IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Khyber Pukktukhwa Service Wilbunal

Readerized to day

In Re:

Dary No. 5819

Service Appeal No. 374/2023

Contract of the second

Rehmat HussainAppellant

Versus

Inspector General of Police KPK and others...... Respondents

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DSP Legal Mian Niaz Muhamad,

Elite Force, Peshawar

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 374/2023	
Rehmat Hussain	(Appellant)
VERSUS	
Inspector General of Police, Khyber Pakhtunkhwa etc	

REPLY BY RESPONDENTS NO. 1 TO 4

.....(Respondents)

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:-

- a) That the appeal is not based on facts.
- b) That the appeal is barred by law and limitation.
- c) That the appeal is not maintainable in the present form.
- d) That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- e) That the appellant is estopped to file the instant appeal by his own conduct.
- f) That the appellant has not come to this Honorable Tribunal with clean hands.
- g) That the instant Service Appeal is badly time barred.
- h) That the appellant has got no cause of action and locus standi to file the instant Service Appeal.

FACTS

- 1. Pertains to service record of the appellant hence no comments.
- 2. Incorrect, the appellant absented himself from lawful duties without prior permission of competent authority. On account of which he was proceeded against departmentally. He was served with Charge sheet along with statement of allegations (Annexure "A"). Besides this the appellant also involved himself in criminal case vide FIR NO. 110 dated 25.03.2020 u/s 302/324/337/337A/34 PPC & 15AA PS Dargai District Malakand (Annexure "B"). During enquiry proceedings, enquiry officer submitted that on the day of occurrence of incident, (Annexure "C"), the appellant was present in village and as per statement of Investigation Officer, the appellant was found guilty of gross misconduct and his involvement proved without any shadow of doubt. Therefore, on conclusion of departmental enquiry, the appellant was awarded with major punishment of dismissal from service vide Order dated 24.06.2021. (Annexure "D").
- 3. Correct to extent of appellant acquittal in criminal case. It is worth mentioning that criminal case proceedings and departmental proceedings are parallel to each other and both can run side by side. It is also admitted fact that appellant also absented himself from lawful duty beside his involvement in criminal case therefore, he was proceeded against departmentally and on conclusion of departmental enquiry, the appellant was proved guilty of gross misconduct. Therefore, awarded with major punishment of dismissal from service.
- 4. Incorrect and misleading, it is pertinent to mention here that criminal case proceeding and departmental proceedings are parallel to each other, distinct in

(2)

nature and both can run side by side, hence, in enquiry proceedings the appellant was found guilty of gross misconduct therefore he was awarded with major punishment of dismissal from service on account of 24 days absence from duty. Furthermore, the departmental appeal of the appellant was found time barred and rejected being time barred vide Order dated 13.07.2022 (Annexure "E"). It is worth mentioning that when appeal before departmental authority is time barred then Service Appeal before the Service Tribunal is incompetent. Reliance has already been placed on 2017 SCMR 965, 2006 SCMR 453, 2007 SCMR 513, 2011 SCMR 1429 & 2021 SCMR 144.

- 5. Incorrect, the appellant was provided opportunity of self hearing in Appellate Board meeting on 19.01.2023 wherein the appellant was heard in person. During hearing the appellant badly failed to advance any plausible reasons in rebuttal of charges therefore, the Board rejected his Revision Petition vide Order dated 09.02.2023. (Annexure "F").
- 6. That the instant service appeal is badly time barred and not maintainable may kindly be dismissed on the following Grounds.

GROUNDS

- A. Incorrect, the orders passed by answering respondents are quite in accordance with law/ rules as well as based on facts/ reasons therefore, no need to set aside. Further added that Police is a discipline force and the act of appellant found contrary to Police Service hence he was awarded with major punishment on account of his gross misconduct.
- **B.** Incorrect and misleading, the appellant has been treated in accordance with law/ rules. The answering respondents did not commit violation of any Article of Constitution of Islamic Republic of Pakistan, 1973.
- C. Incorrect, as already explained above, criminal case proceedings and departmental proceedings are parallel to each other, cannot overrule each other.
- **D.** Incorrect misleading and misconceived, proper charge sheet along with statement of allegations of allegations issued to the appellant which are already annexed as-A
- E. Incorrect and misleading, proper departmental enquiry has been conducted wherein the appellant was found guilty of gross misconduct.
- F. Incorrect and misleading, as already explained above that departmental appeal of the appellant was found badly time barred whereas the appellant was heard in person in appellate board meeting but he badly failed to advance plausible reasons in rebuttal of charged leveled against him therefore, the board unanimously rejected the Revision Petition of the appellant.
- G. Incorrect, discrimination and malafide have not been committed by answering respondents.
- H. Incorrect, the penalty awarded to the appellant is in accordance with law/ rules, the appellant proved guilty of gross misconduct therefore, he was awarded with major punishment.

- Incorrect, qualifying service does not mean that an officer/ official is above law/ rules.
 Therefore, the stance taken by appellant in this para is totally devoid of facts/ law/ rules.
- J. The answering respondents may also be allowed to raise additional grounds at time of hearing of instant Service Appeal.

PRAYER:-

Keeping in view the above stated facts and circumstances, it is therefore humbly prayed that the appeal is not maintainable being devoid of merits hence, may kindly be dismissed with costs, please.

District Police Offic

Swat.

(Respondent No.4

Deputy Commandant, Elite Force, Khyber Pakhtunkhwa,

Peshawar. (Respondent No. 2)

Regional Police Officer, Malakand.

(Respondent No. 3)

Inspector General of Police, Khyber Pakhtunkhwa,

Peshawar.

(Respondent No. 1)

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In Re:	
Service Appeal No. 374/2023	·
Rehmat Hussain	Appellant
	Versus
Inspector General of Police KF	PK and others Respondents

AFFIDAVIT

I MianNiaz Muhammad (DSP Legal) Elite Force, Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm that the contents of this Written Reply on behalf of respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

DEBONENT

CNIC: 17301-1519386-1

Identified by:

Cell # 0300-5899631

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AUTHORITY LETTER.

The undersigned is hereby authorized to nominate Mr. Mian Niaz Muhammad Acting DSP/Legal Elite Force to submit the replies and attend the Honorable High Court/Supreme Court on behalf of respondents.

(ASTF QBAL MOHMAND) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

SUMMARY OF ALLEGATIONS

I, Muhammad Hussain, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority, am of the opinion that LHC Rehmat Hussain No. 5865, Platoon No. 27 of Elite Force has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014).

SUMMARY OF ALLEGATIONS

As per information report of SP EF Mardan vide No. 134/EF dated 26.03.2020, he is charged in case FIR No. 110, dated 25.03.2020 U/S 302/324/337/34 PPC Police Station Dargahi District Malakand and also remained absent from duty without any leave or prior permission w.e.from 25.03.2020 to till date.

- For the purpose of scrutinizing an enquiry is conducted of the said accused 2. with reference to the above allegations, Mr. Rahim Shah SP Elite Force Mardan is appointed as Enquiry Officer.
- The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (25 days) after the receipt of this order.
- The accused shall join the proceedings on the date, time, and place fixed by the Enquiry Officer.

(MUHAMMAD HUSSAIN)PSP

Deputy Commandant Elite Force Khyber Pakhtunkhwa, Peshawar.

No. 4 P13 - 18 /EF, dated Peshawar the 18/0**2/1**2020.

Copy of the above is forwarded to the:-

- 1. Superintendent of Police, Elite Force Mardan w/r to his office memo No. 134/EF dated 26.03.2020.
- 2. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
- Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
- 4. SRC/FMC, Elite Force Khyber Pakhtunkhwa Peshawar.
- 5. LHC Rehmat Hussain No. 5865 of Elite through reader SP Elite Mardan.

(MUHAMMĂD Deputy Commandant Elite Force Khyber Pakhtunkhwa,

Peshawar.

arge Sheet/Charge Sheet for Case FIR 2020 does

BETTER COPY

D Aux B

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السيكر جزل بوليس صوبرمر حدفارم نبراء

فارم نمبر۲۲ ۵ (۱)

ابتدائي اطلاعي ربورث

كاؤنثرفا ئيل

ابتدائي اطلاع نسبت جرم قابل وست اندازى بوليس ربورث شده زيردفعه 154 مجموعه ضابطه فوجدارى

ضلع بالملكند

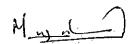
تفانه: درگی

تارىخ ونت وتو مە 25/03/2020 ، 15:25

ملت نمبر: -1101

	11017.	15,25,25,03,2020
1	تاري وتت رپورك: -40:40 و25/3/2020	چا کیدگی پر چه 25/3/2020 ونت 16:30 <u>ب</u> ج
2	نام وسكونت اطلاع ومنده مستنغيث	محمرصا دق ولدز ورطلب خان سكنه هريا نكوث
3	مخضر کیفیت جرم (معدوفعه) حال اگر پچھ لیا گیا ہو۔	302-324-337-34PPC-15AA
4	جائے وقوعہ فاصلہ تفاقہ سے اور ست: ۔	راسته عام نز دمكان ملز مان بفاصلة تخبينا أيك كلوميشرغر بااز چوكي
5	نام وسكونت لمزم	منورخان ولد بهرام خان سكنه هريانكوث، رحمت حسين ولدمنور
, . , .		خان سكنه بريانكوث بمنظور حسين ولدمنورخان سكنه بريانكوث
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج	بەرسىدگى مراسلەپر چەچاك كياجا تا ہے
	كرني ميس تو قف موا موتو وجه بيان كرو	
7	تھانہ ہےروا نگی کی تاریخ وقت	سبيل داک سبيل داک

ابتدائی اطلاع ینچدرج کرو۔





Office of the Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar

No. 6744-52

Date:

04/06/2021

ORDER

This order will dispose of the departmental proceedings against LHC Rehamat Hussain No. 5865, of District Police Swat now on deputation to Elite Force Khyber Pakhtunkhwa.

was charged in case 110, dated 25.03.2020 FIR No. 302/324/337/337A/34 PPC & 15AA Police Station Dargai district Malakand and also remained absent from lawful duty without any leave or prior permission w.e.from 25.03.2020 to 18.04.2020 (Total 24 days). In this regard he was supended and Charge Sheet alongwith Summary of Allegations were issued to him and the then SP Elite Force Mardan was appointed as enquiry officer. The Enquiry Officer in his findings recommended to keep his enquiry pending till the decission of the court. However, in the light of DIG Inter Accountability Branch CPO Peshawar vide Letter No. 1519-21/CPO/IAB, dated 22.04.2021 and In this office letetr No. 3881-83/E,F dated 28.04.2021 to decide the pending departmental enquiry cases. Hence, Acting SP Elite Force Mardan conducted re-enquiry in the matter and reported that the said Constble was present in village at the time of occurnace and statement of Investigation Officer and case misal, was perused wherein the deliquent Constable was found guilty in the case. His bail has also been rejected by the Peshawar High Court, Mingora Bench (DAR-UL-QAZA), Swat and sent to Jail. Therefore, the Enquiry Officer has recommended that he may be awarded major punishment. Similarly a Final Show Cause Notice was issued to him by this office vide No. 5260/EF dated 27.05.2021, which was delivered to him through Reader A/SP Elite Mardan and received byself on 12.12.2019 but his reply was not received in the stepulated period.

Therefore, I, Muhmmad Hussain, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, keeping in view the above facts, circumstances and recommendations of the enquiry officer, impose major penalty of DISMISSAL from service upon the LHC Rehamat Hussain No.5865 under Police Rules 1975 (amended 2014)!

However, his absence period i.e 24 days is treated as leave without pay.

Order announced!

provide me copy to

Copy of the above is forwarded to the:-

District Police Officer, Swat for information.

Superintendent of Police, Elite Force HQrs: Peshawar. 2.

Acting Superintendent of Police, Elite Force Mardan Region.

4, Sudt: Accounts, Elite Force Khyber Pakhtunkhwa Peshawar.

5. RI, Elite Force Khyber Pakhtunkhwa Peshawar.

I/C Kot/OASI/SRC, Elite Force Khyber Pakhtunkhwa Peshawar. 6.

DMC Blife Bones alone with their course of

Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar,

Office of the Deputy Commandant Elite Force Khyber Pakhtuzkhwa Peshawar

No.

Dated: 13 10/2/2022

ORDER

This order will dispose off an appeal preferred by Ex-FC Rehmat Hussain No. 5865 of this unit against his major punishment of dismissal from service awarded to him by the Deputy Commandant Elite Force vide order No. 6744-54/EF, dated 24.06.2021 his case was sent to AIG/Legal CPO for legal opinion and he opined that the delinquent official did Hence, after perusal his appeal is hereby filed on the grounds of time limitation not preferred departmental appeal.

i.e. badly time barred.

EIQBAL MOHMAND)PSP

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar

Copy to the:-

SP, Elite Force, HQrs: Peshawar.

OASI/SRC/FMC, Elite Force Peshawar.

Ex-FC Rehmat Hussain No. 5865 through Reader SP/HQrs: Peshawar



OFFICE OF THE INSPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA

PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyb Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Rehmat Hussain No. 5865. Th petitioner was dismissed from service by Deputy Commandant, Elite Force, Khyber Pakhtunkhw 'eshawar vide order No. 6744-52/EF, dated 24.06.2021 on the allegations that he was charged in case FI No. 110, dated 25.03.2020 u/s 302/324/337/337A/34 PPC & 15AA Police Station Dargai and also remaine absent from duty w.e.f 25.03.2020 to 18.04.2020 for 24-days. His appeal was rejected by Commandan Ellite Force, Khyber Pakhtunkhwa, Peshawar vide order Endst: No. 7084-88/EF, dated 13.07.2022.

Meeting of Appellate Board was held on 19.01.2023 wherein petitioner was heard in person Petitioner contended that he was acquitted on benefit of doubt by the court of Addl: Sessions Judge/MCTC Malakand vide judgment dated 09.06.2022.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner has beproved. During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charge The acquittal from the court does not absolve the petitioner from the liability. The Board see no ground a reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-SABIR AHMED, PSP Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 290 - 616 /23, dated Peshawar, the

Copy of the above is forwarded to the:

- Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
- 2. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar. One Service Roll, Fauji Missal (with previous enquiry files) and one enquiry file (90 pages) of the a named Ex-FC received vide your office Memo: No. EF/SRC/S.Record:8096, 11.08.2022 is returned herewith for your office record.
- PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
- 4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
- 5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 7. Office Supdt: E-IV CPO Peshawar.

AIG/Establishment, For Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

ڒؙڒڒ



Office of the Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar



Subject:

DEPARTMENTAL PROCEEDINGS

R/Sir,

LHC Rehmat Hussian No. 5865, Platoon No. 27 of Elite Force Khyber Pakhtunkhwa was found guilty of gross misconduct on the following grounds:-

- 2. He was charged in case FIR No. 110, dated 25.03.2020 U/S 302/324/337/337A/34 PPC & 15AA Police Station Dargai district Malakand and also remained absent from lawful duty without any leave or prior permission w.e.from 25.03.2020 to 18.04.2020 (Total 24 days)
- 3. In this regard he was supended and Charge Sheet alongwith Summary of Allegations were issued to him and the then SP Elite Force Mardan was appointed as enquiry officer. He in its findings recommended to keep his enquiry pending till the decission of the court (F/A).
- 4. However, in the light of DIG Inter Accountability Branch CPO Peshawar vide Letter No. 1519-21/CPO/IAB, dated 22.04.2021 (F/B). In this office letetr No. 3881-83/E,F dated 28.04.2021 to decide the pending departmental enquiry cases.
- Hence, Acting SP Elite Force Mardan conducted re-enquiry in the matter and reported that the said Constble was present in village at the time of occurnace. Furthermore, statement of Investigation Officer and case misal, was perused wherein the deliquent Constable was found guilty in the case and his bail has also been rejected by the Peshawar High Court, Mingora Bench (DAR-UL-QAZA), Swat (F/C) and sent to Jail. Therefore, the Enquiry Officer has recommended that he may be awarded major punishment.
- 6. Similarly Final Show Cause Notice was delivered to him through Reader Acting SP Elite Force Mardan, which was received by him self on 04.06.2021 (copy attached), but his reply is still awaited.

7. Submitted for perusal and further orders, please.

RI/Flite Force

Deputy Commandant/EF

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انگوائر کی اذان LHC رحمت حسین نمبر 5865 پلاٹون نمبر 27 ایلیٹ فورس مردان بسلسله مقدمه علت نمبر 110 مواجعه 25.03.2021 جرم 25.03 جرم 302/337/34/337/34/337 تفانه درگی ضلع ملاکنژ

جناب عالى!

4/10

بحوالہ چھٹی نمبری 3881-83/EF مورخہ 28.04.2021 منجانب ڈپٹی کمانڈنٹ ایلیٹ فوہ بن، رحمت حسین نمبر LHC/5865 ایلیٹ فورس کے پلاٹون نمبر 27 تھانہ کا ٹلنگ مردان میں تعینات تھا۔ دوران تعیناتی مذکورہ ۔،خلاف مقدمہ عنوان بالا درج رجمٹر ہوکر گرفتار کیا گیا ہے۔ جواً بھی ملاکنڈ جیل میں بند بہسلاسل ہے۔

اس سلسله میں قبل ازیں جناب رحیم شاہ صاحب SP ایلیٹ فورس مردان نے بحوالہ چھٹی نمبری 181/EF مورخہ LHC،08.06.2020 خلاف مقدمہ بالامیں انکوائری کر کے انکوائری کوتا فیصلہ عدالت فنڈ نگ رکھنے کی سفارش کی تھی۔سابقہ انکوائری بخرض ملاحظہ لف ہے۔

انکوائری ہذامن SP کوند یوشتی رپورٹ کے لئے مارک ہوئی۔ لہذامور ند 30.04.2021 کو بمعسٹار پ ضلع درگئ جا کرمقد مد کے تفتیت آفر کوطلب کیا اور شل مقدمہ کا بھی تفصل ملاحظہ کیا ۔ تفتیت آفر نے بیان دیا کہ ندکورہ LHC اور مقتول فریق آپس میں چیاذاد بھائیگان ہیں جن کے مابین زمینی تنازعہ چلا آرہا ہے۔ مقدمہ میں LHC کا ضانت عدالت ایڈیشنل شیشن نجے درگئ ورعدالت عالیہ ہائی کورٹ دارلقضاء موات سے خارج ہو چی ہے۔ مقدمہ LB صاحب ماڈل کورٹ بٹ جیلہ میں زیرساعت ہے۔ بقول تفتیش قائم موادموجود ہے۔ جب کہ LHC کی ہمشیرہ بھی اسی وقوعہ میں یا دپرزخی ہوئی ہے۔ جس کی میڈکل رپورٹ وقوعہ میں یا دپرزخی ہوئی ہے۔ جس کی میڈکل رپورٹ وقوعہ تا تیزہیں کرتا۔ اور اس کی تفتیش سے ندکورہ کنٹ میل گئرگار پایا گیا ہے۔ (بیان تفتیش آفروآرڈ رضانت کنسلیشن ہراہ لف

ہی بعدازقلمبندی بیان تفتیشی آفسر، ملا کنڈ جیل جا کر مذکورہ LHC کے ساتھ مقدمہ کے حوالے سے بوچھ کچھ کی گئی جس میں منسلیل نے اپنایرانہ بیان دہراتے ہوئے کہا کہ وہ مقدمہ میں بے گناہ ہے۔ وجہ عناد تنازعہ آراضی ہے۔

فائیڈنگ:۔انکوائری میں اس نتیجہ پر پہنچا کہ ذکورہ LHC کامقتول فریق کے ساتھ زمینی تنازعہ چلاآ رہا ہے اور بوقت وقوعہ گاوں میں موجودتھا۔ دیگر خاص طور پر تفقیش افسر کے بیان اور مثل مقدمہ کے ملا حظہ سے پایا گیا کہ ذکورہ LHC مقدمہ میں قصوروار مستسسست میں ہونا تحریر کیا ہے اور اس بناء پر ضانت خارج کی ہے۔ مذید برآں عدالت عالیہ ہائی کورٹ نے اپنے آرڈرشیٹ میں بھی وقوعہ میں ملوث ہونا تحریر کیا ہے اور اس بناء پر ضانت خارج کی ہے۔ ہیذااس بنیاد پر حمت حسین نمبر LHC/5865 ایلیٹ فورس کو بردی سزاد سے کی سفارش کی جاتی ہے۔

SP ايليث فورس RRF

مردان،ریجن مردان

NO- 148/EF Dated 30-04-2021 Total Pages - (25)

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انكوائرى برخلاف LHCرحمت حسين نمبر 5865 پلائون نمبر 27ايليك فورس مردان

جناب عالى!

الزامات: بحوالدا کاوائزی و چارج شیٹ نمبر 18/EF -4913 -16.04.2020 معروض و ول که LIIC معروض ول که 4913 -4913 مورد 16.04.2020 معروض ول که 4913 و محت حسین نمبر 18/65 ایلیٹ فورس کے پلاٹون نمبر 27 تھا نہ کا ٹانگ مردان میں تعینات تھا۔ جو بحواله مد 29روز نامچه 25.03.2020 و محت حسین نمبر 110 مور خه 25.03.2020 جرم ایک بیم پر گھرخود جا کرمور خه 25.03.2020 جرن کہ کورہ 14 کے خلاف مقدمہ علت نمبر 110 مور خه 25.03.2020 جرم و کا کہ ایک بیم کی درج مردان کو کا شاخل ملاکنڈ میں درج رجم رہوئی۔ جس میں ندکورہ 14C سسینڈ ہوکر چارت شیت بات موااور من ۱۹۲ میلیٹ فورس مردان کو انکوائزی مارک ہوئی۔

کاروائی:۔ اگوائری ہذامیں نہ کورہ LHC رصت حسین نمبر 5865 کوطلب کر کے بیان قلم بند کیا جا کر بیان دیا کہ وہ 23 کی خود گاروں نے اس کے بیان قلم بند کیا جا کر بیان دیا کہ وہ دو کے معالی کا معالی کے بیان قلم بند کیا جا کہ بیان دیا کہ وہ کہ بھی مور ند 25.03.2020 بردارا م ظبور کے ساتھ کی تی بھاڑی ختم کر کے گھر خود والیس آتے ہوئے رائے میں بھا نجے ام وقارعلی ما تی ہو کر بتلایا کہ ما موگان اور صادق وغیرہ رشتہ داران ام کے ما بین فائز نگ کا تباد لہ وہ کہ ہو گئی ہو بھی ہو کہ اس کے خلاف بھی مقدمہ درج رجس میں والدہ ام زخمی ہو بھی ہے۔ بعد میں بھر الت سے عبوری صاحت پر ہے۔ (بیان لف ہے) درج شدہ مقدمہ من گھڑت اور بے بنیا دیے۔ وہ مقدمہ میں عدالت سے عبوری صاحت پر ہے۔ (بیان لف ہے)

اس طرح انگوائری ہذامیں بلاٹون انچارج جمال الشخان اکا ہے بھی بیان تلمبند کر کے اس نے بیان کیا کہ نذکور :

LHC سٹینڈ نگ آرڈ رکے مطابق اپنی واری انمبر پر بحوالہ مد 29 مورجہ 24.03.2020 کورخصت اشابا ہی پر چپیوڑ اگیا تھا۔ جومور نہ کے 25.03.2020 کورخصت اشابا ہی ہے وائر نہ آکر غیر حاضر ہوا اور بمورجہ 18.04.2020 کو حاضری درج روز نام یہ ہوڑ ،

ذکورہ کے غیر حاضری ہونے پر معلوم ہوا کہ اس کے خلاف مقد مقل میں دعو پیداری ہوئی ہے۔ (بیان لف ہے)

ویگرانکوائری ہذاہیں مقدمہ کے تفقیق افسرے پراگرس رپوٹ ابیان طلب کر کے کہا کہ سننیٹ بحروح جمد صادق الد زروطلب خان سکنہ ہریا ککوٹ کے رپوٹ پر بیر وحیت اور مقتول احمدا کبر کی تل کا مقدمہ دری رجسٹر رہوا۔ سابقہ تفتیتی افسر نے مقدمہ بج سابی ہروح گواہ چشم وید تیمور خان بیان زیر دفعہ 161 من نے تلمبند کیا گیا۔ دیگر جائے وقوعہ جلیدہ خول المحد عدد کا اشکوف بور براند بوکر بعز من کہم کروح گواہ چشم وید تھوائے گئے تھے۔ مقدمہ ہذا ہیں ملز مرحمت حسین پر سننیٹ بجروح الدی مقدمہ تکد سادت کی طرف نے مقول اند پر ہراہ راست فائز نگ کرنے اور قل کرنے ویداری کی گئی ہے۔ وجداوت فریقین کے بابین آرائنی کا تنازعہ چا آئر اللہ مقول اند پر ہراہ راست فائز نگ کرنے اور قل کرنے ویداری کی گئی ہے۔ وجداوت فریقین کے بابین آرائنی کا تنازعہ چا آئر اللہ ہے۔ ویکھ ملز مرحمت حسین نے گرفتاری سے بخط کے خلاف بحوالہ یہ 80 روز تا بچے ہے۔ ویکھ ملز مرحمت حسین نے گرفتاری سے بخط کے عدالت جناب ذیئر کسٹ شیش کرنے سامت بیا ہے۔ آئندہ تاریخ بیشی مورجہ 2020 کو 20.05 کو 20 مقرر ہے۔ ملزم کی BBA آرڈر کا انتخار کررہے ہیں۔ (بیان لف ہے)

فا سند تک: ۔ اکواری ہذائیں بیانات ہے معلوم ہوا کہ ندکورہ LHCرحت حسین نمبر 5865 دوران وتو مہ بلائون سے ایک مند کی ایک اندکار میں ایک بیم رخصت پر تھااور گاوں خود میں موجود تھا تفتیش افسر کے بیان اور تل FIR میں مجروح مدی مقدمہ کے دعویداری میں ڈائز انت

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کی دورہ LHC نے میں کے فائرنگ تے جان بحق کرنے کی دعویداری کے ۔ ندکورہ LHC نے عدالت ہے بوری خانت پر ۔ یہ کورہ LHC نے بیش 109.06.2020 مقرر ہے۔ لیکن مقدمہ نداعدالت میں ذریاعت ہے۔ اور عدالت کا فیسلہ اعلیٰ ہے۔ عدالت کا فیسلہ ایک کاروائی حسب ندائیل کی جاتے گاروائی حسب ندائیل کے جائے کاروائی حسب ندائیل کی جائے گا۔

الليك فورك مردان ، د جن مردان

130:- 181/EF Fale: 8/06/2020

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CHARGE SHEET

I, Muhammad Hussain, Deputy Commandant Elite Force Khyber Pachtunkhwa Peshawar as competent authority, hereby charge you LHC Rehmat Hussain No. 5865, Platoon No. 27 of Elite Force as follows;

As per information report of SP EF Mardan vide No. 134/EF dated 26.03.2020, you are charged in case FIR No. 110, dated 25.03.2020 U/S 302/324/337/34 PPC Police Station Dargahi District Malakand and also remained absent from duty without any leave or prior permission w.e.from 25.03.2020 to till date.

- 2. By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules.
- 3. You are therefore, directed to submit your defense within Seven days of the receipt of this Charge Sheet to the Enquiry Officer.
- Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
- 5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.

(MUHAMMAD HUSSAIN) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa,
Peshawar.

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