

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 516 of 2023


Gulzar, Ex Subedar Major/Inspector/Acting DSP Khar.....Appellant

VERSUS

Deputy Inspector General of Police & others.....Respondents.

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District Police Officer,
Bajaur at Khar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 516 of 2023

Gulzar, Ex Subedar Major/Inspector/Acting DSP Khar.....**Appellant**

VERSUS

Deputy Inspector General of Police at Saidu Sharif Swat and others.....**Respondents**

PARAWISE COMMENTS BY RESPONDENT NO. 01 to 03.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- I. That the appellant has no locus standi to file the present service appeal.
- II. That the appellant has not come to this Honorable Tribunal with clean hands.
- III. That the appeal is not maintainable in its present form.
- IV. That the appellant has suppressed and concealed the materials facts from this Honorable Tribunal.
- V. That the honorable Tribunal has no jurisdiction to entertain the present service appeal.
- VI. That the appeal of the appellant is badly barred by law & limitation.
- VII. That the appeal is bad for misjoinder and non joinder of necessary parties.

ON FACTS:

1. Pertain to the service record of the appellant hence need no comments.
2. This para needs explanation to the effect that SP Investigation District Bajaur, vide letter No. 783/PA/Inv dated 31.08.2022, endorsed therein report of OII PS Khar that the appellant was charged in case FIR No. 51 dated 08.12.2021 under sections 302-324-427-109/34 PPC, 7-ATA PS CTD, Malakand Region, and also intimated that departmental proceedings may be initiated against the appellant. Pursuance to that the delinquent officer was placed under preliminary enquiry vide order No. 3064/BP dated 01.09.2022 and DSP Investigation, Rehman Yousaf was appointed as enquiry officer. On 09.09.2022 the enquiry officer held him guilty and recommended him for proper departmental proceedings. Accordingly, the appellant was suspended vide order No. 3030/BP dated 31/08/2022, and charge sheet was issued against him vide No. 3397/BP dated 27.09.2022, wherein Farman Ullah Khan SP Investigation, Bajaur was appointed as enquiry officer. The

5317
15/5/2023

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Enquiry officer, after thorough probe into the matter and after affording proper opportunity of personal hearing, recommended the appellant for major punishment i.e. dismissal from service on the basis of available record/evidence; therefore, he was issued with final show cause notice vide No. 3651/B.P dated 14.10.2022, however, he did not defend himself with plausible reasons in the said case. Therefore, Respondent No. 02 i.e. District Police Officer in exercise of power vested under section 9 rule-10 Schedule II & III of Federal Levies Force (Amended) Service Rules 2013 and consequent upon recommendations of enquiry Officer awarded the appellant major penalty of dismissal from service vide order No. 4152/B.P dated 21.11.2022. (Copy of SP Investigation letter No. 783/PA/Inv dated 31.08.2022 attached as **Annexure A**, Report of OII PS Khar attached as **Annexure B**, Copy of FIR No. 51 dated 08.12.2021 with amended sections of law attached as **Annexure C**, Copy of order No. 3064/BP dated 01.09.2022 attached as **Annexure D**, Copy of finding report of DSP Investigation dated 09.09.2022 attached as **Annexure E**, Copy of order No. 3030/BP dated 31.08.2022 attached as **Annexure F**, Copy of charge sheet dated 27.09.2022 attached as **Annexure G**, Copy of recommendations of enquiry officer attached as **Annexure H**, Copy of final Show cause notice dated 14.10.2022 attached as **Annexure I**, Copy of dismissal order bearing No. 4152/B.P dated 21.11.2022 is attached as **Annexure J**.)

3. As per para 02 of the facts.
4. As per para 02 of the facts.
5. Incorrect. The appellant was not absorbed in the police of Khyber Pakhtunkhwa and was dealt as per Federal Levy Force Service Rules 2013.
6. Incorrect. As per above para 5 of facts.
7. Incorrect. The departmental appeal of the appellant was considered and his appeal was filed by Regional Police Officer, Malakand at Saidu Sharif Swat vide order No. 2275/E dated 22.02.2023 (**Copy attached as Annexure K**).
8. Incorrect. The appellant has got no cause of action to file the instant service appeal hence he approached the Honorable Tribunal with unsound grounds.

ON GROUNDS:

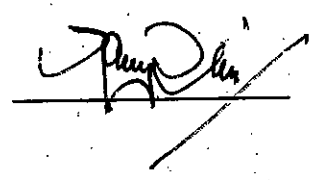
- A. Incorrect. The appellant has been treated in accordance with law, rules and policy and passed the orders justly and fairly.
- B. Incorrect. As per para 02 of the facts.
- C. Incorrect. As per para 02 of the facts.
- D. Incorrect. As stated earlier the appellant was dealt in accordance with Federal Levy Service Rules 2013.

- E. Incorrect. As per para 02 of the facts.
- F. Incorrect. Regular enquiry in the matter was conducted and the appellant was time and again informed to appear before the enquiry officer for recording of his statement however he did not appeared.
- G. Incorrect. As per para above. All the orders passed by the respondents are as per the principle of natural justice.
- H. Incorrect. As per para 02 of the facts.
- I. Incorrect. The appellant was time and again informed to appear before the enquiry officer however he did not paid any head.
- J. The respondents also seek leave of this honorable court to rely on additional grounds during arguments.

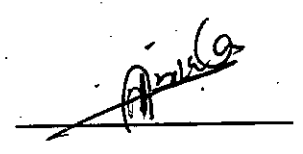
PRAYERS:

On acceptance of this parawise reply, it is therefore humbly prayed that the appeal being not maintainable may kindly be dismissed with costs, please.

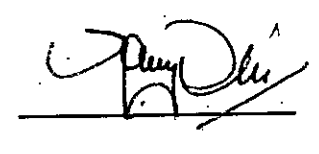
**Deputy Inspector General of Police,
at Saidu Sharif Swat.**
Respondent No. 01.



**District Police Officer,
Bajaur at Khar.**
Respondent No. 02

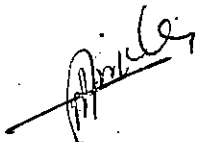


**Regional Police Officer,
Malakand Division.**
Respondent No. 03



OFFICE OF THE DISTRICT POLICE OFFICER BAJAUR TRIBAL DISTRICT.No. 1594/Litigation/DPO(B)Dated 11/05/2023**AUTHORITY:**

Mr. Gul Shahzada, Head Constable Litigation Section, District Police Office Bajaur CNIC# 17301-9543505-5 is hereby authorized to submit comments in Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal No. 100 of 2023 titled as Sajjad Khan Vs Inspector General of Police Khyber Pakhtunkhwa at Peshawar & others.


**District Police Officer,
Bajaur at Khar.
District Police Officer
Bajaur at Khar.**



OFFICE OF THE
SUPERINTENDENT OF POLICE
INVESTIGATION AJAUR

No. 783/PA/Inv: dated. 31/08/2022

To: -

The District Police Officer,
Bajaur at Khar.

Subject: - INTIMATION FOR DEPARTMENTAL PROCEEDING AGAINST THE ACCUSED/OFFICIALS INSP: GUL ZAR KHAN AND DRIVER HC BAKHT SHAH ZADA NO.4060. IN CASE FIR NO.51 DATED 08.12.2021 U/S 302/324/427/7ATA/109/34 PPC PS CTD KABAL SWAT.

Memo:

As per a report of OII PS Khar the subject accused/officials are involved and have been arrested by the local police PS Khar in the subject case. They are serving their duties in your wing under your kind command. i.e (i). Inspector Gul Zar Khan as Acting DSP Circle Khar (ii). FC Bakht Shah Zada No.4060 as Driver to the said serial No. i accused/official Gul Zar Khan.

It is, therefore, requested that departmental proceeding may kindly be proceeded under intimation of this office. please.

Encl: (Copy of FIR and other related documents)

SUPERINTENDENT OF POLICE
INVESTIGATION BAJAUR

No & Dated Even.

Copy to I/O of the case PS Khar.

SUPERINTENDENT OF POLICE
INVESTIGATION BAJAUR

*Supd's
proceed with*

*DPO
31/8/22*

Attested

SUPERINTENDENT OF POLICE
INVESTIGATION BAJAUR

(10)

9

صلح باجور

خانطار

ہر وہ نامزدگی ملزم یا انفرادی قہم از مدع ۱۰۹/۳۶

کوالیٹی سٹیٹس ۱۲/۲۱ ۵ ضم ۳۰۲-۳۲۶-۴۲۷ قاعدت کس ملزمین

ATA

- ۱) نعمت اللہ ولد حبیب باجاسان پٹانگی باہم خار سکرزی
- ۲) انور خان ولد سلطان پٹانگی ناراض رافضی
- ۳) گل زر خان ولد حبیب اللہ پٹانگی منہ ماحوند
- ۴) محبت شہزادہ عرف محبت ولد محبت گل پٹانگی خار سکر

گرفت

خدا عالی

فقہ عنوان، قہم باہم میں کمر و تھیس سے صاف کا قہم کا ملزم باہم علیہ ۱۰۹/۳۶
 بلا نعمت اللہ، انور خان، محبت شہزادہ پٹانگی، محبت شہزادہ پٹانگی کی ایجاد
 تھیس سے فقہ تھیس چار ملزم باہم باہم ملزم نامزدگی کے حاکم ملزم گل زر خان
 اور محبت شہزادہ کے خلاف فقہ تھیس میں قہم از مدع ۱۰۹/۳۶ کی انفرادی کمر ضم از مدع ۱۰۹/۳۶
 کی کس انفرادی کس ہر وہ نامزدگی ملزم یا انفرادی قہم از مدع ۱۰۹/۳۶

۱۰/۱۱
 ۲۰/۰۸/۰۲۲

Allest
 [Signature]
 DEPENDENT

P-5
مخبر کار

کارڈ نمبر 62 ص 62

حوالہ نمبر علیہ 51، 30، 12/21، 08، ص 79، 927، 302-324، 109-39

نام: مولانا محمد رفیع صاحب صاحب مکتبہ دارالعلوم دیوبند

ذات عالی!

مختبر غنوان، ص 79، 12/21، 08، ص 79، 927، 302-324، 109-39
حاضر تھیں اور حکم کے لئے فقیر نے ص 79، 12/21، 08، ص 79، 927، 302-324، 109-39
مکتبہ دارالعلوم دیوبند میں رکھی ہے۔ صلوات علیہم اجمعین

23-08-22
P-5
10/11

صلوات علیہم اجمعین

مکتبہ دارالعلوم دیوبند، دارالعلوم دیوبند، قہار، ص 79، 12/21، 08، ص 79، 927، 302-324، 109-39

MOB- No. 0302.9470508
NIC. No. 21104-4654450-1

Request
[Signature]

11

تحریر کر کے بدست کنستبل امیر نواز 6277 تھانہ CTD بطور پیش زپورٹ بھجویا جاتا ہے۔ مراسلہ گزارش ہے۔ دستخط انگریزی۔ رشید احمد SHO
تھانہ خاں جوڑ 07-12-2021۔ کارروائی تھانہ میں آمدہ مراسلہ حرف بحرف درج صدر ہو کر پرچہ مجرم بالا چاک کیا جا کر نقل پرچے معہ مراسلہ بمبراد
تفتیش نقب انسپکٹر محمد اسماعیل خان CTD باجوڑ بدست آمدہ کنستبل بھجوائے جاتے ہیں۔ افسران بالا کو اطلاع دی جا رہی ہے۔ پرچہ بطور پیش
رپورٹ گزارش ہے۔

Insp.SHO.PS.CTD.Mkd

08-12-2021

C.T.C

Allestred

~~20/12/21~~



(75) P-11

OFFICE OF THE
DISTRICT POLICE OFFICER,
BAJAUR AT KHAR.

Dated 01/10/2022.

NO. 3064 /B.P

OFFICE ORDER.

Pursuance to the report of Superintendent of Police Investigation Bajaur intimated vide letter No. 783/PA/Inv dated 31.08.2022, Subedar Major/Inspector/Sub Divisional Police Officer Khar Mr. Gul Zar Khan No. 2208 being not absorbed in Khyber Pakhtunkhwa Police of this district was charged during the course of investigation in case FIR No. 51 dated 08.12.2021 U/Ss 302-32-427-7ATA PS CTD Malakand.

Mr. DSP (Inv) Rehman Yusuf hereby nominated as Enquiry Officer to conduct enquiry under Rule-10 of Federal Levies Force (Amended) Service Rules, 2013 and submit his findings to the undersigned in due course of time.


DISTRICT POLICE OFFICER/
COMMANDANT BAJAUR LEVIES

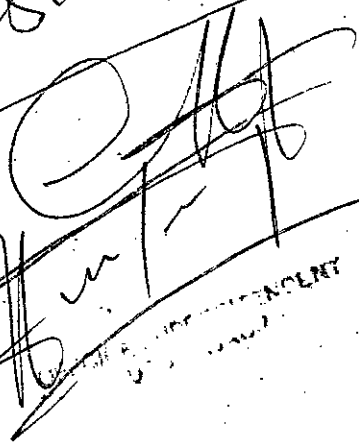
No 3065-67 /B.P

Copy forwarded to the:

1. Regional Police Officer, Malakand at Saidu Sharif Swat.
2. SP Investigation, District Bajaur.
3. Sub Divisional Police Officer, Nawagai.


DISTRICT POLICE OFFICER/
COMMANDANT BAJAUR LEVIES

Attested


SUPERINTENDENT

ابتدائی فنانسنگ رپورٹ

12 - 1

انکوائری شروع کردہ بذریعہ آفس آرڈر B.P/3064 مورخہ 01.09.2022 محاسب ڈسٹرکٹ پولیس آفیسر ضلع ہاجوڑ

ملازم: قائم مقام DSP گل زرخان

الزامات:

1- مذکورہ بالا ملازم قائم مقام DSP گل زرخان انسپکٹر سعید گل کے مقدمہ قتل میں ملوث ہے۔

2- مذکورہ بالا ملازم قائم مقام DSP گل زرخان اجسرتی قاتل اور مجرم اشتہاری نعمت کے ساتھ بمطابق CDR اور

BTS رپورٹ بار بار رابطہ کرنا۔

3- انکوائری شروع کردہ جناب ڈسٹرکٹ پولیس آفیسر ضلع ہاجوڑ۔

جناب عالی!

حوالہ آفس آرڈر نمبری B.P/3064 مورخہ 01.09.2022 محاسب ڈسٹرکٹ پولیس آفیسر ضلع ہاجوڑ بت مہ گل زرخان

نمبر 2208 صوبیدار مجسٹریٹ انسپکٹر قائم مقام DSP سب ڈویژن تاجور ایسٹ نمبر PA/IRV مورخہ 23.08.2022

مقدمہ عدالت مورخہ 08.12.2021 مجسٹریٹ CTD 302/324/427/7ATA PPC کے تحت سب سے تین روزانہ تفتیش نامہ

کر کے ملازم گردانت گیا ہے۔ گل زرخان نمبر 2208 قائم مقام DSP حنا کو مقدمہ متذکرہ میں حسب ذیل بات بتائی گئی ہے۔

حسب احکم آفسران بالا محکمات انکوائری شروع کی گئی۔

مورخہ 08.11.2021 کو مہی گل بادشاہ ولد حبیب محمد سکند حیاتے ضلع ہاجوڑ نے DHQ ہسپتال حنا میں مقتول انسپکٹر

سعید گل کی قتل کی دعویٰ دائری نام معلوم ملازمان پر کر کے جس کی رپورٹ پر عبدالرشید SHO ہفتا حنا سراسر ضبط تحریروں میں لاکر چونکہ

وقوع و ہشت گردوں کی کارستانی معلوم ہوتی تھی بدین وجہ سراسر بعض مضامین مقدمہ عدالت CTD سبیل سوات کو ارسال کی جس

پر مقدمہ عدالت 51 مورخہ 08.12.2021 مجسٹریٹ CTD 302/324/427/7ATA PPC کے تحت سبیل سوات۔ درجہ جسرہ ہو کر مقدمہ

بعض مضامین تفتیش انسپکٹر محمد اسماعیل CTD ونگ ہاجوڑ کو حوالہ ہوئی۔

انسپکٹر محمد اسماعیل حنا CTD ونگ نے مقدمہ کی جدید سائنسی بنیادوں پر تفتیش کر کے وقوں کے وقت استعمال

شدہ موبائل نمبرات کا پتہ بذریعہ جیو فٹنگنگ/BTS کے ذریعے لگا کر اس طرح متعلقہ نمبرات کا CDR طلب کر کے شامل کی گئی

ہے۔ CDR پر دیکھ کر سائنسی بنیادوں پر انسپکٹر محمد اسماعیل حنا CTD ونگ نے تفتیش کر کے جس سے متعلقہ نمبرات ہاجوڑ کے

ایک مشہور اور بہ نام زمانہ اجسرتی قاتل گروپ سے ہوئی۔ ساتھ ہی اس اجسرتی گروپ سے قائم مقام DSP گل زرخان کا بار بار رابطہ رہا۔

نیز دوران تفتیش انسپکٹر محمد اسماعیل حنا CTD ونگ اس نتیجے پر پہنچے کہ وقوع ہوا میں کسی قسم کے ملکہ دشمن اور ہشت گردانہ عناصر

کی عسکرانہ اور راتے متعلق نہیں اور یہ بات منظر عام پر آگئی کہ مقتول انسپکٹر سعید گل اور قائم مقام DSP گل زرخان کے مابین سناریائی

(Seniority) کے معاملے پر عدالت میں ٹیسز زیر سماعت چلا آ رہا تھا جس کی متعلق انسپکٹر سعید گل نے عدالت سروس

ٹریپول میں ٹیسز دائر کر کے جس میں آئندہ 13.08.2021 منسٹر تھی اور قوی امکان یہ تھا کہ سروس ٹریپول کا فیصلہ سعید گل کے حق

میں جبکہ قائم مقام DSP گل زرخان کی مخالفت میں آنے کا توقع تھا۔ اندر میں سلسلہ سائنسی بنیادوں پر تفتیش سے وائس ایپ

وائس مسجرت سے کر کے جس میں دیگر اجسرتی قاتلوں عثمان اور انور کے مابین رابطہ ہو کر جس میں دونوں نے یہ بات طے کی ہے کہ مشرک

کام 13.08.2021 سے پہلے کرنا ہے اور یہ بھی واضح کیا کہ مشرک نے بتایا کہ اس سے قبل میں نے کبھی ان کے ساتھ بے ایمانی اور وعدہ خلافی

نہیں کی ہے اور یہ وائس ایپ کی تصدیق کی بنا پر عثمان اجسرتی نے اپنے تیسری سے تھی نعمت نے کو بھی بھجوائی اور جب کہ آپ کا پیغام

میں نے انور کو پہنچا دیا ہے۔

اس طرح چونکہ یہ اجسرتی قاتل گروپ کئی قتلے ارتکاب میں مشرک سے بہتر ہے۔ اس طرح ایک

پجوری کی قتل پر اجسرتی قاتلوں عثمان اور نعمت اللہ نے اجسرتی لیکر درگی ملاکنڈ ایجنسی میں اسی پجوری کو قتل کر کے نتیجے کے طور پر

اس میں اجسرتی قاتل عثمان مخالف ونازنگ سے لگ کر حنا بحق ہوا ہے جس کے متعلق باقاعدہ ہفتا حنا حنا کو ت میں

مقدمہ درجہ جسرہ ہوا ہے۔

اسی طرح انسپکٹر محمد اسماعیل حنا CTD ونگ نے مقدمہ کی تفتیش کرتے ہوئے وضاحت کی کہ مقدمہ عدالت CTD

کے دائرہ اختیار میں نہیں آتا جس میں بواسطہ آفسران بذریعہ درخواست مقدمہ عدالت CTD سے بعض مضامین تفتیش ہو کر ونگ

انوسٹی گیشن ونگ ضلع ہاجوڑ کرنے کی احکامات کی گئی ہے۔

Attested
[Signature]

ف-3
 مقدم ہذا بواسطہ آفسران بالا بعرض تفتیش انوسٹی گیشن ونگ ضلع باجوڑ کو حوالہ کیا
 ڈسٹرکٹ پولیس آفسر ضلع باجوڑ نے مقدمہ ہذا کی حیثیت کو مد نظر رکھ کر اپنے سربراہی میں ایک تفتیشی ٹیم جس میں
 انسپکشن سپرنٹنڈنٹ آف پولیس انوسٹی گیشن ضلع باجوڑ، من DSP کے علاوہ SI/OH سیاب خان نمبر 765/M
 حنا اور ASI/Inv ناصر علی نمبر 345/M مقرر کی۔

تفتیشی آفسر نے مقدمہ ہذا میں بدنام زمانہ اجبرتی قاتلوں نعمت اللہ اور انور خان جو کہ ہتھان حنا کی ریکارڈ پر
 مقدمہ علت 145 مورخہ 04.08.2022 حبرم 04/109/149/148/302 میں روپوش مجرمانہ اشتہاری تھے، گرفتار کر کے
 ملزمان کے حق میں عدالت سے حراست پولیس 04 یوم حراست پولیس حاصل کر کے جہنوں نے دوران اشتہار گیشن سارے
 حقائق سے پردہ اٹھایا اور اس میں ملزم نعمت اللہ نے انکشاف کیا کہ وقوع سے تقریباً 5/6 یوم پہلے قاتلم مقام DSP گل زر خان
 نے اے کال کر کے اس سے عنایت کلمے میں ملنے کا کہا جس کے ساتھ انہوں نے ملاقات کی، تقریباً 2/3 یوم بعد پھر کال کر کے
 بتایا کہ اس سے ملاقات کرے جو کہ اس کے کہنے پر وہ دوئی موٹر بائیک جس کا مالک متذکرہ DSP کا فٹری رشتہ دار ہے جا کر قاتلم مقام
 DSP گل زر خان کے ساتھ ملاقات کر کے جہاں DSP مذکورہ نے اے بتایا کہ اس کا ایک معاملہ ہے جس کیلئے اجبرتی انور خان کے
 ساتھ بات کرو جس نے انور خان کو فون کر کے معاملہ سے آگاہ کر کے انور خان نے حنا بھرنی۔ قاتلم مقام DSP گل زر خان نے اس کے
 ساتھ مقتول سعید گل کی قتل کرنے کی 6 لاکھ روپے پر بات طے کی۔ اس طرح 2/3 یوم بعد انور کراچی سے آکر وہ، عثمان اور انور خان بازار میں عثمان
 کے گاڑی میں روانہ ہوئے جس پر انور نے اے گاڑی سے اتارا اور انور اور عثمان انسپکٹر مقتول سعید گل کی تعاقب کرتے ہوئے بطرف سلازرو
 روانہ ہوئے اور اے رکی کرنے کا کہا۔ 10/15 منٹ بعد انور نے عثمان کی موبائیل سے کال کی کہ کام ہو گیا وقوع کے بعد انور خان نے رات
 نعمت اللہ کے ساتھ گزاری اور اگلی صبح کراچی حنا بیان کیا اور بتایا کہ قاتلم مقام DSP گل زر خان نے انہیں وقوع کے چھ روز عنایت
 کلمے بازار میں بلاک کے تلے میں 6 لاکھ روپے دیئے اس طرح اجبرتی قاتلم انور نے بھی دوران تفتیش اعتراف حبرم کرتے ہوئے کہا کہ
 مقتول انسپکٹر سعید گل کو اس نے فٹنگ کر کے قتل کیا جبکہ عثمان ڈرائیونگ کر رہا تھا اس طرح حسب نشاندہی ملزمان نشاندہی موقع کی
 گئی ہے اور ملزم نعمت اللہ کی نشاندہی پر آکر قتل پستول از قسم 30 بوربر آمد ہوئی ہے۔ ملزمان کو عدالت میں بعرض قلمبندی بیانات
 164/364 ض ف پیش کئے گئے جو اپنے بیانات سے منحرف ہو کر جوڈیشل حوالات بھجوائے گئے ہیں۔ اس طرح قاتلم مقام DSP گل زر
 خان کو مقدمہ میں گرفتار کر کے جس کے حق میں حراست پولیس 2 یوم حاصل کر کے انشاد گینٹ کیا گیا دوران تفتیش
 حبرم خود کا اعتراف کیا جس کو بھی عدالت میں بعرض قلمبندی بیان 164/364 ض ف پیش کر کے جو عدالت میں اپنے
 بیان سے منحرف ہو کر جوڈیشل حوالات بھجوا گیا۔

اس طرح انکو ازنی ہذا کی سلسلے میں جوڈیشل حوالات تیرگرہ جا کر قاتلم مقام DSP گل زر خان کا بیان دفتر
 سپرنٹنڈنٹ صاحب جیل میں لیا جا کر جس پر حوالات حبرم بھی کی گئی مگر وہ وقوع سے بلکل لاعلمی ظاہر کرتا ہے
 اور اپنے آپ کو بے گناہ قرار دیتا ہے اس طرح کنسٹیبل بخت شہزادہ نمبر 282/4060 کا بیان لیا جا کر وہ بھی حبرم خود
 سے انکاری ہے اور لاعلمی ظاہر کرتا ہے۔

جناب عالی!

قاتلم مقام DSP گل زر خان پر ایک سنگین مقدمہ یعنی انسپکٹر سعید گل کے قتل کے الزام میں گرفتار کیا گیا ہے
 گیا ہے جو کہ محکمہ پولیس کے بدنامی کے باعث ہونے کے ساتھ ساتھ محکمہ پولیس پر ایک بدنامی ہے اگر پ وقوع سے انکاری ہے
 مگر تفتیش اور دیگر اجبرتی قاتلوں کے بیانات، CDR رپورٹ اور BTS کے مطابق قتل کے منصوبے کے وقت اور ادائیگی
 اجبرت کے وقت ان کی ایک جگہ موجودگی اور لوکیشن اس بات کی دلالت کرتی ہے کہ وہ اجبرتی قاتلوں کے ساتھ باقاعدہ
 صلاح و مشورے میں شامل رہا ہے جس کی تصدیق CDR رپورٹ کی رابطے اور لوکیشن کرتی ہے۔

ابتدائی انکو ازنی سے ملزم قاتلم مقام DSP گل زر خان پر سنگین حبرم کے الزامات ہیں اور عدالت اندادی
 دہشت گردی میں مقدمہ ہذا زیر سماعت ہے۔ سریدست تفتیش سے قاتلم مقام DSP گل زر خان قصور وار گردانت گیا
 ہے۔ لہذا مذکورہ کے خلاف باقاعدہ محکمانہ کارروائی شروع کرنے کی سفارش کی جاتی ہے۔ میرے رائے جناب
 ڈسٹرکٹ پولیس آفسر ضلع باجوڑ کے اتفاق رائے کا محتاج ہے، انسپکشن رپورٹ گزارش ہے۔

Change sheet for finding out

DSP/Inv: Bajaur

no/2022

DPC 27/9/22



F-14

**OFFICE OF THE
DISTRICT POLICE OFFICER,
BAJAUR AT KHAR.**

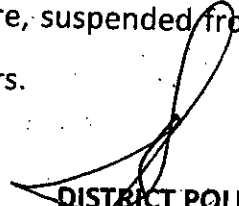
NO. 3030/B.P

Dated 31/8/2022.

OFFICE ORDER.

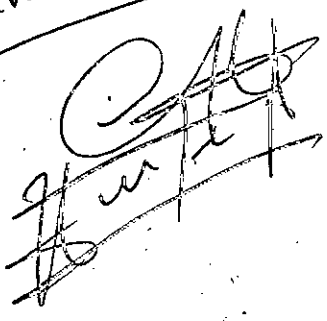
During the course of investigation in case FIR No. 51 dated 08.12.2021 U/Ss 302-32-427-7ATA PS CTD Malakand; Subedar Major/Inspector/Sub Divisional Police Officer Khar Mr. Gul Zar Khan No. 2208 of this district was charged; therefore, suspended from his service and his salary is stopped with immediate effect until further orders.


OB No # 265
Dated # 31/08/2022
35
No. 3031 /B.P


**DISTRICT POLICE OFFICER/
COMMANDANT BAJAUR LEVIES**

Copy forwarded to the:

1. Regional Police Officer, Malakand at Saidu Sharif Swat.
2. District Accounts Officer, Bajaur.
3. SP Investigation, District Bajaur.
4. Sub Divisional Police Officer, Nawagai.
5. Accountant/Pay Officer, District Police Office Bajaur.

Attested



**DISTRICT POLICE OFFICER/
COMMANDANT BAJAUR LEVIES**

① 1-45

CHARGE SHEET

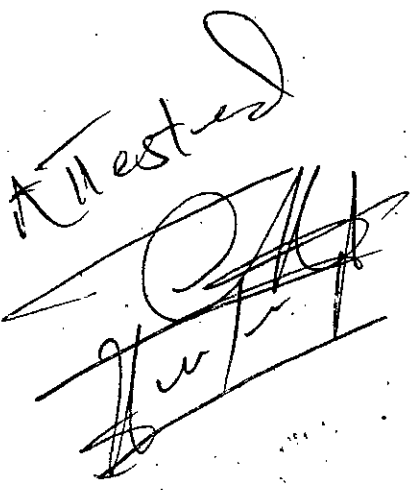
1. I Abdus Samad District Police Officer as competent authority hereby charge you Subedar Major/Inspector Bajaur Levy/Acting SDPO Khar of Bajaur Police as follow:

That you while posted as acting SDPO Khar remained in close contact with high profile criminals/hire killer wanted in case FIR No.51 dated 08.12.2021 u/s 302/324/427/7ATA, 109/34-PPC PS CTD Kabal Swat before and after the murder of deceased Sub Inspector Said Gul and whereas, the report of preliminary enquiry conducted by the DSP(inv) Rahman Yousaf revealed that you were found involved in the criminal case FIR No.51 dated 08.12.2021 u/s 302/324/427/7ATA, 109/34-PPC PS CTD Kabal Swat, hence, committed the following:

- i. You are guilty of misconduct.
 - ii. You are guilty of violation of duty.
 - iii. You are convicted of a criminal offence.
 - iv. You are guilty of omission and commission under the law and rules.
2. By reason of the above, you appear to be guilty of the above allegations under the Federal Levy Force (Amended) Service Rules 2013 Rule10 (Schedule ii).
3. You are therefore required to submit your written reply/defense within 07-days of the receipt of this charge sheet to the inquiry officer failing which shall be presumed that you have no defense to put in and that case ex-parte action shall be taken against you.
4. Intimate whether you desire to be heard in person.
5. The statement of allegation is enclosed.

No 3357/B.P dated 27/09/2022


DISTRICT POLICE OFFICER/
COMMANDANT BAJAUR LEVIES.

Attested


19
P-16

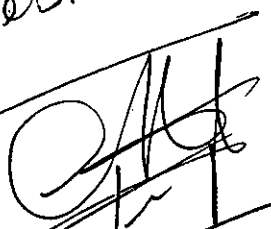
DISCIPLINARY ACTION

1. I Abdus Samad, District Police Officer, Bajaur as competent authority of the opinion that you Subedar Major/Inspector Bajaur Levy/Acting SDPO Khar has rendered yourself liable to be proceeded against you, as you committed the following acts/omission, within the meaning rule-10 schedule-II (b),(d),(g) & (l) of Federal Levy Force (Amended) Service rules 2013.

STATEMENT OF ALLEGATION.

- i. You are guilty of misconduct.
 - ii. You are guilty of violation of duty.
 - iii. You are convicted of a criminal offence.
 - iv. You are guilty of omission and commission under the law and rules.
2. For the purpose of inquiry against the said accused with reference to the above allegations, SP/inw Farman Khan is hereby nominated as an inquiry officer under rules 06 of the rules ibid.
 3. The enquiry officer shall, in accordance with the provisions of the ibid rules provide reasonable opportunity of hearing to the accused, record its findings and make, within seven (07) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.
 4. The accused shall join the proceeding on the date, time and place fixed by the inquiry officer.


DISTRICT POLICE OFFICER/
COMMANDANT BAJAUR LEVIES.

Attested

OFFICER SUPERINTENDENT
DPO BAJAUR



OFFICE OF THE P-17
SUPERINTENDENT OF POLICE
INVESTIGATION, BAJAUR

No. 1072 /Inv: dated. 30 10/2022

To: -

The District Police Officer,
Bajaur, at Khar.

Subject: - **FINDING REPORT OF DEPARTMENTAL ENQUIRY AGAINST ACTING
DSP GUL ZAR VIDE CASE FIR NO.51 DATED 08.12.2021 U/S
302/324/427 PPC/7ATA/109/34 PPC PS CTD KABAL, SWAT.**

Accused: Subedar Major/Inspector Bajaur Levy/Acting SDPO Khar Gul Zar Khan.

Allegations:

Reference to the Charge Sheet No.3395/BP dated 27.09.2022, issued from the office of the District Police Officer, Bajaur. The above named accused official/officer is alleged for the allegations as under:

"That while he posted as acting SDPO Khar, he remained in close contact with high profile criminal/hire killer and wanted in case FIR No.51 dated 08.12.2021 U/S 302/324/427 PPC/7ATA/109/34 PPC PS CTD Kabal, Swat, as he killed Inspector Said Gul and whereas, the report of preliminary enquiry conducted by DSP Inv; Bajaur also revealed, that he was found/involved in the above mentioned case FIR No.51 dated 08.12.2021 and committed the following:

1. Guilty of misconduct.
2. Guilty of violation of duty.
3. Conviction of a criminal offence.
4. Guilty of omission and commission under the law and rules.

Charge Sheet/Statement of allegations was served through FC Wali Khan No.4390 upon accused DSP Gul Zar. But the accused was not ready to sign the receiving receipt. Therefore, I called the delinquent Subedar Major through control room but he did not appear before the undersigned. I summoned the SHO of PS Wara Mamund and FC mentioned below in person for recording their statements, which are as under:

1. Statement of SI Honar Khan SHO PS Wara Mamund:

Statement of SI Honar Khan was recorded as "On 28.09.2022, after returning from the court, he came to the room of accused Gul Zar at Police lines Bajaur Khar. At the same time FC Wali Khan No.4390 also came and handed over an envelope to DSP Gul Zar in his presence. He further stated that he has not known what was lying in the said envelope." (Written statement attached)

2. Statement of FC Wali Khan No.4390:

Statement of FC Wali Khan was recorded as "On 28.09.2022 he went to the room of accused DSP Gul Zar for delivering of a copy of his Charge Sheet/Statement of allegation and to take his signature on its receipt, wherein SI Honar Khar SHO PS Wara Mamund and his gunner also present. On that occasion DSP Gul Zar received the Charge Sheet/Statement of allegation but he refused to sign the receiving receipt." (Written statement attached)

OFFICE SUPERINTENDENT
DPO BAJAUR

Conclusion:

On 08.12.2021 complainant Gul Bad Shah S/o Habib Muhammad R/o Hayatay District Bajaur, reported in DHQ Hospital, Khar, Bajaur to the local Police of PS Khar, regarding killing of Inspector Said Gul against unknown accused. Upon the report of complainant, a written murasila was sent to CTD PS Kabal, Swat, as the occurrence falls in the ambit of CTD. In this context a case vide FIR No.51 dated 08.12.2021 U/S 302/324/427 PPC/7ATA PS CTD Kabal, Swat, was registered against unknown accused and investigation was entrusted to Inspector Muhammad Ismail CTD, Bajaur. During the course of investigation, CDR reports, Geo fencing of the spots were taken and analyzed, whereas some suspect SIM numbers were traced, which belongs to hired assassin Gang.

During further investigation the CTD, Police have declared accused Niamat Ullah and Anwar (who's affiliated with those Gang). The CDR also shows frequent contacts between Niamat Ullah and Subedar Major (DSP Gulzar). It is worth to mention here that accused Niamat Ullah was wanted to Bajaur Police in various heinous crimes. Hence, the said case was transferred to Bajaur Investigation Wing through high-ups of Police department. Accused were nominated by OII Khar through "Parwana", arrested them and tactfully interrogated. During interrogation they disclosed that DSP Gul Zar handed over Rs.600000/- (Six lac Rupees) to them for the killing of Inspector Said Gul (Shaheed), on account of promotion/seniority issues between them. DSP Gul Zar played a vital role in the commission of offence. The interrogation video of accused Niamat Ullah and WhatsApp voice conversations recording between accused Anwar and Usman are saved and available on record.

All the proceedings of investigation of CTD and investigation wing Bajaur, revealed that the occurrence is committed on the conspiracy of DSP Gul Zar and he has charged for the said offence rightly.

Recommendation:

From the available record i.e. CDR reports, voice recorded call, Investigation proceeding, statements of arrested accused that, as well as preliminary enquiry revealed Subedar Major Gul Zar acting SDPO Khar is involved in the murder of Shaheed Inspector Said Gul along-with other accused. In this regard he was informed by DPO office Bajaur through Constable Wali Khan No.4390, as well as by the undersigned through control room to appear before the Enquiry Officer for recording his statement, but he was not ready for appearance to record his statement and shows his innocence.

Therefore, Subedar Major/Inspector Gul Zar acting SDPO Khar is found guilty and strongly recommended him for major punishment of dismissal from Levy Force in the best interest of Service, please.

FARMAN ULLAH KHAN (PPM)
SUPERINTENDENT OF POLICE
INVESTIGATION BAJAUR

*Supdt
Please issue
Show Cause
& EO notice
Final
DPO*

*Mustad
Gulzar*

DISTRICT

تحریر خدمت ہے کہ بمورخہ 07/12/2021 کو شہید انسپٹر سعید گل بعد از ڈیوٹی پولیس لائن خار سے گھر خود جاتے وقت بمقام روڈ روندہ خار تاملندہ بمقام جلال آباد نامعلوم دہشت گرد ملزمان نے قتل کیا۔ اس نسبت مقدمہ علت 51 مورخہ 08/12/2021 جرم 08/12/2021-34-15AA-109-7ATA-427-324-302 تھانہ CTD کابل سوات درج رجسٹر ہو کر ابتدائی تفتیش CTD باجوڑ نے عمل میں لا کر دوران تفتیش معلوم ہوا کہ وقوعہ ہذا ملک دشمن دہشت گردوں کی کارستانی نہیں ہے دوران تفتیش CTD تفتیشی افسر انسپٹر اسماعیل نے تفتیش سے انہذا کیا کہ وقوعہ ہذا قاسم مقام DSP گل زر بذریعہ اجرتی قاتلان (1) نعمت اللہ (2) انور خان سر ذر کیا ہے۔ وقوعہ کا عناد DSP گل زر اور انسپٹر کے درمیان سناریائی کا ہے۔ بدیں وجہ مقدمہ برائے مزید تفتیش باجوڑ تفتیش ونگ کو حوالہ کیا گیا وقوعہ میں نامزد ملزمان (1) نعمت اللہ (2) انور خان (3) گل زر خان (4) بخت شہزاد گرفتار ہو کر چالان عدالت ہوئے ہیں۔ ملزمان نے نشاندہی موقع کر کے آلہ قتل برآمد ہوا ہے۔ تمام ملزمان نے دوران انٹارو گیشن اپنے جرم کو تسلیم کیا ہے۔ مختصر ایہ ہے کہ وقوعہ سید گل انسپٹر محض تنازعہ سناریائی ہے۔

سربراہ شعبہ تفتیش باجوڑ

OFFICE SUPERINTENDENT
DPO BAJAUR

Supdt
for

mls
rules

DDO
18/12/22

R-20

OFFICE OF THE
DISTRICT POLICE OFFICER
BAJAUR AT KHAR.

No. 3651/B.P

Dated 14/10/2022.

FINAL SHOW CAUSE NOTICE.

Under Rule (14) KP Government Servants (Efficiency & Discipline) Rules 2011

1. Whereas you Subedar Major Gul Zar Khan while serving as the acting Sub Divisional Police Officer Khar allegedly committed an act of gross misconduct and were proceeded against under rule 10 Schedule II(b)(d)(g) and (i) of Federal Levy Force (Amended) Service Rules 2013 vide charge sheet/Statement of allegation No. 3397/B.P dated 27.09.2022 and Mr. Farman Ullah Khan SP Investigation Bajaur was appointed as Enquiry Officer to conduct proper departmental enquiry.
2. Whereas, the enquiry officer finalized enquiry proceedings given you full opportunities of defense and held you guilty of the charges leveled against you as per charge sheet.
3. And whereas the undersigned in his capacity as the authorized officer on considering the findings of enquiry officer has reached the conclusion that the charge/allegations contained in aforesaid charge sheet has been established.
4. Now therefore you accused Gul Zar Khan are called to show cause in written within seven days of the date of receipt of this notice as to why a penalty including major punishment provided in rules may not imposed upon you. You are also required to indicate in your reply if you want to be heard in person.
5. In case no reply is received within the specified period, it would be presumed that you have no defense to offer or you have declined to offer the same, accept the charges and ex-parte action shall be taken against you.

Handwritten notes on the left margin: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

District Police Officer/Commandant,
Bajaur Levy Force.

Received by GZ
17/10/2022

Accepted
[Signature]
[Signature]

INDEPENDENT



OFFICE OF THE
DISTRICT POLICE OFFICER/COMMANDANT
BAJAUR LEVIES FORCE.
Dated 21/11/2022 P-21

No. 4152 /B.P

OFFICE ORDER.

As per report of SP Investigation District Bajaur vide No. 783/PA/Inv dated 31.08.2022 endorsed therein report of OII PS Khar that Subedar Major/Inspector Gulzar Khan was charged accused in case FIR No. 51 dated 08.12.2021 under sections 302-324-427-7 ATA-109-34 PPC PS CTD Malakand Region and intimated that departmental proceedings may be initiated.

Pursuance to the above report; the delinquent officer was placed under preliminary enquiry vide order No. 3064/B.P dated 01.09.2022 and DSP Investigation Rehan Yousaf was nominated as enquiry officer who vide report dated 27.09.2022 submitted that the said officer is found guilty of the charges and recommended for proper departmental enquiry.

Pursuance to the above SM/Inspector Gulzar Khan was subjected to departmental action; suspended from his service and his salary was stopped vide order No. 3030/B.P dated 31.08.2022 and charge sheeted vide No. 3397/B.P dated 27.09.2022 wherein SP Investigation Farman Ullah Khan of this district was nominated as enquiry officer.

He enquiry officer after through probe into the matter and after affording proper opportunity of personal hearing recommended Subedar Major/Inspector/SDPO Khar (Acting) Gulzar Khan for major punishment i.e. dismissal from service on the basis of available record/evidence; therefore, he was issued with final show cause notice vide No. 3651/B.P dated 14.10.2022 however did not defend his involvement in the said case.

Therefore, I **Abdus Samad**, District Police Officer/Commandant Bajaur Levy Force in exercise of power vested under section 9 rule-10 Schedule II & III of Federal Levies Force (Amended) Service Rules 2013 and Consequent upon recommendations of Enquiry Officer awarded Subedar Major/Inspector/Acting SDPO Khar major penalty of dismissal from service with immediate effect.

No. 4153-60 /B.P

OBNO = 411
21/11/2022

District Police Officer/Commandant,
Bajaur Levy Force.

Copy forwarded to the:

1. Regional Police Officer, Malakand Division.
2. District Accounts Officer, Bajaur.
3. SP Investigation, Bajaur.
4. Sub Divisional Police Officer Nawagai.
5. Lines Officer, Police Lines Bajaur.
6. Accountant/Pay Officer, District Police Office, Bajaur.
7. Personnel Concern.
8. Service Book Clerk.

Abdus Samad
[Signature]

DEPARTMENT
BAJAUR

District Police Officer/Commandant,
Bajaur Levy Force.



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
 AT SAIDU SHARIF SWAT.
 Ph: 0946-9240388 & Fax No. 0946-9240390 P-22
 Email: ebmalakandregion@gmail.com

ORDER

This order will dispose off appeal of Ex-Subidar Major/Inspector Gulzar Khan of Bajaur District in connection with major punishment awarded by the District Police Officer, Bajaur vide OB No.411, dated 21-11-2022 i.e. dismissal from service with immediate effect.

Brief facts of the case are that, as per report of Superintendent of Police, Investigation Wing, Bajaur vide No.783/PA/Inv., dated 31-08-2022, that Ex-Subidar Major/Inspector Gulzar Khan was charged in case vide FIR No.51 dated 08-12-2021 U/S 302,324,427,7ATA,109,34 PPC PS CTD, Malakand Region and intimated that departmental proceedings may be initiated pursuant to which he was suspended and his salary was stopped vide Order No.3030/BP, dated 31-08-2022. Initially a preliminary enquiry was conducted against him through DSP Investigation, wherein he stated that the delinquent official was found guilty of the charges leveled against him and recommended for proper departmental enquiry. Hence, he was issued charge sheet and Superintendent of Police, Investigation Wing, Bajaur was appointed as Enquiry Officer to conduct proper departmental enquiry and submit his findings report. The Enquiry Officer, after probe into the matter and after providing ample opportunity of personal hearing, recommended him for awarding major punishment i.e. dismissal from service on the basis of available record/evidence. Therefore, he was issued Final Show Cause Notice vide No.3651/BP, dated 14-10-2022, however, he could not defend his involvement with plausible reasons in the said case. Therefore, the District Police Officer, Bajaur in exercise of powers vested under section 9 rule-10 schedule II & III of Federal Police Force (Amended) service rules-2013 and consequent upon the recommendations of the Enquiry Officer, awarded him major punishment of dismissal from service vide OB No.411 dated 21-11-2022.

He was called in Orderly Room on 09-02-2023 and heard him in person, but he could not produce any cogent reason to defend himself in the charges leveled against him. The punishment awarded to him is therefore upheld and his appeal is hereby filed.

Supt

 Regional Police Officer,
 Malakand Region Swat

Li Clerk
 No. 2275 /E,
 Dated 22-02-2023.

Copy to the District Police Officer, Bajaur for information and necessary action with reference to his office Memo: No.4472/BP, dated 07-12-2022. Copy of enquiry file received with the memo: under reference is returned herewith for record in your office.

Encl Enquiry file (26 Pags) *****

1302
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 516 of 2023

Gulzar, Ex Subedar Major/Inspector/Acting DSP Khar.....**Appellant**

VERSUS

Deputy Inspector General of Police at Saidu Sharif Swat and others.....**Respondents**

AFFIDAVIT

I, Gul Shahzada, Head Constable Litigation Section, District Police Office, Bajaur CNIC No. 17301-9543505-5 do hereby affirm and declare that the contents of the accompanying comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

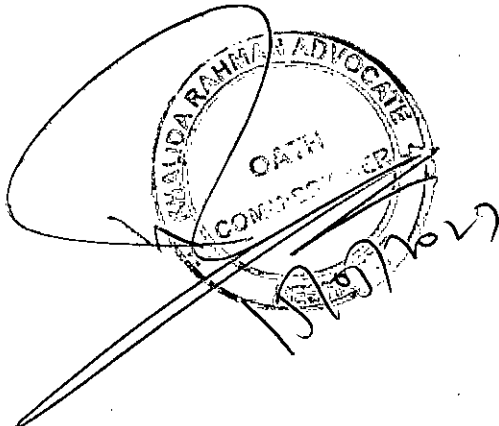
Deponent

CNIC# 17301-9543505-5

Mobile# 0302-8358525



ATTESTED



OFFICE OF THE DISTRICT POLICE OFFICER BAJAUR TRIBAL DISTRICT.

No. 1594/Litigation/DPO(B)

Dated 11/05/2023

AUTHORITY:

Mr. Gul Shahzada, Head Constable Litigation Section, District Police Office Bajaur CNIC# 17301-9543505-5 is hereby authorized to submit comments in Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal No. 100 of 2023 titled as Sajjad Khan Vs Inspector General of Police Khyber Pakhtunkhwa at Peshawar & others.



**District Police Officer,
Bajaur at Khar.
District Police Officer
Bajaur at Khar.**

ATTESTED

