


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

1221/2023

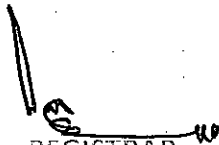
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/05/2023	<p>The appeal of Mr. Muhammad Taimoor resubmitted today by Mr. Zahoor Islam Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Muhammad Taimoor son of Dost Muhammad Ex-Constable r/o Shaki Turlandi Tehsil Razar District Swabi received today i.e. on 08.05.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal are unattested.
- 4- Copy of enlistment order of appellant mentioned in the memo of appeal is not attached with the appeal be placed on it.
- 5- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which be placed on it.
- 6- Annexures of the appeal are illegible which may be replaced by legible/better one.
- 7- Annexures of the appeal are not in sequence which be annexed serial wise as mentioned in the memo of appeal.
- 8- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1381 /S.T.

Dt. 9/5 /2023.

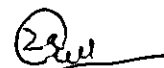

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zahoor Islam Adv.
High Court Peshawar.

Sir.

All objections are removed accordingly.

Some pages are replaced with better copies
and Annexure 'F' contains documents of
inquiry.


Zahoor ISLAM Advocate

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR.**

Service Appeal No. 1221 /2023

Muhammad Taimoor.....(Appellant)

V E R S U S

Inspector General of Police/ PPO, Khyber
Pakhtunkhwa, Peshawar & others.....(Respondents)

I N D E X

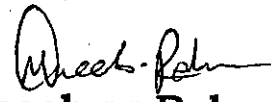
S.No	Description of Documents	Annex	Pages
1.	Service Appeal with affidavit		1-9
2.	Addresses of Parties		10
3.	Application with affidavit		11-13
4.	Copy of enlistment order	A	14
5.	Copies of F.I.Rs along with orders	B	15-19
6.	Copy of dismissal order dated 30/09/2022	C	20
7.	Copies of appeal/ application and order dated 21/02/2023	D	21-23
8.	Copies of Revision/Appeal dated 20/03/2023 and impugned order dated 07/04/2023	E	24-25
9.	Copies of departmental proceeding, show cause, charges sheets, reply, statement of allegations and statement appellant	F	27-35
10.	Wakalat Nama		36


Appellant

Through


Zahoor Islam

Date: 06/05/2023

& 
Muneeb ur Rehman
Advocates High Court,
Peshawar.
Cell: 0346-9083579

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR.**

Service Appeal No. 1221 /2023


Muhammad Taimoor.....(Appellant)

V E R S U S

Inspector General of Police/ PPO, Khyber
Pakhtunkhwa, Peshawar & others.....(Respondents)

I N D E X


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7.	Copies of appeal/ application and order dated 21/02/2023	D	21-23
8.	Copies of Revision/Appeal dated 20/03/2023 and impugned order dated 07/04/2023	E	24-25
9.	Wakalat Nama		26


Appellant

Date: 06/05/2023

Through


Zahoor Islam

& 
Muneeb ur Rehman
Advocates High Court,
Peshawar.
Cell: 0346-9083579

D)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR.

Service Appeal No. _____/2023

5/88
8/5/2023

Muhammad Taimoor S/o Dost Muhammad (Ex-Constable) R/o Shaki Turlandi, Tehsil Razar, District Swabi.....(Appellant)

V E R S U S

1. Inspector General of Police/ PPO, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer (RPO), Mardan Region.
3. District Police Officer (DPO) District Swabi.....(Respondents)

SERVICE APPEAL U/S 4 OF SERVICES

TRIBUNAL ACT, 1973/ AGAINST THE

IMPUGNED ORDER DATED 07/04/2023

PASSED BY RESPONDENT NO. 1

WHEREBY THE DEPARTMENTAL

APPEAL/ APPLICATION DATED

20/03/2023 WAS REJECTED.

8/5/2023

Prayer in Appeal:

On acceptance of this Service Appeal, the impugned order dated 07/04/2023 passed by respondents No. 1 may please be set aside and the appellant may very graciously reinstated in service with all back benefits.

Respectfully Sheweth:

Brief facts leading to instant appeal as under:

1. That appellant is inducted to service as a constable in 2013. (Copy of enlistment order is attached as annexure "A").
2. That appellant performed his duty with due diligence and no complaint whatsoever were ever made against him to the high-up's.
3. That a false, fabricated and concocted F.I.Rs were lodged against the appellant with mala-fide intention in which the Bail Before Arrest of the

3)

appellant was confirmed. (Copies of F.I.Rs along with order are attached as annexure "B").

4. That despite threats to the life of appellant, he performed his duty regularly.
5. That it is pertinent to mention here that appellant was dismissed from service vide OB No. 993 dated 30/09/2022 on the basis of above mentioned fabricated and concocted F.I.Rs. (Copy of dismissal order dated 30/09/2022 is attached as annexure "C").
6. That feeling aggrieved the appellant filed Appeal/ application on 14/12/2022 against the order dated 30/09/2022 which was rejected on 21/02/2023 by Regional Police Officer. (Copies of appeal/ application and order dated 21/02/2023 are attached as annexure "D").
7. That feeling aggrieved from the order of Regional Police Officer (RPO) appellant filed Revision against the order dated 21/02/2023 before the respondent

4)

No. 1, which was rejected on 07/04/2023. (Copies of Revision and order dated 07/04/2023 are attached as annexure "E").

8. That feeling aggrieved from the order dated 07/04/2023 appellant has no other remedy, but to approached this Hon'ble Tribunal on the following grounds amongst others:

GROUND S:

- A. That impugned order dated 07/04/2023 against law and facts, hence not tenable in the eye of law.
- B. That appellant has no knowledge about his dismissal hence impugned order has passed in very cursory manner and have not fulfilled the codel formalities.
- C. That being void orders no limitation run against the same, hence needs to be set aside.

- 5)
- D. That the impugned orders dated 07/04/2023 passed by respondents No. 1 is illegal, against law, without lawful authority and jurisdiction, being void order with retrospective effect.
- E. That appellant was imposed major penalty, so, the respondents are bound to conduct regular inquiry to probe the allegations levelled against him, but respondents have not followed the prescribed procedure, therefore, action/ orders of respondents are without lawful authority, hence, liable to be set aside. (Copies of departmental proceeding, show cause, charges sheets, reply, statement of allegations and statement appellant are attached as annexure "F").
- F. That the whole proceedings of the so-called inquiry was conducted in the absence of appellant, he was not provided an opportunity of hearing, hence he was condemned unheard which is violation of golden principle that no one should be condemned unheard.

G. That against the appellant, general allegations have been levelled and no specific reference of any incident has been given, thus, findings of respondents No. 1 & 2 are based on assumptions, presumptions, which are not sustainable in the eyes of law.

H. That so-called enquiry officer has not recorded statement of any witnesses nor collected any evidence in support of allegations levelled against the appellant, so, the inquiry was not conducted in a fair and transparent manner, therefore, dismissal of the appellant from service on such so-called inquiry report is highly illegal, arbitrary, without lawful authority and jurisdiction.

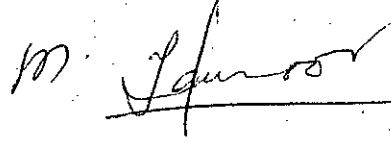
I. That it is fundamental rights of the appellant to be treated equally and are also entitled to equal protection of law, but in the instant case, the respondents have blatantly bypassed all rules regulating the subject matter.

- J. That appellant is not engaged in any profit oriented activity and remained jobless since removal order, therefore, he is entitled for all back benefits.
- K. That appellant belongs from poor family, there is no other source of income without this job and the appellant is only source of livelihood of his entire poor family.
- L. That any other ground may be adduced during the course of arguments, with the kind permission of this Hon'ble Tribunal.

It is, therefore, respectfully prayed that on acceptance of this Service Appeal, the impugned order dated 07/04/2023 passed by respondents No. 1 may please be set aside and the appellant may very graciously reinstated in service with all back benefits.

8)

Any other remedy which deemed appropriate and just in the circumstances of the case, be also issued/ ordered/ given.




Appellant

Through

Date: 06/05/2023


Zahoor Islam

& 

Muneeb ur Rehman
Advocates High Court,
Peshawar.

CERTIFICATE:

As per instruction of my client it is certified that no such like Service Appeal has earlier been filed on the subject matter before this Hon'ble Tribunal.



ADVOCATE

9)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR.**

Service Appeal No. _____/2023

Muhammad Taimoor.....(Appellant)

V E R S U S

Inspector General of Police/ PPO, Khyber
Pakhtunkhwa, Peshawar & others.....(Respondents)

AFFIDAVIT

I, Muhammad Taimoor S/o Dost Muhammad (Ex-Constable) R/o Shaki Turlandi, Tehsil Razar, District Swabi, do hereby solemnly affirm and declare on oath that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Attested
Muneeb ur Rehman
COMMISSIONER
Advocate High Court Peshawar
06-05-2023

M. Taimoor

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR.

Service Appeal No. _____/2023

Muhammad Taimoor.....(Appellant)

V E R S U S

Inspector General of Police/ PPO, Khyber
Pakhtunkhwa, Peshawar & others.....(Respondents)

ADDRESSES OF PARTIES

APPELLANT:

Muhammad Taimoor S/o Dost Muhammad (Ex-
Constable) R/o Shaki Turlandi, Tehsil Razar, District
Swabi.

RESPONDENTS:

1. Inspector General of Police/ PPO, Khyber
Pakhtunkhwa, Peshawar.
2. Regional Police Officer (RPO), Mardan Region.
3. District Police Officer (DPO) District Swabi.

M. Taimoor

Appellant

Through

Zahoor Islam

Zahoor Islam

Date: 06/05/2023

Muneeb ur Rehman

Muneeb ur Rehman

Advocates High Court,
Peshawar.

11)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, PESHAWAR.**

C.M. No. ____/2023

In

Service Appeal No. ____/2023

Muhammad Taimoor.....(Appellant)

V E R S U S

Inspector General of Police/ PPO, Khyber
Pakhtunkhwa, Peshawar & others.....(Respondents)

**APPLICATION FOR CONDONATION
OF DELAY.**

Respectfully submitted:

1. That the above titled Service Appeal is being filed before this Hon'ble Tribunal, in which no date of hearing has yet been fixed.
2. That the appellant was involved in fake cases as well as severe life threats to him, the appellant was unable to proceed with the case with department as well as this Hon'ble Tribunal.
3. That delay is not intentional but due to the above mentioned reason.

- 4. That precious and valuable rights of the appellant are involved in the matter and if such delay period is not condoned, the appellant would sustain an irreparable loss.
- 5. That as per the verdicts of superior Courts the cases will be decided on merits rather technicalities.
- 6. That this Hon'ble Tribunal has got ample powers to condoned the delay in the instant appeal.

It is, therefore, humbly prayed that on acceptance of the instant application, the delay may kindly be condoned in the best interest of justice.

M. Jafar

Appellant

Through

Zahoor Islam

Zahoor Islam

Date: 06/05/2023

&

Muneeb ur Rehman

Muneeb ur Rehman

Advocates High Court,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

C.M. No. ____/2023
In
Service Appeal No. ____/2023

Muhammad Taimoor.....(Appellant)

VERSUS

Inspector General of Police/ PPO, Khyber
Pakhtunkhwa, Peshawar & others.....(Respondents)

AFFIDAVIT

I, Muhammad Taimoor S/o Dost Muhammad (Ex-Constable) R/o Shaki Turlandi, Tehsil Razar, District Swabi, do hereby solemnly affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

M. Taimoor

DEPONENT

Affirmed

06-05-2023

ENLISTMENT ORDER

14)
Annexure 'A'

Mr. Muhammad Taimoor District Peshawar

R/O Shahji Razza Swabi Taluq Turkandi

PS Kalu Khan District Swabi is hereby

Enlisted as Constable in BPS (03) with effect from 01-10-2013

And allotted Constabulary No. 3454

Height 5-7 Chest 33 x 34 1/2

Education 10th DOB/Birth 14-4-1992

Age on enrolment Year _____ Months & Days _____

This service is purely on temporary basis and liable for Termination at any

Time without any notice.

Certified to be True Copy.

[Signature]
Dy: Commandant,
Frontier Reserve Police,
Khyber Pakhtunkwa, Peshawar

O.B NO. 836

Dated. 01/10/13

ATTESTED

[Signature]
FIO
District Police Officer, Swabi.

ATTESTED
[Signature]

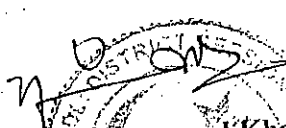
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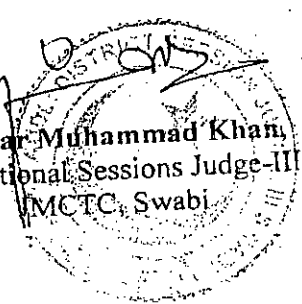
Taimoor Vs The State

Order No.07
30.06.2022

1. Learned Dy.PP for the State present. Accused/petitioner on ad-interim bail along with counsel present. Complainant Mst. Seema present and recorded her statement regarding compromise with the accused/petitioners, which is placed on connected BBA petition.
2. Vide my detailed consolidated order of today, passed in connected BBA petition No. 147/BBA, copy placed on instant file, this BBA petition is also accepted and ad-interim relief granted to accused/petitioner vide order of Learned ASJ-IV, Swabi dated 03-06-2022 is confirmed on the existing bail bonds.
3. File be consigned to record room after its completion, compilation and scanning.

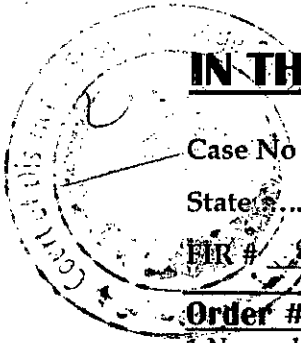
Announced.
30.06.2022


Nisar Muhammad Khan,
Additional Sessions Judge-III/
MCTC, Swabi



ATTESTED


18)



IN THE COURT OF MUHAMMAD KHALIL KHAN,

Judicial Magistrate-I, Swabi

Case No _____ Year _____

State's...Vs Talhar ETC

CR # 583 Dated: 25/11/2022 U/S: 219 Cr.P.C. PS: Mohmand

Order # 01
1 November 2022

97/2
22

Complete challan against accused is submitted. It be registered.

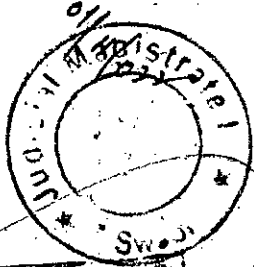
SPP for state present. Accused Muhammad Talha produced in custody while co accused is absent.

Learned DPP, Swabi submitted an application for discharge of accused u/s 4C (II) of the prosecution Act, 2005 on the ground that:-

- i. There is no site plan is available on case file.
- ii. The recovered arm is licensed one.
- iii. The case is weak as no direct or cogent circumstantial evidence available.
- iv. There is no evidence the fact of providing aid/facilities to the accused.
- v. No incriminating article was recovered from the possession of the accused.
- vi. Proceedings with the case is futile exercise and mere wastage of precious time of the court.

To proceed with the trial in the case on the basis of insufficient evidence would amount wastage of precious time of the court as well as other state machinery. Thus, accused may be discharged.

Perusal of record would reveal that accused (Muhammad Talha) has been booked for the offence under section 212 PPC/15 of Khyber Pakhtunkhwa Arms Act, 2013. Recovery i.e. 30 bore pistol effected from the possession of accused Muhammad Talha at a thickly populated area, however, none was associated amongst the public to the proceedings, thus, violated the mandatory provision of section 103 Cr.PC, however, no independent witness has been



ATTESTED
08 MAY 2023
Examiner Court by Dent:
Sessions Court Swabi

Page 1 of 2
ATTESTED

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associated to the recovery proceedings and that allegedly recovered weapon has not been examined through Firearm expert to ascertain its functionality. No site plan available on case file, therefore, corroborating evidence against accused is deficient.

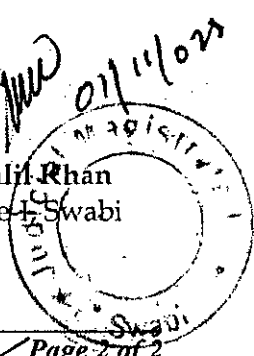
As far as commission of offence u/s 212 PPC is concerned; accused (Muhammad Taimour) is charged for harboring the accused/Talha, but, there is no statement of any independent PW. On the entire record there is no evidence to substantiate that accused named above were facilitating the fugitive. He was found at his abode being relative of the fugitive, which is quite natural and cannot be construed for the purpose of facilitating the accused/offender. The prosecution does not have any prosecutable evidence to bring home the guilt of the accused, at the end of the day. No lady constable was associated by the raiding party. By conscious application of mind to the facts of the case one can safely adjudge that prosecution has no case against the accused, therefore, this court has fully agreed with the opinion of learned District Public Prosecutor to discharge the accused, hence, both the accused are discharged under section 494 Cr.PC. Accused Muhammad Taimour is on bail, therefore, his bail bond stands cancelled and sureties are absolved from the liabilities of bail bonds while co accused Talha is behind the bar, therefore, he be released forthwith, if not required in any other case: Case property, if any, be returned to licensee if not required in any other case.

Police file be returned while file of this court be consigned to record room after completion and compilation.

Announced:
01.11.2022

S No. of Application: 4623
 Date of presentation of application: 21/11/22
 Date on which copy filed: 21/11/22
 Date of filing of copy: 21/11/22
 Total number of pages: 2
 Signature of copyist: [Signature]

Muhammad Khalil Khan
Judicial Magistrate Swabi



ATTESTED

ATTESTED
 05 MAY 2023
 District Public Prosecutor Swabi

Certified to be true copy
 District Public Prosecutor Swabi
 The District Public Prosecutor Swabi 1584

ORDER

Certified to be True Copy.

Anneruse (20)

This Order will dispose of the departmental enquiry against Constable Taimoor No.587, who:-

i. Has been charged vide case FIR No.603 dated 25.07.2022 U/s 212 PPC/15-AA PS Kalu Khan.

ii. Has been found involved in illegal/criminal activities. There are also reports that he mis-uses his powers as Police Official. Recently a complaint has been received that he teases and abuse one Mst: Seema W/o Azam R/o Kalu Khan for the reasons best known to him.

iii. Has been charged vide case FIR No.430 dated 30.05.2022 U/s 452/506/34 PPC PS Kalu Khan. He also absented himself from duty w.e.f 14.05.2022 to 08.06.2022 without any leave/prior permission of the competent authority.

Therefore, on account of all the three mis-conducts he was issued with charge sheets alongwith summaries of allegations and Mr. Farooq Zaman SDPO Swabi was appointed as Enquiry Officer. The enquiry officer conducted proper departmental enquiries, recorded statements of all concerned, collected evidences and submitted his findings, wherein he recommended the defaulter Constable Taimoor No.587 for Suitable Punishment.

During enquiry he again absented himself from duty with effect from 01.09.2022 till date.

The undersigned has gone through the enquiry papers and findings of the enquiry officer and by agreeing with the recommendations of the enquiry officer served Constable Taimoor No.587 with Final Show Cause Notices for Major punishment. The defaulter Constable submitted his replies to the Final Show Cause Notices, which were perused and found un-satisfactory.

Therefore, I, **Muhammad Shoaib Khan, PSP**, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award **Constable Taimoor No.587**, Major Punishment of dismissal from service with immediate effect. He will not be entitle for payment of any salary for the period of his absence i.e 14.05.2022 to 08.06.2022 and 01.09.2022 till date.

O.B No. 993

Dated 30/09/2022.

MUHAMMAD SHOAIB KHAN (PSP)
DISTRICT POLICE OFFICER,
SWABI

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 7437-42/PA, dated Swabi, the 03/10/2022.

Copies to the: -

1. DSP H.Qrs Swabi.
2. Establishment Clerk.
3. I/C PAL.
4. Fauji Missal Clerk.
5. Pay Officer, Swabi
6. Official concerned.

ATTESTED

ATTESTED

District Police Officer, Swabi

22)

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Taimoor No. 587 of Swabi District Police against the order of the then District Police Officer, Swabi, whereby he was awarded major punishment of dismissal from service vide OB: No. 993 dated 30.09.2022. The appellant was proceeded against departmentally on the following allegations:-


1. Charged vide case FIR No. 603 dated 25.07.2022 u/s 212 PPC/15-AA Police Station, Kalu Khan.
2. Involved in illegal/criminal activities. There are also reports that he misused his powers as Police Official. Recently a complaint has been received that he teases and abuse one Mst: Seema w/o Azam r/o Kalu Khan for the reasons best known to him.
3. Charged vide case FIR No. 430 dated 30.05.2022 u/s 452/506/34 PPC Police Station Kalu Khan. He also absented himself from duty with effect from 14.05.2022 to 08.06.2022 without any leave/prior permission of the competent authority.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, (SDPO) Swabi was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings, wherein he recommended the delinquent Officer for suitable punishment. During enquiry proceedings he again absented himself from duty with effect from 01.09.2022 till date of his dismissal.

The then District Police Officer, Swabi perused the findings and by agreeing with the recommendations of Enquiry Officer issued him Final Show Cause Notice to which his reply received/perused and found unsatisfactory. Therefore, he was awarded major punishment of dismissal from service by the then District Police Officer, Swabi vide his office OB: No. 993 dated 30.09.2022

Feeling aggrieved from the order of the then District Police Officer, Swabi, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 09.02.2023.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Moreover, the involvement of appellant in these heinous criminal cases is clearly a stigma on his conduct. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of

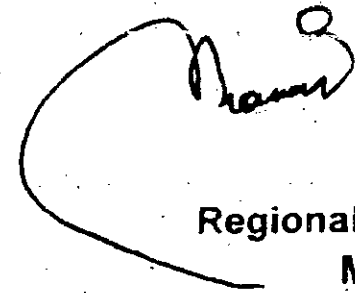
ATTESTED


23)

fighting crime, he has himself indulged in criminal activities. The appellant approached this forum at a belated stage by filing the instant appeal which is time barred by 42 days without advancing any cogent reason regarding such delay. Moreover, he could not present any cogent justification to warrant interference in the order passed by the competent authority.

Keeping in view the above, I, **Muhammad Ali Khan, PSP Regional Police Officer, Mardan**, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit as well as time barred by 42 days.

Order Announced.



**Regional Police Officer,
Mardan.**

ATTACHED
21/10/23

No. 1011 /ES, Dated Mardan the 21/10 2023.

Copy forwarded to District Police Officer, Swabi for information and necessary w/r to his office Memo: No. 27/Insp: Legal dated 0102.2023. His service record is returned herewith.

Avenue 'E'

24) 7

بخدمت جناب انسپکٹر جنرل آف پولیس خیبر پختونخوا

درخواست بھرا دہالی

115418/SE

درخواست حسب ذیل ہے

23 | 436

23 | 3 | 20 | 5

جناب عالی!

یہ کہ مسائل محکمہ پولیس میں بطور انسٹیل سال 2013 میں برقی پورے کرنا
نے سال 2022 تک محکمہ پولیس میں نہایت اہم ندرتی اور خوش آہنگی
تعمیراتی ڈیوٹی انجام دیتا رہا۔

یہ کہ مسائل پر مورخ 25/7 کو ایک جمعیتی مقدمہ مورخ 25/7 پر
452/34 تھا کہ کالو خان من گھڑت اور بے بنیاد FIR درج رجسٹر ہوا۔
جس کے متعلق خلاف مشران نے تحریری بیانات بھی من مسائل کے
دیے۔

اسی طرح مورخ 24/7 کو دیہ بھرا دہالی میں ایک قتل کا مورخ 29/7 پر
اسی روز پر پولیس نے بلاوجہ جیسے گرفتار کر کے اور جیسے کہ یہ قتل
نے کیا ہے اور جی پورٹس دیکھا اور مجھے 24 گھنٹے حسب پے دا
جاکر بزرگ حوالات تھا کہ کیا جاتا۔

یہ کہ مورخ 25/7 کو من مسائل کی بہن صبیح سولیرے میری بے
کی خاطر عدالت سشن جج صاحب دیوبند کے عدالت میں 22-A
جب SHO تھا کہ کالو خان کو یہ پتہ لگا گیا کہ میرے خلاف 22-A
تو SHO کالو خان نے اپنی جان بچانے کی خاطر میرے خلاف جمعیتی مقدمہ
مورخ 20/7 تھا کہ کالو خان درج رجسٹر کیا۔

20/7/2022

ATTESTED

سید ایمن حسین ایف پولیس احمدی



26)

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. Sr. 384 /23, dated Peshawar the 7.4/2023.

To : The Regional Police Officer,
Mardan.

Subject: REVISION PETITION.

Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex-FC Taimoor No. 587 of district Swabi against the punishment of dismissal from service awarded by DPO/Swabi, vide DOP No. 991, dated 30.09.2022 being badly time barred.

The applicant may please be informed accordingly.

(Signature)
7/4/23
(AFSAR IAN)
Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

ACCEPTED
(Signature)

Annexure F

Certified to be True Copy.

27)

FINAL SHOW CAUSE NOTICE

I, Muhammad Shoaib Khan, District Police Officer, Swabi as competent authority under Police Disciplinary Rules 1975, hereby serves upon you, **Constable Taimoor No.587** as follow:

Whereas you Constable Taimoor No.587 involved yourself in criminal case vide case FIR No.430 dated 30.05.2022 U/S 452/506/504/34 PPC PS Kalu Khan. You also absented yourself from duty w.e.f 14.05.2022 to 08.06.2022 without any leave/prior permission of the competent authority. Your this act is highly against the discipline and amounts to gross misconduct.

In this connection you were charge sheeted and served with summary of allegations and SDPO Swabi, was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry, collected evidence, interviewed the delinquent official and submitted his findings, wherein he recommended you Constable Taimoor No.587, for Suitable punishment.

You are hereby directed to Show Cause Finally of your irresponsible acts towards performing your professional responsibilities within 07 days, as to whether you will not be punished as defined by Police rules.

In case of non submission of your reply within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to offer, and ex-parte action shall be taken against you.

ATTESTED
PIO
District Police Officer, Swabi

MUHAMMAD SHOAIB KHAN (PSP)
DISTRICT POLICE OFFICER,
SWABI

ATTESTED
13.9.22

Date of Presentation of Application: 22/5/23
Copying Fee: Nil
Total Fee: 04
Name of Copying: Rahmat Ali
Date of Completion: 22/5/23
Date of Delivery of Copy: 23/5/23

(28)

بہ حوالہ شکوکاز نوٹس مجاز یہ جناب DPO صاحب ضلع صوابی
پر ان بابت بے گناہی

جناب عالی:

Certified to be True Copy.

سائل حسب ذیل عرض رساں ہے۔

- (۱) یہ کہ من سائل پر بہ حوالہ عدالت نمبر۔/430، دفعہ 34/4251.506504 مورخہ 30/05/2022 کو قریب 7/8 سال سے عدالت میں عدالت کے حوالے سے
- (۲) میں مسلمان سماع و جہ اعظم اور مشیرہ اشٹاہ بہ عمر 27/28 سال اس اور بیٹی انم یہ عمر 7/8 سال نے بیان دیا۔
- (۳) یہ کہ من سائل کبھی ان کے گھر کے قریب زندگی میں نہیں گیا ہے اور ان کا گھر ایک بندگی میں ہے جو کہ شاہراہ نہیں ہے۔
- (۴) یہ کہ من سائل نے کبھی ان کے موبائل پر کال یا ایڈس نہیں کیا ہے۔ جو کہ بذریعہ CDR معلوم ہو سکتا ہے۔
- (۵) یہ کہ میرے خلاف دہریداری غلط کیا گیا ہے۔ اور بیان میرے خلاف ہے جوٹ پر مبنی ہے۔
- (۶) یہ کہ من سائل ایک غیر متناور شریف خاندان سے تعلق رکھتا ہے۔ اور آئین پاکستان کو بخوبی جانتا ہے۔
- (۷) یہ کہ دہریداری من سائل پر اور والدہ پر کیا ہے۔ من سائل کی والدہ بہ عمر ساٹھ سال ہے۔ اور کم از کم ۱۰ سال سے بیمار ہے۔ جو کہ چلنے پر بھی تکیہ کرتی ہے۔
- (۸) من سائل اپنے گھر کا واحد کفیل ہے اور والدہ بیوی اور بیٹا سائل کے زیر کفالت ہے۔
- (۹) یہ کہ اگر من سائل کسی قسم کا قصور اور خرابی تو۔۔۔ کا حقدار ہوگا۔ من سائل کے ساتھ زیادتی ہوتی ہے۔
- (۱۰) من سائل اپنے گھر و حجرہ کے سامنے کھڑا تھا۔ اگر اپنے حجرہ کے سامنے کھڑا ہونے لگا ہے تو میں گناہگار ہوں۔ یہ ایک سال پہلے کاوں کا لوٹان سے آئی ہوئی ہے۔
- (۱۱) من سائل اپنے دفاع و بے گناہی پر کم از کم پندرہ ہاشدہ گان عدالت کے حضور اور انراں بالا کے وفات میں پیش کر سکتا ہے۔ جب کہ اگر مسلمان بالائے وہ لوہان پیش کیا تو اس کا حقدار ہوگا۔
- (۱۲) من سائل اپنے اہل و عیال کی وجہ سے کرایے کے مکانات میں رہتی ہے۔ یہ انہوں نے آمدنی کا ایک ذریعہ اپنایا ہے۔ جس پر بہت سے لوگوں سے پیسے وصول کرتی ہے۔ جو کہ
- (۱۳) غلط کاروبار کا شکل اختیار کیا گیا ہے۔
- (۱۴) اس میں ہمارا BBA عدالت سے منظور ہوتی ہے۔ جس پر مسلمان نے عدالت میں کسی قسم کا کارروائی یا نقصان کرنے کا اعتراف نہیں کیا ہے۔
- (۱۵) مذکورہ بیان میرے علم و یقین کے مطابق میں کوئی بات پوشیدہ نہیں میں۔ استدعا ہے کہ من سائل اور والدہ کو نصف فریضہ کیا جائے اور اصل حقائق سامنے لانے کا فرما میں۔ اور انکو ازلی بندہ کسی کارروائی کے داخل و صفو کیا جائے۔ میں محض یہ مستحضر رہوں گا۔

اپکا تابعدار محمد نسیب محمد تیور 587 ساکن ترلانڈی تحصیل روضہ ضلع صوابی

ATTESTED

ATTESTED
District Police Officer, Swabi.

29)
DY No. 519 /S.
DATED: 06 / 09 / 2022.

**OBJECT: DEPARTMENTAL PROCEEDINGS AGAINST
CONSTABLE TAIMOOR No.587, UNDER SECTION 6
OF KPK POLICE RULES 1975.**

It is submitted that the subject Departmental enquiry against the above named official was entrusted to the undersigned vide Endst: No. 58/CC/PA, dated 08/06/2022; the allegations are as under: -

Certified to be True Copy.

Statement of allegations: -

It is alleged that Constable Taimoor No.587, of this district Police has involved himself in case FIR No.430 dated 30.05.2022 u/s 452/506/504/34 PPC PS Kalu Khan. He also absented himself from duty w.e.f 14.05.2022 till date without any leave/prior permission of the competent authority, which is highly against the discipline and amounts to gross mis-conduct.

Proceedings:

In this connection, the alleged Police namely Constable Taimoor No.587, was summoned about his departmental enquiry and directed him to bring all relevant evidence, if any, for his defense against the above allegations. He was interviewed in detail and recorded his statement. In addition, all necessary proceedings were executed by Enquiry Officer as per laid down instructions in section 7 and section 6 clauses (ii, iii, iv & v) of KPK Police Rules 1975, for the purpose of transparent enquiry and perused all the evidences/statements collected during the said proceedings, the service book of the delinquent Police official was also perused and found that there is large number of red entries, which led the undersigned to the following findings. (All relevant record enclosed)

Findings:

In light of the above proceedings, the following points were noted and deemed proper to be underlined for perusal.

1. That the alleged Police Official has absented himself duty w.e.f 14.05.2022 to 08.06.2022. In this course of absentee, the delinquent engaged himself to teases and abuse one Mst: Seema, wherein a case vide FIR No 430

ATTESTED

ATTESTED

District Police Officer, Swabi.


Certified to be True Copy.

30)

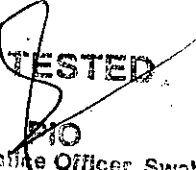
- dated 30.05.2022 u/s 506/504/452/34 PPC has been registered against him.
2. That the delinquent Police Official has absented himself w.e.f 14.05.22 to 08.06.22 without any leave/prior permission from High-up's.
 3. That the delinquent Police Official availed BBA from the learned Court which was confirmed through "No Objection Certificate" of complainant Mst: Seema.
 4. That the criminal record of the delinquent Police Official was checked thoroughly in Police Station Kalu Khan, on whom different No of FIRs (enclosed) has been lodged.

RECOMMENDATION:

Relying upon the above findings, allegations against Constable Taimoor Belt No.587 proved, hence, found guilty. Therefore, he is recommended for "**Suitable Punishment**", if agreed, please.


Sub-Divisional Police Officer,
S W A B I.

ATTESTED


District Police Officer, Swabi.

ATTESTED

34)

Certified to be True Copy.



OFFICE OF THE
DISTRICT POLICE OFFICER SWABI
PHONE# 0938-920050 FAX# 0938-920054
EMAIL: dpo swabi@yahoo.com

DISCIPLINARY ACTION UNDER KPK POLICE RULES-1975

I, **Muhammad Shoaib Khan**, District Police Officer, Swabi as competent authority am of the opinion that **Constable Taimoor No.587** has rendered himself liable to be proceeded against as he has committed the following acts/omission within the meaning of section 02 (iii) of KPK Police Rules-1975.

STATEMENT OF ALLEGATIONS

It is alleged that Constable Taimoor No.587, of this District Police has involved himself in case FIR No.430 dated 30.05.2022 U/s 452/506/504/34.PPC PS Kalu Khan. He also absented himself from duty w.e.f 14.05.2022 till date without any leave/prior permission of the competent authority, which is highly against the discipline and amounts to gross misconduct.

This amounts to grave misconduct on his part, warranting departmental action against him.

For the purpose of scrutinizing the conduct of the said official Mr. Farooq Zaman SDPO Swabi is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section 6 (I) (a) of the afore mentioned rules; The enquiry officer after completing all proceedings shall submit his verdict to this office within (7) days, Constable Taimoor No.587, is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer) a statement of charge sheets is attached herewith.

MUHAMMAD SHOAIB KHAN (PSP)
DISTRICT POLICE OFFICER
SWABI

No. 58 /CC/PA

Dated: 08/06 /2022

ATTESTED

ATTESTED

District Police Officer, Swabi.

39)

Certified to be True Copy.

OFFICE OF THE
DISTRICT POLICE OFFICER SWABI
PHONE# 0938-920050 FAX# 0938-920054
EMAIL: dpo_swabi@yahoo.com

CHARGE SHEET UNDER KPK POLICE RULES-1975

Whereas I am satisfied that formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 is necessary and expedient.

And whereas I am of the view that the allegations if established would call for Major/Minor penalty as defined in Rules 4 (b) a & b of the aforesaid Rules.

Now therefore as required by Rules 6(1) of the aforesaid Rules I **Muhammad Shoaib Khan, PSP**, District Police Officer Swabi charge you **Constable Taimoor No.587**, on the basis of statement of allegations attached to this charge sheet.

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and ex-parte action will be taken against you.

MUHAMMAD SHOAIB KHAN (PSP)
DISTRICT POLICE OFFICER,
SWABI

ATTESTED

P/O
District Police Officer, Swabi

ATTESTED

Certified to be True Copy.

33)

بیان اذان کنسٹبل تیمور 587/FC چوکی جہانگیرہ حال پولیس لائن

نے بدریافت بیان کیا کہ ساکن مورخہ 11.04.2022 سے چوکی جہانگیرہ میں تعینات تھا۔ گھریلو مسائل اور ساکن کے خلاف غلط اور بے بنیاد مقدمات کے اندراج کی وجہ سے ساکن مورخہ 14.05.2022 سے چوکی ہذا سے غیر حاضر ہوا۔ اس دوران مورخہ 30.05.2022 ساکن کے خلاف مسماۃ سیماء زوجہ اعظم خان ساکن ترلانڈی کی مدعیت میں مقدمہ عدلت 430 جرم 506/504/452/34 تپ تھانہ کالو خان درج رجسٹر ہوا۔ مقدمہ ہذا میں من ساکن نے عبوری ضمانت کر کے مورخہ 08.06.2022 کو پولیس لائن میں اپنی حاضری کی ہے۔ من ساکن قصداً عمداً غیر حاضر نہیں ہوا ہے حالات واقعات کی وجہ سے غیر حاضری ہو اہو۔ استدعا ہے انکو آری داخل دفتر فرمائی جائے۔

M. J. Jinnah

العبد:

ATTESTED
By
District Police Officer, Swabi.

ATTESTED

34)

جواب بحوالہ شوکاژ نوٹس جناب DPO صاحب ضلع صوابی

جناب عالی۔

بیان اذال کنسٹیبل محمد تیمور متعینہ پولیس لائن صوابی۔

Certified to be True Copy.

معرض خدمت ہوں کہ مورخہ 24/07/2022 کو پولیس نے مجھے بے گناہ گرفتار کیا اور اگلے دن میرے خلاف بدینتی سے مقدمہ درج روز نامہ چھپا گیا اُس میں مجرم بنایا۔ جو کہ میرے خلاف بجرم 212-15AA تھانہ کالو خان مقدمہ علت 603 درج رجسٹر کیا۔ چونکہ میں پولیس میں ملازم ہوں۔ اور اسی محکمہ میں رزق کھاتا ہوں اور جینا اور مرنا اسی کے ساتھ ہے۔ جب وقوعہ 24/07/2022 کو ایک قتل اور اقدام قتل کا مقدمہ درج رجسٹر ہوا تھا۔ جس میں لائق زمان قتل ہوا تھا۔ جبکہ عمران اور شیراز زخمی ہوئے تھے۔ جسکے دعویداری طلحہ ولد فقیر حسین عرف خان سکندہ دہہ کے خلاف ہوئی تھی۔ مجھے اس وقت نہ دعویداری کا علم تھا۔ چونکہ ملازم میرا ہمسایہ تھا۔ اور میں بازار جا رہا تھا۔ تو فقیر حسین جو کہ ملازم کا والد ہے۔ نے مجھے روکا اور کہا کہ مجھے اور میرے بیٹے کو بازار تک لے جاؤ۔ لیکن مجھے معلوم نہیں تھا۔ کہ اس کے خلاف قتل میں دعویداری ہوئی ہے یا اُسے قتل کیا ہے۔ بدین وجہ یہ دو کسان بالا اپنے ساتھ موٹر سائیکل پر بیٹھے راستے میں پولیس نے اکر مجھے روکا اور میرے سمیت طلحہ اور فقیر حسین کو ساتھ تھانے لیے گئے۔ تھانے میں مجھے معلوم ہوا۔ کہ طلحہ کے خلاف قتل کے مقدمہ میں دعویداری ہوئے ہیں۔ اس وقت SHO تھانہ اور DSP نے مخرک کو کہا ایسے ہتکڑیاں لگاؤ اور SHO کے دفتر لے آؤ۔ DSP صاحب نے مجھ پر تشدد کیا اور ملازم کو بھی کہا کہ تم اس پر دعویداری کرو۔ چونکہ میں بے قصور تھا۔ تو اس لیے اُس نے مجھ پر الزام یا دعویداری میں ملوث نہیں کیا۔ جس پر SHO نے اکر 25/07/2022 کو میرے خلاف علت 212 میں پرچہ دیا اور شامل مقدمہ کیا DSP صاحب نے دوران تفتیش دکھیاں بھی دی۔ جسکی ریکارڈ تھانے کے CCTV کیمروں میں بے طور ریکارڈ موجود ہوگا۔ کہ علاقے کے جتنے نے بھی لاوارث اموات یا مقدمات میں تھمیں پھنساؤنگا۔ اور نامعلوم مقدمات تمہارے خلاف درج رجسٹر کرونگا میں ایک شریف خاندان کا واحد کفیل ہوں۔ جو کہ ماں بیٹا اور بیوی پر مشتمل ہے۔ لہذا افسران بالا سے درخواست ہے۔ کہ مجھے معافی دی جائی جو کہ تاحیات دعا گور ہوگا۔ اور انکو تیری کو بھیر کسی کاروائی کے داخلے دفتر کیا جائے۔

اپکا تابعدار: کنسٹیبل محمد تیمور FC587 ضلع صوابی سکندہ ترلانندی

ATTESTED
دستخط

ATTESTED
DPO
District Police Officer

35)



OFFICE OF THE
DISTRICT POLICE OFFICER SWABI
PHONE# 0938-920050 FAX# 0938-920054
EMAIL: dpo_swabi@yahoo.com

DISCIPLINARY ACTION UNDER KPK POLICE RULES-1975

I, **Muhammad Shoaib Khan**, District Police Officer, Swabi as competent authority am of the opinion that **Constable Taimoor No.587** has rendered himself liable to be proceeded against as he has committed the following acts/omission within the meaning of section 02 (iii) of KPK Police Rules-1975.

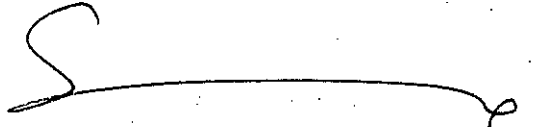
STATEMENT OF ALLEGATIONS

Certified to be True Copy.

It is alleged that Constable Taimoor No.587, of this District Police has involved himself in case FIR No.603 dated 25.07.2022 U/s 212 PPC/15-AA PS Kalu Khan, which is highly against the discipline and amounts to gross mis-conduct.


This amounts to grave misconduct on his part, warranting departmental action against him.

For the purpose of scrutinizing the conduct of the said official Mr. Farooq Zaman SDPO Swabi is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section 6 (I) (a) of the afore mentioned rules, The enquiry officer after completing all proceedings shall submit his verdict to this office within (7) days, Constable Taimoor No.587, is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer) a statement of charge sheets is attached herewith.


MUHAMMAD SHOAIB KHAN (PSP)
DISTRICT POLICE OFFICER
SWABI




No. 96 /CC/PA

Dated: 02/08 /2022

ATTESTED


Attesting Officer, Swabi

36)

قیمت 50 روپے	72625			
ایڈوکیٹ: Zahoor Islam		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ایسوسی ایشن نمبر: BC-10-9170				
رابطہ نمبر: 0346-9083579				

بعدالت جناب: سندس ڈسٹریبیوٹڈ فیئر پختونخواہ Zahoor Islam 8498 madd
conce

مخاطب: محمد سمیر	دعویٰ: Service Appeal
Muhammad Taimoor	علت نمبر:
بنام	مورخ:
I G P and others	جرم:
	تھانہ:

باعث تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
آن مقام کے اور کیلئے علیہ مذکورہ صاحب کے اہل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 06-05-2023

الع بد الع بد
مقام پشاور

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Attached
and
Accepted
Sheekh Rehman

(2)