل گیا اور فون بند کر  
 لیا ہے۔) (انگریزی میں معلوم کیا جائے کہ ہم وقت وقوعہ اور کہا گیا  
 کی ٹیسٹ میں معروف تھا۔ اور یا H I سی ٹی میں حوالہ دی گیا ہے  
 کے پاس متعلقہ کی کوئی ونڈر یا اصرار موجود ہے۔ یا نہیں۔ جس پر صلاف



میں ثبوت نہیں ہے۔ یا اسی موقع ہم کوئی مہر سے یہ حوالہ موجود ہے۔  
 یا نہیں میں کوئی ٹیسٹ یا کارڈ نہیں لیا ہے۔ اور ۲۰۱۸ میں تمام  
 الزامات میں حوث لایا بنیاد ہے۔ (انگریزی میں کہا ہے وقوعہ ہونے سے پہلے  
 مرزا میں تاکہ معلوم کیا جائے کہ ایک مکان جہاں یہ الزام ہے کہ ٹیسٹ وہاں  
 سے ہے۔ وہ یہ ہے صحن کا کچھ اسکاں خالی بنا اور بعد اسکاں اور اسکاں  
 کا خالی ہے۔ موقع یہ صدمہ معززین کے لئے اور ان کے پاس سے یہ تھا کہ  
 کا سب سے لگایا ہے کہ وہاں کوئی اور کوئی اور کیا ہے یا نہیں۔



34  
SP-CTD-MRD

Annexure "I"  
/3.



OFFICE OF THE SUPERINTENDENT OF POLICE  
COUNTER TERRORISM DEPARTMENT  
MARDAN REGION

No. 554/CTD/Mardan Region dated 17/04/2020

ORDER

My this order will dispose up departmental proceedings initiated against HC Hazir Ali No 665 while posted at operation wing CTD Mardan Region Mardan who was found indulge in the following allegations.

1. That the defaulter official has been directly charged in case vide FIR No 1303, dated 19-12-2019 u/s 381A, 411, 419, 420, 468, 471, 473, 412, 148, 149, PS City Mardan That the delinquent official has close contracts with other notorious car lifter who are also co-accused with him in a case of car lifting. In order to probe into the levelled allegations DSP investigation of CTD Mardan Region Mardan was appointed as an enquiry officer. The enquiry officer after doing the needful submitted his findings and the defaulter official was found guilty on the following grounds.
2. That the case file of case FIR No 1303, dated 19-12-2019 u/s 381A, 411, 419, 420, 468, 471, 473, 412, 148, 149, PS City Mardan reveals that on the pointation of the defaulter official about 18 lifted vehicles of different types which were lifted from different parts of the country from time to time have been recovered on his pointation. Moreover among these lifted vehicles 10 lifted vehicles are such in which proper cases have been lodged by their lawful owners. Copies of FIRs recovery memo and pointation sheet are also placed on file.

That the aberrant official is also involved in case FIR No 314 dated 31-07-2018 U/S 381A PS Tarnol Islamabad and in this regard proper jail warrant is also placed on file.

That a previous order of transfer placed on file in respect of the defaulter official which shows that he was transferred on complaint basis by the then RPO Mardan which further highlights that the said official has deliberately violated the disciplinary rules of police force and such like acts on the part of the said official has in fact earned a bad name for the police force.

For conducting probe into the allegation levelled against the defaulter official DSP Investigation CTD Mardan Region Mardan was appointed as enquiry officer. The enquiry officer after doing the needful submitted his findings and found him guilty and recommended him for appropriate major punishment.

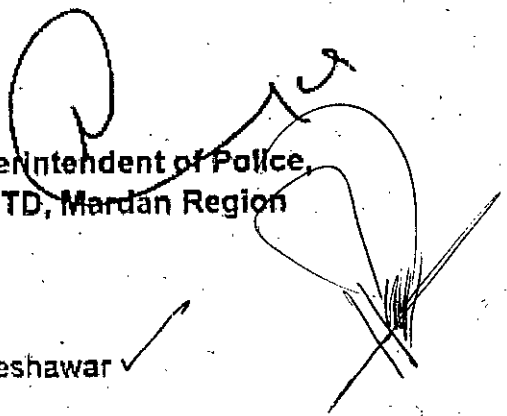


308 35

The defaulter official was also served with final show cause notice and was directed to submit his reply. The delinquent official submitted his reply to the show cause notice but the same was also found unsatisfactory.

Therefore being the competent authority and exercise of the power vested in me under Police Rule 1975 I Superintendent of Police CTD Mardan Region hereby impose upon him major punishment of dismissal from service with immediate effect. He is directed to deposit all the Govt articles allotted to him to the concerned branches of this unit.

Superintendent of Police,  
CTD, Mardan Region



No. 554-58 Dated 17-04-2020

Copy to

1. The Deputy Inspector General of Police, CTD KP Peshawar ✓
2. Regional Police officer Mardan Region, Mardan
3. District Police Office Mardan.
4. All Concerned

30 36 / Dig-CTD.

Amir J

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OFFICE OF THE,  
DEPUTY INSPECTOR GENERAL OF POLICE,  
COUNTER TERRORISM DEPARTMENT,  
KHYBER PAKHTUNKHWA, PESHAWAR.

ORDER

Ex-Head Constable Hazir Ali No. 665-MR posted in operation staff of CTD Mardan Region was involved in case vide FIR No. 1303 dated 19-12-2019 U/S 381/A-411-419-420-468-471-473-412-148-149 PPC PS City. He was issued a charged sheet by SP CTD Mardan Region and DSP Investigation Mardan Region was nominated as inquiry officer. The enquiry officer submitted his findings and the above named official was declared guilty and recommended him for major punishment. According on 17-04-2020 SP CTD Mardan Region dismissed him from service. The applicant submitted the departmental appeal before the Worthy Deputy Inspector General of Police CTD Khyber Pakhtunkhwa for consideration. However, the competent authority has called the applicant for personal hearing, after hearing the Competent Authority has filed his appeal.

OB No. 150 CTD  
Dated: 21/05/2020

SP/HQrs:

For Deputy Inspector General of Police,  
CTD, Khyber Pakhtunkhwa,  
Peshawar.

No 4771-<sup>74</sup> /EC/CTD

Dated Peshawar the

21/05/2020

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

- i. Ex-Head Constable Hazir Ali No. 665-MR.
- ii. Accountant, OASI, SRC CTD HQrs: Peshawar.

690 37  
Annex J



**BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE CTD,  
KPK, PESHAWAR**

**Subject:** APPEAL AGAINST THE ORDER OF SUPERINTENDENT OF POLICE, CTD, MARDAN REGION, ISSUED VIDE HIS OFFICE ENDST NO. 554-58 DATED 17-04-2020, WHEREBY THE APPELLANT WAS AWARDED MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE.

Respected Sir,

Your Honour had issued the Chrg Sheet & statement of allegation No. 4046-53/CTD, dated 19/12/2019 to the appellant with the following allegation:

"Whereas, You HC Hazir Ali 665 remained absent vide DD No. 07 dated 18-12-2019 PS CTD Mardan Region. You were found involved vide case FIR No. 1303 dated 19-12-2019 u/s 381A/411/419/420/468/471/473/412/148/149 PPC PS city of District Mardan and the local police of PS city arrested you on the same date".

1. It is submitted that during the month of December 2019 the appellant remained posted at Police Station CTD Gujar Garhi Mardan. On 17/12/2019 the appellant proceeded on Night pass to village Ismaila in his motorcar No. LEF-1538. On reaching near PP Sang-e-Marmar the appellant was signaled by Police party and stooped his car. Inspector Mohsin Fawad SHO PS City along with Police party arrested the appellant and brought him to some unknown place where he was kept till 19/12/2017. On 19/12/2017 the appellant was shown to be arrested in case FIR No. 1303 U/S 381A/411/419/420/468/471/473/412/148/149 PPC PS city of District Mardan. (copy of FIR No, 1303 is enclosed)
2. That while in custody of PS City Mardan, the appellant was handed over charge sheet + summary of allegations by SP CTD Mardan. In response to the charge sheet the appellant submitted a detailed reply showing himself to the innocent in the case, but the same was not considered. (copy of charge sheet is enclosed)
3. That after the arrest of the appellant and further needful investigation the appellant was sent to judicial lock up. During confinement in jail the appellant was issued final show cause notice. The appellant again submitted his reply in response to the F.S.C.N but was not considered.
4. That on 19-03-2020 the appellant was released on bail by the Honouable High Court Peshawar vide his Order No. Cr. MBA No. 589-P of 2020 dated 19/03/2020. The appellant was released from jail on 16/04/2020. On the day of release from jail the appellant contacted OSI Javed of CTD Office Mardan regarding his release on his mobile No.

0314-9960006. On 17/04/2020 the appellant was informed that he has been dismissed from service in connection of departmental enquiry, initiated against him in his absence. On 18/04/2020 the appellant visited the office of SP CTD Mardan and received a copy of dismissal order issued vide his Office Endst No. 554-58 dated 17-04-2020. (copy enclosed)

5. That the alleged departmental enquiry was conducted in the absence of appellant for alleging him in mere involvement in criminal case registered vide FIR No. 1303 of PS City Mardan. During the alleged enquiry the appellant was not given an opportunity of cross examination upon the witnesses. Similarly the appellant was not given the opportunity of personal hearing. All such departmental proceeding amounts to an ex-parte action. The enquiry so conducted was not according to the law & rules. Being aggrieved from the order of SP CTD Mardan the appellant submits the PRESENT APPEAL.

**BRIEF FACTS OF THE INCIDENT:**

Respected Sir,

1. It is submitted that the appellant was implicated in a false and baseless criminal case registered vide FIR No. 1303 dated 19/12/2019 U/S 381A/411/419/420/468/471/473/412/148/149 PPC PS city of District Mardan. From the perusal of contents of the FIR and other connected documents of the alleged investigation the appellant came to know that a police raid was shown to be conducted over the house of the appellant by SHO Mohsin Fawad on 19/12/2019. In the said alleged raid, the recovery of 05 motor cars have been shown from the house of appellant which details is as under:
  - a) Motorcar No. EX-213 Islamabad
  - b) Motorcar No. LEF-1538
  - c) Motorcar No. LZO-7776
  - d) Motorcar No. B-5272 Peshawar
  - e) Suzuki Pickup No. H-6287 Peshawar

Similarly this has been mentioned in the FIR that during the raid beside the appellant, others accused Sajjad, Saleem Khan and Ayaz were also present and were found busy in tempering of the above mentioned vehicles. Unfortunately the false recovery of the 05 vehicles and arrest of 03 persons were shown in the FIR from the house of the appellant which is a false and concocted story.

GROUND OF APPEAL.

*[Handwritten signature]* 39

- i. The appellant is innocent and has been falsely implicated in the criminal case. The alleged departmental enquiry conducted against the appellant is not according to the law and rules. The appellant was not given any opportunity of defence of cross examination upon the witnesses. Similarly no opportunity of personal hearing was given to the appellant and hence and EX-PARTE action was taken against him.
- ii. No raid was conducted on the house of the appellant. Neither any recovery of 05 motorears has been affected from the house of appellant, nor any other accused who were found present busy in tempering the chassis No. of vehicles were arrested from the house of the appellant.
- iii. That a false in concocted story was framed by the Police against the appellant and registered a fake FIR against him.
- iv. That infact the appellant was arrest on 17/12/2019 near PP Sang-e-Marmar at 14:00 hrs while he was traveling in Motorcar No. LEF-1538 to his village Ismaila. The said car was given by the Court of Mr. Ijaz-Ul-Haq Awan ADJ Lahore to the appellant on Supardari. The original documents i.e. registration Copy + courts orders were handed over to the SHO Mohsin Fawad at the time of arrest. (copy of the documents enclosed)
- v. That during the alleged investigation no any prosecution witness from the public was associated and the entire proceeding of investigation were conducted in the presence of police witnesses, which makes the matter doubtful.
- vi. That there is no single iota of evidence against the appellant to connect him with the commission of offence. There is no possibility of the conviction of accused in the instant case. The appellant is totally unaware about the reasons behind his involvement in the instant case.
- vii. That while granting bale to the petitioner the Honourable Peshawar High Court Peshawar has made the following observations:

"That the appellant is not charged in the FIR by name. The SHO Mohsin Fawad while recovering the cars in question have charged other person for the commission of offence hence the vicarious liability on the part of the appellant is yet to be determent during trail stage of after recording pro and contra evidence. Further more in none of the FIRs so placed on file the appellant is charge".
- viii. The fate of the case has yet to be decided from the court. The competent authority was required to kept pending the departmental enquiry till to the

*[Handwritten signature]*

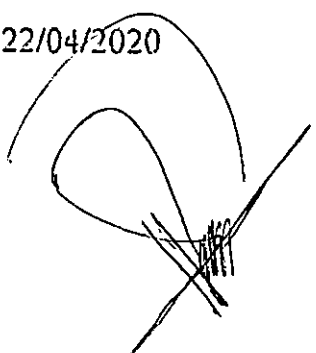
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final judgment of the trial court but unfortunately the appellant was also deprived from this fundamental right.

- ix. The alleged recovery of the vehicles shown in the FIR is fake and bogus. All the motorcars which have been allegedly shown to be recovered from the house of the appellant were properly obtained by superdari by the competent court of law. These vehicles were in the custody of the different people (almost police official) and later on collected by the SHO Mohsin Fawad from the concern persons which were lastly shown as recovery in the instant case. (all the relevant documents pertaining to the above 05 vehicles are enclosed)
- x. This was the basic need of the investigation of the criminal case that while affecting the recovery of stolen cars the investigation agency used to carry the photography of the same process. As this was a false story therefore no photography was affected in this regard.
- xi. A man can tell a lie but the spot can't. the place which have been shown to be the house of the appellant. from where the alleged 05 motorcars have been recovered is not a constructed house. This is a plot measuring 05 marlas where 05 vehicles cannot be accommodated at any cost. (the photography of the said plot is enclosed as a proof)
- xii. YOUR HONOUR the appellant can swear upon the Holy Quran that no any kind of recovery of motorcar was affect from his possession except motor car No. LEF-1538 which was already on superdari with the appellant by the competent court of law.
- xiii. The appellant was enlisted as Constable in Police Department on 25/05/2006 and since then the appellant perform with zeal and efficiency the appellant was never punished throughout the entire period of service which is evident from the shining service record of the appellant.
- xiv. The appellant is married with 03 kids and old parents. All the family is depend upon the Police Service of the appellant.

Keeping in view the above facts and circumstances, it is humbly requested that on the acceptance of the instant appeal, the order of SP CTD Mardan Region may kindly be set-aside and the appellant be reinstated in service from the date of dismissal please.

Dated: 22/04/2020



Yours Obediently,

Hazir Ali  
Ex-Head Constable  
No. 665-MR  
Operational Staff CTD Mardan.  
Cell: 0346-0902540

# وکالت نامہ

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بعدالت

سروس کنٹریبونل شاہدر

حاضر علی

نام

۱۶/۱/۲۰۱۶

منجانب

دعویٰ باجزم

سروس کنٹریبونل

تھانہ

باعث تحریر آنکہ

ایف آئی آر

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی

## ملک ہارون اقبال ایڈووکیٹ سپریم کورٹ آف پاکستان

کو بمقام # لاہور # کیلئے بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا رہوں گا۔ اور بروقت پکارے جانے کا مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر من مظہر حاضر نہ ہو اور مقدمہ غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل یا ہڑتال پیروی کرنے کے ذمہ دار نہ ہوں گے اگر مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا ہڑتال کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محتانہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخنتہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو درخواست ضمانت متفرق درخواست، اپیل و گمرانی فوجداری وغیرہ اور عرضی دعوے و جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل و گمرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجرا کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد دہائی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعوے دینے اور وڈرا کرنے کا بھی اختیار ہوگا، اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری، یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ محتانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا پیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے کے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہوگا اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ بھی صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختیار نامہ لکھ دیا تاکہ سند رہے۔

حاضر علی وکیل صاحب موصوف کی طرف سے

مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Attested & Accepted

Malik Haroon Iqbal  
Advocate  
Supreme Court Of Pakistan

دفتر:- فلیٹ نمبر 5 سی تیسری منزل

کراچی مارکیٹ خیبر بازار پشاور (پاکستان)

فون: 0333-9639536, 0300-5941733, 091-2552552

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 6332/2020.**

Hazir Ali, Ex-Head Constable No. 665 (CTD).

.....(Appellant)

VERSUS

1. Inspector General of Police/Provincial Police Chief, Central Police Office, Khyber Road, Peshawar.
2. Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent of Police, CTD Mardan Region.
4. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
5. Secretary Home & Tribal Affairs, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Khyber Road, Peshawar.

.....(Respondents)

Subject:- **REPLY BY RESPONDENTS No. 1, 2 & 3.**

**Respectfully Sheweth:-**

- a) The appellant has no cause of action or locus standi.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for mis-joinder and non-joinder of necessary parties.
- d) The appellant is estopped to file the appeal by his own conduct.
- e) The appeal is barred by law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

**Objections on Facts:-**

1. Correct to the extent that the appellant was recruited as constable in Police and presently serving as Head Constable in CTD Mardan Region.
2. Incorrect as evident from Departmental enquiry carried out by enquiry officer in which it was highlighted that besides FIR No. 1303/2019 u/s381A-411-419-420-468-471-473-412-148-149PPC PS City, the appellant was also involved in case FIR No. 314 dated 01.08.2018 u/s 381A PS Tarnol, Islamabad and his proper jail warrant has also been issued. Moreover the enquiry officer also approached and examined the case file of FIR No. 1303/2019 PS City which revealed that 18 motorcars of different types stolen from different part of the country have been recovered on the pointation of appellant which highlights the criminal background of the



appellant. Copies of these recovery memos and FIRs enclosed for ready reference as annexure A, B, C.

3. Pertains to record, need no comments.
4. Incorrect, brief fact of the case is that the appellant was directly charged in case FIR No. 1303 dated 19.12.2019 u/s 381-A, 411-419-420-468-471-473-412-148-149 PPC PS City Mardan. He was issued charge sheet and statement of allegations. During enquiry, it revealed that appellant has close contacts with other notorious car lifter who are also co-accused with him in cases of car lifting. Upon his pointation 18 lifted vehicles of different types, which were lifted from different part of the country have been recovered. Moreover, among these lifted vehicles 10 lifted vehicles are such in which proper cases have been lodged by their lawful owners. He was also involved in another case FIR No. 314 dated 31.07.2018 u/s 381A PS Tarnol Islamabad. In this regard his proper jail warrant is also placed in case file. Copy enclosed as annexure ..... For scrutinizing his conduct and performance his service record was asked to be examined by enquiry officer. Latter on fact came to surface that his service roll was in his personal possession and not available in the record room of CTD HQ, inspite of repeated directions he never produced his service record, which clearly highlights the influences and intention of the defaulter official now the appellant. Prior to his posting to CTD he was transferred from FRP Mardan to District Battagram on complaint basis. The enquiry officer recommended him for awarding major punishment of dismissal from service. He was issued final show cause notice. He submitted reply to show cause notice but the same was found unsatisfactory and accordingly he was dismissed from service after observing all codal formalities.
5. Incorrect: As explained in preceeding Para.
6. Incorrect: The appellant is only trying to divert the Honourable Court intention to irrelevant issues. Detail of his involvement in car lifting cases is explained earlier.
7. Incorrect: Brief facts has already been explained in facts of Para 4.
8. Incorrect: Proper enquiry was carried out and the appellant was provided opportunities to defend himself but he badly failed. Moreover the enquiry officer proved him guilty and recommended him for awarding major punishment.
9. Incorrect: He was involved in case FIR No. 314 dated 31.07.2018 u/s 381A PS Tarnol Islamabad and accordingly his jail warrant has been issued.
10. Incorrect: Brief facts of the case have already been explained in facts of Para No. 4. These are the lame excuses of appellant and voluntarily trying to divert court intention from the main issue of his involvement in car lifting cases.

11. Incorrect: Detail of facts has already been explained.
12. Pertains to record of courts needs no comments.
13. Incorrect: The appellant was provided opportunities to defend himself. He was also provided the chance of personal hearing but failed to explain the charges satisfactorily.
14. Correct to the extent of departmental appeal of appellant was filed as he has no solid evidence or grounds to prove himself innocence.
15. Incorrect: The appellant was treated according to law. During departmental probe he was found guilty and recommended by enquiry officer for awarding major punishment after providing all opportunities of self-defence. He has no right to file the instant appeal.

**OBJECTIONS ON GROUNDS:-**

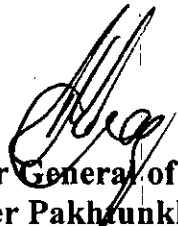
- a. Incorrect: The appellant was treated according to prevailing law and Rules. The dismissal order and filing of departmental appeal was passed by competent authorities on the availability of solid grounds. Therefore, the appellant was dismissed from service.
- b. Incorrect: Dismissal order of the appellant is legal and in accordance with facts and law/Rules.
- c. Incorrect: Prior to posting in CTD KP, he was transferred on complaint basis from FRP Mardan to District Battagram. Moreover, his active involvement in vehicles lifting cases also proved his criminal mensrea.
- d. Incorrect: The appellant was involved in case FIR No. 1303/2019 PS City Mardan. Moreover, he was also found involved in another case FIR No. 314/2018 u/s 381A PS Tarnol Islamabad which depicts his criminal behavior and proved himself as habitual car lifter.
- e. Incorrect: The appellant is only trying to divert the honourable court intention. The allegations were proved against him during course of enquiry.
- f. Incorrect: Pertains to record.
- g. Incorrect: Being member of discipline force involvement in moral turpitude/criminal cases is sufficient for conducting departmental enquiry. Proper departmental enquiry was carried out in which all the allegations have been proved against him. Almost 18 lifted vehicles have been recovered by Police upon his pointation which is sufficient proof to prove that he is involved in such cases of car lifting.
- h. Incorrect: All the codal formalities of departmental enquiry was followed in true spirit. The appellant was provided opportunities of self-defence. The

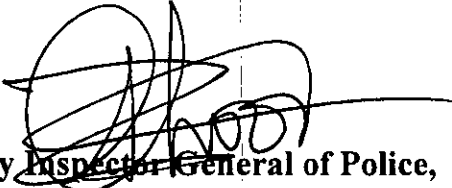
enquiry officer declared the appellant guilty and recommended him for awarding major punishment.

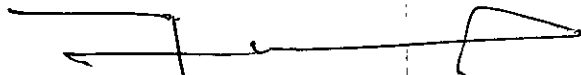
- i. Incorrect: As explained earlier, proper departmental enquiry was carried out and the allegation leveled against him was proved beyond any shadow of doubt.
- j. Incorrect: The appellant dismissal and rejection of his departmental appeal order are legal, convincing as per prevailing law and Rules and principles of natural justice.
- k. The respondents also seek permission for raising further grounds at the time of arguments.

**Prayer:**

Keeping in view the above facts & rules, it is prayed that the appeal of appellant being devoid of legal force may kindly be dismissed with costs please.

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

  
**Deputy Inspector General of Police,  
CTD, Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 2)**

  
**Superintendent of Police,  
CTD Mardan Region  
(Respondent No. 3)**

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

**Service Appeal No. 6332/2020.**

Hazir Ali, Ex-Head Constable No. 665 (CTD).

.....(Appellant)


**VERSUS**


1. Inspector General of Police/Provincial Police Chief, Central Police Office, Khyber Road, Peshawar.
2. Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent of Police, CTD Mardan Region.
4. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
5. Secretary Home & Tribal Affairs, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Khyber Road, Peshawar.


.....(Respondents)

**AFFIDAVIT**

We, Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar and Superintendent of Police, CTD, Mardan Region do here by solemnly affirm and declare on oath that the contents of reply submitted is correct and true to the best of our knowledge and believes and that nothing has been kept concealed from this Honorable Court.

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

  
**Deputy Inspector General of Police,  
CTD, Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 2)**

  
**Superintendent of Police,  
CTD Mardan Region  
(Respondent No. 3)**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING Khyber Pakhtunkhwa Service Tribunal

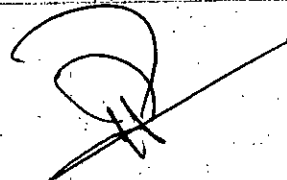
FORM 'A'

Diary No. 698

Dated 13/7/2022

To be filled by the Counsel/Applicant

Case Number	552/2019		
Case Title	Hazib ali vs IQ Police		
Date of Institution			
Bench	SB	DB	D.B
Case Status	Fresh	Pending	Pending
Stage	Notice	Reply	Argument ✓
Urgency to clearly stated.	Being an old case of dismissal from service & needs to be disposed of on one way or other.		
Nature of the relief sought.	Re-instatement into service.		
Next date of hearing	26/10/2022		
Alleged Target Date	11/8/2022		
Counsel for	Petitioner ✓	Respondent	In person

  
Signature of counsel/party

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing \_\_\_\_\_ -p/2022

In case No. 552 -p/2019

Hazirali Vs J G Police

Presented by \_\_\_\_\_ on behalf of \_\_\_\_\_ Entered  
in the relevant register.

Put up along with main case 26/10/22

Last date fixed	<u>12/7/2022 on holiday</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	<u>Holidays of Eid</u>
Date(s) fixed in the similar matter by the Branch Incharge	<u>11/8/2022</u>
Available dates Readers/Assistant Registrar branch	<u>11/8/2022 (due to cases fixed of same nature on mentioned date)</u>

[Signature]  
26/7/22  
Assistant Registrar

REGISTRAR

Registered

[Signature]  
26/7/22

Before the Chairman Services Tribunal LEPK, Peshawar

Hazir Ali

vs IG LEPK & others

S.No 552/19

Application for Early fixation of the case

Respectfully Shew.

1. That the above titled case was fixed before the Honorable court which the Honorable court adjourned to 28-10-2022.
2. That inter case date fixed is very long and the case needs Early disposal.
3. That the same kind of two case titled  
① Mian Dad vs IG LEPK & ② Muzed vs IG LEPK  
are fixed for 11-08-2022.
4. That very valuable rights of an Applicant is attached with the case and the same be fixed with other two cases for early disposal.

It is therefore prayed that on acceptance of this Application, the case may please be fixed earlier with other two cases.

Dated 13<sup>07</sup>/<sub>2022</sub>

Applicant  
Through ~~Malik Haroon Sabir~~ vs  
~~Abbas Khan Moin~~

**BEFORE THE KHYBER PUKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

**Re-in**

Service Appeal No 6332/2020

**Hazir Ali**

**.....APPELLANT**

**VERSUS**

**I.G.P, Khbyer Pukhtunkhwa and others** .....**RESPONDENTS**

**RE-JOINDER TO THE COMMENTS OF RESPONDENTS**

**RESPECTFULLY SHEWETH,**

**PRELIMINARY OBJECTIONS.**

The preliminary objections are vague, illegal and are not sustainable in the eyes of law. The respondents on the basis of frivolous and baseless allegations have registered case which is not in accordance to the spirit of law. The vehicles in question were already released on superdari to different lawful owners as per order of learned Judicial Magistrate, Mardan, learned Addl Sessions Judge and a few by order of Worthy Peshawar High Court, Peshawar and they were enjoying their usufruct and possession. The respondent authority with malafide and ulterior motives has acted illegally arrested the appellant illegally and detained him in illegal confinement without any due process of law and Rules applicable. All the vehicles were already booked in different FIR and were given on superdari to lawful owners. Some were subsequently sold out in the market subject to terms of superdari, those were taken into possession by SHO of concern PS, and SECOND FIR was registered which is totally unwarranted and illegal in the eyes of law as per dicta laid by Supreme Court of Pakistan in a case reported in PLD 2018 SC 595 ( larger bench ) held that after registration first FIR for an offence, no second FIR is permissible. But in this case second FIR No 1303 dated 19/12/2019 u/s 381-A read 419, 420 etc PPC at PS City Mardan was registered which is itself illegal and unwarranted,



hence no proceedings can be taken on strength of this FIR against appellant in which no conviction is recorded till date.

No car is recovered from possession of appellant, neither the appellant is wrongly nominated in the FIR and before registration of case was detained by concerned S.H.O. and in this respect Habeas Corpus petition U/s 491 CRPC was moved to learned Court at Mardan on 18/12/20219, and the SHO to save himself from prosecution registered a false case. ( Copy of Court Order is attached )

Further no chance of hearing, no chance to cross examine the witnesses was provided. During the whole course of inquiry process appellant remained in jail, hence the inquiry officer was not an impartial person.

The appeal has been competently filed before this Hon'able Tribunal and this learned Tribunal has the jurisdiction to decide the same.

#### PARAWISE REPLY.

1. Para No.1 of the appeal is admitted, hence needs no comments.
2. Reply to Para No.2 is incorrect and are without any proof, mere registration of case is no ground to grant harsh punishment of dismissal from service was awarded.
3. Para No 3 of the appeal is correct and reiterated.
4. Reply to Para No.4 is incorrect and with not true.
5. Reply to Para No.5 is incorrect and arrest and FIR was unwarranted under the law. The vehicles were not of theft properties, neither any proof in this respect is placed with reply, but were on superdari to lawful owners, taken into possession and a false case has been planted against the present appellant. No second FIR can be lodged as per dicta of apex Court PLD 2018 SC 595, hence contents of para no 5 is reiterated.
6. Reply to Para No.6 is incorrect and are without any proof., all vehicles were released on superdari by Court, and allegations are false.
7. Reply to Para No.7 is incorrect and is without any plausible defence, by respondents, since FIR is illegal and unwarranted under law, further there is no conviction till date, more-so the inquiry proceedings are not conducted in accordance with law, hence dismissal is also illegal and needs to re instatement by acceptance of appeal.

8. - 14, Reply to para No 8-14 is incorrect and without any plausible defense or explanation, no proper inquiry was conducted or held that too without waiting for the result of criminal case, during whole proceedings the appellant was not properly associated with inquiry, cross to witnesses was not allowed, and defense of appellant was not considered by all forums of inquiry, appeal or otherwise, hence interference is warranted under the law, hence contents of para no 8-14 are reiterated.
15. Contents of para no 15 of appeal are is reiterated.

**Re-joinder to grounds.**

a- k Reply to Para No. a - k , by respondents is wholly incorrect, misleading and material facts has been suppressed while giving th e reply, custody of appellant was illegal, and much earlier to FIR, show cause was properly replied, there was no need to charge sheet, or issue statements of allegations to appellant, inquiry proceedings were an eye wash, and was neither according to law, nor any opportunity of defence/cross examination to witnesses was provided to appellant during the one side inquiry, so for the defense of appellant is concerned, it was straight forward rejected, hence contents of para no a -k are correct and reiterated.

l. legal

It is therefore, most humbly prayed that on acceptance of this re-joinder, the appeal of the Appellant may please be accepted and the appellant may please be re-instated into service with all back benefits.

Any other remedy, which is not specially asked for, may also be granted in favor of Appellant.

**APPELLANT.**

Through

**MALIK HAROON IQBAL,  
ADVOCATE SUPREME COURT**

DATED: 25/10/2022

**BEFORE THE KHYBER PUKTOONKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No 6332/2020

**Hazir Ali**

**.....APPELLANT**

**VERSUS**

**I.G.P, Khyber Pukhtunkhwa and others .....RESPONDENTS**

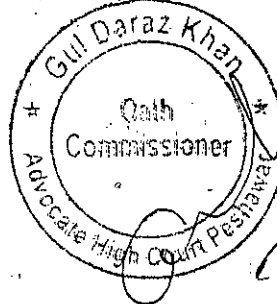
Affidavit:

I, Hazir Ali Son of Nameer Khan, R/o Mohallah Mina Khel, Tehsil Razer, District Swabi do hereby solemnly affirm and declare on oath that contents of re-joinder is correct and true to the best of knowledge and belief and nothing kept secret.

**DEPONENT**

*Admitted by  
Counsel*

**ATTESTED**



*26/10/22*

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 2101

Dated 01-12-2022

FORM 'A'

To be filled by the Counsel/Applicant

Case Number	6332/2020		
Case Title	Habib ali VS Police and others		
Date of Institution	26/10/2020		
Bench	SB		DB
Case Status	Fresh		Pending
Stage	Notice		Reply
Urgency to clearly stated.	Final arguments		
Nature of the relief sought.	Dismissal of Service		
Next date of hearing	27/12/2023		
Alleged Target			
Date	any Date Possible		
Counsel for	Petitioner <input checked="" type="checkbox"/>	Respondent <input type="checkbox"/>	In person <input type="checkbox"/>

SCANNED  
KPST  
Peshawar

Habib Ali

Signature of counsel/party

M.F.A  
01/12/2022

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing \_\_\_\_\_ -p/20 \_\_\_\_\_

In case No. 6332 -p/2020

Hazib ali vs Police and others

Presented by Hazib ali on behalf of Hazib ali. Entered in the relevant register.

Put up alongwith main case \_\_\_\_\_

REGISTRAR

Last date fixed	<u>1/12/2022</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	<u>No D.B</u>
Date(s) fixed in the similar matter by the Branch Incharge	
Available dates Readers/Assistant Registrar branch	

Assistant Registrar

REGISTRAR

**BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR**

C.M No. \_\_\_\_\_/2022

In

Service Appeal No. 6332/2020

Hazir Ali .....Appellant

V E R S U S

Police Department & others.....Respondents

**APPLICATION FOR EARLY HEARING  
THE TITLED SERVICE APPEAL**

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**Respectfully Sheweth:**

1. That the above titled Service Appeal is pending adjudication before this Honourable Court and is fixed for 27.02.2023.
2. That the appellant has a strong case in his favour, and the case has been adjourned so many times due one and other reasons, due to which, the appellant suffers a lot and requests through the instant application that the instant appeal may kindly be fixed at an early date.
3. That there is no legal bar in accepting the instant application rather it will serve the ends of justice.

It is, therefore, most humbly prayed that the Application, the titled case may kindly be fixed at an early date, in the best interest of justice.

Through

Applicant

*Hajir Ali*

Date: 01/12/2022

**Malik Haroon Iqbal**  
Advocate  
Supreme Court of Pakistan.

**Wahid Hussain**  
Advocate Peshawar.

**AFFIDAVIT**

I, do hereby solemnly affirm and declare on oath that the contents of the accompanying Application for Early Hearing are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



*Hajir Ali*  
DEPONENT

CMC 16202-0115795-5