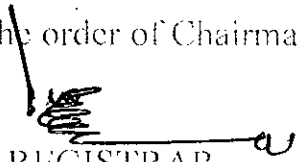


# FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 1050/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/05/2023	<p>The appeal of Mr. Faisal Ali Shah presented today by Mr. Muhammad Aslam Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No.....1050.....2023

Faisal Ali Shah, Sub. Inspector No. 273/H presently posted at Police Station Bakot, Abbottabad.....(Appellant)

**VERSUS**

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

(Respondents)

SERVICE APPEAL

**INDEX**

S/No.	Description of documents.	Annexure	Page No.
1.	Memo of appeal & condonation application.		01-08
2.	Copy of judgment/decision of Tribunal dated 22-09-2022	"A"	09-18
3.	Charge Sheet dated 16-11-2022 & its Reply dated 24-11-2022	"B & C"	19-20 21-22
4.	Show Cause Notice dated 14-12-2022 & its Reply 19-12-2022.	"D & E"	23-24
5.	Punishment Order dated 21-12-2022 of DPO Abbottabad	"F"	25
6.	Departmental Appeal dated 17-01-2023	"G"	26-29
7.	Wakalatnama		

  
**APPELLANT**

THROUGH

  
(MUHAMMAD ASLAM TANOLI)  
ADVOCATE HIGH COURT  
Abbottabad

Dated: 08-05-2022

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No.....1050.....2023

Faisal Ali Shah, Sub. Inspector No. 273/H presently posted at Police Station Bakot, Abbottabad.....(Appellant)

**VERSUS**

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

(Respondents)

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 21-12-2022 OF THE DISTRICT POLICE OFFICER ABBOTTABAD WHEREBY APPELLANT HAS BEEN AWARDED PENALTY OF "REDUCTION IN PAY FOR 02 YEARS" AND THE PERIOD HE REMAINED OUT OF SERVICE IS TREATED AS LEAVE WITHOUT PAY".**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL ORDER DATED 21-12-2022 OF THE RESPONDENT NO. 3/DPO ABBOTTABAD MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE RESTORED HIS "REDUCTION IN PAY FOR 02 YEARS" AND THE PERIOD REMAINED OUT OF SERVICE BE TREATED AS ON DUTY OR AT LEAST THE KIND OF LEAVE DUE BE GRANTED WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.**

Respectfully Sheweth:

1. That earlier appellant aggrieved of the orders of departmental authorities filed a service appeal No. 7392/21 dated 10-09-2021 before this Honorable KPK Service Tribunal which was accepted and decided vide judgment/order dated 22-09-2022 and the appellant was reinstated in service and the departmental authorities were directed to conduct and complete de-novo inquiry within sixty days of the receipt of decision by covering the facts,

2

observations and points made by Tribunal and then proceed in accordance with the result/outcome. **(Copy of the judgment/decision dated 22-09-2022 is attached as Annexure- "A")**.

2. That DPO Abbottabad started de-novo inquiry and served appellant with a charge sheet dated 16-11-2022 which was replied on 24-11-2022 explaining all facts and the allegation were denied straightaway being incorrect and baseless. **(Copies of Charge Sheet and its Reply are attached as Annex-"B & C")**.
3. That thereafter the DPO Abbottabad served the appellant with a Final Show Cause Notice which was duly replied explaining all facts in detail and denying the allegations being incorrect and baseless. **(Copies of Final Show Cause Notice 14-12-2022 and its Reply 19-12-22 are attached as Annexure-"D&E")**.
4. That on receiving the so-called inquiry report, the DPO Abbottabad vide order dated 21-12-2022 awarded the appellant with the penalty of "Reduction in pay for 02 years" without taking into consideration appellant's reply to the Charge Sheet as well as Final Show Cause Notice and that too contrary to the facts and without any reason. **(Copy of punishment order dated 21-12-2022 is attached as Annexure-"F")**.
5. That no proper department inquiry was conducted. Evidence of witnesses against appellant was not recorded in his presence nor was he afforded with

3

chance to cross examine such a witness. Copy of inquiry report, if any, was not provided. Even opportunity of personal hearing was not afforded. Appellant was condemned unheard.

6. That observation and directions as made by this Honorable Service Tribunal in para-6 of its judgment/decision dated 22-09-2022 were never complied with/fulfilled and nothing adverse could be brought against the appellant in department inquiry by the respondents, hence the punishment order dated 21-12-2022 issued by Respondent No.3 is not tenable rather liable to be set aside with cost.
7. That appellant aggrieved of the order dated 21-12-2022 of the DPO Abbottabad, preferred a departmental appeal dated 17-01-2023 before the Regional Police Officer, Hazara Region, Abbottabad which was never responded within statutory period. **(Copy of departmental appeal is attached as Annexure-"G")**; hence instant service appeal on the following grounds:-

**GROUNDS:-**

- A) That impugned order dated 21-12-2022 of the respondent is illegal, unlawful against the departmental rules and regulations, facts and principle of natural justice hence liable to be set aside.

4

- B) That proper departmental inquiry was not conducted. No witness against appellant was examined in his presence nor was he granted chance to cross examine such a witness. Copy of inquiry report, if any, was also not provided. Even appellant was not provided with opportunity of personal hearing rather he was condemned unheard against the principle of natural justice.
- C) That the respondents have not treated the appellant in accordance with law, departmental rules and regulations and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued impugned order which is illegal, unjust & unfair hence not sustainable in the eyes of law.
- D) That appellate authority has failed to abide by the law and did not take into consideration the grounds taken by appellant in the memo rather failed to respond the appeal within statutory period. Thus act of respondent is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clauses Act 1897 and Article-10 of the Constitution of Islamic Republic of Pakistan 1973.
- E) That observation and directions as made by this Honorable Service Tribunal in para-6 of its judgment/decision dated 22-09-2022 were never complied with/fulfilled by respondents and nothing adverse could be brought against the

15


appellant during the course of department inquiry, hence the punishment order dated 21-12-2022 issued by Respondent No. 3 is not tenable rather liable to be set aside with cost.

- F) That instant service appeal is well within time and this honorable Tribunal has got every jurisdiction to entertain and adjudicate upon the lis.

It is, therefore, humbly prayed that on acceptance of instant service appeal order dated 21-12-2022 of the respondent No. 3 may graciously be set aside and the appellant be restored his "02 years reduction in pay" and the period he remained out of service be treated as on duty or at least leave of the kind due be granted with all consequential service back benefits. Any other relief which this Honorable Service Tribunal deems fit and proper in circumstances of the case may also be granted.

  
**Appellant**

Through

  
(Muhammad Aslam Tanoli)  
Advocate High Court  
At Abbottabad

Dated: 08-05-2023

**VERIFICATION**

It is verified that the contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: 08-05-2023

  
**Appellant**

(6)

**BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**Appeal No.....**

Faisal Ali Shah, Sub. Inspector No. 273/H presently posted at Police Station Bakot, Abbottabad..... **(Appellant)**

**VERSUS**

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

**(Respondents)**

**SERVICE APPEAL**

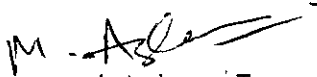
**AFFIDAVIT**

I, Faisal Ali Shah, appellant do hereby solemnly declare and affirm on oath that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

Dated: 08-05-2023

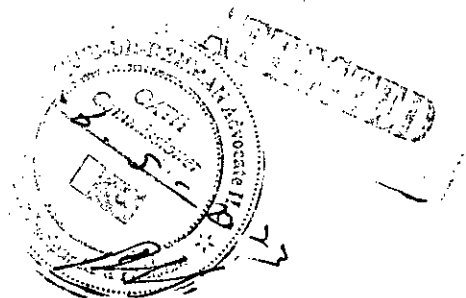
  
**Deponent/Appellant**

Identified By:

  
(Muhammad Aslam Tanoli)  
Advocate High Court  
At Abbottabad

Dated: 08-05-2023

  
**Appellant**





7

**BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**Appeal No.....**

Faisal Ali Shah, Sub. Inspector No. 273/H presently posted at Police Station Bakot, Abbottabad.....**(Appellant)**

**VERSUS**

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

**(Respondents)**

**SERVICE APPEAL**

**CERTIFICATE**

It is certified that no such appeal prior to this one on the subject has ever been filed in this Honorable Service Tribunal or any other court.

Dated: 08-05-2023

  
**Appellant**

06

**BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Faisal Ali Shah, Sub. Inspector No. 273/H presently posted at Police Station Bakot,  
Abbottabad.....(Appellant)

**VERSUS**

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.....(Respondents)

**APPEAL SERVICE**

**APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL BEFORE THIS HONOURABLE SERVICE TRIBUNAL.**

Respectfully Sheweth:

1. That applicant/appellant has filed today service appeal, which may be considered as part and parcel of this application, against orders dated 21-12-2022<sup>1</sup> of the respondents whereby appellant has been awarded penalty of "reduction in pay for 02 years" and his departmental appeal could not be responded within statutory period.
2. That impugned order has been passed in violation and derogation of the statutory provision of law, rules and regulations governing the terms and conditions of service of the appellant, therefore, causing a recurring cause action to applicant/appellant can be challenged and questioned irrespective of a time frame.
3. That impugned order passed by the respondents on 28-01-2022 21-12-2022 is illegal, without lawful authority and whimsical in manner. The applicant/appellant filed departmental appeal well in time and has rigorously been pursuing his case, but appellant department has not been responded within statutory period, hence this service appeal. The delay if any, in filing service appeal needs to be condoned.
4. That this application is being filed as an abundant caution for the condonation of delay, if any. The impugned orders are liable to be set aside in the interest of justice.

**PRAYER**

It is, therefore, humbly prayed that on acceptance of instant service appeal impugned order dated 21-12-2022 of respondents may graciously be set aside and applicant be restored his two years reduction in pay. Any other relief which this Honorable Tribunal deems fit and proper in circumstances of the case may also be granted.

Through

*[Signature]*  
Applicant

(Muhammad Aslam Tanoli)  
Advocate High Court  
At Abbottabad

Dated: 08-05-2023

**VERIFICATION**

It is verified that contents of instant service application/appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: -03-2023

*[Signature]*  
Applicant

9

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**



Appeal No.....7393/21

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
Case No. 7393  
Dated 10/9/2021

Faisal Ali Shah (Ex-Sub Inspector Police Abbottabad) R/O  
Village Changi Bandi, Tehsil & District Haripur. **(Appellant)**

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad **(Respondents)**

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER DATED 10-06-2021 OF THE DISTRICT POLICE OFFICER ABBOTTABAD WHEREBY THE APPELLANT HAS BEEN "DISMISSED FROM SERVICE" AND ORDER DATED 12-08-2021 OF THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD WHEREBY APPELLANT'S DEPARTMENTAL APPEAL HAS BEEN FILED.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH THE IMPUGNED ORDERS DATED 10-06-2021 AND 12-08-2021 OF THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.**

I

Respectfully Sheweth:

1. That appellant while posted as SHO Police Station Nawansher (Abbottabad) was served upon with a charge sheet dated 02-04-2021 by the District Police Officer Abbottabad which was replied on 12-04-2021 explaining all facts and circumstances of the matter and the allegations were denied. (Copies charge sheet and its reply are attached as Annex-"A & B").

18/09/2021

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

10



**ORDER**  
Sept. 2022

1. Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

2. Vide our detailed judgment of today placed in Service Appeal No. 7392/2021 titled "Majid Ali-vs- Provincial Police Officer, Khyber Pakhtunkhwa and others" (copy placed in this file), this appeal is also decided on the said terms. Costs shall follow the events: Consign.

3. Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 22<sup>nd</sup> day of Sept, 2022.



*(Signature)*  
(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

*(Signature)*  
(Sareeha Paul)  
Member(Executive)  
Camp Court Abbottabad

Date of Presentation of Application 09-10-22  
Number of Words 800  
Copying Fee 10/-  
Urgent 5/-  
Total 15/-  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 09-10-22  
Date of Delivery of Copy 09-10-22

Certified to be true copy  
*(Signature)*  
Khalid Iqbal  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

(11)

Service Appeal No.7392/2021 titled "Majid Ali vs- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others", service appeal No. 7393/2021 titled "Faisal Ali Shah vs- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others", and service appeal No. 7394/2021 titled "Shahzad Shah vs- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others" decided on 22.09.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Fareeha Paul, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR CAMP COURT ABBOTTABAD.**



BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**  
**FAREEHA PAUL ... MEMBER (Executive)**

*Service Appeal No. 7392/2021*

Majid Ali (Ex-Constable No. 351 Police Abbottabad) R/O Sector No.2  
Khalabat Township, (KTS) Tehsil & District Haripur.  
.....(Appellant)

Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.  
.....(Respondents)

Present:

Mr. Muhammad Aslam Tanoli,  
Advocate.....For appellant.

Kabirullah Khattak,  
Additional Advocate General.....For respondents.

Date of Institution.....10.09.2021  
Dates of Hearing.....22.09.2022  
Date of Decision.....22.09.2022


*Service Appeal No.7393/2021*

Faisal Ali Shah, (Ex-Sub, Inspector Police Abbottabad) R/O Village  
Changi Bandi, Tehsil & District Haripur.  
.....(Appellant)

Versus

4. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
5. Regional Police Officer, Hazara Region, Abbottabad.
6. District Police Officer, Abbottabad.  
.....(Respondents)

ATTESTED

  
CHAIRMAN  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Service Appeal No.7392/2021 titled "Majid Ali-vs-Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others", service appeal No. 7393/2021 titled "Majid Ali-Shah-vs- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others", and service appeal No. 7394/2021 titled "Shahzad Shah-vs- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others" decided on 22.09.2022 by Division Bench comprising Kulim Arshad Khan, Chaiqman, and Fareeha Paul, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad.

Present:

Mr. Muhammad Aslam Tanoli,  
Advocate.....For appellant.

Kabirullah Khattak,  
Additional Advocate General.....For respondents.

Date of Institution.....10.09.2021  
Dates of Hearing.....22.09.2022  
Date of Decision.....22.09.2022

*Service Appeal No.7394/2021*

Shahzad Shah(Ex-IHC No. 756 Police Abbottabad) R/O Mohallah  
Loharan Havailfan, District Abbottabad.....(Appellant)

Versus

7. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
8. Regional Police Officer, Hazara Region, Abbottabad.
9. District Police Officer, Abbottabad.....(Respondents)

Present:

Mr. Muhammad Aslam Tanoli,  
Advocate.....For appellant.

Kabirullah Khattak,  
Additional Advocate General.....For respondents.

Date of Institution.....10.09.2021  
Dates of Hearing.....22.09.2022  
Date of Decision.....22.09.2022

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(13)

Service Appeal No. 7392/2021 titled "Muj Ali-vs- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others", service appeal No. 7393/2021 titled "Faisal Ali Shah-vs- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others" and service app. No. 7394/2021 titled "Shahzad Shah-vs- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others" decided on 22.09.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Fuzeha Paul, Member, Executive, Khyber-Pakhtunkhwa Service Tribunal, Camp Court Abbottabad.

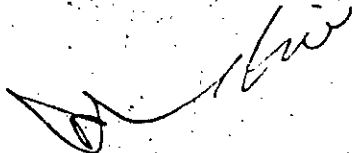
APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST ORDER DATED 10.06.2021 OF THE DISTRICT POLICE OFFICER ABBOTTABAD WHEREBY THE APPELLANT HAS BEEN "DISMISSED FROM SERVICE" AND ORDER DATED 12.08.2021 OF THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD WHEREBY APPELLANT'S DEPARTMENTAL APPEAL HAS BEEN FILED.

CONSOLIDATED JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Through this single judgment this appeal and connected Appeal No. 7393/2021 titled "Faisal Ali Shah-vs- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others" and service appeal No. 7394/2021 titled "Shahzad Shah-vs- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others" are decided as all the three are against the dismissal of the appellants and the same allegations.

2. According to the facts gathered from the record, disciplinary action was started against all the appellants on the allegations that in a preliminary enquiry, conducted by the Addl. Superintendant of Police Abbottabad, vide his office memo No. 1317/PA dated 01.04.2021, a fake and bogus FIR, No. 139 dated 07.03.2021, under Section 15-AA, was registered at Police Station Nawansher, wherein the time of the occurrence was shown as 1935 hrs while on the same date at 1715/hrs the same accused named Hazrat Gul S/O Bahadar Gul resident of Kotka Sokari, Bannu was charged in a murder case registered vide FIR No. 178 dated 07.03.2021 under Section 302/324/34 PPC Police Station, Bannu Cantt, how was it possible that the accused was charged in 2 FIRs at the same time and date in two very faraway districts.



ATTESTED

  
CHAIRMAN  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

After conducting the preliminary enquiry, a departmental enquiry was conducted. It was also alleged in the statement of allegations that the appellant reached Khokhar Maira Interchange to receive the accused in protocol under the direction of SHO while the interchange was out of the jurisdiction of Police Station Nawansher. It was also alleged that preplanning and registering bogus case and obtaining illegal gratification/bribe had been proved against the appellant which shows there malafide intention, severe violation, a serious professional dishonesty and gross misconduct in terms of police E&D Rules 1975. The appellants submitted their reply to the charge sheet whereafter final show cause notice was issued to them, which were also responded. The District Police Officer, Abbottabad relied on the departmental inquiry and after hearing the appellants, awarded them major punishment of dismissal from service on 10.06.2021. The appellants filed departmental appeals which were regretted/filed by the Regional Police Officer, Hazara Region, Abbottabad vide order dated 12.08.2021 and the appellants then filed these appeals.

3. On receipt of the appeals and admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeals by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellants.

4. We have heard learned counsel for the appellants and learned Additional Advocate General for the respondents.

  
**ATTESTED**  
  
Khyber Pakhtunkhwa  
Service Tribunal



5. The learned counsel for the appellants reiterated the facts and grounds detailed in the memo and grounds of the appeals while the learned Additional Advocate General controverted the same by supporting the impugned order.

6. The entire episode of these appeals can be summarized in the manner and that the appellants managed registration of a fake case vide FIR No. 139 dated 07/03/2021 under Section 15-AA of Police Station Nawansher, Abbottabad in order to show presence of the accused Hazrat Gul son of Bahadur Gul resident of Kotla Sahari, Bannu, at Abbottabad who was charged in a murder case registered on the same day, at Police Station Cantonment, Bannu, under Sections 302/324/34 PPC just two hours and few minutes prior to the time of occurrence shown in FIR No. 139 registered at Police Station Nawansher, Abbottabad. A preliminary inquiry was conducted by the Additional Superintendent of Police, Abbottabad and then departmental inquiry was conducted by the SP investigation Abbottabad. According to the observations in the inquiry everything was allegedly inquired and tried to be thrashed out except to ascertain the fact whether the accused Hazrat Gul son of Bahadur Gul, involved in the two FIRs, registered on the same date, at two different districts, falling far away from each other, was actually the same person and present and arrested by the appellants in FIR No. 139 or he was not actually the same person and was present at Bannu. The observation No. 3 of the inquiry report, referred to a CDR of all relevant persons, collected in the previous preliminary inquiry, which revealed that the appellants reached Khokhar Maira interchange clearly indicates that they received the accused (Hazrat Gul) in protocol under the direction of the SHO at Khokhar Maira

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa

16

Service Appeal No. 7392/2021 titled "Maula Ali vs. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others" service appeal No. 7393/2021 titled "Faisal Ali Shah vs. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others" and service appeal No. 7394/2021 titled "Shahzad Shah vs. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others" decided on 22.09.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Fareeha Paul, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Calny Court, Abbottabad.

interchange. The enquiry report said that this prima facie shows that the accused Hazrat Gul was actually in Abbottabad but prima facie observation would not be sufficient to hold that he was actually Hazrat Gul and not a fake person planted to benefit Hazrat Gul in a murder case registered at district Bannu. The preliminary as well as the departmental inquiry both are silent to show and prove the fact whether Hazrat Gul was actually in Abbottabad at the relevant point of time when FIR was registered at Abbottabad or a fake person was arranged and shown as Hazrat Gul. In case it is established that the accused Hazrat Gul was a fake person, arranged by the appellants at Abbottabad, to establish his alibi, in order to exonerate him from the murder charge at Bannu, then of course the act of the appellants would be a gross misconduct and in case which, of course, could be easily verified from the finger prints of the person arrested in FIR No. 139 at Abbottabad and his finger prints from the jail record and compared with the record of the NADRA, it is established that accused Hazrat Gul was actually at Abbottabad and was arrested by the appellants in case FIR No. 139 dated 07.03.2021, then the situation could be quite different as such a situation would not prove at least, the allegation that the case was registered by the appellants to extend benefit to the accused Hazrat Gul to establish his alibi so that he could be exonerated from the murder charge at Bannu. During the course of arguments, the learned counsel for the appellant produced certified copy of order dated 24.02.2022, passed by learned Judicial Magistrate-I Abbottabad whereby the FIR registered at Abbottabad was cancelled. The learned Magistrate held in the order that the officials of the concerned Police Station, in their statements

ATTESTED

CHAIRMAN  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

before inquiry officer admitted that the FIR was registered at about 04:30 AM or 05:00 AM in the morning time on 08.03.2021 and in this respect one day prior i.e. on 07.03.2021, the SHO called the muharrir to keep pending the Roznamcha of 07.03.2021 as he had to register an FIR and on the order of SHO the Muharrir kept the Roznamcha of 07.03.2021 pending till 08.03.2021 (morning) while in the FIR the time of lodging the FIR was mentioned as 2040 hours (08:40 PM). Meaning thereby the FIR was registered in back date. Similarly, one constable Sheraz No. 1132 also admitted before the inquiry that his name was included in the Fard as witness, but neither he was present on the spot nor he has signed on the Fard. Since, in the departmental inquiry it is proved that the FIR was fake, bogus and preplanned, therefore, the cancellation report was filed. The inquiry officer has, though, brought this fact in his observations that the FIR was registered on 08.03.2021 around 4/5 AM but there is no clarification whether only the FIR was registered late or Marasala for lodging the FIR was also drafted late i.e. on 08.03.2021 at 4/5 AM and not on the date and time mentioned in the FIR itself, the copy of which is filed along with the inquiry report. We find copies of the daily diary No. 33, 38, 39 & 47. According to daily diary No. 33 dated 07.03.2021, the appellants had left the Police Station at 1855 hrs for gasht. Daily diary No. 38 shows that the marasala was drafted by the SHO Faisal Ali Shah and sent through Majid Ali No. 351 (both are the appellants before us) for registration of FIR No. 139 under Section 15AA. Similarly daily diary No. 39 shows that the ASI concerned had completed the FIR around 2050 hrs. These daily diaries also negate the fact stated in the inquiry

**TESTED**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**18**

Service Appeal No. 7392/2021 titled "Judicial Officer, Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others" service appeal No. 7393/2021 titled "Fazal Ali Shah-vs- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others" and service appeal No. 7394/2021 titled "Shahzad Shah-vs- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others" decided on 22.09.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Fareeha Paul, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad.

report. Therefore, we find that the above points have not been either enquired, clarified, answered or established during the inquiry. In the absence of inquiry with respect to the above detailed points/facts the punishment awarded to the appellants would not be appropriate.

7. Therefore on allowing these appeals, we set aside the impugned orders of dismissal of all the three appellants from service as well as the appellate order filing their departmental representations and direct that a detailed de-novo inquiry be conducted, covering the above facts/observations/points made by us and then proceed in accordance with the result/outcome. The appellants are reinstated for the purpose of the above enquiry. The back benefits shall be subject to the outcome of the de-novo enquiry. The enquiry shall be completed within a period of sixty days from the date of receipt of this judgment and the compliance report be submitted to the Registrar of this Tribunal. Date of receipt of this judgment be also acknowledged to the Registrar of this Tribunal. Costs shall follow the event. Consign.

8. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 22<sup>nd</sup> day of September, 2022.*



*SD/Arshad 22/09/22*

**KALIM ARSHAD KHAN**  
Chairman  
Camp court Abbottabad

*SD/Fareeha*

**FAREEHA PAUL**  
Member (Executive)  
Camp court Abbottabad

*Certified to be true copy*

**Registrar**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 04-10-22

Number of Words 3200

Copying Fee 34/-

Urgent 5/-

Total 38/-

Name of Copyist ---

Date of Completion of Copy 04-10-22

Annex

79  
CHARGE SHEET

- 1). I, Umar Tufail (PSP) District Police Officer Abbottabad as competent authority hereby charge you SI Faisal Ali Shah No. 273/ H as explained in the attached statement of allegations.
- 2). You appear to be guilty of misconduct under Police Disciplinary Rules 1975 (amended 2014), and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet to the Enquiry Officer.
- 4). Your written defense, if any shall reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed.

(Umar Tufail) PSE  
District Police Officer  
Abbottabad

*Attested*  
*Faisal*

(20)

DISCIPLINARY ACTION

I, Umar Tufail (PSP) District Police Officer Abbottabad as Competent Authority of the opinion that you SI Faisal Ali Shah No. 273/ H, rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975 (amended 2014).

STATEMENT OF THE ALLEGATIONS

1. In compliance with the judgment of Honorable Service Tribunal Camp Court Abbottabad appeal No. 7393/2021 and directives of the Inspector General of Police, Khyber Pakhtunkhwa Peshawar vide letter No. 1524-26/ PA AIG IAB, dated 14-11-2022 for conducting de-novo departmental enquiry against you on the allegations that as per preliminary enquiry conducted by Addl: SP Abbottabad vide his office memo: No. 1317/PA dated 01-04-2021 you SI Faisal Ali Shah while posted as SHO at PS Nawansher, on 07-03-2021 at 19:35 hrs you have registered a fake/ bogus case vide FIR No. 139 dated 07-03-2021 u/s 15AA PS Nawansher while on the same day at 17:15 hrs the same accused namely Hazrat Gul s/o Bahadar Gul r/o Kotkah Sokari Bannu was also charged in murder case vide FIR No. 137 dated 07-03-2021 u/s 302/324/34 PPC PS Cantt district Bannu, how is it possible that the accused is charged in two FIRs at the same time and date in two very faraway districts. During preliminary enquiry the allegations of preplanning in registering bogus case and obtaining of illegal gratification/ bribe has been proved. All this shows your ill-will in performance of official duties. Your this act is a sever violation, a senior professional dishonesty and gross misconduct in term of police E&D Rules- 1975.

2). For the purpose of scrutinizing your conduct with reference to the above allegations, Mr. Muhammad Jamil Akhtar Addl: SP Mansehra is appointed as Enquiry Officer.

3). The Enquiry Officer shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to you, record finding and make within stipulated period as desired by Worthy Inspector General of Police Khyber Pakhtunkhwa vide letter No. 1524-26/ P.A AIG IAB dated 14-11-2022, i.e before 30-11-2022, recommendation as to punishment or the appropriate action against you.

4). You are hereby directed to attend the proceedings on the due date, time and place fixed by the Enquiry Officer.

(Umar Tufail) PSP  
District Police Officer  
Abbottabad

No: 334 /PA, Dated Abbottabad the 16/11/2022.

Copy to:

1. Enquiry Officer for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975 (amended 2014) and submit findings within stipulated period.
2. SI Faisal Ali Shah No. 273/ H (delinquent official).

*Ali Akbar  
Faisal*

خدمت جناب ایڈیشنل ایس پی صاحب مالگیریہ (انکو انٹری آفیسر)

عنوان :- جوابہ بابت چارج شیٹ نمبری PA/334 مورخہ 25.11.2022

جناب صاحب

گزارش جسٹس چارج شیٹ بالا نمبر اول ہو کر جوابہ میں ذیل

مضمون درست ہے۔

1) یہ کہ مورخہ 07-08-2022 کو مندرجہ بالا پولیس دفتری بوقت 18 بجے تھانہ لڑائی میں روانہ ہو کر پولیس اسٹیشن پر تھا۔ حدود علاقہ تھانہ کی گشت کرتے ہوئے انکو انٹری آفیسر پر روڈ پر موجود تھا کہ اسی دوران ایک شخص پولیس پارٹی کو دیکھ کر پشاور پر پھرتا ہوا گیا۔ پولیس پارٹی کے پٹراہ قابو کرنے دوران جامع تلاش آسکے بڑھ استوار سے ایک ٹریک پٹرول 30 لیٹر مع 10 لیٹر کاربوسن برآمد ہوئے۔ مذکورہ دوران پراپیا نام حضرت گل ولد بہادر گل سکڑ کو ٹکے سوٹری منسلح بنویا گیا۔ جسے جناب وزیر اعلیٰ گشتار کے مراسلہ نمبر 10000/2022/جسٹس چارج شیٹ نمبری 15-11-2022 کے تحت کارروائی پولیس صاحب منسلح ملزم کو پیش عدالت کیا گیا۔ پورہ عدالت نے ملزم جیل بھیجا۔

2) یہ کہ عائد کردہ الزامات غلط ہے، بنیاد بدینی اور ذاتی عناد کے تحت فراہم کردہ اطلاعات کا نتیجہ ہیں۔ لہذا دیگر الزامیں کوئی بھی حقیقت نہ ہے۔ مذکورہ ملزم منسلح بنوں کے کسی تھانہ میں جرم PA/302 میں ملوث ہونے کے بارے میں مندرجہ بالا علم نہ ہے۔ مندرجہ الزام نے مذکورہ ملزم کو اپنی حدود تھانہ میں جرم PA/15-11-2022 میں ملوث پانچ گشتار کے FIR درج کی۔ اس بات کا نتیجہ کوئی علم نہ ہے کہ ہر جیورنٹ اور تھانہ حیات میں وہ ایک ہی وقت اور تاریخ کو بطور ملزم درج ہے۔ البتہ تھانہ لڑائی میں اس کی گرفتاری FIR درست اور حقیقت پر مبنی ہے۔

3) مذکورہ ملزم کیساتھ میرا کوئی تعلق نہ ہے، دستہ داری یا جان پہچان نہ ہے۔ یہ بات غلط ہے، کیونکہ دوران انکو انٹری مندرجہ بالا کی اندراج مقدمہ میں کوئی رشتہ نشوونما لیدر ثابت ہوئے۔ نہ تو مندرجہ بالا کی اندراج مقدمہ میں کوئی بدیہی ثابت ہے۔ مندرجہ الزام کے خلاف غلط اور بے بنیاد اطلاع ذاتی عناد کی بنیاد پر دی گئی ہے تاکہ مندرجہ الزام کی سزا کو نقصان پہنچایا جاوے۔

4) مندرجہ الزام نے اپنے فرائض منصبی بہترین طریقے سے سرانجام دیئے ہیں۔

N.P.

Alleged  
مذکورہ

(22)

میں کسی قسم کی کوئی کوتاہی نہ ہے اور نہ ہی فرالغ کی انجام دہی میں غفلت  
کبریٰ ہے۔ بلکہ ایمانداری سے اپنی ڈیوٹی سر انجام دے رہے ہیں۔

یہ کہ من ملام کو اگر سنی جانے کا موقع دیا گیا تو علم حجت ان  
پیش کیے جا کر اپنے آپ کو یہ تصویر ثابت کروں گا۔

اسٹریٹجی کے مندرجہ بالا حقائق کی روشنی میں جارج  
ٹیٹ زبیر جارج کو داخلہ دہتر کیے جانے کی سفارش کی جا رہی ہے۔

المیرا 11/24

بلا

ایک فیصل علی شاہ حالے پولیس (افنی) ایف آئی

فیصل علی شاہ



(23)

**OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD**

No: 372 /PA, Dated Abbottabad, the 16/11/2022.

**FINAL SHOW CAUSE NOTICE**  
**(Unit Rule (3) KPK Police Rules, 1975 amended 2014)**

**Annex-D**

1. That you SI Faisal Ali Shah No. 273 H rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) for following misconduct;
1. In compliance with the judgment of Honorable Service Tribunal Camp Court Abbottabad appeal No. 7393/2021 and directives of the Inspector General of Police, Khyber Pakhtunkhwa Peshawar vide letter No. 1524-26/ PA AIG IAB, dated 14-11-2022 for conducting de-novo departmental enquiry against you on the allegations that as per preliminary enquiry conducted by Addl: SP Abbottabad vide his office memo: No. 1317/PA dated 01-04-2021 you SI Faisal Ali Shah while posted as SHO at PS Nawansher, on 07-03-2021 at 19:35 hrs you have registered a fake/ bogus case vide FIR No. 139 dated 07-03-2021 u/s 15AA PS Nawansher while on the same day at 17:15 hrs the same accused namely Hazrat Gul s/o Bahadar Gul r/o Kotkah Sokari Bannu was also charged in murder case vide FIR No. 137 dated 07-03-2021 u/s 302/324/34 PPC PS Cantt district Bannu, how is it possible that the accused is charged in two FIRs at the same time and date in two very faraway districts. During preliminary enquiry the allegations of preplanning in registering bogus case and obtaining of illegal gratification/ bribe has been proved. All this shows your ill-will in performance of official duties. Your this act is a sever violation, a senior professional dishonesty and gross misconduct in term of police E&D Rules- 1975.
- ii. During de-novo departmental enquiry the allegations have been proved against you.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
6. You are, therefore, called upon to Final Show Cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975(amended 2014) for the misconduct referred to above.
7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

Received by \_\_\_\_\_  
Dated \_\_\_\_\_/\_\_\_\_\_/2022

*Alber...*  
*...*

District Police Officer  
Abbottabad



**ORDER**

(25)

Annex-F

In compliance with the judgment of Honorable Service Tribunal Camp Court Abbottabad appeal No. 7393/2021 and directives of the Inspector General of Police, Khyber Pakhtunkhwa Peshawar vide letter No. 1524-26/ PA AIG IAB, dated 14-11-2022 for conducting de-novo departmental enquiry against SI Faisal Ali Shah No. 273/H on the allegations that "as per preliminary enquiry conducted by Addl: SP Abbottabad vide his office memo: No. 1317/PA dated 01-04-2021 he while posted as SHO at PS Nawansher, on 07-03-2021 at 19:35 hrs he was registered a fake/ bogus case vide FIR No. 139 dated 07-03-2021 U/S 15AA PS Nawansher while on the same day at 17:15 hrs the same accused namely Hazrat Gul S/O Bahadar Gul R/O Kotkah Sokari Banna was also charged in murder case vide FIR No. 137 dated 07-03-2021 U/S 302/324/34 PPC PS Cantt district Banna, how is it possible that the accused is charged in two FIRs at the same time and date in two very faraway districts. During preliminary enquiry the allegations of preplanning in registration of bogus case and obtaining of illegal gratification/ bribe has been proved. All this showed his ill-will in performance of official duties". His this act was a sever violation, a senior professional dishonesty and gross misconduct in term of police E&D Rules- 1975.

He was issued with Charge Sheet along with summary of allegations and enquiry committee comprising of **Mr. Jamil Akhtar Addl: SP Abbottabad** and **Mr. Hidayat Hussain Shah DSP Legal Abbottabad** was appointed to conduct de-novo enquiry as directed by competent authority. Enquiry Committee conducted detailed de-novo enquiry against the delinquent official and recorded statements of all concerned. After conducting de-novo enquiry, the Enquiry Committee submitted its findings, wherein allegations have been proved against the delinquent official. Consequently he was issued with Final Show Cause Notice vide No. 372/PA dated 14-12-2022. He was summoned to appear in Orderly Room on 20-12-2022 and was given a patient hearing but he had nothing plausible to state in his defence.

Although the allegations leveled against delinquent official has been proved in de-novo enquiry. However, the undersigned by taking a lenient view and in exercise of the powers conferred under Police Disciplinary Rules-1975, (amended 2014), 1 Umar Tullai, PSP, District Police Officer, Abbottabad as a competent authority, am constrained to convert the major punishment of dismissal from service into Reduction in pay for 02 years with immediate effect. The period during which the delinquent official remained out of service be treated as leave without pay.

**Order announced.**

OB No. 320

Dated 21-12-22

**District Police Officer  
Abbottabad**

Copy to the:-

1. Deputy Inspector General of Police Internal Accountability Branch, Khyber Pakhtunkhwa Peshawar with reference to his office Memo: No. 1524-26/PA AIG, IAB dated 14-11-2022 & No. 1602-6/CPO/IAB dated 22-11-2022, please.
2. Pay Officer DPO Office Abbottabad.
3. Establishment Clerk alongwith complete Enquiry File containing (23) pages for completion of record.

*Alleged*  
*Sahib*

**District Police Officer  
Abbottabad**



Annex-9

**BEFORE THE REGIONAL POLICE OFFICER HAZARA REGION**  
**ABBOTTABAD**

(Departmental Appeal by Faisal Ali Shah S.I. No.273/H, Police Abbottabad)

**DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 320 DATED 21-12-2022 OF THE DISTRICT POLICE OFFICER ABBOTTABAD WHEREBY APPELLANT HAS BEEN AWARDED PENALTY OF "REDUCTION IN PAY FOR 02 YEARS" AND THE PERIOD HE REMAINED OUT OF SERVICE IS TREATED AS LEAVE WITHOUT PAY"**

**PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL ORDER DATED 21-12-2022 OF DISTRICT POLICE OFFICER ABBOTTABAD MAY KINDLY BE SET ASIDE AND THE APPELLANT BE RESTORED HIS "02 YEARS REDUCTED PAY" AND THE PERIOD REMAINED OUT OF SERVICE AS ON DUTY OR AT LEAST THE KIND OF LEAVE DUE WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.**

Respected Sir,

With most reverence the following few lines are submitted for your kind consideration and favorable orders:-

1. That appellant earlier aggrieved of the orders of departmental authorities filed a service appeal No. 7393/21 dated 10-09-2021 before the Honourable KPK Service Tribunal Peshawar which was accepted and decided on 22-09-2021 and the appellant was reinstated in service. The departmental authorities were directed to conduct and complete de-novo inquiry within sixty days of the receipt of decision by covering the facts, observations and points made by Tribunal and then proceed in accordance with the result/outcome. (Copy of the Judgment/decision dated 22-09-2022 is attached as "A").
2. That appellant was issued a charge sheet dated 16-11-2022 and Mr. Muhammad Jamil Akhtar Addl. SP

*Albert*  
*...*

27

Mansehra was appointed as Enquiry Officer. Appellant submitted his reply dated 24-11-2022 explaining all facts and the allegations leveled against him were vehemently denied being incorrect and baseless. **(Copies of Charge Sheet and Its Reply are attached as "B&C")**.

3. That thereafter the District Police Officer Abbottabad served the appellant with a Final Show Cause Notice which was duly replied explaining all facts in detail and denying the allegations being incorrect and baseless ones. **(Copies of Show Cause Notice and its reply are attached as "D&E")**.
4. That on receiving the so-called Inquiry report, the District Police Officer Abbottabad vide his order OB No. 320 dated 21-12-2022 awarded the appellant with the penalty of "Reduction in pay for 02 years" without taking into consideration appellant's reply to the Charge Sheet and Final Show Cause Notice and against the facts and without any reason. **(Copy of order dated 21-12-2022 is attached as "F")**.
5. That no proper De-Novo and within time inquiry in accordance with the directions of Honourable KPK Service Tribunal Peshawar was conducted. Copy of enquiry report, if any, was not issued to appellant before serving Show Cause Notice upon him. No witness was called to appear before the Inquiry Officer and to depose against appellant in his presence. Chance of cross-examination was not

*Abdul*  
*Shah*

28

provided. Even opportunity of personal hearing was not provided and appellant was awarded with penalty of "Reduction in pay for 02 years" in serious violation of law, departmental rules & regulations against the facts and principle of natural justice.

6. That in fact on 07-03-2021 while appellant posted as SHO Police Station Nawansher and performing his patrolling duty in his area alongwith his subordinates, he saw a suspected man trying to slip away on seeing the police party. He was arrested with the help of police officials and on his body search a 30 bore pistol including 10 live rounds were recovered. The accused disclosed his name as Hazrat Gul s/o Bahadar Gul r/o village Kotkay Sokri District Bannu. Murasila was sent to PS through constable for registration of FIR and an FIR u/s 15AA was registered against him. Appellant had no knowledge that the said accused was also an accused in an FIR u/s-302/34 PPC at District Bannu. Charge Sheet and Show Cause Notice was the result/outcome of these two FIRs. Appellant did not know anything about or had relations with the accused Hazarat Gul. This was not an intentional or dishonest act but was a fact that FIR was registered against the accused. Nothing with regard to taking any gratification and relationship with the accused have been proved in departmental inquiries. Appellant is totally innocent and there in nothing wrong on his part but still has been penalized.

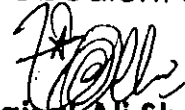
*Ali Raza*  
*Chaudhary*

29

7. That throughout his entire service appellant always performed his assigned duties with devotion and honesty to the entire satisfaction of his superiors and left no stone unturned in discharge of his duties. Appellant was awarded with commendation certificates and cash awards by police officers on occasions for his tremendous services. Appellant has meritorious service record at his credit.
8. That if the appellant is provided with a chance of personal hearing, he will really prove himself as innocent by explaining all the facts and circumstances of the matter.

In view of the aforementioned facts and circumstances it is earnestly requested that order dated 21-12-2022 of the District Police Officer, Abbottabad may kindly be set aside and the appellant be restored his "02 years reduced pay" and the period he remained be treated as on duty or at leave be granted kind of the leave due with all consequential service back benefits. Appellant shall pray for your good health and long life.

Yours Obedient Servant

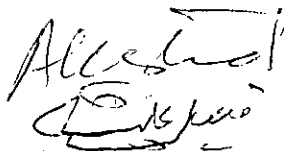


(Faisal Ali Shah)

Sub Inspector No. 273/H

District Mansehra

Dated: 17-01-2023



# وکالت نامہ

بعدالت جناب ایڈووکیٹوں کو اس کی سرپرستی کے لئے اور

منجانب ایڈووکیٹ فیصل علی شاہ

WPK PPO/EP & others

فیصل علی شاہ

دعویٰ یا جرم سروس باعث تحریر آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے بیرونی وجود ہی مقام ایسٹ آباد / سیٹ اور

حکم نامہ ترقی ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوں۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پچھری کے علاوہ کسی اور جگہ یا پچھری کے مقرر اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پچھری کے کسی اور جگہ سماعت ہونے یا بروز پچھری کے اوقات کے آگیا یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر جانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد و تالی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخ ڈگری یا یکطرفہ درخواست حکم اتمامی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ہوگی علیحدہ بیرونی مختار نامہ کرینکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا ایئر سٹر کو بجائے اپنے ہمراہ مقرر کریں اور اپنے شیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سند ہے مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

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الْبَعْدُ الْعَبْدُ الْعَبْدُ

Accepted by  
M. A. Ach

فیصل علی شاہ  
(ایڈووکیٹ)