



17th April, 2023 1. Junior to counsel for the appellant present. Mr. Fazal Shah, Mohmand, Addl: AG for the respondents present.

2. Junior to counsel to counsel for the appellant seeks adjournment. Last chance is given to the appellant. To come up for arguments on 15.06.2023 before D.B. P.P given to the parties.

SCANNED
11:52
Peshawar


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

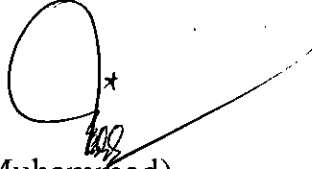
Adnan Shah, P.A

22.11.2022

Learned counsel for the appellant present. Mr. Muhammad Jan,
District Attorney for the respondents present.

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 09.01.2023 before the D.B.

SCANNED
KFCT
Peshawar



(Mian Muhammad)
Member (E)



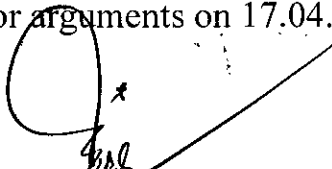
(Salah-Ud-Din)
Member (J)

09.01.2023

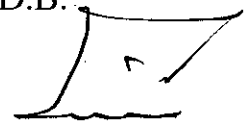
Clerk of learned counsel for the appellant present. Mr. Naseer-
ud-Din Shah, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for
adjournment on the ground that learned counsel for the appellant is
busy in the august Peshawar High Court, Peshawar. Adjourned. To
come up for arguments on 17.04.2023 before the D.B.

SCANNED
KFCT
Peshawar



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

12/11/22

23.11.2021 Proper D.B is not available, therefore, case is adjourned to 1 / 3 / 2022 for the same as before.

1-3-22

Due to Retirement of The Honble Chairman the case is adjourned to come up for the same^{as} fore on 15-6-22

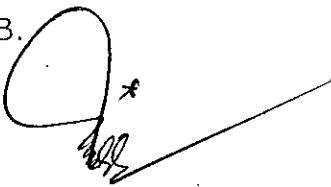

Reader



Reader

15.06.2022

Appellant in person present. Mr. Muqadar Khan, Inspector (Legal) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 09.08.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

9-8-2022

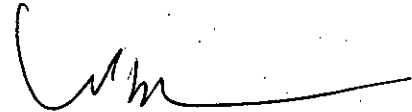
Due to the Public holiday the case is adjourned to 22-11-22


Reader

30.03.2021

Counsel for appellant and Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Fazle Ghafoor, S.I for the respondents present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Adjourned to 02.07.2021 on which date file to come up for written reply/comments before S.B.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

02.07.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Nisar Ahmad, H.C for the respondents present.

Respondents have furnished reply/comments. The appeal is entrusted to D.B for arguments on 23.11.2021.



Chairman


19.11.2020

Counsel for appellant present.

It is the stance of learned counsel that despite plethora of judgment of the Apex Court laying down that every acquittal is Honourable acquittal, the appellant was awarded impugned penalty on the ground that he was acquitted from the criminal charge as a result of compromise between the parties. The departmental proceedings were initiated against the appellant primarily due to his implication in a criminal case and owing to his acquittal the basis or the proceedings was not longer available, it was added.

Subject to all just exceptions instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 01.02.2021 before S.B.

Appellant Deposited
Security Process Fee



Chairman

01.02.2021

Junior to counsel for the appellant and Addl. AG alongwith Shujaat Ali H.C for the respondents present.

Representative of the respondents requests for time to furnish reply/comments. Adjourned to 30.03.2021 on which date the requisite reply/comments shall positively be furnished.



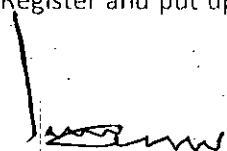

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 11881 /2020

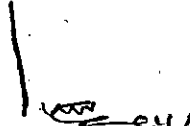
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/10/2020	<p>The appeal of Mr. Jawad Ali resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/11/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Jawad Ali Constable No. 341 Police Station Talash Dir Lower received today i.e. on 09.09.2020 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Copy of order dated 02.03.2017 mentioned in para-2 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of impugned order dated 29.7.2019 is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal are illegible which may be replaced by legible/better one.
- 4- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 5- Annexures of the appeal may be attested.
- 6- Annexures of the appeal may be flagged.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2650 /S.T,


Dt. 09/09 /2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.


Taimur Ali Adv. Pesh.

Respected Sir,

15 days may allowed for submission for the appeal


23/09/2020

⑤ days time further extended.


23/9/2020

Respected Sir,

1. Copy of order dated 2/3/2017 is present at page-11
2. Copy of order dated 29/7/2019 is present at page-17
- 3- Removed
- 4- copy of departmental appeal is attached at page-18
- 5- Removed

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 11881 /2020

Jawad Ali

V/S

Police Deptt:

INDEX

S. No.	Documents	Annexure	P. No.
01	Memo of appeal	-----	01-03
02	Copies of the FIR and Naqal Mad	A&B	04-08
03	Copies of charge sheet and reply to charge sheet	C&D	09-10
04	Copies of Order dated 02.03.2017 & Judgment dated 12.04.2019	E&F	11-15
05	Copy of order dt: 31.05.2019 "	G	16
06	Copies of order dated 29.07.2019 departmental & order dated 12.08.2020	H,I&J	17-19
07	Vakatlama	-----	20

APPELLANT

THROUGH:



**(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
&**

**(ASAD MAHMOOD)
ADVOCATE HIGH COURT**

Room No. FR 8, 4th Flour,
Bilour plaza, Peshawar cantt:
Cell# 0333-9390916

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9916

Dated 09/09/2020

Jawad Ali, Constable, No.341,
Police Station Talash, Dir Lower.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand Region, Saidu Sharif Swat.
3. The District Police Officer, Dir Lower.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 12.08.2020, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED AGAINST THE ORDER DATED 29.07.2019, "WHEREIN MINOR PUNISHMENT OF FORFEITURE OF TWO YEARS OF APPROVED SERVICE HAS BEEN IMPOSED UPON THE APPELLANT" FOR NO GOOD GROUNDS.

Filed to-day

[Signature]
Registrar

09/09/2020

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 12.08.2020 AND 29.07.2019 MAY KINDLY BE SET ASIDE AND THE FORFEITED APPROVED SERVICE OF THE APPELLANT MAY BE RESTORED WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWTH:
FACTS:**

1. That the appellant joined the police force in the year 2009 and completed all his due trainings etc and performed his duty with great devotion and honesty, whatsoever assigned to him and also have good service record throughout.
2. That constable Raiz Khan while sleeping, his mobile was taken away by some at 12:30 pm on dated 29.05.2015 on which he filed FIR No.230 after about months on dated 27.07.2015 U/S 380/14 Islamic Law in PS Baambat in which the appellant was charged. It is pertinent to mention here that on the day of occurrence the appellant left for Post Mandi from the police line Timergara at 10:15 am and reached Post Mandi at 04:00 pm and stayed there upto 31.05.2017, which is evident from the naqal mads of the police station Dir lower and police post Munda. **(Copies of the FIR and Naqal Mad are attached as Annexure-A&B)**
3. That on the basis of above mentioned reason, charge sheet was served to the appellant which was replied by the appellant in which he clearly denied the allegations. **(Copies of charge sheet and reply to charge sheet are attached as Annexure-C&D)**
4. That on the basis of above mentioned reason, appellant was dismissed from service vide order dated 02.03.2017, which was challenged by the appellant in service appeal No.886/0217 in this august Tribunal which was decide on 12.04.2019 and the august Service Tribunal was kind enough to partially accept the appeal, set aside the impugned orders, reinstate the appellant and directed the respondents department to conduct de-novo inquiry in the mode and manner prescribed by rules including opportunity of cross examination, personal hearing and defence etc. **(Copies of Order dated 02.03.2017 & Judgment dated 12.04.2019 are attached as Annexure-E&F)**
5. That on the basis of judgment of this august Tribunal, the appellant was reinstated into service for the purpose of de-novo inquiry vide order dated 31.05.2019 and de-novo inquiry was conducted against the appellant, however de-novo inquiry report was not handed over to the appellant, which may be requisite from the department. **(Copy of order dated 31.05.2019 are attached as Annexure-G)**
6. That on the basis of de-novo inquiry Respondent No.3 passed an order dated 29.07.2019, wherein minor punishment of forfeiture of 02-years of approved service has been imposed upon the appellant without communicating charge sheet and show cause to the appellant. The appellant filed departmental appeal against the order dated 29.07.2019 which was rejected on 12.08.2020. **(Copies of order dated 29.07.2019, departmental appeal & order dated 12.08.2020 are attached as Annexure-H,I&J)**

7. That now the appellant come to this august tribunal on the following grounds amongst others.

GROUNDS:

- A) That the impugned order dated 12.08.2020 and 29.07.2020 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That on the day of occurrence, the appellant left for Post Mandi from the police line Timergara at 10:15 am and reached Post Mandi at 04:00 pm and stayed there upto 31.05.2017, while constable Raiz Khan filed FIR No.230 after about months on dated 27.07.2015 in which he charged the appellant and stated in that FIR that his mobile has taken away by some one at 12:30 pm on dated 29.05.2015, which shows that the appellant was not present at the time of occurrence then how he took the mobile of constable Raiz Khan.
- C) That the appellant has been condemned unheard and has not been treated according to law and rules.
- D) That the appellant has been punished for no fault on his part as at the time of occurrence he was not present on the occasion, therefore the impugned orders are liable to be set aside.
- E) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

THROUGH:

APPELLANT
Jawad Ali


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

(ASAD MAHMOOD)
ADVOCATE HIGH COURT

&
ABDUL WAHID
ADVOCATE

مہل دہر لوئر

تقدیر 23 روزہ 05/15 29

نمبر گروہ B

(5)

مہل 23 روزہ QRF لہزی مورخہ 05/15 29 وقت 10:15 بجے اسل
نصر عطا علی ہرست سرکل اردینریڈ: سرکل خدوول
وقت QRF نصر عطا علی ہرست سرکل کارمی نر 279 AA
سرکل میدان روانہ کیا گیا۔ جمع یک اب سرکاری نر 2914 AA کو بہ تحویل ڈرائیور
بہ تحویل ڈرائیور رضا حسین تھانہ انٹر 2784 A بہ تحویل ڈرائیور الوب
اپر SDPO QRF، یک اب سرکاری A19B بہ تحویل ڈرائیور ان DFC نصر ص QRF
DFC تھانہ زمیدارہ یک اب A19B بہ تحویل ڈرائیور ان SDPO لہزی
ڈیوٹی SDPO میدان روانہ کر کے ہدایت ہوئی۔ جان عالی

نصر عطا علی لہزی

M. P. Singh
20-11-18

Attested

Line Officer
Dir. Lower at Timergara

Co. 1 gana
20-11-18

ATTESTED

صالح دہر لوتہ

تعداد 37 روز ناچہر 05/31

سٹیشن لائن پٹرنگرہ

6

ص 37 واکیپی / ایک ایس سرکاری 10 اور 31 05/15 وقت 55:06
 QRF لوتہ / اس وقت QRF لوتہ اور 23 دور ناچہر 05/15 29 تعداد
 اس وقت QRF لوتہ اور 23 دور ناچہر 05/15 29 تعداد
 طرانت الکتی لوتہ سر کل ادبندی جدول، میدان سے والیس
 آئے جیکم ایک ایس سرکاری ہر AA2795 بہ تحویل ڈرائیور رضا حسین
 DFEC نمائندہ اسٹریٹ QRF لوتہ ایک ایس AA2914 بہ تحویل ڈرائیور
 QRF لوتہ ہر SDPO صاحب سر کل ادبندی ایک ایس سرکاری
 ہر AA2784 بہ تحویل ڈرائیور DFEC نمائندہ ایک ایس ہر
 AA1913 بہ تحویل ڈرائیور DFEC بعد طرانت لوتہ ہر
 SDPO صاحب سر کل میدان سے والیس آئے ایک ایس ہر
 سرکاری درست طور میں لائن میں لوتہ کٹی جہاں عالی

نقل بمطابق
 20-11-18

Attested

Line Officer
 Dir Lower & Tilergera
 20-11-18

7

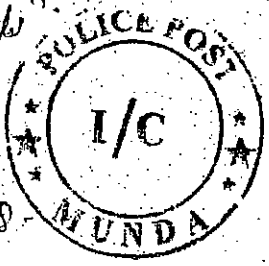
پولیس پوسٹ منڈا

14 روزہ 29/05

پولیس پوسٹ منڈا

14 نومبر 1971ء میں 29/05 کو وقت 16:00 بجے پولیس پوسٹ منڈا میں
 اعجاز احمد 1122، انوار علی 410، جاوید حسین 476، سردار حسین 530، جوادی علی
 241، صاحب محمد کلاشنکوف سے اسلحہ کی تصدیق کے لیے پولیس پوسٹ منڈا میں حاضر ہوئے۔
 اس کیسٹ GRF ڈیوٹی پولیس ٹائمن ٹیبل کے مطابق حاضر ہوئے۔ دورانِ سفر
 ضابطہ بیان کے مطابق

کامیاب
 پولیس پوسٹ منڈا
 R. ud. ud
 mHe pp munda
 896 20-11-08



8

حاجی محمد لودھی

18 نومبر 2005ء

مکمل

05.00

18 نومبر 2005ء

پشاور پولیس پوسٹ (PRF) ایجنٹانہ 1122 - لفظار علی 415 - جاوید حسین 476 - قمر زمان
530 - صادق 241 - 2 سے طے لگتا ہے کہ پولیس لائن نمبر گڑبگڑا ہوا ہے اس کے
دورے کر کے

کا علی

R. W. M.

MHA PP Munda.

896 - 20 - 11 - 028




C9
Enquiry No. 1636 /EB
Dated Timergara the 04/08/2015

CHARGE SHEET

I, Qasim Ali (PSP), District Police Officer, Dir Lower at Timergara as competent authority; hereby charge you Constable Jawad Ali No.241 committed as follows:-

That you while posted to Police Lines TMG, directly charged in case FIR No.230 dated 27/07/2015 u/s 380/14 Islamic law of PS Baambat, which is gross misconduct on your part.

1. By the reason of above, you appear to be guilty of miss-conduct and have rendered yourself liable to all or any penalties specified in Rule-4 of the disciplinary Rules, 1975.
- 2- You are: therefore, required to submit your written reply within 07 days of the receipt of this charge sheet to the enquiry officer.
- 3- Your written reply, if any, should reach to the enquiry officer, within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 4- Intimation as to whether you desire to be heard in person or not?
- 5- A statement of allegation is enclosed.


District Police Officer,
Dir Lower at timergara

No. 16972 /EC,

Dated 4-8/2015

Copy to Constable Jawad Ali No.241 through LO Police Lines TMG.

ATTESTED

بیان لڑان جو اسٹریٹجی تھیں یو این لائن ۲۴

~~10~~

(10) نے بد روایت بیان کیا کہ میں قلم یو این سے ۵۶ کا بیوی بنا

ہوں مال رہی ڈیوٹی تھی وہ لڑائی سے تمام کام سے رٹا ہوں۔ اچھے
ڈرائنگ منجی ثباتے پر از این بار سے تو میں اسناد میں طہمیل سے ہیں اسرار
ATs کہ صبح وہ ہیں کورس بھی کر چکا ہوں۔ یو این لائن غور سے ۲۴ میں
ڈیوٹی سر انجام دیا رہا تھا۔ صحت سے ۵۵ ۱۹ کو یو این لائن سے تھکا ہوا تھا ۲۴
اسٹیشن ڈیوٹی کے بعد روایتی کرتے رہی روز نیشنل رہا میں ۱۶۵۸ صحت ہوتے

۱۲:۵۵ بجے رات کھیلوں میں خواہ یہ وہ تھا سے صوبہ کھیل ازم سے کام لیا مسلم
تھانے چھوڑا کہ جس ن واقعہ سے متعلق ڈرائنگ لائن سے لایا گیا تھا۔ ڈرائنگ
ن سکھ گیا بلکہ ڈرائنگ سے لایا گیا تھا جیفری نے کارروائی کرتا لیا تھا جس سے
صوبہ کھیل برآمد کیا۔ ڈاکٹر ظاہر کوکٹا رزرو پلانز سے غلط نشانہ ہے
سختی رہا فضل دار غنایت کا سندہ میں تھا کھوٹا سے عورت ۲۳۵ عورت ۵۶ ۲۵
۵۱۵

۲۴ PR-380 تھا، لکھنؤ میں ملازمت دینا چاہتا تھا، میں نے چورنگ کیا
۱۴۰ APO
میر نے میں چھوڑا تھا وہ لکھنؤ میں۔ نے جو سے مال ضرورت کہہ کر لکھنؤ چلا گیا۔ لکھنؤ میں
ت نسبت سختی رہا فضل کائنات عورت ۵۶ ۲۴ کو عدالت میں تحریر جلا دیا وہ سندہ لکھنؤ
تفاوتی طورہ جیٹا پیش کرتے جس سے لکھنؤ میں ثابت ہو گیا ہے میں نے سناہ ہوں اس لئے
۱۵۳۰۷-۱۱۴۵۵۴۸-۵
۹۸۹۶۶۰۳
۱۲-۸-۰۱۵

ATTESTED



DIR LOWER

E. U.

ORDER

This order will dispose of the departmental enquiry conducted against Constable Jawad Ali No.241, that he while posted at Police Lines Timergara directly charged vide in case FIR No.230, dated 27/07/2015 u/s 380/ 14 Islamic Law PS Balambat, which is gross misconduct on his part. Therefore he was issued Show Cause Notice, Charge Sheet, Statement of Allegation and the then SDPO Jandool Muhammad Naeem Khan was appointed as Enquiry Officer, to conduct proper departmental enquiry against him and submit his finding report.

The Enquiry Officer, during the course of enquiry recorded the statements of all concerned as well as the official concerned. The Enquiry Officer in his finding report suggested that enquiry keep pending till the decision of the court.

In the light of court decision vide Order No.08, dated 31/10/2016 he was exonerated from the charge due to compromise with the opposite party, which mean that he accept the charges, therefore, he was issued Final Show Cause Notices on 19/12/2016. He was called for Orderly Room on 05/01/2017, and personal hearing was given to him but could not produce any cogent reason in his self-defense.

Therefore I, Kashif Zulfiqar (PSP), District Police Officer, Dir Lower in exercise of power vested to me under (E & D) Rules 1975 with amendment 2014 and Police Rules 1975, awarded him a major punishment of dismissal from service with immediate effect.

ORDER ANNOUNCED

OB No. 306 /EB

Dated 2-3-17 /03/2017

No. _____ /EC,

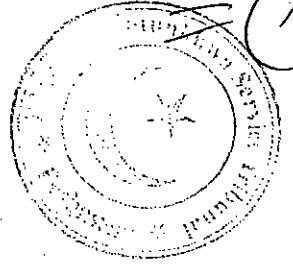
Copies submitted to the :

District Police Officer,
Dir/Lower

- 1- District Account' Officer, Dir Lower at Timergara.
- 2- Pay Officer, Dir Lower.
- 3- OHC Dir Lower.

ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR



SERVICE APPEAL NO. 886/2017

Date of institution ... 22.08.2017

Date of judgment ... 12.04.2019

Jawad Ali Ex-Constable No. 241,
Police Line Timergara, Dir Lower.

... (Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The regional Police Officer, Malakand Region, at Saidu Sharif Swat.
3. The District Police Officer Dir Lower.

... (Respondents)

APPEAL UNDER SECTION-4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 01.08.2017, WHEREBY THE REVISION OF THE APPELLANT UNDER POLICE RULES 1975 AMENDED IN 2014 AGAINST THE ORDER DATED 13.04.2017 OF THE RPO MALAKAND HAS BEEN REJECTED FOR NO GROUND WHEREIN THE RPO MALAKAND UPHELD THE ORDER DATED 02.03.2017 OF THE DPO DIR LOWER.

Mr. M. Asif Yousafzai, Advocate

.. For appellant.

Mr. Ziaullah, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. AHMAD HASSAN

.. MEMBER (EXECUTIVE)

ATTESTED

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the

appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Zewar Khan, Sub-Inspector (Legal) for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Police Department as Constable. He was imposed major penalty

ATTESTED

13

of dismissal from service vide order dated 02.03.2017 by the competent authority on the allegation that he was involved in case FIR No. 230 dated 27.07.2015 under sections 380/14 Islamic Law in Police Station Baambat. The appellant filed departmental appeal on 07.03.2017 which was rejected vide order dated 13.04.2017. The appellant also filed revision petition before the Inspector General of Police on 18.04.2017 but the same was also rejected vide order dated 01.08.2017 hence, the present service appeal on 22.08.2017.

3. Respondents were summoned who contested the appeal by filing of written reply/comment.

4. Learned counsel for the appellant contended that the appellant was serving in Police Department. It was further contended that the appellant was falsely involved in aforesaid criminal case therefore, the respondent-department vide order dated 02.03.2017 imposed major penalty of dismissal from service upon the appellant. It was further contended that the appellant was hon'ble acquitted by the competent court vide judgment dated 31.10.2016. It was further contended that neither charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor opportunity of cross examination, personal hearing and defence was provided to the appellant nor copy of inquiry was handed over to the appellant with the show-cause notice therefore, the appellant was condemned unheard. It was further contended that the inquiry officer also recommended to keep inquiry pending till the decision of the competent court in the aforesaid criminal case but the same was ignored by the competent authority therefore, it was vehemently contended that the impugned order is illegal and liable to be set-aside and prayed for acceptance of appeal.

M. J. Amin
12.4.2019

ATTESTED
[Signature]
[Stamp]

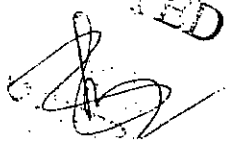
5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving in Police Department. It was further contended that the appellant was involved in criminal case of moral turpitude. It was further contended that the appellant was acquitted by the competent court on the basis of compromise. It was further contended that acquittal in the criminal case has no bearing/affect on the department proceeding. It was further contended that all the codal formalities were fulfilled by the respondent-department before imposing the major penalty therefore, the appellant was rightly dismissed from service and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Police Department. He was imposed major penalty of dismissal from service on the allegation of his involvement in the criminal case. The record further reveals that the inquiry officer has mentioned in the inquiry report that he has recorded the statement of witnesses namely Sohail Ahmad, Abdul Qayum and Khaled Rehman during the inquiry proceeding but the statement of those witnesses recorded by the inquiry officer furnished by the representative of the department today shows that chief examination of the witnesses were recorded by the inquiry proceeding but neither opportunity of cross examination was provided to the appellant on the aforesaid witnesses nor statement of those witnesses were recorded by the inquiry officer in the presence of the appellant. Moreover, the copy of final show-cause notice also does not shows that the competent authority had handed over the copy of inquiry report alongwith show-cause notice therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order, reinstate the appellant and direct the

74

M. H. Ansari
12.4.2019

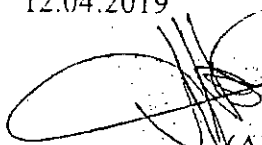
ATTESTED

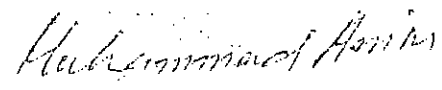



15.

respondent-department to conduct de-novo inquiry in the mode and manner prescribed by rules including opportunity of cross examination, personal hearing and defence etc. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
12.04.2019


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Date of Registration	06-05-18
Serial No.	1600
Case No.	10-00
Page No.	2-00
Page No.	12-00
Name of Applicant	
Date of Birth	06-05-18
Date of Delivery	06-05-18

Certified to be true copy
K. S. ...
Secretary
Peshawar




OFFICE OF THE
DISTRICT POLICE OFFICER
DIR LOWER

9 (16)

ORDER OF RE- INSTATEMENT INTO SERVICE

In the light of court order judgment dated 12-04-2019 passed by the August Khyber Pakhtunkhwa Service Tribunal Peshawar, and as per direction of CPO Peshawar vide Memo: No. 2674/Legal, dated 21-05-2019, Ex-Constable Jawad Ali No. 241 is hereby conditionally re-instated into service with immediate effect, subject to outcome of denovo inquiry.

On re-instatement in to service the pay of Constable Jawad Ali is here by fixed @ Rs: _____/- PM in BPS-07, with effect from ____ / ____ /2019, i.e from the date of joining his duty and allotted him new Constabulary No. 205


District Police Officer
Dir Lower

OE No. 747
Dated: 31-05-2019

No. 1366-67/EC, Dated Timergara the 31/05 /2019

Copies submitted for favour of Information & Necessary action to the:-

1. Deputy Inspector General of Police E&I CPO Peshawar along with complete inquiry file for denovo enquiry, please.
2. Regional Police Officer Malakand at Saidu Sharif swaf, please.
3. AIG Legal Khyber Pakhtunkhwa Peshawar with reference to this Office Memo: No. 2674/Legal, dated 21-05-2019, please.
4. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar, please.
5. District Accounts Officer, Dir Lower.
6. Inspector legal, Dir Lower.
7. Pay Officer Local Office.
8. OASI Local Office.

District Police Officer
Dir Lower

ATTESTED

15
11/11
Better copy

OFFICE OF THE
DISTRICT POLICE OFFICER
DIR LOWER

ORDER

This order will dispose of the denovo enquiry conducted against Constable Jawad Ali No. 341, who was re-instated into service conditionally in the light of court order judgment dated 12-04-2019 and as per direction of AIG & E Internal Accountability Branch Khyber Pakhtunkhwa Peshawar vide his Office Memo No. 2420CPOJAB&E, dated 11-02-2019, Mr. Shahidullah Khan SP Investigation Dir Lower was appointed as Enquiry Officer to conduct denovo departmental enquiry against him and submit his findings report for perusal of Worthy IGP.

The enquiry officer, during the course of enquiry recorded the statements of all concerned as well as the official concerned. The enquiry officer in his findings report found him guilty being acquitted from the case due to compromise with the opponent party and the enquiry officer in his findings recommended him for minor punishment.

Finding of the enquiry received along with other relevant documents and submitted to AIG&E Inter Accountability Branch Khyber Pakhtunkhwa Peshawar before issuance of formal order, for the perusal of Worthy Inspector General of Police KPK, Peshawar. Which was returned by the AIG&E KPK Peshawar with the remarks vide his office memo No. 2420CPOJAB&E, dated 11-07-2019, that your good self being competent authority in the matter may proceed further in the light of recommendations of the enquiry officer.

Therefore I, Aif Zahid Khan Wazir (PSI), District Police Officer, Dir Lower being the competent authority, agreed with the finding of enquiry officer and awarded him a minor punishment of forfeiture of two year approved service with immediate effect.

Dated 29-10-2019

District Police Officer
Dir Lower

No. 17670-26EB

Copies submitted for favour of information to the:-

1. AG Legal Khyber Pakhtunkhwa Peshawar with reference to his office memo No. 264Legal, dated 21-02-2019, please.
2. AIG & E Internal Accountability Branch Khyber Pakhtunkhwa Peshawar with reference to his office Memo No. 2420CPOJAB&E, dated 11-07-2019, please.
3. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar, with refer his office letter No. 949ST, dated 14-02-2019, please.
4. District Accounts Officer, Dir Lower.
5. Inspector Legal DPO office Dir Lower.
6. Pay Officer Local Office.
7. Local Officer.
8. District Police Officer.

Dir Lower
29/10/2019

ATTESTED



H *(17)*

ORDER

This order will dispose of the denovo enquiry conducted against Constable Jawad Ali No. 241, who was re-instated into service conditionally in the light of court order judgment dated 12-04-2019 and as per direction of AIG / C&E Internal Accountability Branch Khyber Pakhtunkhwa Peshawar vide his Office Memo: No. 2175/CPO/IAB/C&E, dated 11-05-2019, Mr. Shafiullah Khan SP Investigation Dir Lower was appointed as Enquiry Officer to conduct denovo departmental enquiry against him and submit his finding report for perusal of Worthy IGP.

The enquiry officer, during the course of enquiry recorded the statements of all concerned as well as the official concerned. The enquiry officer in his finding report found him guilty being acquitted from the case due to compromise with the opponent party and the enquiry officer in his finding recommended him for minor punishment.

Finding of the enquiry received along with other relevant documents and submitted to AIG/C&E Inter Accountability Branch Khyber Pakhtunkhwa, Peshawar before issuance of formal order, for the perusal of Worthy Inspector General of Police KPK, Peshawar. Which was returned by the AIG / C&E KPK Peshawar with the remarks vide his office memo: No. 2429/CPO/IAB/C&E, dated 11-07-2019 "that your good self being competent authority in the matter may proceed further in the light of recommendations of the enquiry officer".

Therefore I, Arif Shahbaz Khan Wazir (PSP), District Police Officer, Dir Lower being the competent authority, agreed with the finding of enquiry officer and awarded him a minor punishment of forfeiture of two year approved service with immediate effect.

ORDER ANNOUNCED

OB No. 993

Dated 29 - 07 / 2019.

No. 17650-56 / EB,

District Police Officer
Dir Lower

Copies submitted for favour of information to the:-

- 1- AIG Legal Khyber Pakhtunkhwa, Peshawar with reference to his office memo: No.264/Legal, dated 21-05-2019, please.
- 2- AIG /C&E Internal Accountability Branch Khyber Pakhtunkhwa, Peshawar with reference to his office Memo: No.2429/CPO/IAB/C&E, dated 11-07-2019, please.
- 3- The Registrar Khyber Pakhtunkhwa, Service Tribunal Peshawar, with refer his office letter No.949/ST, dated 14-05-2019, please.
- 4- District Accounts Officer, Dir Lower.
- 5- Inspector Legal DPO office Dir Lower.
- 6- Pay Officer Local Office.
- 7- OASI Local Office.

ATTESTED

(Signature)
District Police Officer
Dir Lower

29/07/19

Better copy I (18)

محضور جناب ریجنل پولیس آفیسر ملا کنڈریجن سید و شریف سوات

جناب عالی!

گزارش کی جاتی ہے کہ سائل 2009 میں بھرتی ہو کر سال 2017 تک نہایت ایمانداری کیساتھ اپنی ڈیوٹی انجام دیتا رہا۔ سائل نے سال 2010 میں ہیوی وین کورس بھی پاس کئے ہیں۔ سال 2013 میں ATS کورس بھی پاس کئے ہیں۔ سال 2017 کو بحوالہ آرڈر نمبر 306EB مورخہ 02.03.2017 کو محکمہ پولیس سے درخواست کیا گیا۔ ابھی سائل کو مورخہ 12.04.2019 کو معزز عدالت خیبر پختونخواہ سروس ٹریبونل پشاور کے فیصلے کی روشنی میں بحال کیا گیا ہے۔ جبکہ سائل کو دو سال سروس فرقی کی سزا دی ہے۔ یعنی ڈسمس سے لیکر بحالی تک کے پیریڈ کے تنخواہ اور مراعات سے بھی محروم رکھا گیا ہے۔

بذریعہ درخواست استدعا ہے کہ سائل کے دو سال سروس کو ڈیوٹی میں شمار کرنے اور بحالی تک تنخواہ اور مراعات دینے کا حکم صادر فرمائیں۔ سائل تاحیات دعا گورہیگا۔

آپ کا تابعدار کنسٹیبل جواد علی نمبر 205 پولیس سٹیشن تالاش ضلع دیر لور

ATTESTED

18
حضور راجا - ریاضت کی تعلیم اور تندرستی میں ترقی کے سبب سے

گوارش کے سبب سے سال 2006ء میں لڑائی اور کھیلوں کا سال 2017ء
تک تھابت رہا تھا۔ کیا تو اس کی وجہ سے عام رہا۔ ساہیل نے
سال 2010ء میں بیوی کی موت اور سال 2013ء میں ATS کو
2017ء اور 2018ء کو قتل کیے ہیں۔ سال 2017ء کو خزانہ آرڈر نمبر 306 اور
2019ء کو صدر عدالت کیلئے بھرتی ہوئے تھے۔ ساہیل نے سال 2017ء میں فرما کر
کہا کہ میں نے سال 2017ء میں بھرتی ہوئے تھے اور وہ سال 2017ء میں فرما کر
کہا کہ وہ ایک ایسی شخصیت ہے جو کہ اس کے ساتھ ساتھ ہی رہتا ہے۔
اور اس کے ساتھ ہی وہ رہتا ہے۔

2017
2018

ریاضت

آج کل ریاضت کی تعلیم اور تندرستی میں ترقی کے سبب سے سال 2017ء میں فرما کر
کہا کہ وہ ایک ایسی شخصیت ہے جو کہ اس کے ساتھ ساتھ ہی رہتا ہے۔



**OFFICE OF THE
DEPUTY CHIEF OF POLICE MALAKAND of Police
SALIM SHARIF SWAT.**
No: 0946-9240 91-88 & 92 No: 0946-9240 90
Email: malakand@pohp.gov.pk

19
5236
24/08/20
Lower

ORDER:

This order will dispose of appeal of Constable Jawad Ali No. 241 of 2015 District for restoration of two years approved service.

Brief facts of the case are that the appellant Constable Jawad Ali No. 241 of 2015 at Police Lines Timergara directly charged in case FIR No. 230/2015 u/s 38 of Islamic Law PS Balambat, which is gross misconduct on his part. Contents of the subject FIR reveals that one Constable Riaz Khan No. 1608 of PS Munda, Dir (L) reported to PS Balambat to the effect that he was under training for Heavy Weapon course at Police Lines Dir (L) from PS Munda. During the course, on 29-05-2015, he was sleeping in vacant barak while plugged-in his mobile let for charging. When he awake, found his mobile phone missing. Initially he thought that his mobile might be taken by one of his brother in arm. He carried search for but nothing at all and assured that his mobile has been stolen or he was told by another Constable Sani Gul No. 1991 secretly that his mobile has traced in the shop of one Khalid of Timergara who has told him that he purchased the same from one Constable Jawad Ali No. 241 of 2015 Timergara. Hence he reported against Constable Jawad Ali No. 241 of 2015. Departmental enquiry was conducted against above Constable through SDPO Jandol who suggested for keeping the enquiry pending till the decision of the court. Later on the court exonerated him from the charges in the basis of compromise which he accepted. Charges, therefore, he was issued final show cause notice on 12-2016. He was also called in OR by DPO Dir (L) and heard in person but could not produce any cogent reason in his defense and thus dismissed from against delinquent Constable who was re-instated conditionally. Against the subsequent orders of the High-courts. He submitted appeal/mercy petition to the court where, as per direction of CJ-Peshawar vide No. 5175 CPO/LAB/E&I, dated 11-05-2019, the court re-instated in service subject to drive enquiry by appointing SDP. In the litigation Dir Lower vs E.O. A/c, although probe into the matter the enquiry officer found him guilty being acquitted from the case on the basis of compromise with the plaintiff and recommended the delinquent Constable for minor punishment. In compliance with the order of CPO Peshawar "the matter may proceed further in the light of the recommendation of the enquiry officer" the DPO, Dir Lower awarded him minor punishment of forfeiture of two years of approved service vide his office OB No. 293, dated 29-07-2019.

He was called in Orderly Room on 22/07/2020 and heard him in-person. The appellant could not produce any cogent reason in his defense. His service record perused and found that there are 18 entries in his service record against 2 good entries which also show that the appellant is not a responsible Police Officer. Therefore, his appeal for restoration of two years approved service is filed.

Order announced.

1
2
OB No 595
24-08-2020
OB/EE/UA/SI

No. 6263 /E.
Dated 12/08 /2020.

District Police Officer,
Dir Lower at Timergara

Regional Police Officer,
Malakand Region, Salim Sharif Swat

Copy of above for information and necessary action to District Police Officer, Dir Lower with reference to his office Memo: No. 6874/E dated 09/06/2020. Service Roll and Enquiry File of the above named Officer is returned herewith for record in your office

ATTESTED

سروس ٹریڈنگ کمپنی

جوائنٹ 2 منجانب
جوائنٹ بنام محمد علی

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے وکیل صاحب کے ذریعے
آن مقام لکھنؤ کے لیے ہجرت علی خان اور اسد محمد اور علی
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور 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 بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پرداختہ منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

Accepted
&
Attested

20

۰۶

الرقوم

کے لئے منظور ہے۔

محمد علی

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No 11881/2020


Jawad Ali Constable No. 341 Lower Dir Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower..... Respondents

INDEX.

S.#	Description of documents	Annexure.	Pages
1.	Para wise comments	-	1-3
2.	Power of Attorney	-	4
3.	Affidavit.	-	5
4	Copy of FIR	"A"	6
5	Enquiry report	"B"	7-8
6	Statement of Khalid Rehman	"C"	9-10


(Fazal Gafoor Khan)
SI Legal
DIR LOWER

3. Incorrect, the appellant failed to advance any cogent evidence in his self defense regarding allegations leveled against him in charge sheet/statement of allegations.
4. Pertains to record, hence needs no comments.
5. Incorrect, in compliance with directions of honourable Tribunal, denovo enquiry was conducted wherein all codal formalities were observed under the rules.
6. Incorrect, denovo enquiry has been carried out against the appellant and he was given lawful opportunities of defense. The inquiry officer in his finding report stated that the appellant has been acquitted on the basis of compromise with complainant of the case and recommended the appellant for minor punishment being member of police force. The appeal of the appellant was rightly rejected by the competent authority.
7. Incorrect, the appellant has not come to this honourable Tribunal with clean hands hence his appeal is not maintainable.

GROUNDS

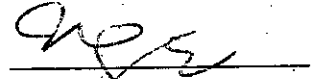
- (A) Incorrect, all the orders passed by the respondents are based on facts and justice in accordance with law/rules and no illegality has been committed by the respondents.
- (B) Incorrect, as already discussed, that the appellant was charged directly in FIR by the complainant with the charges of theft of cell phone track with appellant through IMEI and then through statements recorded of sale/purchase individuals. The appellant was acquitted on the basis of compromise with complainant which means that he accept the guilt.
- (C) Incorrect, the appellant was heard in person properly and was cross examined during process of inquiry. He has been treated in accordance with law/rules.
- (D) Incorrect, as already discussed in preceding paras, the appellant was found guilty and directly charged in theft of cell phone vide FIR No.230 dated 27-07-2015 u/s 14 Islamic Law/380 PPC PS Balambat. The mobile was traced through IMEI, which was sold by the appellant to Khalid Rehman resident of Timergara in sum of RS 7000/-. The purchaser in his statement has pointed out the name of appellant and the proceed of crime track to the appellant directly.
- (E) The respondents also seek leave of this honorable Tribunal to rely on additional grounds at the time of arguments/ hearing.

3

PRAYER:

Keeping in view the above stated facts, it is therefore, humbly prayed that on acceptance of this Para-wise reply, the appeal may graciously be dismissed with costs please.

(Respondent No. 1)
Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.



(Respondent No. 2)
Regional Police Officer,
Malakand at Saidu Sharif Swat.

Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.

(Respondent No. 3)
District Police Officer,
Dir Lower



CAPT: (R) LIAQAT ALI MALIK
PSP/PPM
District Police Officer,
Dir Lower

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No 11881/2020

Jawad Ali Constable No. 341 Lower Dir Appellant.

VERSUS:

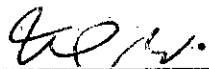
- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Lower Dir..... Respondents.

POWER OF ATTORNEY

Mr. Zewar Khan Inspector Legal Dir Lower is hereby authorized to appear on our behalf before the Honorable Service Tribunal in the above Service appeal and pursue the case on each and every date.

He is also authorized to submit all the relevant documents in connection with the above Service Appeal.


(Respondent No. 1)
Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.




Regional Police Officer
Malakand Region
Saidu Sharif, Swat.

(Respondent No. 2)
Regional Police Officer,
Malakand at Saidu Sharif Swat.

(Respondent No. 3)
District Police Officer,
Dir Lower



CAPT: (R) LIAQAT ALI MALIK
PSP/PPM
District Police Officer,
Dir Lower

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNA PESHAWAR

Service Appeal No 11881/2020

Jawad Ali Constable No. 341 Lower Dir Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower..... Respondents.

AFFIDAVIT.

I Fazal Gafoor Khan SI Legal Dir Lower do hereby solemnly affirm and declare on oath, that the contents of the Para wise reply is true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.


(Fazal Gafoor Khan)
SI Legal
Dir Lower

7

Annex "B"

جناب عالی!

بحوالہ ڈینوائٹو ایئری نمبر 4374 مورخہ 18.06.2019 آذان کنسٹیبل جواد نمبر 241 حسب الحکم عمل میں لائی جا کر مختصراً

تفصیلات کچھ یوں ہیں:

(1) یہ کہ مورخہ 25-04-015 کو کنسٹیبل ریاض نمبر 1608 متعینہ تھانہ منڈہ دیر لوئیر جو کہ وپین کورس کے سلسلہ پولیس لائن تیسر گره دیر لوئیر آکر دیگر ساتھیوں سمیت پولیس لائن کے ایک بیرک میں رہائش پذیر تھا۔ کہ مورخہ 29-05-015 ایک دن عدالت بلا مٹ ڈیوٹی کیلئے جا کر واپس ہو کر بوقت 12:30 بجے بیرک کنسٹیبلان میں اپنا موبائل سیٹ Qi 6 کو چارج میں رکھ کر خود سو گیا۔ جب بیدار ہوا تو موبائل سیٹ غائب پایا۔ ڈھونڈنے پر نہ ملا تو چند ایک کالز کی جو رینگ جا رہا تھا اور بعدہ بند کیا گیا۔ معلومات کرنے پر پایا گیا کہ کنسٹیبل جواد علی نے وہی موبائل خالد نامی دکاندار پر فروخت کر کے بذریعہ کنسٹیبل ثانی گل نمبر 1947/DSB ریکور ہو کر ملاحظہ کرنے پر واقعی چوری شدہ موبائل زیر بحث بالا پایا جا کر اپنی رپورٹ بحوالہ مد 17 روزنامچہ 27-07-015 درج کر کے نقل مد تھانہ بلا مٹ لیجا کر جس پر باقاعدہ FIR مقدمہ علت 230 مورخہ 27-07-015 جرم PPC 380 / 14 الاک لاء تھانہ بلا مٹ درج رجسٹر کی گئی۔ مقدر خان CIO صاحب کو مقدمہ کی تفتیش حوالہ ہو کر جس نے نقشہ موقع مرتب کی۔ پولیس لائن سے موبائل سرقہ شدہ جو قبل ازیں لائن آفیسر شاد محمد خان نے بروئے فرد قبضہ پولیس کی تھی۔ قبضہ میں لیکر اسی طرح دوران تفتیش فرد کے گواہان اور موبائل سیٹ جن جن اشخاص پر فروخت ہو چکا تھا کے بیانات 161/164 ض ف قلمبند کئے۔ ملزم گرفتار کر کے بعد حراست پولیس دو/2 یوم حوالات جو ڈیشل منتقل کیا گیا۔ تفتیش کے مکمل ہونے پر مقدمہ میں اندر میعاد چالان مکمل دیا گیا۔ ملزم عدالت سے ضمانت پر رہا ہو کر جس کے خلاف قبل ازیں انکو ایئری سابقہ نعیم خان DSP سرکل جنڈول نے کر کے دوران انکو ایئری صحیح گنہار پایا جا کر جب ملزم کنسٹیبل جواد علی نمبر 241 عدالت سول جج صاحب سے مورخہ 31.10.2016 کو جو کہ راضی نامہ کی بنیاد پر بری کیا گیا تھا۔ کو مورخہ 29.12.2016 کو Final Show cause Notice دیا جا کر باقاعدہ از دلی روم میں مورخہ 05.01.2017 کو ذاتی طور پر سنے کا موقع دیا جا کر جس نے (کنسٹیبل جواد علی نمبر 241) جس نے سلف ڈیفینس میں اپنی بے گناہی کا ثبوت پیش نہ کر کے مورخہ 02.03.2017 کو سروس سے ڈس مسل کا سزایاب کیا گیا۔ کنسٹیبل جواد علی نمبر 214 نے بعد اپیل آفسران بالا عدالت سروس ٹریبونل سے بحال ہو کر عدالت نے ڈینوائٹو ایئری کی ہدایت کی اور اسی طرح ڈینوائٹو ایئری زیر دستخطی کو مارک کی گئی۔

ڈینوائٹو ایبیری کیلگی۔ مسمیان مدعی کنسٹیبل ریاض خان نمبر 1608، شاد محمد خان سابقہ لائن آفیسر، ASI زاہد حسین سابقہ محرر، ASI شاہ زمین سابقہ محرر تھانہ بلا مٹ، کنسٹیبل ثانی گل 1947/DSB، کنسٹیبل بلال نمبر 1424 اور ڈکاندار ابن خالد رحمن، عبدالقیوم، امجد خان کے بیانات بہ موجودگی ملزم کنسٹیبل جواد علی نمبر 241 اور کراس ایگزامینیشن کا موقع دیا جا کر لئے گئے۔ ملزم کنسٹیبل جواد علی نمبر 214 کو باقاعدہ تفصیلاً اور ڈیفنس کا پورا پورا موقع دیا گیا۔ اور مذکورہ کا بیان بھی لیا جا کر لفظ ہے۔

نتیجہ انوائٹو ایبیری

جملہ بیانات گواہان، مدعی، ملزم، تفتیشی اہلکاران اور بیانات زیر دفعہ 164 ض ف سہیل احمد ولد شیر حکیم جان سکند ملا کنڈ پائین اور خالد رحمن ولد ریز محمد خان ساکنان شاہ گل آباد تیسر گره کی روشنی میں بحیثیت انوائٹو ایبیری آفیسر اس نتیجہ پر پہنچا ہوا ہے کہ مقدمہ علت 230 مورخہ 015-07-27 جرم PPC.380 / 14 اسلامک لاء تھانہ بلا مٹ میں کنسٹیبل جواد علی نمبر 241 کو بروئے راضی نامہ بری ہو چکا ہے۔

چونکہ کنسٹیبل ڈسپلن فورس کا اہلکار ہے لہذا البصیغہ سبق مذکورہ کنسٹیبل کو Minor Punishment کے لئے Recommend کیا جاتا ہے۔

رپورٹ گزارش ہے۔

ایس۔ پی، انوسٹی گیشن،
ضلع دیر پائین۔

(9)

Annex "C"

میل ذمہ دہم بلڈا عمارت

میل ازان خالد رخصتہ دہم ذمہ دہم خان ساکن شاہ گل آباد
شہرہ قتل برگرہ قلعہ دہم پابن۔

طقتان کیا کہ میرا بیٹا ایک سٹی سٹریٹ
برائیل کلب دکان ہے۔ جس میں برائیل فون کا

پرست سے علاوہ فریڈ ہر وقت کا کاروبار
ہیں کرتا رہتا ہوں۔ عمر فقہ انڈیا "1986" میل

ایک فون البر ایڈ کا جس کا نام جو دہم ہے جو پلے
بہ سہجہ دکان کو کئی بار آچکا ہے جس پر

میل نے پلے برائیل سٹیٹ قتل ازیں اذیت
کئے تھے اگر تھے بتلانا کہ برائیل سٹیٹ 1986

نمبر 675067 لاکر بنا کر ایک سٹیٹ سٹیٹ سے
نے سٹیٹ لے کر سٹیٹ سے بھجوا ہے۔ اور میں ضرورت

کے تحت دسی برائیل سٹیٹ کو ذمہ دہم
کرتا چاہتا ہوں۔ جس نے سٹیٹ جو دہم سے

سٹیٹ سٹیٹ لے کر سٹیٹ سے بھجوا ہے۔ اور میں ضرورت
ہاں سٹیٹ لے کر سٹیٹ سے بھجوا ہے۔ اور میں ضرورت

روپے سٹیٹ لے کر سٹیٹ سے بھجوا ہے۔ اور میں ضرورت
برائیل سٹیٹ لے کر سٹیٹ سے بھجوا ہے۔ اور میں ضرورت

Senior Civil Judge/A.P.J.
Dir at Timergare

خ
مادہ

②
 سے شہرہ طحا۔ لہذا ان میں سے کچھ بار جو ادھار کے
 ساتھ رہائش گاہ کے سامان والی رقم کے ساتھ اس
 کے ساتھ رہائش نمبر 03425480813 / 03425480813
 ملکیں جو ادھار کے لیے جوئے گئے کہ میں تاحال ان لوگوں میں
 گھنٹوں جھگڑتے ہیں جلا جہاں رہتا تھا اس کے بارے
 آپ کے جوئے کر رہا تھا۔ یہ تاحال ہے جو ادھار کے ساتھ رہائش
 کا یہ سامان والی رہائش ہے۔ میرے پاس ہے
 پورے ماٹا سا حد خان نے جو ادھار کو بھاری کاپی
 میں مبلغ 1500 روپے کے طور پر میں جو ادھار کے ساتھ
 جو ادھار مندرگورہ میں تاحال اچھی ہے وہ رہا ہے۔
 میں نے جو ادھار کے نام دیتے ہیں اور جو ادھار
 درج ہے۔ یہ وہ رہائش مندرگورہ کے سرگرم شہرہ
 میں نے کی تابت کوئی علم نہیں تھا۔ یہ وہ رہائش ہے
 جو ادھار کے ساتھ ہے۔

محمد
 خالد رفیق ڈائریٹری جنرل
 تاحال ناڈو 7-9395505-15302

Handwritten signature

Senior Civil Judge (B.L.O.)
 Dir at Tikergara
 (عادل)
 28/7/2015

Handwritten signature

28-07-2015