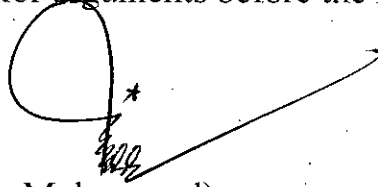


04.11.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 26.12.2022.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

SCANNED
KEST
Peshawar

26.12.2022 Due to winter vacation the case is adjourned to 29.03.2023 before the same.

Reader.

29th Mar, 2023

Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl: AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. To come up for arguments on 12.06.2023 before D.B. P.P given to the parties.



(Salah Ud Din)
Member (Judicial)



(Kalim Arshad Khan)
Chairman

SCANNED
KEST
Peshawar

12.07.2021

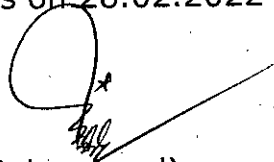
Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.


Chairman

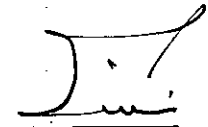
Stipulated period passed reply not submitted.

10.2021

Appellant alongwith his counsel Mr. Asad Zeb Khan, Advocate, present, who submitted Wakalat Nama on behalf of the appellant, which is placed on file. Mr. Kabirullah Khattak, Additional Advocate General for the respondents preset and submitted comments, copy of which handed over to learned counsel for the appellant, who sought time for submission of rejoinder. Adjourned. To come up for rejoinder, if any, as well as arguments on 28.02.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

28.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 03.06.2022 for the same as before.


Reader.


03.06.2022

Bench is incomplete, therefore, case is adjourned to 11.08.2022 for the same as before.

11.8.22

Proper DB not available the case is adjourned to 4-11-2022


Reader.


Reader.

14550/20

17.06.2021

Appellant present in Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. 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 in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 27.10.2021 before the D.B.

Appellant Deposited
Security & Process Fee
17/6/21


Chairman

01.01.2021

Appellant present in person.

He made a request for adjournment as his counsel is not in attendance. Adjourned. To come up for preliminary hearing on 30.03.2021 before S.B.



(Rozina Rehman)
Member (J)

30.03.2021

Raheel Zaman attorney of appellant present.

He made a request for adjournment as counsel for appellant is not in attendance; granted. To come up for preliminary hearing on 17/06/2021 before S.B.





(Rozina Rehman)
Member (J)

FORM OF ORDER SHEET

Court of _____

Case No.- 14550 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/11/2020	<p>The appeal of Mr. Laiq Zaman presented today by Mr. Mafkhar Haleem Kakakhel 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>01/01/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>01.01.2021</p> <p>Appellant present through counsel.</p> <p>He made a request for adjournment. Adjourned. To come up for preliminary hearing on 30.03.2021 before S.B</p> <p style="text-align: right;">(Rozina Rehman) Member (J)</p>

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. 14550 /2020

Laiq Zaman.....Appellant

V E R S U S

IGP, KPK and others.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of Service Appeal		1-6
2.	Affidavit		07
3.	Addresses of Parties		08
4.	Copy of CNIC	A	09
5.	Copy of Appointment order dated 01.07.1991 alongwith Service Card	B-C	10-11
6.	Copy of FIR dated 06.03.2013	E	12
7.	Copy of departmental inquiry report	F	13-14
8.	Copy of impugned termination order dated 09.02.2015	G	15
9.	Copy of judgment dated 25.09.2020	H	16
10.	Copies of departmental appeal and order dated 05.11.2020	I-J	17-21
11.	Special Power of Attorney		22-23
12.	Wakalat Nama		24

Through

Appellant

Mafkhar Haleem Kakakhel

Date: 20/11/2020

Mafkhar Haleem Kakakhel
Advocate, Peshawar

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2020

Laiq Zaman S/o Aziz Khan,

(Ex-Head Constable No.591, Police Department, KPK)

R/o Village Rashakai, PO Tarakai,

Tehsil Razzar, District Swabi.....**Appellant****V E R S U S**

1. Inspector General of Police,
Khyber Pakhtunkhwa, Police Lines,
Peshawar

2. Regional Police Officer (RPO),
District Mardan

3. District Police Officer (DPO),
DPO Headquarters, District Swabi

4. Deputy Superintendent of Police (DSP),
Razzar, District Swabi

.....**Respondents**

**Appeal u/s 4 of Khyber Pakhtunkhwa
Service Tribunal Act, 1974 against the
impugned order dated 09.02.2015 of
respondent No.2 and 3, whereby the
appellant has been terminated from
his service.**

Prayer in Appeal:

On acceptance of this service appeal, the impugned termination dated 09.02.2015 issued by respondents No.2 and 3 may kindly be set aside and services of the appellant may kindly be restored with all back benefits.

Any other remedy, which deems fit and appropriate by this Honourable Tribunal according to the facts and circumstances of the case, may also be granted in favour of the appellant.

Respectfully Sheweth:

Compendium of facts out of which the present service appeal arises, are as under:

1. That the appellant is the bonafide citizen of Pakistan and presently residing at Village Rashakai, PO Tarakai, Tehsil Razzar, District Swabi. (Copy of CNIC is Annexure "A").
2. That the appellant was initially appointed as Police Constable in Police Department in District Swabi on 01.07.1991. (Copy of Appointment order dated 01.07.1991 alongwith Service Card are Annexure "B" & "C").

3. That later on, the appellant has performed his services to the best of his abilities and capabilities as well as accomplishing different police trainings/ courses and was promoted to Head Constable by the high-ups vide order dated 11.02.2008.
4. That on 06.03.2013, the appellant has malafidely and allegedly been nominated in an FIR No.76 under section 302/324/34 PPC by the local police of PS Sabzi Mandi, Islamabad. (Copy of FIR is Annexure "E").
5. That in the consequence whereof, a departmental inquiry has been initiated by the department and the Deputy Superintendent of Police, Razzar, Swabi (respondent No.4) has found the appellant as innocent and requested the high-ups to exonerate the appellant from the charges levelled against him in the said case/FIR. (Copy of departmental inquiry report is Annexure "F").
6. That although, the respondent No.4 has made request to exonerate the appellant from the said charges, but the respondent No.3 did not pay any heed to such findings/ inquiry report and terminated the appellant from his service vide termination order dated 09.02.2015. (Copy of impugned termination order dated 09.02.2015 is Annexure "G").

7. That as the appellant has been involved in said case malafidely and after conduction of full-dress trial, the appellant was acquitted honourably by the learned Additional Sessions Judge-IV, Islamabad vide order/ judgment dated 25.09.2020. (Copy of order/ judgment dated 25.09.2020 is Annexure "H").
8. That after getting acquittal in said criminal case, the appellant promptly approached the department and submitted departmental appeal/ representation on 28.09.2020 before the Regional Police Officer, Mardan (respondent No.2) for restoration of his services, but, the respondent No.2 has rejected the same vide order dated 05.11.2020. (Copies of departmental appeal and order dated 05.11.2020 are Annexure "I" & "J").
9. That the appellant being aggrieved from the aforesaid orders dated 09.02.2015 and 05.11.2020 of respondents No.2 and 3, having no other remedy and is constrained to file the instant service appeal before this Honourable Tribunal, on the following grounds amongst others:

GRUNDS:

- A. That impugned termination order of respondent No.3 dated 09.02.2015 alongwith order dated 05.11.2020 of respondent No.2, whereby departmental appeal of the appellant was rejected/ dismissed, are patently illegal, against the facts and material

6

5

respondents is violative of Article 4 & 5 of the Constitution of Islamic Republic of Pakistan, 1973.

F. That the appellant seeks leave of this Honourable Tribunal to raise further points at the time of arguments.

IT IS, THEREFORE, most humbly prayed that on acceptance of the instant service appeal, the impugned termination dated 09.02.2015 issued by respondents No.2 and 3 may kindly be set aside and services of the appellant may kindly be restored with all back benefits.

Any other remedy, which deems fit and appropriate by this Honourable Tribunal according to the facts and circumstances of the case, may also be granted in favour of the appellant.

Through Appellant 

Date: 20/11/2020

Mafkhar Haleem Kakakhel
Advocate High Court

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2020

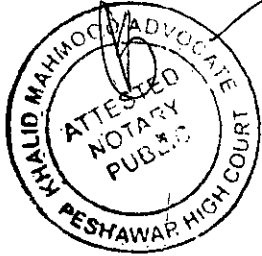
Laiq Zaman.....Appellant

VERSUS

IGP, KPK and others.....Respondents

AFFIDAVIT

I, Raheel Zaman S/o Laiq Zaman R/o Village Rashakai, PO Tarakai, Tehsil Razzar, District Swabi (**Special Attorney for appellant**), do hereby solemnly affirm and declare on oath that the contents of **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Raheel Zaman

DEPONENT

CNIC: 16202-0386822-3

Cell: 0345-2762772

8

8

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Service Appeal No. _____/2020

Laiq Zaman.....Appellant

V E R S U S

IGP, KPK and others.....Respondents

ADDRESSES OF PARTIES

APPELLANT

Laiq Zaman S/o Aziz Khan
(Ex-Head Constable No.591, Police Department, KPK)
R/o Village Rashakai, PO Tarakai,
Tehsil Razzar, District Swabi

RESPONDENTS:

1. Inspector General of Police,
Khyber Pakhtunkhwa, Police Lines,
Peshawar
2. Regional Police Officer (RPO),
District Mardan
3. District Police Officer (DPO),
DPO Headquarters, District Swabi
4. Deputy Superintendent of Police (DSP),
Razzar, District Swabi

Through Appellant

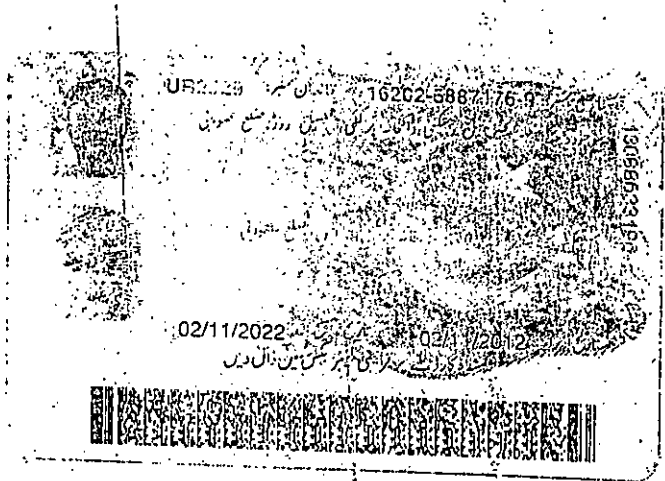
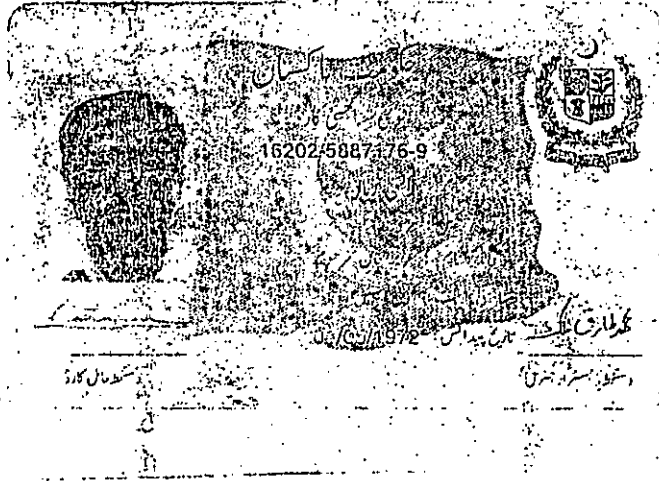
Mafkhar Haleem Kakakhel

Date: 20/11/2020

Mafkhar Haleem Kakakhel
Advocate High Court

9

Annexus - A



Amieque "B"

ENLISTMENT ORDER

20

Name Harig Zaman o/o Aziz Khan o/o Rashtakli
Police Station Kalukli District Swabi is hereby

enlisted on Constable time scale on three years probation
in B.P.S. No. 5 (Rs. 700-25-1200) @ Rs. 700/- Per Month with from
1.7.91 AN and allotted Constabulary No. 591

Height 5-9

Chest 35 x 37

Educ: 10th

Date of Birth 1.5.72

O.B. No. 688

Dated 4.7.07

(ATTAULLAH WAZIR)

Sub-Commissioner of Police
Swabi

Age at the time of appointment
years months days
19-1-19

بکری محمد علی

Amended 4/11

KHYBER PAKHTUNKHWA
POLICE
 SERVICE CARD

Name: Lala Zaman

Designation: H.C. # 601

District: Swabi

District Police Officer
 Swabi
 Managing Authority

Father Name: Aziz Khan

N.I.C. No.: 16202-6387178-0

Date of Appointment: 01/07/2011

Identification Mark: NA

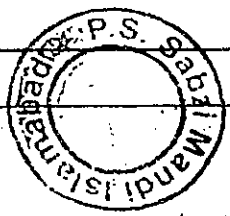
Height: 5' 8" **Weight:** 65kg **Blood Group:** A+ve

پولیس فارم نمبر 5-24 (1)

ابتدائی اطلاعی رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 ضابطہ نو جداری

76/13 تھانہ سبزی منڈی ضلع اسلام آباد تاریخ وقوع: 6, March 2013 وقت وقوع: 8/15 بجیدن

رہنما وقت رپورٹ	مورخہ 06-03-13 بوقت 9/20 بجیدن نمبر 26	6	قانسے رسائی کی تاریخ وقت	بذریعہ پولیس رپورٹ
مذکورہ اطلاع دہندہ دستفیش	استغاثہ مرتبہ و مراسلہ جاوید اقبال تنولی SI تھانہ سبزی منڈی بر بیان الطاف حسین ولد گلزار خان ساکن محلہ غریب خیال ترکی رشتگی تحصیل ضلع صوابی حال ہزارہ کالونی ڈھوک سنگھ راولپنڈی فون نمبر 0345-9701386			
کیفیت جرم سے متعلقہ اہل اگر کچھ کو ہے	302/34 تپ			
ذمہ دار اطلاع دہندہ سے اور دست	بھدری سیکٹر 11/4-1 اہلیہ قریب دوفلاک بجانب مشرق از تھانہ			
رہائی خطہ تفتیش اگر اطلاع دہندہ کرنے	حسب استغاثہ مقدمہ درج رجسٹر ہوا			
بمقتور وقت ہوا اس کی وجہ بیان کی جائے				



دستخط: سیف الاسلام عہدہ: ASI ابتدائی اطلاعی نیچے (درج کرو)

اس کے لیے اطلاع دہندہ کا دستخط یا مہر یا نشان اگر لکھا ہوا ہے اور اس پر تحریر کنندہ (ابتدائی اطلاع) کے دستخط بطور تصدیق ہونے چاہیے۔ بیان ازاں الطاف حسین ولد گلزار خان ساکن محلہ ترکی رشتگی تحصیل ضلع صوابی حال ہزارہ کالونی ڈھوک سنگھ راولپنڈی فون نمبر 27/28 سال فون نمبر 0345-9701386 بیان کیا کہ مستقل رہائشی ایڈریس بالا کا ہوں مہرہ چہ عین ممکن بھائیوں کے ہمراہ اپنے خالو خان شیر کے ساتھ ہزارہ کالونی راولپنڈی میں رہائش پذیر ہیں سبزی منڈی اسلام آباد میں سبزی کا ٹھیلہ لگا تا ہوں آج حسب معمول اپنی حقیقی سہن، عامر خان خالد زاد ندیم اقبال کے ساتھ سبزی منڈی اسلام آباد گیا بوقت قریب 8:15 بجیدن ڈبل روڈ سبزی منڈی بالقابل دوکان نمبر 155 چوک میں ٹھہرے پر موجود تھا بھائی عامر خان کزن ندیم اقبال بھی میرے ساتھ سبزی فروخت کر رہے تھے کہ ہمارے گاؤں کے لائق زمان، حکم خان پسران عزیز خان 3 عارف ولد حکم خان 4 دیار خان ولد سید افضل قریب خیال ترکی رشتگی صوابی ہاؤس ٹھہرے کی جانب گرم چادر اوڑھے آئے نزدیک آنے پر عارف نے اپنے والد کو آواز دی یہ ذاکر حسین ہے اسکو گولی مار دو اس دوران حکم خان نے نیچے سے پٹل 30 بوزنگال کر ڈاکر حسین پر سیدھا قاتر کیا جو ڈاکر حسین کی دائیں ٹانگ گھٹنے پر لگا جس سے زخمی ہو کر ڈاکر حسین نے لائق زمان کو کولک مارا مارا کہ اُن زمان نے چادر کے نیچے سے پٹل 30 بوزنگال کر ڈاکر حسین کے گھٹے ہونے کی گردن پر رکھ کر ناز کیا۔ جس سے ذاکر حسین زخمی ہو کر زمین پر گر پڑا اور موقع پر دم توڑ گیا زمان کو کوشش کی اسلحہ ہونے کی وجہ سے بھاگ جانے میں کامیاب ہو گئے وہ جرحا قتل ازین پچازاد بھائیوں نے انکا ایک آدمی قتل کیا تھا اسی وجہ سے ہم راولپنڈی آئے تھے آج موقع پر ان میرے بھائی کو قاتل کیا ہے انکے خلاف رجسٹر ہوا ہوں قانونی کارروائی کی جائے العبد دستخط بخروف انگریزی تصدیقی شدہ کارروائی پولیس اطلاع دہندہ پا کر مدہمہ انیاں ذوالفقار 56، منور علی C/391 جائے وقوعہ سبزی منڈی پھنچا تو قریب بازار ASI مدہمہ بختر خان C/6393 اتات منڈی بھی موقع پر پہنچ گیا ہے۔ بیان بالا مسائل نے تحریری دیا جو ضبط تحریر میں لایا تو پڑھ کر سنا یا دیکھا گیا جس نے صحت بیان خود کو درست تسلیم کرتے ہوئے زیر بیان اپنے دستخط بخروف انگریزی کر دیئے ہیں جنکی میں تصدیق کرتا ہوں نفس مقبول ذاکر حسین کا قتل کرنے پر گردن پر کھنٹی طرف ذمہ دار غلط گولی اسلحہ آتشیں جبکہ بائیں جانب کھنٹی پر زخم خارجہ دائیں ٹانگ گھٹنے پر زخم داخلہ خارجہ گولی اسلحہ آتشیں پائے گئے ہیں نفس مقبول پر کرنے۔ حال در خواست پشمارٹم ذریعہ اجتماع قریب بازار ASI بذریعہ پرائیویٹ گاڑی پوز برائے پشمارٹم کھروائی بیان بالا حالات واقعات سے مردست صورت جرم 302/34 پیپ پ پائی الا شکل استغاثہ بغرض قاتل مقدمہ بدست ذوالفقار HC/15671 ارسال تھانہ ہے۔ مقدمہ درج رجسٹر کر کے نمبر مقدمہ سے آگاہی بخشی جاوے میں موقع پر مصروف تفتیش ہوں از ہڈ سبزی منڈی بالقابل دوکان نمبر 155 سیکٹر 11/4-1 اسلام آباد بوقت 9:00 بجیدن دستخط بخروف انگریزی جاوید اقبال SI/SHO تھانہ سبزی منڈی اسلام آباد از تھانہ حسب رپورٹ ابتدائی اطلاعی نمبر ہذا ایچ ایم ڈی کو مرتب ہوئی بحریہ تحصیل ریکارڈ نقول FIR جا بجا مجاز انفران بالا ارسال کرے اصل استغاثہ مع نقل FIR آرنڈ ہڈ کنشیل عقرب فرسندہ صاحب ہمدان تفتیش ارسال ہے۔

سیف الاسلام ASI

تھانہ سبزی منڈی اسلام آباد

مورخہ 06-03-2013

Annexure 'F'

13

DEPARTMENTAL ENQUIRY AGAINST HEAD CONSTABLE LAIQ ZAMAN

My findings will dispose off a departmental enquiry conducted against HC Laiq Zaman No.591 reported allegations that he while posted to Police Lines Swabi involved himself vide case FIR No.76 dated 06.03.2013 u/s 302/34 PPC PS Sabzi Mandi. Therefore he was charge sheeted and the undersigned was appointed as Enquiry Officer to conduct departmental enquiry against the said official vide DPO Swabi office Memo: No.196/CC/PA dated 02.10.2013.

The defaulter official HC Laiq Zaman No.591 was called to the office and recorded his statement, which is attached herewith in original and worth perusal.

He stated that on 16.08.2013 at 1510 hours his brother namely Misal Khan was murdered in his presence by accused Istiraj and Faraz sons of Hajji Haider, Siraj s/o Istiraj alias Fauji and Bilawal s/o Sher Haider residents of Rashakai and a case vide FIR No.1127 dated 16.08.2013 u/s 302/34 PPC PS Kalu Khan was registered on his report. One of the accused namely Bilawal was arrested and remaining accused are still at large against whom proceeding u/s 512 CrPC has been completed and declared as POs.

As far as his involvement in murder case is concerned, he is a complainant and eye witness in the murder case of his brother due to which, he has been implicated in the above case due to ulterior motives. He was performing his duty during the time of occurrence as gunner with Javid Khan MPA and on 06.04.2013 he has reported to Police Lines Swabi. He further stated that he was implicated in the case in order to compel him for patch up and withdraw from the case. His brother who is an employee in WAPDA Department and his nephew who is doing M-Phil were also nominated in the said case due to some ulterior motive.

He further stated that he is a Police official and is pursuing the murder case of his brother. He is innocent and falsely robes in the murder case.

Mr. Javid Khan Tarakai MPA has appreciate his duty. According to him, Laiq Zaman HC of Swabi Police had performed security duties with him since 2011 till date i.e 04.04.2013 on round the clock basis, with full devotion, honestly and dedication. He appreciated his professional duty and wishes him best of luck in future. He reiterated that he was accompanied with him on 6th March 2013.

The statements of the following were also recorded in connection with the enquiry:-

1. Fayaz s/o Ali Bahadar r/o Rashakai
2. Shah Jihad s/o Israr Khan r/o Rashakai

Annexure F
new copy
copy

Both of them stated in their written statement that HC Laiq Zaman has been implicated in the murder case falsely. On the eventful day he was present with them and after that he was accompanied with Javid Khan MPA to Peshawar

FINDINGS

- 1 A case vide FIR No.1127 dated 16.08.2013 u/s 302/324/34 PPC PS Kalu Khan was registered on the report of complainant/accused officer for the murder of his brother against his opponent party
- 2 The defaulter officer is a complainant and eye witness in the above case.
- 3 The accused party has adopted tactics in order to compel the defaulter official for compromise and withdraw him from the case:
- 4 MPA Javid also stated that he was accompanied with him on 6th March 2013.
- 5 The statements of the two persons also revealed that he was present in Swabi and the then left for Peshawar with Javid MPA on the day of occurrence.
- 6 It is proved from the above evidence that the defaulter official has been falsely implicated in the case.

CONCLUSION

In view of the above and enquiry conducted, it is found that the defaulter official HC Laiq Zaman may please be exonerated from the charges.

Deputy Superintendent of Police,
H.Qrs, Swabi.

No 1737-L
26-11-13

*- He is re-interviewed & report
- Requirement be kept in
- Full decision is*

*received
the case
1450
09/12/13*

Ameer, F.G.

15

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.


ORDER.

HC Laiq Zaman No. 591, while posted to Police Lines, Swabi involved himself vide case FIR No.76 dated 6.3.2013 U/S 302/34 PPC Police Station Sabzi Mandi, Islamabad, which is highly against the discipline and amounts to gross misconduct. Therefore, he was placed under suspension and served with Charge Sheet & Summary of Allegations and DSP, H.Qrs Swabi was appointed as Enquiry Officer. The Officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned and submitted his findings, which was ordered to be kept pending till the decision of the trial court. However, HC Laiq Zaman No.591, during pendency of enquiry, managed transit bail from the honorable Peshawar High Court Peshawar on 17.4.2014, wherein he was directed to appear before the concerned court at Islamabad. Consequent upon which he was re-instated and was performing his duty. Subsequently the complainant party submitted application against HC Laiq Zaman regarding his absconding from the court. As such he was served with Final Show Cause Notice and the application was marked to DSP, Razzar for enquiry and report. His reply to the Final Show Cause Notice was received, perused and was found un-satisfactory. However, the undersigned decided to give him an opportunity of personal hearing, but he did not appear and went into hiding. In the meantime report from DSP, Razzar received wherein he stated that HC Laiq Zaman has not attended the court and is absconding.

Therefore, I, **Sajjad Khan, PSP**, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award HC Laiq Zaman No.591, Major Punishment of dismissal from service, with immediate effect.

O.B No. 178

Dated: 09.02/2015.


(SAJJAD KHAN) PSP
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 293-86/PA, dated Swabi, the 10/02 /2015.

Copies to the: -

1. ASP, H.QRs, Swabi.
2. Establishment Clerk.
3. Fauji Missal Clerk.
4. Pay Officer.

7/13

76/13

7/13

Amir Khan

16

ORDER.
21.09.2020

It's a fresh challan, let it be registered.

Present: Accused on bail.
Mr. Zamurd Khan, learned SPP for State.

Accused has stated that he had reached on a compromise with the legal heirs of deceased and in pursuance of the compromise, the legal heirs have already recorded their statements at bail stage. That he may be given an adjournment for production of the legal heirs for recording of their statements. On request of accused, adjourned. Now to come up on 25.09.2020.

Robkar also be issued to SHO concerned for submission of list of legal heirs of deceased duly attested by Revenue Officer or other respectables of locality.

Announced
21.09.2020

Muhammad Ali Warraich)
Addl. Sessions Judge-IV
Islamabad (West).

ORDER.
25.09.2020

Present: Accused Laiq Zaman on bail.
Gul Faraz Khan father and Mst. Razia Faraz mother of deceased in attendance.
Learned counsel for complainant.
Learned counsel for accused.

Power of attorney on behalf of legal heirs has been submitted by Mr. Rabnawaz Advocate. Fresh power of attorney has also been submitted by Mr. Ilyas Khan Advocate on behalf of accused.

ATTESTED

On behalf of legal heirs of deceased, an application u/s 345 Cr.PC has been submitted seeking permission for recording of statements for compounding with the accused. By putting some question to both Gul Faraz Khan and Mst. Razia Faraz, I am convinced

Superintendent
(West) Islamabad

26 SEP 2020

that both the legal heirs of deceased are intended to make the statement voluntarily and with their free will and without any duress or pressure. Consequently application is allowed and statement of Gul Faraz and Mst. Razia are recorded separately.

After recording of statement, learned counsel for complainant has made an application u/s 265-K Cr.PC. Notice of which given to state.

Arguments on application u/s 265-K Cr.PC heard.

Briefly, the background of prosecution case is that on 06.03.2013 on complaint of Altaf Hussain son of Gul Faraz FIR No. 76/13 u/s 302 PPC was registered at P.S Sabzi Mandi against accused Laiq Zaman present in the court, Hukam Khan, Aziz Khan, Arif Khan and Diyar Khan etc for the allegation of murder of Zakir Hussain. Currently the challan/report u/s 173 Cr.PC has been submitted to the extent of accused Laiq Zaman present in the court. Today Gulfaraz Khan son of Ali Haider Khan and Mst. Razia father and mother of deceased Zakir Hussain respectively have appeared before the court and got recorded their separate statements to the effect that they have forgiven the accused in the name of Almighty Allah and have also waived their right of Qisas and Diyat against him. That they have no objection on acquittal of accused from this case.

Earlier on such compromising statement, pre-arrest bail application of Laiq Zaman was confirmed on 20.07.2020. List of legal heirs was also summoned from SHO P.S Sabzi Mandi. As per report, Gulfaraz Khan and Mst. Razia (real father and mother) are legal heirs of deceased Zakir Hussain.

Keeping in view the compounding statement u/s 309 PPC, accused Laiq Zaman is acquitted on the basis of compromise u/s 345 Cr.PC. File be consigned to record room after its due completion.

ATTESTED

Superintendent
(West) Islamabad
25/09.2020

Muhammad Ali Warraich
(Muhammad Ali Warraich)
Addl. Sessions Judge-IV
Islamabad (West).

25/9/2020

محضور جناب ڈی. آئی. جی صاحب مردان۔
 مضمون۔ درخواست برخلاف حکم بزخاستگی بحوالہ
 آرڈر نمبر 178 مورخہ 02/2015 9 جاریہ
 جناب ڈی. پی. او صاحب صوابی۔
 جناب عالی!

1. گزارش حسب ذیل عرض ہے۔
 من سائل حکم پولیس ضلع صوابی میں مورخہ 01/02/1991 کو بعدہ کنسٹیبل بھرتی ہو کر سائل نے مختلف کورسز کر کے لیسٹ کنسٹیبل کے عہدے پر ترقی پائی ہو کر اپنے فرائض منصبی احسن طریقے سے انجام دے رہا تھا۔
2. یہ کہ دوران ڈیوٹی سائل کے خلاف بحوالہ مقدمہ عدلت 76 مورخہ 03/2013 06 جرم 302/34 تھانہ سبزی منڈی اسلام آباد غلط، من گھڑت، بے بنیاد دعویٰ جاری ہو کر سائل کو مقدمہ میں ملوث کیا۔
3. یہ کہ سائل کے خلاف حکیمانہ انکوائری شروع ہوئی جو کہ سائل انکوائری میں بے گناہ ثابت ہوا۔
4. یہ کہ قبل ازیں مقدمہ عدلت 1127 مورخہ 08/2012 16 جرم 302-324-84 تھانہ کالو خان میں من سائل کا بھائی قتل ہوا تھا۔ اور سائل کا ایک بھائی قتل کے مجموعے مقدمہ میں گرفتار ہو کر جیل میں بند تھا جو کہ قید کے دوران جیل میں فوت ہوا۔

یہ کہ سائل کا ریب بھائی قتل ہوا۔ اور دوسرا بھائی جیل
چلا گیا۔ اور مخالفین من سائل کو کسی بھی طرح قتل کرنے
کے درپے تھے اور سائل کو کسی صورت زندہ چھوڑنا
ہیں چاہتے تھے۔ اسی وجہ سے من سائل اپنی جان کی
حفاظت کی خاطر روپوش ہو کر پناہ لی۔ اور علاقہ
بدر ہوا۔

یہ کہ سائل کی روپوشی اور علاقہ بدری بہ امر مجبوری
اور جان کی تحفظ کی خاطر تھی۔ کیونکہ سائل کے جان
کوشد بدخطرہ تھا۔

؟ یہ کہ سائل کی روپوشی کے بعد سائل کا ایسا اور بھائی
بھی قتل ہوا۔

جناب عالی! پچھو عدہ قبل مشران دیدہ / خبر کہ نے
ہمارے اور مخالف فریق کے مابین راضی نامہ کہے
سائل نے بعد راضی نامہ اپنی گہ فتاری اسلام آباد
پولیس کو پیش کی۔ اور باقاعدہ ٹرائل اور سماعت
کے بعد مورخہ ۹/۲۰۲۰ء کو بعد الت ایڈیشنل
جج صاحب صاحب اسلام آباد نے من سائل کو بے گناہ
قرار دے کر باعزت بری کرنے کا حکم صادر فرمایا۔
جناب عالی! سائل نے 718 سال دشمنی، بے روزگاری
اور علاقہ بدری میں گزرا کر سائل شدید تشدد متی
اور معاشی بد حال کا شکار ہو چکا ہوں اور اسکے علاوہ

من سائل عیال دار ہے سائل کے چھوٹے بچے ہیں جو کہ
 ایسے زیر تعلیم ہیں آٹے تعلیم و تربیت، علاج معالجہ
 اور نان نفقہ کی ذمہ داری بحیثیت نعل من سائل
 کے ذمہ ہے جس میں اس وقت سائل کو شدید دشواری
 اور مشکلات کا سامنا ہے۔

اپنے صاحبان کی خدمت اقدس میں
 عاجزانہ استدعا ہے کہ من سائل کو واپس
 اپنی نوکری پر بحال کرنے کے سائل کو ترجیح سے
 حلقہ پولیس میں خدمت فراہم کرنے کا
 حکم صادر فرما کر مشکور فرمائیں۔
 سائل محمد ال و عیال تاحیات دعا گو رہیگا۔

تقریر 09
 28/2020

العارض طالب
 سائل رائق زمان سابقہ نعل من سائل
 591
 He

0345 - 2762772

20

Amman "J"

ORDER

This order will dispose-off the departmental appeal preferred by Ex-Head Constable Laiq Zaman No. 591 of Swabi District Police against the order of District Police Officer, Swabi, whereby he was awarded major punishment of dismissal from service vide OB No. 178 dated 09.02.2015. The appellant was placed under suspension and proceeded against departmentally on the allegations that he while posted at Police Lines, Swabi was involved in case FIR No. 76 dated 06.03.2013 u/s 302/324-PPC Police Station Sabzi Mandi, Islamabad.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police Headquarters, Swabi was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings, whereupon the competent authority issued directions to keep the departmental enquiry pending till the decision of the trial Court.

The appellant had managed transit bail from the Hon'ble Peshawar High Court Peshawar on 17.04.2014, wherein he was directed to appear before the concerned Court at Islamabad. But he did not bother to comply with the order passed by the Hon'ble Peshawar High Court, Peshawar and was declared as proclaimed offender. Consequently, he was issued Final Show Cause Notice to which his reply was received and the same was paid due consideration but found unsatisfactory. He was also provided the right of self defense by summoning him in Orderly Room held by the District Police Officer, Swabi but he failed to appear. Therefore he was awarded major punishment of dismissal from service vide OB No. 178 dated 09.02.2015 by the District Police Officer, Swabi.

Feeling aggrieved from the order of District Police Officer, Swabi, the appellant preferred instant appeal. He was summoned and heard in person in Orderly Room held in this office on 27.10.2020

From the perusal of the enquiry file and service record of the appellant it transpired that he has been awarded the above mentioned punishment in the year 2015 whereas he preferred the instant appeal on 05.10.2020 without advancing any cogent reason regarding the delay. Hence, order passed by the competent authority does not warrant any interference.

21

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being badly time barred.

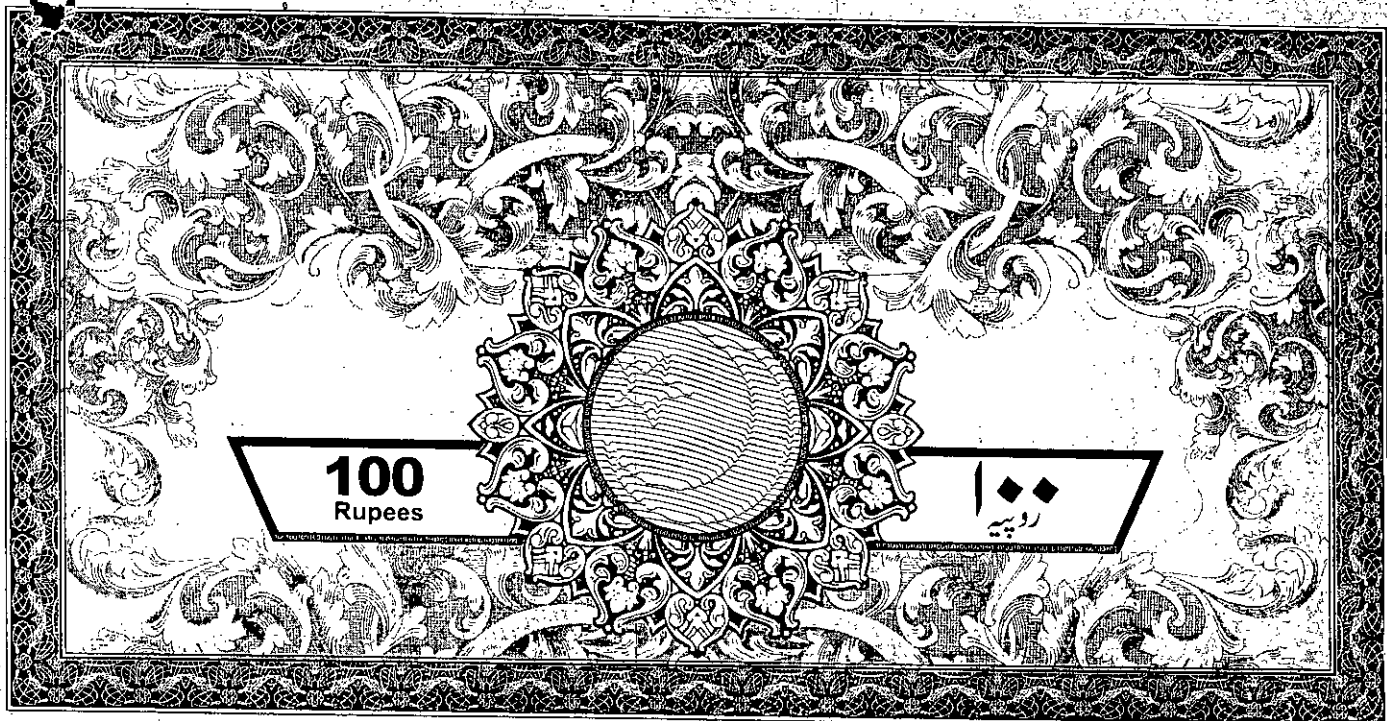
Order Announced.



Regional Police Officer,
Mardan.

No. 6846 /ES, Dated Mardan the 05/11 /2020.

Copy forwarded to District Police Officer, Swabi for information and necessary w/r to his office Memo: No. 173/Insp: Legal dated 08.10.2020. His Service Record is returned herewith.



POWER OF ATTORNEY

I, **Laiq Zaman** S/o Aziz Khan R/o Village Rashakai, PO Tarakai, Tehsil Razzar, District Swabi, do hereby nominate, constitute and appoint **Mr. Raheel Zaman** S/o Laiq Zaman R/o Village Rashakai, PO Tarakai, Tehsil Razzar, District Swabi as my Attorney and authorize him by virtue of this Power of Attorney to appear on my behalf in service appeal titled "**Laiq Zaman Vs IGP, KPK and others**" in the Service Tribunal, KPK, Peshawar upto august Supreme Court of Pakistan.

Mr. Raheel Zaman is authorized/ empowered through this Power of Attorney to file appeal, reply, rejoinder, petition, review etc upto Apex Court, to furnish affidavits, Vakalatnama on my behalf, to sign written statement, application etc, if need be and to also engage lawyer/ counsel on my behalf.

Every action taken or ought to be taken in this respect shall be admitted to me and shall be deemed to have been performed by me.

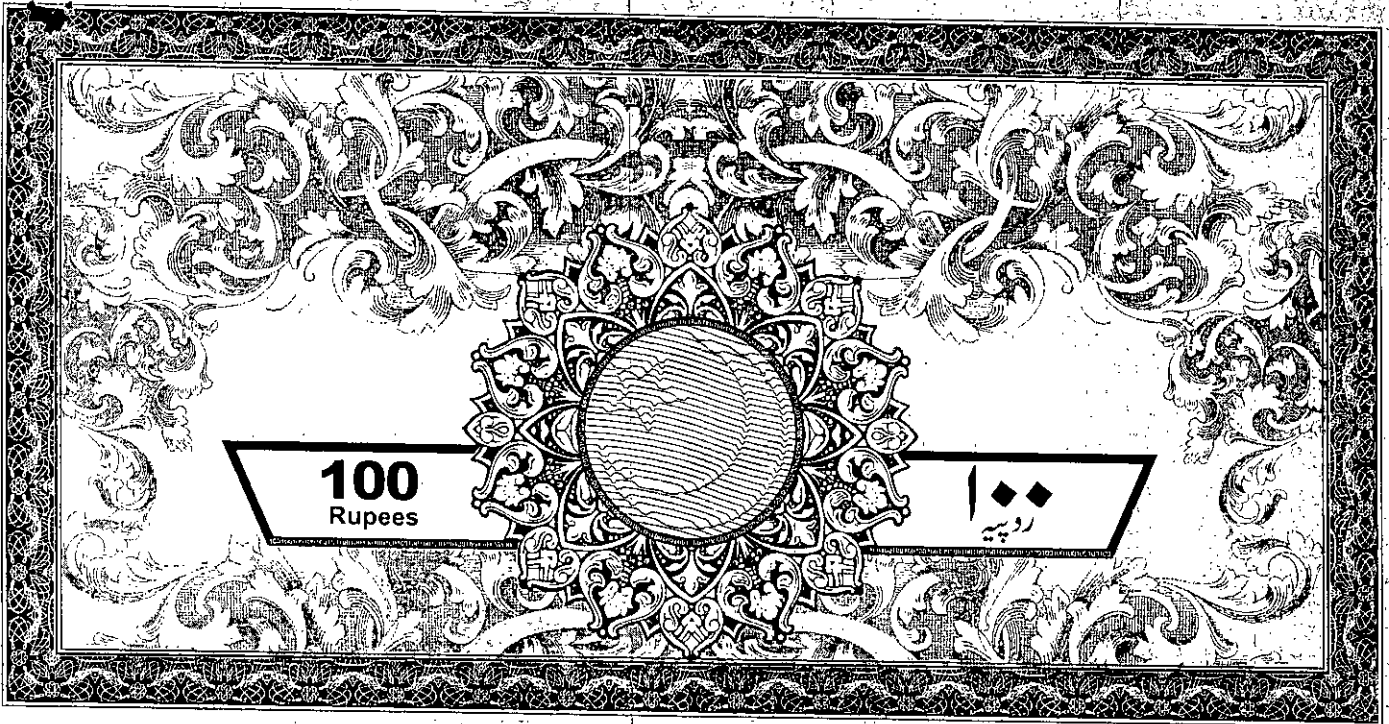
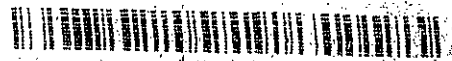
I shall be having no objection to the acts performed by the said attorney on my behalf.

دستور

۱۹/۱۱

District Treasury Accounts
17 NOV 2020
(Treasury Wing) Peshawar.

LIBRARY STAMP
Date No. 11-09-86
Peshawar Treasury



THEREFORE, this Power of Attorney is signed and executed in favour of above mentioned person in presence of witnesses on this **19th** of **November, 2020**.

ACCEPTED BY:

Raheel Zaman

CNIC: 16202-0386822-3

EXECUTANT:

Laiq Zaman

CNIC: 16202-5887176-9

WITNESS No.1

Abdullah Khan

CNIC: 16202-6980372-5

WITNESS No.2

Muhammad Haris

CNIC: 16202-7473388-5

دائریہ حسابات کے لئے فراہم کیا گیا ہے

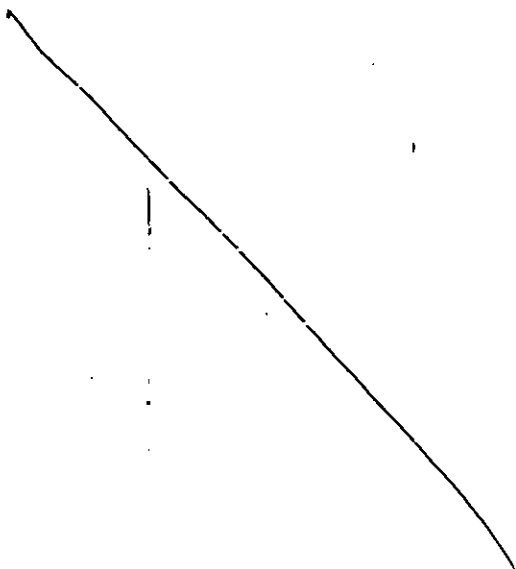
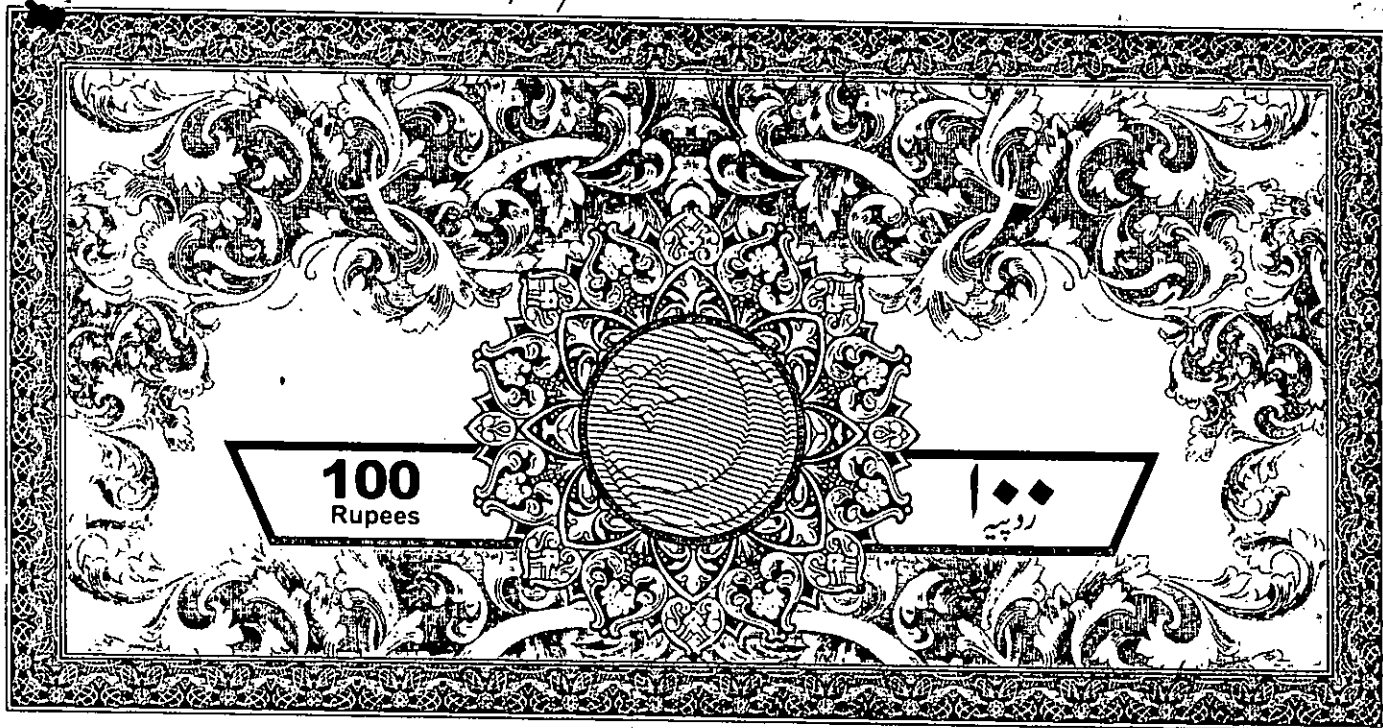
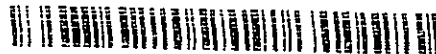
19/11/20

Distt. Treas. Peshawar
17 NOV 2020
(Treas. Wing) Peshawar.

RECEIVED
DISTRICT TREASURY
PESHAWAR

F588643

25



بعدالت

سروس ٹریڈنگ سٹیمپا و جینریشن

Appellant 2، مخائب بنام

الوقت زمان

موزعتہ 19-11-2020
مقدمہ سروس ٹریڈنگ
دعویٰ
جرم

پکا وعینہ

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی و جواب دہی وکل کاروائی متعلقہ
آن مقام سروس ٹریڈنگ کیلئے مقرر حلیہ کا حاصل اور وکیل
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیردی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی 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
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائہ التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیردی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 19 11 2020

واہ الع

بمقام سروس ٹریڈنگ سٹیمپا و جینریشن کے لئے منظور ہے۔

Laig Zaman
16202-5887176-9

Zaman

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 14550/2020.

Laiq Zaman Ex-Head Constable No. 591.....Appellant

VERSUS

Inspector General of Police Khyber Pakhtunkhwa & others.....Respondents

INDEX

S#	Description of document	Annexure	Page
1			
2			
3			
4			
5			
6			
7			
8			

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 14550/2020.

Laiq Zaman Ex-Head Constable No. 591.....Appellant

VERSUS

Inspector General of Police Khyber Pakhtunkhwa & others.....Respondents

PARAWISE COMMENTS BY RESPONDENTS.

Respectfully Shewith,

Preliminary Objections.

1. That the appellant has got no cause of action and locus standi to file the present appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is barred by law & limitation.
4. That the appellant has not come to this Tribunal with clean hands.
5. That this Hon'ble Tribunal has got no jurisdiction to entertain the present appeal.
6. That the instant appeal is not maintainable in its present form.
7. That the appellant concealed the material facts from this Hon'ble Tribunal.
8. That the appellant has been estopped by his own conduct to file the appeal.

Reply on facts.

1. Para No. 01 of appeal pertains to personal information of appellant, hence need no comments.
2. Para No. 02 of appeal pertains to record, as he was employee of Police Swabi.
3. Incorrect, performance of appellant during service delivery was not upto the mark.

4. Para No. 04 of appeal to the extent of involvement of appellant in murder case is correct on account of which he was proceeded against departmentally.
5. Para No. 05 of appeal to the extent of departmental proceeding against appellant on account of involvement in criminal case through DSP/HQrs Swabi is correct..
6. Para No. 06 of appeal is correct to the extent that after conclusion of proper departmental enquiry, the respondent No. 3 kept pending the enquiry till the decision of criminal case, however the complainant party submitted application against appellant regarding his absconding from the Court despite of the directions of Hon'ble Peshawar High Court Peshawar passed in transit bail dated 17.04.2014. Consequent upon which, appellant was served with Final Show Cause Notice, besides report was also sought from DSP Razzar who reported that appellant did not appear before the concerned Court at Islamabad, hence after receipt of reply of Final Show Cause Notice and fulfillment all the requirement under the law, appellant was dismissed from service vide order dated 09.02.2015.
7. Para No. 07 of appeal pertains to judgment of Court, hence need no comments. However, criminal proceeding and departmental proceeding can run side by side and the appellant acquitted on the ground of compromise and not on merit.
8. Para No. 08 of appeal is correct to the extent that after getting acquittal in the said criminal case, appellant filed departmental appeal which was examined and rejected by the respondent No. 2 through speaking order. The appeal of appellant was badly time barred.
9. That appellant has got no cause of action and the present appeal is groundless and devoid of merits.

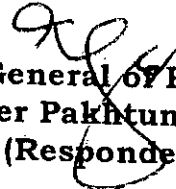
Reply on grounds.

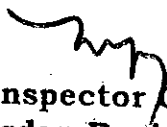
- A. Incorrect. The orders of respondents are in accordance with law/rules and based on facts and justice.
- B. Incorrect. The orders of respondents are in accordance with law/rules. It is pertinent to mention here that the appellant was not acquitted on merit, but on the basis of compromise.
- C. Incorrect. Reply already given vide para above.
- D. Incorrect. The respondents have not violated the principle of natural justice.


- E. Incorrect. Appellant was treated in accordance with law/rules and no fundamental rights of appellant was violated by the respondents.
- F. That respondents will also seeks leave of this Hon'ble Tribunal to raise further points at the time of hearing.

PRAYERS

Keeping in view the above stated facts it is humbly prayed that the appeal may kindly be dismissed with costs being devoid of merits/legal force.


**Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)**


**Deputy Inspector General of Police,
Mardan Region-I, Mardan.
(Respondent No. 2)**


**District Police Officer, Swabi.
(Respondent No. 3)**


**Sub Divisional Police Officer, Razzar.
(Respondent No. 4)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 14550/2020.

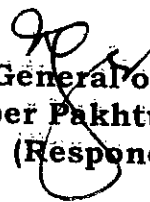
Laiq Zaman Ex-Head Constable No. 591.....Appellant


VERSUS

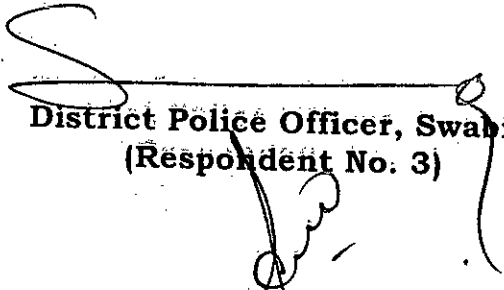
Inspector General of Police Khyber Pakhtunkhwa & others.....Respondents

AFFIDAVIT:-

We the respondent No. 1 to 4 do hereby solemnly affirm and declare on oath that the contents of the written reply are correct/true to the best of our knowledge / belief and nothing has been concealed from the honorable Tribunal.


**Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)**


**Deputy Inspector General of Police,
Mardan Region-I, Mardan.
(Respondent No. 2)**


**District Police Officer, Swabi.
(Respondent No. 3)**


**Sub Divisional Police Officer, Razzar.
(Respondent No. 4)**



ایڈوکیٹ: فراخ محمد (سوی ایڈوکیٹ)

بار کونسل ایسوسی ایشن نمبر: 16-6512-SC

رابطہ نمبر: 99532265

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: صبر حقو کو اس سروس کے لیے درخواست نمٹانے کے لیے
Service e Appal No 14450/2020

منجانب: Applicant	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کاروائی متعلقہ

آن مقام لکھنؤ کے ایڈووکیٹ فراخ محمد (سوی ایڈوکیٹ) کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست الزام کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈکری یا تکبر یا تاخیر یا تاویل کی برائگی اور منسوخی، نیز دائر کرنے یا اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا ایڈووکیٹ کو اس کے ساتھ ساتھ اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بات اختیار حاصل ہوں گے اور اس کی ساختہ پر واجباً منظور و قبول ہوگا دوران مقدمہ میں جو کوئی چیز ہر جانہ التوائے مقدمہ کے سبب سے ہوگی کوئی تاریخ پیشی مقام دوہہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کر لیں بلکہ وکالت نامہ لکھ دیا تاکہ سند رکھے

المرقوم:

مقام