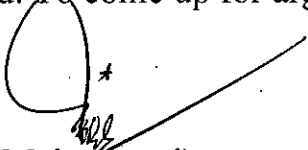



11.01.2023

Appellant alongwith his counsel present. Mr. Muhammad Raziq, Head Constable alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

SCANNED  
KPST  
Peshawar

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 27.02.2023 before the D.B.

  
(Mian Muhammad)  
Member (E)

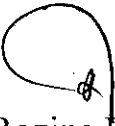
  
(Salah-Ud-Din)  
Member (J)


27.02.2023

Junior to counsel for appellant and Mr. Riaz Khan Paindakhel, learned Assistant Advocate General for respondents present.

Former made a request for adjournment as senior counsel is not available today. Adjourned. To come up for arguments on 29.05.2023 before DB. P.P given to the parties.

SCANNED  
KPST  
Peshawar

  
(Rozina Rehman)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman

21.07.2022

Appellant in person present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Former made a request for adjournment as his counsel is busy before Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 27.09.2022 before D.B.



(Fareeha Paul)  
Member(E)



(Rozina Rehman)  
Member (J)

27.09.2022

Junior to counsel for appellant present.

Muhammad Jan, learned District Attorney for respondents present.

Due to general strike of the bar, case is adjourned to 23.11.2022 for hearing before D.B.



(Fareeha Paul)  
Member (E)



(Rozina Rehman)  
Member (J)

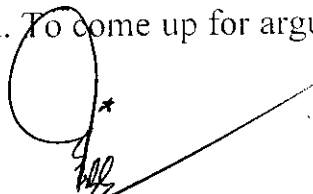
23.11.2022

Mr. Fazal Shah Mohmand, Advocate for the appellant present.

Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested that as the brief of the appeal was misplaced, therefore, he could not made preparation.

Adjourned. To come up for arguments on 11.01.2023 before D.B.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member.(J)

SCANNED  
KF3T  
Peshawar



**IN THE COURT OF SYED YASIR SHABBIR,**  
**ADDITIONAL DISTRICT & SESSIONS JUDGE-I/JSC, TAKHT BHAI**

The State.

Vs

Faqir Hussain son of Shaukat Khan resident of Garhi Qamar Din,  
 District Peshawar .....Accused facing trial.

Charged Under Section 9C CNSA, 1997 r/w 15-AA, vide FIR  
 No.1185 dated: 04.10.2018 of Police Station Shergarh.

Case No.35/3 of 2019

Date of Submission of Challan.... 21.01.2019

Date of Charge..... 21.03.2019

Date of Decision..... 22.02.2021

*10*  
*10/3/21*

Or.....25  
 22.02.2021

*1628*  
*21*

1- Mr. Shakirullah, APP for the State present. Accused Faqir Hussain on bail alongwith Learned Counsel present. Accused Amir already convicted. PWs are absent despite NBWs. Arguments on the application under section 265-K Cr.PC heard, record perused.

2- The allegations against the accused are that he and his convicted co-accused were traveling via motorcar bearing Registration No.18/FSL when they were intercepted by complainant Shafiq Khan ASI of PS Shergarh who conducted their bodily search and search of the vehicle which led to the recovery of one 30 bore illicit pistol bearing No.31089111 alongwith bandolier and magazine containing 16 live rounds of the same <sup>bore</sup> while from beneath of the driver's seat of the said motorcar 3000 grams of contraband charas was recovered. The vehicle was being driven by the convicted co-accused Amir. Hence, the case in hand.

*Syed Yasir Shabbir*  
 AD & SJ-I, Takht Bhai  
 22-02-2021

**Certified To Be True Copy**

*09 DEC 2022*

3- After completion of investigation challan was submitted for trial on 21.01.2019. On 23.02.2019 and 07.03.2019 the accused appeared variously and mandatory provisions of Section 265-C Cr.P.C were complied with. Charge was framed against the accused on 21.03.2019 to which they pleaded not guilty and

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 Session Court Peshawar**

claimed trial. As such, PWs alongwith case property were summoned.

- 4- Needless to highlight that on 18.05.2019 the co-accused Amir Khan submitted application for pleading his guilty and made a clean breast admission of his guilt. Thus, in view of quantity of the recovered contraband and taking stock of the financial condition and age of the said accused, on acceptance of his plea of guilt co-accused Amir Khan was convicted u/s 9-C CNSA and sentenced to undergo rigorous imprisonment for a period of three years and with fine of Rs.3000/-. In default of payment of amount of fine, the accused was to undergo further SI for a period of (03) months. Benefit of section 382-B Cr.PC was extended to the said convicted accused. The remaining period of substantive punishment was suspended and the accused/convict was released on probation.

Till date the statements of 04 PWs i.e. PW-1 Niaz Ali Khan ASI, PW-2 Shafiq Khan ASI, PW-3 Majid Ali No.3095, PW-4 Iqbal Zaman Khan SI (IO of the case) have been recorded. The Prosecution has abandoned PWs Saleem Nawaz Khan SI, 'Ajab Khan SHO, and Wahab HC being unnecessary.

In view of the evidence brought on record, it is quite clear that the allegations against the present accused is only to the extent of recovery of illicit 30 bore pistol bearing No. 31089111 and 16 live rounds of the same bore while convicted co-accused Amir Khan has already owned up to the recovery of the contraband charas weighing 3000 grams and he had also sought albeit unsuccessfully the return of vehicle in question on superdari. The accused has produced the original license of 30 bore pistol which is duly issued in his name and he has<sup>is</sup> authorized to carry the said weapon alongwith 100 live rounds as per terms and conditions thereof. PW-4 Iqbal Zaman SI being IO of the case has frankly conceded to this factual position. The said weapon has been returned by competent Court to the present accused on upon production of the

*S. Yasir*

Yasir Shabbir  
D & SJ-1, Takht Bhal.

5-

22-02-2021

6-  
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9 DEC 2022

Examiner Copying Branch  
Session Court Mardan

original license. The offence u/s 15-AA as charged is not constituted in the circumstances. There is no allegation of violation of any terms and conditions of the license by the present accused and as such even offence u/s 19-AA is not established on the record. The Investigating Agency has altogether failed to establish the inter se nexus of the present accused with the convicted co-accused on the one hand and with the recovered contraband and vehicle on the other.

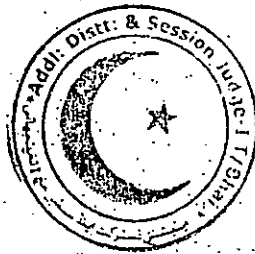
7- In the above scenario, to proceed further with the trial would be a sheer wastage of time bearing no tangible results at the end of the day. Therefore, on acceptance of the application filed under section 265-K Cr.P.C, the accused facing trial namely Faqir Hussain is hereby acquitted of the charge. He is on bail, his bail bonds stand cancelled and sureties thereunder are absolved of the liabilities of the bail bonds.

8- Case property i.e. pistol in question has already been returned on *Superdari* to the accused while remaining case property if any, be kept intact till the expiry of period of appeal /revision, whereafter it be disposed of according to law.

9- File be consigned to Record Room after its necessary indexing, completion and compilation.

**ANNOUNCED**  
22.02.2021.

*Syed Yasir*  
Syed Yasir Shabbir,  
Additional Sessions Judge-1,  
Takht Bhai.



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U S Dec 2022


Examiner Copying Branch  
Session Court Bhandra

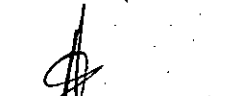
فہرست و دستاویزات  
Name of Application: \_\_\_\_\_  
No. of Application: 20419  
Date of presentation of application: 01/12/22  
Date of preparation of copies: 09/12/22  
Number of Pages: 03-P  
Court Fees: \_\_\_\_\_  
Urgent Fees: \_\_\_\_\_  
Signed of copyist-Examiner: \_\_\_\_\_  
Date of Delivery: 10/12/2022

26.01.2022

Junior to counsel for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Addl. AG alongwith Muhammad Raziq, H.C for the respondents present.

Former seeks adjournment as learned senior counsel is busy before the Hon'ble High Court today. Adjourned. To come up for arguments on 22.02.2022 before the D.B.

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

  
Chairman

22.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 19.05.2022 for the same as before.

  
Reader.

19.05.2022

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

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 21.07.2022 before the D.B.

  
(Salah-ud-Din)  
Member (Judicial)

10.08.2021

Since, 1<sup>st</sup> Moharram has been declared as public holiday, therefore, case is adjourned to 22/10/2021 for the same as before.

  
Reader

22.10.2021

Mr. Fazal Shah Mohmand, Advocate, for the appellant present. Mr. Muhammad Raziq, Head Constable alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant made a request for short adjournment. Adjourned. To come up for arguments before the D.B on 26.11.2021.

  
(MIAN MUHAMMAD)  
MEMBER (E)

  
(SALAH-UD-DIN)  
MEMBER (J)

26.11.2021

Counsel for the appellant present.

Mr. Riaz Khan Paindakheil, Assistant ~~Advocate~~ Advocate General for respondents present.

Learned Member Executive (Mr. Atiq-ur-Rehman Wazir), is on leave, therefore, case is adjourned. To come up for arguments on 22.02.2022 before D.B.


  
(Rozina Rehman)  
Member (J)

15.01.2021

Junior to counsel for the appellant and Asstt. AG for the respondents present.

Former requests for adjournment due to engagement of learned senior counsel for the appellant before the Hon'ble High Court today in many cases.

Adjourned to 02.04.2021 for hearing before the D.B.

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

  
Chairman


02.04.2021


Learned counsel for the appellant present.

Muhammad Rasheed learned Deputy District Attorney for respondents present.

Former requests for adjournment in order to further prepare the brief.

Adjourned to 16/04/2021 for arguments before D.B.

  
(Atiq Ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

16.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 10.08.2021 for the same as before.

  
Reader



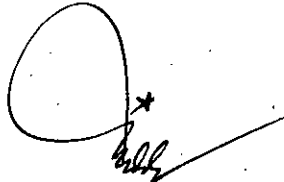
16.06.2020

Counsel for the appellant and Asst. AG for respondents

present.

Former requests for adjournment in order to further prepare the brief.

Adjourned to 31.08.2020 before D.B.



MEMBER



CHAIRMAN

31.08.2020

Due to summer vacation, the case is adjourned to 05.11.2020 for the same as before.

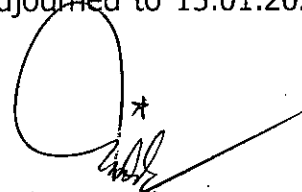


Reader

05.11.2020

Junior to counsel for the petitioner and District Attorney for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 15.01.2020 for hearing before the D.B.



(Mian Muhammad)  
Member



Chairman

05.12.2019

Appellant alongwith junior counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Raziq, Reader for the respondents present.

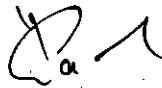
Representative of respondent-department submitted written reply which is placed on record. The appeal is posted for arguments before D.B to 12.02.2020. The appellant may submit rejoinder to the written reply of respondents within a fortnight, if so advised.

Chairman 

12.02.2020

Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file. Learned counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on ~~26~~ 26.03.2020 before D.B.

  
Member

  
Member

26.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.06.2020 before D.B.

  
Reader

17.09.2019

Appellant in person and Addl. AG alongwith Muhammad Raziq, Reader for the respondents present.

Representative of the respondents seeks time. To come up for requisite reply/comments on 09.10.2019 before S.B.

Chairman 

09.10.2019

Counsel for the appellant and Addl. AG alongwith Aziz Shah, Reader for the respondents present.

Respondents seek further time. Adjourned to 13.11.2019 on which date the requisite reply/comments shall positively be submitted.

Chairman 

13.11.2019

Junior to counsel for the appellant and Addl. AG alongwith Muhammad Raziq, H.C., for the respondents present.

Representatives of respondents seeks further time to furnish the requisite reply/comments. Granted but as a last chance. To come up for written reply/comments on 05.12.2019 before S.B.

Chairman 

20.06.2019

Counsel for the appellant Faqir Hussain present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department as Constable. He was imposed major penalty of dismissal from service vide order dated 30.01.2019 on the allegation that he was involved in criminal case vide FIR No. 1185 dated 04.10.2018 under section 9CCNSA/15-AA 335/367-A/148/149-PPC PS Sher Garh Mardan. It was further contended that the appellant filed departmental appeal on 19.12.2019 but the same was rejected on 24.04.2019 hence, the present service appeal on 07.05.2019. It was further contended that the appellant was falsely involved in criminal case and the criminal case has not been decided so far by the competent <sup>court</sup> authority. It was further contended that neither proper inquiry was conducted nor opportunity of personal hearing and defence was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contentions raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 19.08.2019 before S.B.

Appellant Deposited  
Security & Process Fee

20/6/19

  
(Muhammad Amin Khan Kundi)  
Member

19.08.2019

Appellant in person and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Learned AAG is required to contact the respondents and submit written reply/comments on the next date positively. Adjourned to 17.09.2019 before S.B.

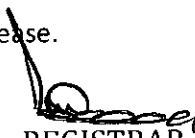

  
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No. 594/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/05/2019	<p>The appeal of Mr. Faqir Hussain presented today by Mr. Fazal Shah Mohmand 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 7/5/19</p>
2-	09/05/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/06/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

03/06/2019  
 001 200001 10  
 11/06/2019

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

Service Appeal No 594/2019

Faqir Hussain .....Appellant

**V E R S U S**

CCPO and others.....Respondents

**I N D E X**

S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-4
2.	Copy of FIR	A	5
3.	Copies of Orders dated 10-10-2018 & 28-11-2018	B & C	6-9
4.	Copy of Charge Sheet, Reply & Inquiry Findings	D, E & F	10-14
5.	Copy of Final Show Cause Notice & Reply	G & H	15-16
6.	Copy of Order dated 30-01-2019	I	17
7.	Copy of departmental appeal & Order dated 24-04-2019	J & K	18-19
8.	Wakalat Nama		20

Dated:-06-05-2019.

Appellant

Through



**Fazal Shah Mohmand  
Advocate, Peshawar**

**OFFICE:-** Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

**Email:-** fazalshahmohmand@gmail.com

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

Service Appeal No \_\_\_\_\_/2019

Faqir Hussain Ex Constable No 4171 Capital City Police Officer  
Peshawar.....**Appellant**

**V E R S U S**

1. Capital City Police Officer Peshawar.
2. Superintendent of Police Headquarters, Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.

.....**Respondents**

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974  
AGAINST THE ORDER DATED 24-04-2019 WHEREBY  
DEPARTMENTAL APPEAL OF THE APPLANT FILED  
AGAINST THE ORDER DATED 30-01-2019 HAS BEEN  
REJECTED/FILED.**

**PRAYER:-**

On acceptance of this appeal the impugned Order dated 24-04-2019 and Order dated 30-01-2019 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

**Respectfully Submitted:-**

1. That the appellant was enlisted as Constable in District Police Peshawar on 23-07-2007 remained posted to various Police Stations and since then he performed his duties with honesty and full devotion with spotless service career.
2. That on 04-10-2018 the appellant while accompanied by his friend Aamir Khan were going in rented Motor car FM-18 to Pirsaddi village jurisdiction of Police Station Sher Garh District Mardan, when in the meanwhile they were stopped by the local Police led by ASI Shafique Khan and were directed to deboard from the Car, the appellant accordingly came out of the car, who was immediately caught hold by the Police, the appellant duly identified himself to the local Police, upon which they got annoyed and told the appellant that the car is Non-Custom Paid one. The appellant duly produced the rent documents but instead they were brought to the Police Post and were threatened by the Police that they will be booked in a Narcotics case, accordingly the false case bearing FIR No-1185 dated 04-

10-2018 U/S 9 (C) CNSA/15AA was registered at Police Station Sher Garh. **(Copy of FIR is enclosed as Annexure A).**

3. That the appellant was accordingly arrested and placed under suspension, the appellant filed application for his release on bail which was accepted vide order dated 10-10-2018 and he was also returned his pistol by the Court of competent jurisdiction vide order dated 28-11-2018. **(Copies of Orders are enclosed as Annexure B & C).**
4. That Charge Sheet was issued to the appellant on 07-11-2018 which the appellant replied in detail refuting the allegations, where after an illegal inquiry was conducted. **(Copy of Charge Sheet, Reply & inquiry findings is enclosed as Annexure D, E & F).**
5. That Final Show Cause Notice was issued to the appellant which was also replied accordingly. **(Copy of Final Show Cause Notice & Reply is enclosed as Annexure G & H).**
6. That finally the appellant was dismissed from service by respondent No 2 vide Order dated 30-01-2019 with immediate effect. **(Copy of Order dated 30-01-2019 is enclosed as Annexure I).**
7. That the appellant preferred departmental appeal before respondent No 1 on 19-02-2019 which was rejected/filed vide Order dated 24-04-2019 **(Copy of Departmental Appeal and Order dated 24-04-2019 is enclosed as Annexure J & K).**
8. That the impugned orders dated 24-04-2019 of respondent No 1 and Order dated 30-01-2019 of respondent No 2 are against the law, facts and principles of justice on grounds inter alia as follows:-

**GROUND S:-**


- A. That the impugned orders are illegal and void ab-initio.
- B. That mandatory provisions of law have been violated by the respondents and the appellant has not been treated according to law and rules being his fundamental right.
- C. That the respondents were required to have waited till the decision of criminal case, as charge against the appellant was only of involvement in criminal case.



- D. That no proper inquiry was conducted in the matter to have found out the true facts and circumstances, which is mandatory in case of major penalty.
- E. That none was examined in presence of the appellant, nor was the appellant given opportunity to cross examine the alleged witnesses.
- F. That the appellant was not afforded the opportunity of personal hearing.
- G. That there is no omission or commission on part of the appellant, thus the appellant was illegally dismissed from service.
- H. That ex parte action has been taken against the appellant and he has been condemned unheard in violation of the principles of natural justice.
- I. That the appellant has about 12 years of service with unblemished service record.
- J. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

**It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.**

**Dated:-06-05-2019.**

**Appellant**  
**Through**   
**Fazal Shah Mohmand**  
**Advocate, Peshawar**

-4-

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

Service Appeal No \_\_\_\_\_/2019

Faqir Hussain ..... **Appellant**

**V E R S U S**

CCPO and others..... **Respondents**

**A F F I D A V I T**

I, Faqir Hussain Ex Constable No 4171 Capital City Police Officer Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by



**Fazal Shah Mohmand  
Advocate Peshawar**

**DEPONENT**

فارم نمبر ۲۳-۱۵

333-9993005  
7301-233105-3

ملزم کا نام

ابتدائی اطلاع رپورٹ

File No.

ابتدائی اطلاع نسبت قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ مضابطہ جدار کی تعمیر حسین 315-9195964  
301-8667153-3

تھانہ	سربراہ	تعمیراتی
نمبر	فائل	تاریخ وقت وقوعہ
۱- تاریخ وقت رپورٹ	4 10/18	وقت 4:10:10
2- نام و سکونت اطلاع دہندہ مستفیث		تعمیراتی 4:11:30
3- مختصر کیفیت جرم (معدہ دفعہ) حال اگر کچھ لیا گیا ہو۔	9censa/15A	شاہدین جیس جیس جیس جیس
3- جائے وقوعہ فاصلہ تھانہ سے اور سمت		شاہدین جیس جیس جیس جیس
5- نام و سکونت ملزم		شاہدین جیس جیس جیس جیس
6- کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو		شاہدین جیس جیس جیس جیس
4- تھانہ سے روانگی کی تاریخ و وقت		شاہدین جیس جیس جیس جیس

ابتدائی اطلاع نیچے درج کرو۔

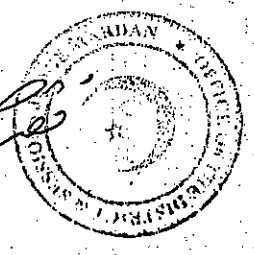
1776 وصول ہو کر پورے طور پر...  
18/15A بلوی...  
3614...  
1776/15A...  
18/15A...  
31089111...  
3000...  
2985...  
4 10/18...  
1776/15A...

ASi/ps/15A  
4-10-18

C-1

ب - ...

...



1185 ... 4-10-2018 ... (CAOSA) ... 15AA

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08.10.18

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1. ...

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10 NOV 2018

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Sessions Court Mardan

7- میری تاملوں نے کئی درد کیا ہے

6- میری دل کی تاملوں نے کئی درد کیا ہے  
میرا دل تاملوں نے کئی درد کیا ہے

د. اسحاق علی صاحب  
5/10/2018

نفسیاتی مشورت خانہ میں

نور اللہ خان

8.10.18  
Signature

انور اللہ خان صاحب  
ڈاکٹر اور پروفیسر

نفسیاتی مشورت خانہ  
نور اللہ خان

22

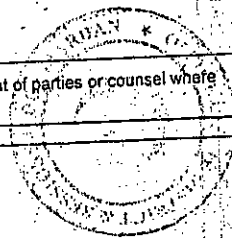
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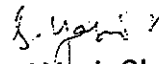

1.11.2018

Examiner Copying Branch  
Sessions Court Mardan

-8-

IN THE COURT OF SYED YASIR SHABBIR, ASJ-I, TAKHT BHAI,



Serial No. of Order of Proceedings	Date of Order of proceedings	Order or other Proceedings with signature of judge or Magistrate and that of parties or counsel where necessary
1	2	3
Or.....01	08.10.2018.	<p style="text-align: center;">Instant bail petition submitted by the petitioner through counsel and entrusted to the court of learned ASJ-II, Takht Bhai for disposal.</p> <p style="text-align: center;">                       ( Syed Yasir Shabbir )                      ASJ-I; Takht Bhai.                 </p>
Or.....02.	08.10.2018.	<p style="text-align: center;">The instant bail petition received from the court of learned ASJ-I, Takht Bhai. Be entered in the relevant register. Notice and record for 10/10/2018.</p> <p style="text-align: center;">                       (Faisal)                       Additional Sessions Judge-II,                      Takht Bhai.                 </p>
Order--03.	10-10-2018.	<p style="text-align: center;">Counsel for accused/petitioner and APP for the State present. Record received and arguments heard and record perused.</p> <p>2. Accused/petitioners Faqir Hussain s/o Shaukat Khan r/o Garhi Qamar Din, Peshawar, seek post arrest bail in case FIR No. 1185 dated 04.10.2018 under section 9-C CNSA read with section 15-AA registered at Police Station, Sher Gah.</p> <p>3. Brief facts of the case are that the local police received spy information that a huge quantity of narcotics is going to be smuggled from Peshawar towards Badraga Agency through the way of Zareen Abad. On this information the complainant Shafiq Khan A.S.I made nakabandi on the spot. in the meanwhile motorist</p>

1

Certificate To Be True Copy

10/10/2018

Examine Copying Branch  
Sessions Court

Copy

- 8/A -

bearing No.18/FSM, white colour came from Peshawar side. Motorcar was stopped; the person sitting in the motorcar disclosed their name as Faqir Hussan s/o Shaukat Khan, r/o Chari Qamar Dar Peshawar while the driver was disclosed his name as Amir Khan s/o Saifur Rehman r/o Shaheen Bazar, Peshawar. During their personal search a 30-bore pistol bearing No.31089111 with a magazine alongwith 16 live rounds without number was recovered from the possession of the accused/petitioner Faqir Hussan. While on search of motorcar charas weighing 3000 grams was recovered from the beneath of driver seat. 5/5 grams was separated for the purpose of FSL while remaining charas was sealed in different parcels. Thus the present case was registered. During cursory interrogation both the accused disclosed that they take the same to Badragn Agency for sale. Hence the present accused/petitioner has also been nominated in the present case.

4. Perusal of the record and arguments shows that though the accused/petitioner is directly and by named charged in the FIR but no recovery of charas has been effected from his exclusive possession. Only charged by the prosecution under section 15-AA for the recovery of 30-bore pistol. Offence 15-AA is bailable. Keeping in view the case of the accused/petitioner is arguable for the purposes of bail, the petition in hand is accepted. Accused/petitioner be released on bail, if he furnishes bonds in sum of Rs. 100,000/- with two sureties, each in the like amount to the satisfaction of this court. Copy of this order be placed on the police/judicial file. File of this Court be consigned to the Record Room after its completion & compilation.

5. Record be returned with copy of this order. File be consigned to the record room after its completion.

Announced  
10.10.2018

قلمرو میں سرنگار سہیل

Name of Applicant	
Application No.	NO- 15288
Date of Filing	10-11-18
Date of Hearing	10-11-18
Date of Judgment	10-11-18
No. of copies	04
Cost Paid / Waived	1/-
Cost Due	1/-
Date of Delivery	10-11-18

(FAISALABAD) 18  
Additional Sessions Judge-II/JSC-1018  
Fakhruddin  
Certified to be True Copy  
10 NOV 2018  
Examiner Copying Branch  
Sessions Court Warden

Order....03.

28.11.2018.

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Misc

APP for the State, petitioner with counsel present. Record received. Arguments heard and available record gone through.

2. The petitioner, Faqir Hussain s/o Shaukat Khan r/o Ghari qamar Din, moved the application in hand for return of 30-bore pistol bearing no.31089111 alongwith 16-live rounds, taken into possession by the local police from his personal search in case FIR No.1185 U/S 9(C) CNSA dated 04.10.2018 of Police Station Sher Garh.
3. Admittedly, the recovery of pistol is not the case property besides, the investigation regarding the pistol in question is complete and the same is no more required to the local police for further investigation. Moreover, at the moment there is no rival claimant of the same and its custody with the local police would deteriorate its condition.
4. In view of the above, petition in hand is allowed and pistol alongwith 16-live rounds as mentioned in the recovery memo is directed to be return to the petitioner on bail being licence one, provided he furnishes personal bail bonds in the sum of Rs. 50,000/- to the satisfaction of SHO concerned. However the petitioner would be bound to produce the same as and when required. Record be returned and file be consigned to R/Room after completion.

Announced:  
28.11.2018



Faisal Anjum  
S.J-II, Tahsil Bha

Handwritten signatures and initials, including 'Bd' and 'S.A.C.'.



- 10 -      'D'

**DISCIPLINARY ACTION**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Faqir Hussain No.4171 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

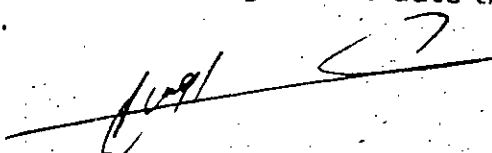
**STATEMENT OF ALLEGATION**

"That Constable Faqir Hussain No.4171 while posted at RRF Kot PS Badaber, Police Lines Peshawar was involved in criminal case vide FIR No.1185 dated 04.10.2018 u/s 9CCNSA/15-AA PS Sher Garh (Mardan). This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and INSP Niaz muhammad is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 170 /E/PA, dated Peshawar the 07 / 11 /2018

1. INSP Niaz muhammad is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned

CHARGE SHEET

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Faqir Hussain No.4171 of Capital City Police Peshawar with the following irregularities.

"That you Constable Faqir Hussain No.4171 while posted at RRF Kot PS Badaber, Police Lines Peshawar were involved in criminal case vide FIR No.1185 dated 04.10.2018 u/s 9CCNSA/15-AA PS Sher Garh (Mardan). This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

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

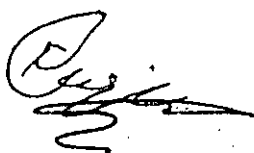
Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

58

گزارش ہے کہ مورخہ 04/10/18 کو سائل اپنے دوست  
 عامر کے ساتھ پیر سدھ گاڑی نمبر 18-FM میں جا رہے تھے  
 کہ راستے میں شیر گڑھ چوکی کے ساتھ پولیس سے ہیں  
 پکڑے گئے انھوں نے ہمیں چوکی میں اندر کیا اور ساری  
 تلاشی کے بعد ہمیں کہا کہ یہ گاڑی NEP ہے جس پر  
 ہم نے چوکی ایچاج ASI شفیع احمد کو آڈینٹ پر یہ اور  
 گاڑی کے کاغذات دیکھے۔ اس کے بعد چوکی ایچاج  
 نے ہماری بے خبری کی۔ اور بعد میں انھوں نے  
 دھکی دی کے تھما لے گئے۔ 3 ملک پورس ڈسٹریکٹ  
 چوکی ایچاج نے SHO کے نوٹس میں لایا۔ تو SHO صاحب  
 نے کہا کہ ان کے پاس 3 ملک پورس ڈالو اور پیر  
 کرو۔ مردان پولیس نے ہمارے ساتھ سراسر زیادتی  
 کی ہے اور میں ہر قسم کی تسلی کے لیے تیار ہے۔ سائل  
 بے گناہ ہے اور سائل کی انگوائری فائل کرے۔





کریس - 12/A

(17)

24/07/07

میں: آپ کے حکم پر کریس میں لو آئی ہوگی کہیں؟

میں: آپ کی خوشنودوں کو کون کون سے جگہ ہوئی ہے، تفضیل کر سکتے ہیں؟  
حیات آباد (سریندا) منشی (پولیس لائن) بڈھ سیر

میں: آپ کا حکم سنا کر سیر سیر کر کے واپس آئے ہیں۔ وہاں کچھ کچھ  
فونٹس ہوئی تھی

میں: لوگوں نے آپ کا کارڈ سے جس پر عدالت کے جین کی تصویر تھی  
کے دوستوں کے پاس رکھ کر

میں: وہاں آپ کا رشتہ میں یہ ثابت ہے، وہاں کچھ  
کہہ نہیں دوست تھے

میں: حضور فارم 18-211 پر سیر کرنے کی اجازت تھی۔ وہاں کچھ کچھ  
پہننے کی

میں: محنت کر کے آپ کو یہاں لے کر آئے ہیں۔ وہاں کچھ کچھ  
کچھ کچھ کچھ

یہ سیر یہ بہار ہے اور پھر اس پر جھوٹ ہے اور پھر نے کوئی

سیر

اسے غلط کام نہیں کیا ہے۔

REFERENCE ATTACHED

Subject: ENQUIRY AGAINST FC FAQIR HUSSAIN NO.4171

Please refer to the attached enquiry papers received from your good office vide: No.279/PA, dated 05.12.2017 against FC Faqir Hussain No.4171 on the allegations;

ALLEGATION

"That he while posted at RRF Kot, PS Badabher Peshawar was involved in criminal case vide FIR No.1185 dated 04.10.2018 u/s 9C CNSA/15-AA PS Sher Garh Mardan which is gross misconduct on his part & and is against the discipline of the force.

PROCEEDINGS

In order to dig-out the real facts, he was called, charge sheet & summary of allegation was served upon him. His written reply was received in time.

He stated that on 04.10.2018 he was on his way accompanied with his friend namely Amir Khan in Motor Car FM-18 were going to Pir Saddi, meanwhile they were stopped by the local Police of District Mardan PS Sher Garh led by ASI Shafiq Khan. After searching they were brought to Police Post by I/C ASI Shafiq & threatened them that for lodging fake FIR of narcotics. Later on, they booked u/s 9CCNSA of PS Sher Garh. He pleads not guilty.

The complainant of the case ASI Shafiq Khan was summoned, he stated that on 04.10.2018 he was informed that a motor car bearing No.18/FSM white colour coming from Peshawar towards Zarin Abad Badraga which contained huge quantity of chars, on this information he along-with other Police officials present on Nakabandi the said motor car came and stopped for checking. They disclosed themselves as Faqir Hussain s/o Shaukat & Amir Khan s/o Saif Ur rahman r/o Peshawar, a 30 bore pistol bearing No.31089111 recovered from the possession of Faqir Hussain without license while 3-kg chars recovered beneath the seat of driver Amir Khan. The above mentioned case was registered against them.

In order to probe further into the matter, eye witnesses FC Kamran was summoned who stated that on 04.10.2018 he along with other Police party led by ASI Shafiq Khan on Nakabandi point, a motor car bearing Reg: No.18-FSM came toward them, they stopped the motor car & recovered 3-kg chars from the possession of the accused Amir Khan & a pistol 30 bore from the possession of Faqir Hussain. A proper case was registered against the accused.

Another eye witness of the spot LHC Majid Khan 3095 and HC Wahab 1776 PS Sher Garh were also heard in persons, they affirmed the version of the statement as recorded by FC Kamran.

I.O of the case SI Iqbal Zaman Khan also summoned, his statement recorded, he stated that the accused were handed over to me for investigation, he produced the accused before JMIC for obtaining custody which regretted & sent to judicial lock up.

**FINDINGS**

-14-

(9)

From perusal of the statements recorded, personal hearing & case file, the undersigned came to the conclusion that actually the alleged official was arrested with narcotics as he could not justify the allegation. He also could not produce any cogent reason that why he left his duty and visit toward that area. It seems that he smuggled and was arrested with contraband. Such elements is stigma on the face of Police Force & did not deserve to remain in the force.

**RECOMMENDATIONS**

In view of the above circumstances, the said FC Faqir Hussain involved in moral turpitude and did not deserve an iota of leniency. Therefore, the alleged official may be awarded major punishment after observing legal formalities if agreed please.

*[Handwritten signature]*

(NIAZ MUHAMMAD)  
INSPECTOR POLICE LINES  
CCP PESHAWAR

W/SP-HQrs

Issue Final  
Show cause  
notice

26/11/2017

*[Handwritten signature]*

Superintendent of Police  
Peshawar  
27/11

- 15 - 9

**FINAL SHOW CAUSE NOTICE**

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Faqir Hussain No.4171 the final show cause notice.

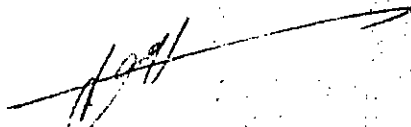
The Enquiry Officer, Inspector Niaz Muhammad (Police Lines), after completion of departmental proceedings, has recommended you for Major punishment for the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you Constable Faqir Hussain No.4171 deserve the punishment in the light of the above said enquiry report.

And as competent authority, has decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975.

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 170 /PA, SP/HQrs: dated Peshawar the 29-11-2018.

Copy to official concerned

بجوالہ فائل شوکار نوٹس نمبری PA/170 مجاریہ مورخہ 29/11/2018 معروض خدمت ہوں کہ مورخہ 4/10/2018 کو اپنے دوست مسکی عامر ولد سیف الرحمن سکند شاہین بازار پشاور کے ساتھ موٹر کار نمبر FSM/18 جو کہ مسکی احمد یار پولیس ملازم نے ریٹ پر حاصل کر کے پشاور سے پیر صدو شیر گڑھ اپنے دوست کے رشتہ دار کی فونگی و تعزیت کیلئے جارہے تھے جب علاقہ تھانہ شیر گڑھ پہنچ کر مین روڈ نا کہ بندی پر پہنچے تو نا کہ بندی پر پولیس پارٹی زیر نگرانی شفیق خان ASI نے روکا۔ گاڑی رکھتے ہی مجھے گریباں سے پکڑ کر نیچے اتارا جس پر میرا اور ان کے درمیان ٹکرا رہوئی، اپنا تعارف کروایا اور تعارف کے ساتھ اپنا سرورس کارڈ بھی دکھایا تاہم مذکورہ ASI صاحب بھند تھا کہ یہ آپ کی گاڑی NCP ہے اور اس میں آپ غیر قانونی سوار ہے۔ جو اب کہا کہ یہ گاڑی ریٹ کی ہے جس کی رسید ہمارے پاس موجود ہے اور رجسٹریشن کاپی بھی موجود ہے۔ تاہم اس دوران میری اور نا کہ بندی انچارج کے مابین تو ٹکرا جادی تھی جس کی وجہ سے وہ انتہائی غصہ میں تھے اور دھمکیاں دے رہا تھا کہ آپ کو میں 15 کلوچرس منشیات میں چارج کر لوں گا اور چرس برآمدگی آپ سے شو کرونگا۔ جو اس دوران مجھ سے میرا ذاتی پستول 30 بورلا سنسنس یافتہ لیکر حوالات میں بند کر دیا اگلی صبح مجھے معلوم ہوا کہ آپ کے خلاف 9CCNSA تین (3) کلوچرس بچہ آمدگی کا مقدمہ درج رجسٹر ہو چکا ہے اور مقامی عدالت سے 4 دن بعد ضمانت پر رہا ہوا۔ میرے ساتھ ذاتی عناد اور رنجش پر انتقامی کارروائی ہوئی ہے۔ بے گناہ ہوں سرکاری ملازم اور پولیس اہلکار کے ناطے کس طرح منشیات کو سمگل کر دنگا۔ میرے خلاف 9CCNSA کا مقدمہ درج کرنا میرے سمجھ سے بالاتر ہے۔ تفتیشی افسر نے دوران پیشی عدالت سے Custody کی درخواست کے باوجود منظور نہ کیا اور کوئی قابل ادخال شہادت میرے خلاف صفحہ مثل پر موجود نہیں۔ میرے خلاف من گھڑت FIR درج کیا ہے جو کہ انتقامی کارروائی ہے۔ مقدمہ عدالت میں سماعت کیلئے درخواست دائر کیا ہے۔ اگر عدالت مجھے گناہگار ثابت کرے تو میں ہر سزا کا مستحق ہوں۔ میری گزارش ہے کہ عدالت سے بری یا سزا ہونے پر میرے خلاف کارروائی کی جائے۔ قبل ازیں میرے خلاف اس طرح کا کوئی شکایت میرے افسران بالا کو نہیں ہوئی ہے۔ ایک پروفیشنل پولیس افسر ہوں اور اس طرح کے کاموں کو برا سمجھتا ہوں۔ دوران ٹریننگ جو اقرار اور حلف نامہ اٹھایا ہے تا حال اس پر قائم و دائم ہوں۔ میری 10/11 سال مدت ملازمت ہے۔ اس دوران کوئی شکایت اور Misconduct کی شکایت کا موقع اپنے افسران بالا کو نہیں دیا ہے۔

لہذا استدعا ہے کہ اس سلسلہ میں مجھے معاف کیا جائے اور انکو اٹری پر کوئی کارروائی کے بغیر داخل دفتر فرمایا جاوے۔



-17-90

ORDER


(3)

This office order relates to the disposal of formal departmental enquiry against Constable Faqir Hussain No.4171 on the allegations/charges that he while posted at RRF, Peshawar involved in criminal case vide FIR No.1185 dated 04.10.2018 u/s 9CCNSA/15-AA335/367-A/148/149-PPC PS Sher Garh Mardan.

In this regard, he was placed under suspension & issued charge sheet & summary of allegations. DSP Coordination was appointed as Enquiry Officer. He conducted the enquiry and submitted his report/finding that the alleged official involved in moral turpitude and did not deserve an iota of leniency. The E.O further recommended major punishment for defaulter official.

Upon the finding of Enquiry Officer, he was issued final show cause notice which he received & replied. Upon which the DSP legal opinion was sought. He opined that the enquiry is required to be disposed off in light of enquiry finding.

In the light of recommendation of E.O, DSP Legal opinion & other material available on record, the undersigned came to conclusion that the alleged official found guilty of this misconduct. Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect.

  
SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR

OB. NO. 429 / Dated 30/1/2019

No. 239-44 /PA/SP/dated Peshawar the 30/1/2019

Copy of above is forwarded for information & n/action to:

- ✓ The Capital City Police Officer, Peshawar.
- ✓ DSP/HQrs, Peshawar.
- ✓ Budget Officer
- ✓ OASI, CRC & FMC along-with complete departmental file.
- ✓ Official concerned

بیمہ سیکشن (سی ایف ایف) پشاور  
30-1-19

درخواست براد بجال دریا (عالمی لٹری)

Dy: No	205 PA-CCPC
Di:	19-07-19
Encl:	

بذریعہ تصفیہ الوریہ امن سٹریٹو پورٹل سے 11 جولائی 2019ء کو 429 ایک ٹارگٹ فرم میں پورے مردان سے جو ان عدالت کے 1185 فرم

15/2018 4 فرم 9 CCNBA/15AA335 367-A-348-149-PP کھسٹوں کے ساتھ ساتھ ایک دو دستاویزی

ایک جا رہے تھے مگر پھر کھسٹوں کے ساتھ ساتھ ایک دو دستاویزی فرم میں سے ایک پتلا دیا گیا اور ساتھ ساتھ ایک دو دستاویزی فرم میں سے ایک پتلا دیا گیا اور ساتھ ساتھ ایک دو دستاویزی

مردان کا لاچار ہونے کو کسی قسم کی سزا دینا نامناسب سمجھا گیا اور ساتھ ساتھ ایک دو دستاویزی فرم میں سے ایک پتلا دیا گیا اور ساتھ ساتھ ایک دو دستاویزی فرم میں سے ایک پتلا دیا گیا اور ساتھ ساتھ ایک دو دستاویزی

کہہ آئے ہیں ان کی خدمت میں جا کر اپنے اسٹریٹو پورٹل کے ساتھ ساتھ ایک دو دستاویزی فرم میں سے ایک پتلا دیا گیا اور ساتھ ساتھ ایک دو دستاویزی فرم میں سے ایک پتلا دیا گیا اور ساتھ ساتھ ایک دو دستاویزی

ان کے ساتھ ساتھ ایک دو دستاویزی فرم میں سے ایک پتلا دیا گیا اور ساتھ ساتھ ایک دو دستاویزی فرم میں سے ایک پتلا دیا گیا اور ساتھ ساتھ ایک دو دستاویزی

315-9195964



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

Phone No. 091-9210989

Fax No. 091-9212597

ORDER.

This order will dispose of the departmental appeal preferred by ex-constable Faqir Hussain No.4171 who was awarded the major punishment of "dismissal from service" under Police Rules-1975 by SP/HQr: Peshawar vide OB No. 429, dated 30-01-2019.

2- The allegations leveled against him were that he while posted at RRF kot PS Badaber, Peshawar was involved in criminal case vide FIR No. 1185 dated 04-10-2018 u/s 9-CCNSA/15-AA335/367-A/148/149-PPC PS Sher Garh Mardan. This amounts to gross misconduct on his part and is against the discipline of Police force.

3- He was issued proper Charge Sheet and Summary of Allegations by SP/HQrs Peshawar and Inspector Naz Muhammad of Police Lines Peshawar was appointed as enquiry officer. The enquiry officer conducted a detailed enquiry and recommended the delinquent official for "Major Punishment". On receipt of findings of the enquiry officer, the competent authority issued him Final Show Cause Notice to which he replied. His reply to the Final Show Cause Notice was found unsatisfactory by the competent authority and hence awarded him the major punishment of dismissal from service.

4- He was heard in person in O.R. The relevant record perused along with his explanation. During personal hearing he contended that on the day of occurrence he was going to attend a funeral of his friend but falsely implicated in the FIR by Shergarh Police. He failed to produce any plausible explanation in his defence. Therefore his appeal for reinstatement in service is hereby rejected/filed.

(QAZI JAMIL UR REHMAN) PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 630-35 /FA dated Peshawar the 24-04- 2019

Copies for information and n/a to the:-

1. SP-HQr: Peshawar.
2. BO/OASI/ CRC for making necessary entry in his S.Roll.
3. FMC along with Fm
4. Official concerned.

- 20 -  
**WAKALAT NAMA**

IN THE COURT OF Seavia Paband Pesh.

Fazal Hussain

VERSUS

CCPO vs. Ameer

Accused/  
Petitioner/  
Appellant/  
Plaintiff.

Respondent/  
Defendant/  
Complainant

FIR No. \_\_\_\_\_ Dated: \_\_\_\_\_ Police Station: \_\_\_\_\_  
Charge U/s \_\_\_\_\_

KNOW ALL to whom these presents shall come that I the undersigned appoint:

*Fazal Shah Mohmand Advocate Supreme Court of Pakistan,*  
(herein after called the advocate) to be the Advocate for the Appellant in the above mentioned case, to do all the following acts, deeds and things or any of them that is to say.

- 1) To act and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
- 2) To sign, verify and present pleadings, appeals, cross - objections, petitions for execution, review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of said case in all its stages.
- 3) To withdraw or compromise in the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- 4) To receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said case.
- 5) To engage any other Legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.

AND I hereby agree not to hold the Advocate or its substitute responsible for the result of the said case and in consequence of his absence from the court when the said case is called up for hearing

AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, He shall be entitled to withdraw from the prosecution of the said case until the same is paid.

IN WITNESS WHEREOF I hereunto set my hand to these presents the contents of which have been explained to and understood by me, this \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_

Accepted By

  
*Fazal Shah Mohmand,*  
Advocate Supreme Court of Pakistan

Signature/ thumb impression  
of party / parties.

  
*Pages*

**BEFORE THE KYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

Service appeal No.594/2019

Faqir Hussain No.4171 CCP, Peshawar..... Appellant

**Versus**

1. Capital City Police Officer, Peshawar.
2. SP/HQrs: Capital City Police, Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar..... Respondents

**Reply on behalf of respondents No.1, 2, & 3.**

**Respectfully Sheweth:-**

**PRELIMINARY OBJECTIONS.**

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder or necessary parties.
3. That the appellant has not come to this Tribunal with clean hands.
4. That the appellant has no cause of action.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant concealed the material facts from Honorable Tribunal.
7. That the appellant got no locus standi and cause of action to file the instant appeal.

**FACTS:-**

- 1- Para No.1 pertains to record, hence needs no comments.
- 2- Para No.2 is incorrect. In fact the appellant while posted at FRF Kot PS Badhaber Peshawar was involved in criminal case vide FIR No.1185 dated 04.10.2018 u/s 9C-CNSA/15AA PS Sher Garh Mardan. In this regard he was issued charge sheet and statement of allegations. DSP/Coordination was appointed as enquiry officer. The enquiry officer conducted detail enquiry into the charges framed against him and was found guilty and recommended him for major punishment. On receipt of the enquiry report, the competent authority served the appellant with final show cause notice to which he replied, but his reply was found unsatisfactory. After completion of all codal formalities he was awarded major punishment of dismissal from service.
- 3- Para No.3 related to appellant, hence needs no comments.
- 4- Para No.4 is incorrect. In fact the appellant was issued charge sheet and statement of allegations to which he replied, but his reply was found unsatisfactory, and an enquiry officer was appointed to conduct proper departmental enquiry into the

charges. The enquiry officer after through probe into the matter, found the appellant guilty of the charges.

- 5- Para No.5 is correct to the extent that a final show cause notice was issued to the appellant on completion of enquiry proceedings and reply submitted in response to the final show cause notice was also found unsatisfactory.
- 6- Para No.6 is correct to the extent that after fulfilling all codal formalities found him guilty, hence he was awarded the major punishment of dismissal from service.
- 7- Para No.7 is correct to the extent that the appellant filed departmental appeal which after due consideration was filed/rejected because the charges against him were proved.
- 8- Incorrect. The punishment orders passed by the competent authority are as per law/rules. The appeal of the appellant being devoid of merits may kindly be dismissed on the following grounds.


**GROUND:-**


- A- Incorrect. The punishment orders are just, legal and have been passed in accordance with law/rules.
- B- Incorrect. The appellant was treated as per law/rules and no provision of law has been violated.
- C- Incorrect. The apex court in various judgments has held that the criminal and departmental proceedings are two different entities.
- D- Incorrect. Proper departmental enquiry was conducted against him and proper opportunity of defense was provided to appellant. The enquiry officer called/summoned all the eye witness /officials, and recorded their statements. The enquiry officer after detailed probe reported the charges were proved.
- E- Incorrect. The whole enquiry proceedings were initiated purely on merit and in accordance with law/rules. The appellant was associated in the enquiry proceedings. The appellant availed the opportunities of defense, but he could not prove himself innocent.
- F- Incorrect. The appellant was given proper opportunity of personal hearing and defense, but he failed to defend himself.
- G- Incorrect. The charges leveled against him falls under moral turpitude and is against the discipline of the force, leniency in such cases would motivate other members of the force for indulgence in trafficking of narcotics, therefore the punishment orders passed legal and in accordance with law/rules.


- H- Incorrect. The appellant was provided full opportunities and also recorded his statement. The allegations were reported proved beyond any shadow of doubt by the enquiry officer.
- I- Incorrect. Presence of such black sheep in police force and any kind of leniency will encourage the misuse of authority. The appellant was found guilty of misconduct.
- J- That respondent may also be allowed to advance any additional ground at the time of hearing of the appeal.

**PRAYER.**

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merits and legal footing, may kindly be dismissed.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.

  
Capital City Police Officer,  
Peshawar.

  
Superintendent of Police,  
HQrs: Peshawar.

**BEFORE THE KYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

Service appeal No.594/2019


Faqir Hussain No.4171 CCP, Peshawar..... Appellant


**Versus**

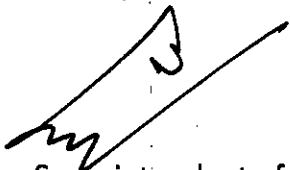
1. Capital City Police Officer, Peshawar.
2. SP/HQrs: Capital City Police, Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar..... Respondents

**AFFIDAVIT**

We respondents No. 1,2 & 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.

  
Capital City Police Officer,  
Peshawar.

  
Superintendent of Police,  
HQrs: Peshawar.



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No 594/2019.

Faqir Hussain.....Appellant.

**V E R S U S**

CCPO & Others.....Respondents

**REPLICATION ON BEHALF OF THE APPELLANT.**

**REPLY TO PRELIMINARY OBJECTIONS.**

All the objections raised by the respondents are incorrect and as such denied. The appellant has got a valid cause of action and locus standi to bring the present appeal, the appellant has come to this honorable tribunal with clean hands and the appellant has concealed nothing from this honorable tribunal. All necessary parties have been impleaded and instant appeal is competent in its present form. The instant appeal is well within time and the appellant is not estopped by his conduct to file present appeal.

**REPLY TO FACTS/GROUNDS:**

Comments of the respondents are full of contradictions, rather amounts to admissions and are based on malafide. Respondents have failed to show that the version of the appellant is incorrect. Even respondents have failed to show and substantiate their version referring to any law and rules. In the circumstances the appellant has been deprived of his rights without any omission or commission on his part and he has been deprived of his rights guaranteed by the Constitution and law of the land. The appellant was falsely involved in the mentioned case he has been dismissed before the conclusion of trial.

In the circumstances the appellant has not been treated according to law and rules being his fundamental right. The impugned order is in total disregard of the law and rules. Ex- parte action has been taken against the appellant. The impugned orders are void being passed in total disregard of law and rules. The appellant as such is entitled to be reinstated in service.

**It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for.**

**Dated:- 12-02-2020**

  
Appellant

**Through**

  
Fazal Shah Mohmand

**Advocate Peshawar**

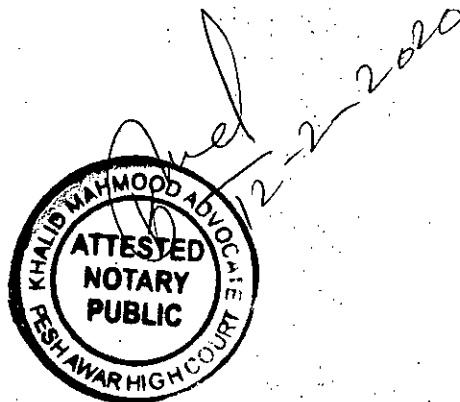
# AFFIDAVIT

I, Faqir Hussain Ex Constable No 4171, Capital City Police Office Peshawar (the appellant), do hereby solemnly affirm and declare on oath that the contents of this **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

**Identified by**

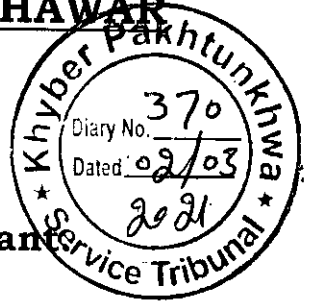
*Faqir*  
**DEPONENT**

*Fazal Shah Mohmand*  
**Fazal Shah Mohmand**  
**Advocate Peshawar.**



**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

S.A.No. 594/2019



Put up to the Court with relevant app.

Faqir Hussain.....Applicant/Appellant

**VERSUS**

2/3/21, CCPO and others.....Respondents.

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

**Respectfully Sheweth;**

1. That the above titled service appeal is pending adjudication before this August Tribunal, fixed for 02-04-2021 in **D.B.**
2. That the appellant has been acquitted by the court of competent jurisdiction while the appellant was proceeded on ground of being involved in criminal case, as such the date of hearing needs to be accelerated.
3. That fixing an early date is in interest of justice and there is no hurdle in fixing an early date in the above titled appeal, besides if any early date is not fixed in the titled appeal, the service appeal would lose its purpose and would become in fructuous.

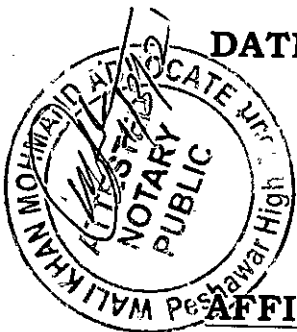
**IT IS THEREFORE, PRAYED, THAT ON ACCEPTANCE OF THIS APPLICATION, THE ABOVE TITLED SERVICE APPEAL MAY KINDLY BE FIXED FOR AN EARLY DATE.**

DATED: 01-03-2021

*Faqir Hussain*  
**APPELLANT/APPLICANT**

THROUGH,

*Fazal Shah Mohmand*  
**FAZAL SHAH MOHMAND  
ADVOCATE SUPREME COURT**



**AFFIDIVAT**

I, **Faqir Hussain (Appellant)**, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

*Faqir Hussain*  
**DEPONENT**

No pressing grounds. Shall the date already fixed in the matter.  
2/3/21

DB

3

## CHARGE SHEET

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Faqir Hussain No.4171 of Capital City Police Peshawar with the following irregularities.

"That you Constable Faqir Hussain No.4171 while posted at RRF Kot PS Badaber, Police Lines Peshawar were involved in criminal case vide FIR No.1185 dated 04.10.2018 u/s 9CCNSA/15-AA PS Sher Garh (Mardan). This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

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

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

**DISCIPLINARY ACTION**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Faqir Hussain No.4171 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

6

**STATEMENT OF ALLEGATION**

"That Constable Faqir Hussain No.4171 while posted at RRF Kot PS Badaber, Police Lines Peshawar was involved in criminal case vide FIR No.1185 dated 04.10.2018 u/s 9CCNSA/15-AA PS Sher Garh (Mardan). This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and INSP Niaz Muhammad is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 170 /E/PA, dated Peshawar the 07 / 11 /2018

1 INSP Niaz Muhammad is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned

R *su/dep*  
*8/11/18*

**REFERENCE ATTACHED**

3

Subject: **ENQUIRY AGAINST FC FAQIR HUSSAIN NO.4171**

Please refer to the attached enquiry papers received from your good office vide: No.279/PA, dated 05.12.2017 against FC Faqir Hussain No.4171 on the allegations;

**ALLEGATION**

"That he while posted at RRF Kot, PS Badabher Peshawar was involved in criminal case vide FIR No.1185 dated 04.10.2018 u/s 9C CNSA/15-AA PS Sher Garh Mardan which is gross misconduct on his part & and is against the discipline of the force.

**PROCEEDINGS**

In order to dig-out the real facts, he was called, charge sheet & summary of allegation was served upon him. His written reply was received in time.

He stated that on 04.10.2018 he was on his way accompanied with his friend namely Amir Khan in Motor Car FM-18 were going to Pir Saddi, meanwhile they were stopped by the local Police of District Mardan PS Sher Garh led by ASI Shafiq Khan. After searching they were brought to Police Post by I/C ASI Shafiq & threatened them that for lodging fake FIR of narcotics. Later on, they booked u/s 9CCNSA of PS Sher Garh. He pleads not guilty.

The complainant of the case ASI Shafiq Khan was summoned, he stated that on 04.10.2018 he was informed that a motor car bearing No.18/FSM white colour coming from Peshawar towards Zarin Abad Badraga which contained huge quantity of chars, on this information he along-with other Police officials present on Nakabandi the said motor car came and stopped for checking. They disclosed themselves as Faqir Hussain s/o Shaukat & Amir Khan s/o Saif Ur rahman r/o Peshawar, a 30 bore pistol bearing No.31089111 recovered from the possession of Faqir Hussain without license while 3-kg chars recovered beneath the seat of driver Amir Khan. The above mentioned case was registered against them.

In order to probe further into the matter, eye witnesses FC Kamran was summoned who stated that on 04.10.2018 he along with other Police party led by ASI Shafiq Khan on Nakabandi point, a motor car bearing Reg: No.18-FSM came toward them, they stopped the motor car & recovered 3-kg chars from the possession of the accused Amir Khan & a pistol 30 bore from the possession of Faqir Hussain. A proper case was registered against the accused.

Another eye witness of the spot LHC Majid Khan 3095 and HC Wahab 1776 PS Sher Garh were also heard in persons, they affirmed the version of the statement as recorded by FC Kamran.

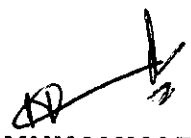
I.O of the case SI Iqbal Zaman Khan also summoned, his statement recorded, he stated that the accused were handed over to me for investigation, he produced the accused before JMIC for obtaining custody which regretted & sent to judicial lock up.

**FINDINGS**

From perusal of the statements recorded, personal hearing & case file, the undersigned came to the conclusion that actually the alleged official was arrested with narcotics as he could not justify the allegation. He also could not produce any cogent reason that why he left his duty and visit toward that area. It seems that he smuggled and was arrested with contraband. Such elements is stigma on the face of Police Force & did not deserve to remain in the force.

**RECOMMENDATIONS**

In view of the above circumstances, the said FC Faqir Hussain involved in moral turpitude and did not deserve an iota of leniency. Therefore, the alleged official may be awarded major punishment after observing legal formalities if agreed please.

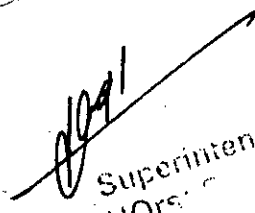


**(NIAZ MUHAMMAD)  
INSPECTOR POLICE LINES  
CCP PESHAWAR**

**W/SP-HQrs**

*Issue Final  
Show cause  
notice*

*26/11/2017*



Superintendent of Police  
Peshawar.  
*27/11*

## FINAL SHOW CAUSE NOTICE

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Faqir Hussain No.4171 the final show cause notice.

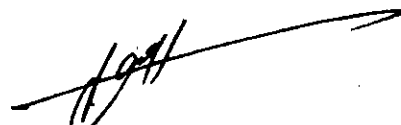
The Enquiry Officer, Inspector Niaz Muhammad (Police Lines), after completion of departmental proceedings, has recommended you for Major punishment for the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you Constable Faqir Hussain No.4171 deserve the punishment in the light of the above said enquiry report.

And as competent authority, has decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975.

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 170 /PA, SP/HQrs: dated Peshawar the 29-11-2018.

Copy to official concerned



30/11/18



بیان آذان فقیر حسین ولد شوکت خان قوم اطفال لہور 32 سال مسکن ڈیڑھی عمر

فقیر حسین ولد شوکت خان قوم اطفال لہور 32 سال مسکن ڈیڑھی عمر درین رسالہ  
نے برصارت بیان کیا کہ حکم پولیس رسالہ بمبئی کئی ملازم حوالہ اور عمارت ڈیڑھی  
کھینچا دریں ڈیڑھی سر ایچ ڈی رہا حوالہ مل مورخ 15/6/1875 دریں رسالہ  
ضمی عامر خاں نے اپنا ذاتی موٹر کار نمبر 18 F 3 m اسلام آباد (لاہور میں  
رسالہ سٹارڈ موٹر کار میں بیٹھ کر ملائندہ ایسی دریں مسافر کو کھینچا  
دوانہ ہوا جن ملازموں کی ذریعہ آباد لنگے کو پولیس نے موٹر کار روکنا  
کا اشارہ کیا کہ موٹر کار میں سے سے ایسی سے ایسی سے ایسی سے ایسی سے  
کہ یہ سب غلطی سے پولیس سٹوں سے ایسی سے ایسی سے ایسی سے ایسی سے  
کہ یہ سب غلطی سے ایسی سے ایسی سے ایسی سے ایسی سے ایسی سے ایسی سے  
کہ یہ سب غلطی سے ایسی سے ایسی سے ایسی سے ایسی سے ایسی سے ایسی سے

جناب عالی!

بجوالہ فائل کی PA/170 مجاریہ مورخہ 29/11/2018 معروض خدمت ہوں کہ مورخہ 4/10/2018 کو اپنے دوست مسی عامر ولد سیف الرحمن سکند شاپین بازار پشاور کے ساتھ موٹر کار نمبر 18/FSM جو کہ مسی احمد یار پولیس ملازم نے ریٹ پر حاصل کر کے پشاور سے پیر صدو شیر گڑھ اپنے دوست کے رشتہ دار کی فوتگی و تعزیت کیلئے جارہے تھے جب علاقہ تھانہ شیر گڑھ پہنچ کر مین روڈ ناکہ بندی پر پہنچے تو ناکہ بندی پر پولیس پارٹی زیر نگرانی شفیع خان ASI نے روکا۔ گاڑی رکھتے ہی مجھے گریباں سے پکڑ کر نیچے اتارا جس پر میرا اور ان کے درمیان ٹکرا ہوئی، اپنا تعارف کروایا اور تعارف کے ساتھ اپنا سروس کارڈ بھی دکھایا تاہم مذکورہ ASI صاحب بھند تھا کہ یہ آپ کی گاڑی NCP ہے اور اس میں آپ غیر قانونی سوار ہے۔ جو اب کہا کہ یہ گاڑی ریٹ کی ہے جس کی رسید ہمارے پاس موجود ہے اور رجسٹریشن کاپی بھی موجود ہے۔ تاہم اس دوران میری اور ناکہ بندی انچارج کے مابین تو ٹکرا جاری تھی جس کی وجہ سے وہ انتہائی غصہ میں تھے اور دھمکیاں دے رہا تھا کہ آپ کو میں 15 کلو چرس منشیات میں چارج کر لوں گا اور چرس برآمدگی آپ سے شو کرونگا۔ جو اس دوران مجھ سے میرا ذاتی پستول 30 بور لائسنس یافتہ لیکر حوالات میں بند کر دیا اگلی صبح مجھے معلوم ہوا کہ آپ کے خلاف 9CCNSA تین (3) کلو چرس برآمدگی کا مقدمہ درج رجسٹر ہو چکا ہے اور مقامی عدالت سے 4 دن بعد ضمانت پر رہا ہوا۔ میرے ساتھ ذاتی عناد اور رنجش پر انتقامی کارروائی ہوئی ہے۔ بے گناہ ہوں سرکاری ملازم اور پولیس اہلکار کے ناطے کس طرح منشیات کو سمگل کرونگا۔ میرے خلاف 9CCNSA کا مقدمہ درج کرنا میرے سمجھ سے بالاتر ہے۔ تفتیشی افسر نے دوران پیشی عدالت سے Custody کی درخواست کے باوجود منظور نہ کیا اور کوئی قابل ادخال شہادت میرے خلاف صفحہ مشل پر موجود نہیں۔ میرے خلاف من گھڑت FIR درج کیا ہے جو کہ انتقامی کارروائی ہے۔ مقدمہ عدالت میں سماعت کیلئے درخواست دائر کیا ہے۔ اگر عدالت مجھے گناہگار ثابت کرے تو میں ہر سزا کا مستحق ہوں۔ میری گزارش ہے کہ عدالت سے بری یا سزا ہونے پر میرے خلاف کارروائی کی جائے۔ قبل ازیں میرے خلاف اس طرح کا کوئی شکایت میرے افسران بالا کو نہیں ہوئی ہے۔ ایک پروفیشنل پولیس افسر ہوں اور اس طرح کے کاموں کو برا سمجھتا ہوں۔ دوران ٹریننگ جو اقرار اور حلف نامہ اٹھایا ہے تاحال اس پر قائم و دائم ہوں۔ میری 10/11 سال مدت ملازمت ہے۔ اس دوران کوئی شکایت اور Misconduct کی شکایت کا موقع اپنے افسران بالا کو نہیں دیا ہے۔

لہذا استدعا ہے کہ اس سلسلہ میں مجھے معاف کیا جائے اور انکو آری پر کوئی کارروائی کئے بغیر داخل دفتر فرمایا جاوے۔

برای این کار...

شماره 1185، تاریخ 10/18/74، شماره حساب 9000547، شماره سند 15AA

عبارت اولی در این سند... عبارت دوم در این سند...

این سند در تاریخ... در محل... به مبلغ... صادر شده است...

مهر و امضاء...

26-11-18

0341 91173 22



مجلس 3614/18 (4)

Handwritten text in Arabic script, likely a transcript of a meeting. The text is dense and covers most of the page. Some words are circled, such as '3000' and '2988'.

26/18

3614

0300 5058442



بیان اثران و جواب 1776 HC اولو طان قاضی سرگودھ

مع حلقہ بیان اثران کے حوالہ سے 41<sup>10</sup>/<sub>18</sub> کو فیہ سفینہ خان نے SA سے جو کہ زمین آباد  
 وقت نام مذکور موجود تھا کہ اندر کاروبار 18<sup>FSM</sup> بڑے سید صاحب سے لیا گیا  
 طرز سے ان کا ہوا صلیب کا حوالہ کرنا کہ جس کے دراصل زمین سے مراد ہے خان  
 دلا سبب اس طرح کا ہے کہ وہ جس وقت سے یہ حقہ زمین دلا گیا ہے اس وقت سے  
 یہ زمین موجود ہے کہ یہ زمین کوئی آثار کے لئے نہیں ہے حقہ زمین سے  
 حقہ سے لیکر 30 پور (30) عدد کاروبار سے لیکر اس کے لئے جس کے دراصل  
 سے لے کر پور (30) عدد کاروبار سے لیکر اس کے لئے جس کے دراصل  
 ہزاروں زمین کے لئے ایک سید 10000 گرام سے لے کر 3000 گرام تک  
 جس کے لئے ایک سید سے 5 گرام میں عینہ کے لئے ہزاروں اتنا 3 ایک ہزار  
 2985 گرام ہزاروں 4 کے لئے ہزاروں چھ کو 3 عدد ہزاروں  
 SA سے ہزاروں کے لئے ایک ہزار ہزاروں کے لئے محفوظ رکھ  
 کر ہزاروں حقہ لوں کی ضرورت ہے کہ اس میں دستخط بطور  
 حوالہ ہے جو درج ہے یہ ہے بیان ہے

وہا ب 1776

26-11-18

0300-5789873

02.04.2021

Learned counsel for the appellant present.

Muhammad Rasheed learned Deputy District Attorney  
for respondents present.

Former requests for adjournment in order to further  
prepare the brief.

Adjourned to \_\_\_/\_\_\_/2021 for arguments before  
D.B.

(Atiq Ur Rehman Wazir)  
Member (E)

(Rozina Rehman)  
Member (J)



**WAKALAT NAMA**

IN THE COURT OF Sevia Pbiland Pesh.

Fazal Hussain

VERSUS

CCPO vs. Ameer

Accused/  
Petitioner/  
Appellant/  
Plaintiff.

Respondent/  
Defendant/  
Complainant.

FIR No. \_\_\_\_\_ Dated \_\_\_\_\_ Police Station: \_\_\_\_\_  
Charge U/s \_\_\_\_\_

KNOW ALL to whom these presents shall come that I the undersigned appoint:

*Fazal Shah Mohmand Advocate Supreme Court of Pakistan,*  
(herein after called the advocate) to be the Advocate for the Appellant in the above mentioned case, to do all the following acts, deeds and things or any of them that is to say.

- 1) To act and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
- 2) To sign, verify and present pleadings, appeals, cross - objections, petitions for execution, review, revision, withdrawal, compromise or other petition or affidavits or other documents, as shall be deemed necessary or advisable for the prosecution of said case in all its stages.
- 3) To withdraw or compromise in the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- 4) To receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said case.
- 5) To engage any other legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.


AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.

AND I hereby agree not to hold the Advocate or its substitute responsible for the result of the said case and in consequence of his absence from the court when the said case is called up for hearing

AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, He shall be entitled to withdraw from the prosecution of the said case until the same is paid.

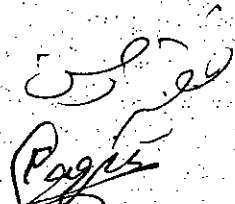
IN WITNESS WHEREOF I hereunto set my hand to these presents the contents of which have been explained to and understood by me, this \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_\_\_\_

Accepted By



*Fazal Shah Mohmand,*  
*Advocate Supreme Court of Pakistan*

Signature/ thumb impression  
of party / parties



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No 594/2019.

Faqir Hussain.....Appellant.

**V E R S U S**

CCPO & Others.....Respondents

**REPLICATION ON BEHALF OF THE APPELLANT.**

**REPLY TO PRELIMINARY OBJECTIONS.**

All the objections raised by the respondents are incorrect and as such denied. The appellant has got a valid cause of action and locus standi to bring the present appeal, the appellant has come to this honorable tribunal with clean hands and the appellant has concealed nothing from this honorable tribunal. All necessary parties have been impleaded and instant appeal is competent in its present form. The instant appeal is well within time and the appellant is not estopped by his conduct to file present appeal.

**REPLY TO FACTS/GROUNDS:**

Comments of the respondents are full of contradictions, rather amounts to admissions and are based on malafide. Respondents have failed to show that the version of the appellant is incorrect. Even respondents have failed to show and substantiate their version referring to any law and rules. In the circumstances the appellant has been deprived of his rights without any omission or commission on his part and he has been deprived of his rights guaranteed by the Constitution and law of the land. The appellant was falsely involved in the mentioned case he has been dismissed before the conclusion of trial.

In the circumstances the appellant has not been treated according to law and rules being his fundamental right. The impugned order is in total disregard of the law and rules. Ex- parte action has been taken against the appellant. The impugned orders are void being passed in total disregard of law and rules. The appellant as such is entitled to be reinstated in service.

**It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for.**

**Dated:- 12-02-2020**

**Appellant**

**Through**

  
**Fazal Shah Mohmand**

**Advocate Peshawar**

## **AFFIDAVIT**

I, Faqir Hussain Ex Constable No 4171, Capital City Police Office Peshawar (the appellant), do hereby solemnly affirm and declare on oath that the contents of this **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

**Identified by**

**DEPONENT**

  
**Fazal Shah Mohmand**

**Advocate Peshawar.**

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



CM No:- \_\_\_\_\_/2021

In

Service appeal No. 594 /~~2021~~ 2019

Faqir Hussain

**Versus**

Police Department & others



*Put up to the worthy chair-man  
with relevant appals*

**APPLICATION FOR ACCELERATION  
OF THE DATE FIXED I.E. 22<sup>ND</sup>  
21/12/21. FEBRUARY, 2021 AS AT EARLIEST  
DATE.**

*Fix in 2nd week  
14/1/2022  
26.1.22*

**Respectfully Sheweth:**

1. That the above titled service appeal is pending before this Hon'ble tribunal, which is fixed for 22.02.2022.
2. That the subject case is ripe for arguments while the same could not be heard due to one or other reason while the appellant being out of service is badly suffering.
3. There is no bar in law if the instant case be accelerated to meet the ends of justice and this Hon'ble tribunal is very much vested with powers to accept of instant application.

It is, therefore, most humbly prayed that on acceptance of this application, the given date i.e. 22.02.2021 may graciously be please be accelerated as at earliest.



Appellant

Through



Fazal Shah Mohmand  
Advocate Supreme court,  
Of Pakistan

Dated: 07/12/2021

