


10.11.2022


Appellant alongwith counsel present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Arif Saleem Stenographer for the respondents present.

Copy of application for amendment of appeal is handed over to learned Additional Advocate General. Learned AAG requested for time to reply on application. Last chance is given. To come up for submission of reply and arguments on 21.12.2022 before the D.B.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)


21st Dec, 2022

Learned counsel for the appellant and Mr. Muhammad Jan, District Attorney alongwith Mr. Arif Saleem, Steno for the respondents present.

Representative of the respondents submitted reply to application for amendment in service appeal, copy of which handed over to learned counsel for the appellant, who seeks time for preparation for arguments. To come up for arguments on application on 03.03.2023 before the D.B.

SCANNED
KPST
Peshawar


(Salah Ud Din)
Member (Judicial)


(Kalim Arshad Khan)
Chairman

24th June, 2022

Counsel for the appellant present. Mr. Naseerud Din Shah,
AAG for the respondents present.

Learned counsel for the appellant seeks adjournment as
he could not prepare the brief. Adjourned. To come up for
arguments on 01.09.2022 before the D.B.



(Fareeha Paul)
Member(E)



Chairman

01.09.2022

Junior of learned counsel for the appellant present.
Mr. Asif Masood Ali Shah learned Deputy District
Attorney for the respondents present.

Learned Member (Judicial) Mrs. Rozina Rehman is
on leave, therefore, arguments could not be heard.
Adjourned. To come up for arguments on 11.10.2022
before the D.B.

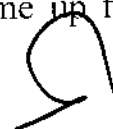


(Salah-Ud-Din)
Member(J)

11th Oct., 2022

Junior to counsel for the appellant present. Mr. Muhammad
Adeel Butt, Addl. A.G for the respondents present.

Senior counsel for the appellant is not available. His junior
requests for adjournment. Adjourned. To come up for arguments
on 10.11.2022 before the D.B.



(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

SCANNED
KPST
Peshawar

Service Appeal No. 685/2018
Sameen Gul

..... Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & others

..... Respondents

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Deponent

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 685/2018
Sameen Gul

..... Appellant

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 2406

Dated 21/12/22

Inspector General of Police,
Khyber Pakhtunkhwa & others

..... Respondents

REPLY TO APPLICATION FOR AMENDMENT IN SERVICE APPEAL

Respectively Sheweth:-
Preliminary Objections:-


1. That the application is not maintainable in its present form.
2. That the the appeal has been material for hearing and at this belated stage the application is bad for aw / rules.


REPLY:-

1. No comments.
2. That the applicant / appellant was bounded to annex copy of order dated 28.02.2018, with his re-joinder, but he deliberately failed, hence at the stage the application is not maintainable.
3. Incorrect, the applicant / appellant was in knowledge of the order in question as he was informed by the dealing hand of respondent No. 3.
4. Incorrect, the applicant / appellant was knowledge of the impugned order.
5. The applicant / appellant is estopped to file the instant application for his own act, as he was fully aware of the order in question. In addition, the applicant has not filed any affidavit with his application regarding not knowing the order in question.

Keeping in view of the above, it is prayed that the application may graciously be rejected on merit.


Regional Police Officer,
Kohat
(Respondent No. 2)


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


District Police Officer,
Kohat
(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 685/2018
Sameen Gul

..... Appellant


VERSUS

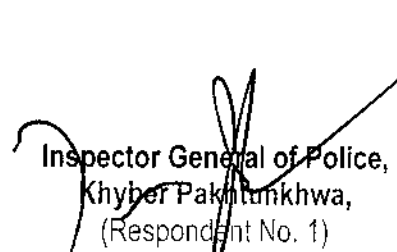
Inspector General of Police,
Khyber Pakhtunkhwa & others

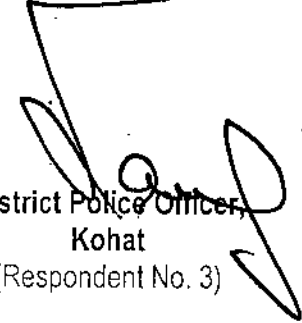
..... Respondents

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.


Regional Police Officer,
Kohat
(Respondent No. 2)


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



District Police Officer,
Kohat
(Respondent No. 3)

از طرف مدیر عامل
شرکت سهامی عام

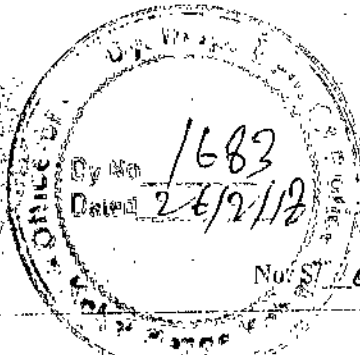
بسم الله الرحمن الرحيم
این سند جهت تسویه حساب
بین شرکت سهامی عام (سهامی خاص)
و آقایان ...
مستوفی است.

در تاریخ 28/08/1382

مستوفی


SFC
||| ||| | 022

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.



No. ST/671 /18, dated Peshawar the 12/02/2018.

To : The Regional Police Officer,
Kohat Region, Kohat.

Subject: APPEAL (EX-COOK CONSTABLE SAMEEN GUL NO. 701)

Memo :

Ex-Constable Sameen Gul No. 701 of District Police Kohat had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement into service. His appeal was processed / examined at Central Police Office, Peshawar and filed by the competent authority being badly time barred for about 03 years and 10 months.

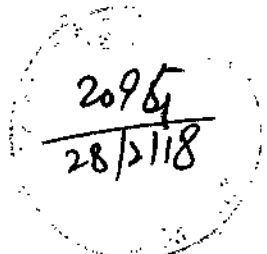
The applicant may please be informed accordingly.

(SYED ZIA ALI SHAH),
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Handwritten notes:
DPC
26/02/18

Handwritten notes:
Kohat
26/2/18

Handwritten notes:
No. 1984 / ee
do 27/02/2018



DPO Kohat
For information and also
inform the appellant concerned
accordingly please.

Handwritten signature: Anwar
DIG POLICE
KOHAT
26/2/18

otte/SRC
To inform the above named
Constable and Member in
his Service Record.



District Police Officer,
Kohat
1. Secret (with Date) 185 (Special) District Appeal No. 01/18/18

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 685/2018
Sameen Gul

Appellant

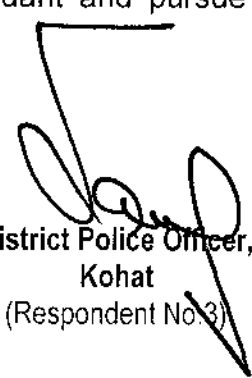
VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & others

Respondents

AUTHORITY LETTER

Mr. Arif Sateem steno (Focal Person) of this office is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.


District Police Officer,
Kohat
(Respondent No.3)

10.01.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 25.02.2022 before the D.B.



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



Chairman

25.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 17.05.2022 for the same as before.



Reader

17.05.2022

Appellant alongwith his counsel present. Mr. Arif Saleem, Steno alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Learned counsel for the appellant submitted application seeking amendment in the instant appeal. Copy of application handed over to learned District Attorney, who sought time for reply and arguments on the said application. Adjourned. To come up for reply and arguments on application as well as arguments on main appeal before the D.B on 24.06.2022.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

15.10.2021

Mudassir Pirzada Advocate counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Ishaq Gul D.S.P (Legal) for respondents present.

Perusal of record would reveal that last chance was given to learned counsel for appellant for arguments but again a request was made for adjournment in order to submit an application seeking amendment in the appeal. He was directed to submit the application by today but to no avail, therefore, case is adjourned by way of last chance to 18.10.2021 before D.B.

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




(Rozina Rehman)
Member (J)

18.10.2021

Junior to counsel for appellant present

Kabir Ullah Khattak learned Additional Advocate General alongwith Ishaq Gul D.S.P (Legal) for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 10.01.2022 for arguments, before D.B.



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




(Rozina Rehman)
Member (J)

02.08.2021

Learned counsel for the appellant present.

Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for respondents present.

Again a request was made for adjournment by learned counsel for appellant. He has not placed on file copy of the departmental representation as ordered by this Tribunal vide order dated 04.02.2021. Last chance is given. To come up for arguments on 15.10.2021 before D.B.


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


(Rozina Rehman)
Member (J)

~~15.10.2021~~

~~Learned counsel present.~~

~~Mr. Riaz Ahmed Paindakheil learned Additional Advocate General along with Ishtaq Gul D.S.A (Legal) for respondents present.~~

~~Reliability of records would be given the Chief Justice was given to learned counsel for appellant for arguments but again a request was made for adjournment in order to submit an application seeking amendment in the appeal. He was directed to submit the application by today but to no avail, therefore, case is adjourned by way of last chance to 15.10.2021 before D.B.~~

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

~~(Rozina Rehman)
Member (J)~~

15/10/2021

Judicial Council for Appellant present

Kabirullah Khan learned Additional Advocate General
along with Shagoril D. S.P. (Legal) for respondents present

Lawyers are from general strike, this case is
adjourned to 16/10/2021 for arguments before D.B.

(Atiqur Rehman Vaziri)
(Member (S))

(Rozmeel Zaman)
(Member (J))

SB

24.11.2020


Due to non-availability of D.B, the case is adjourned to
04.02.2021 for the same as before.


Reader

04.02.2021

Counsel for the appellant and Add. AG alongwith Arif Saleem
Stenographer for the respondents present.

Learned counsel for the appellant submitted that the copy of
departmental representation is not on file and he is going to produce its
copy for which he sought time. Time is allowed. To come up for the copy
of departmental representation as well as arguments on 14.04.2021
before D.B.


(ATIQU-UR-REHMAN WAZIR)
MEMBER (E)


(MUHAMMAD JAMAL KHAN)
MEMBER(J)

14-4-21

Due to Dismise of the worthy
Chairman the Tribunal is defunct
therefor case is adjourned to
02-8-2021 for the same as
before


Reader

12-5.2020

Due to COVID19, the case is adjourned to

4/8/2020 for the same as before.


Reader

04.08.2020

Due to summer vacation case to come up for the same on
05.10.2020 before D.B.


Reader


05.10.2020

Appellant in person present.

Mr. Kabir Ullah Khattak learned Additional Advocate
General alongwith Arif Saleem, Stenographer for
respondents present.

Former requests for adjournment that his counsel is
busy before District Courts at Kohat.

Adjourned to 24.11.2020 arguments before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

22.01.2020


Due to general strike on the call of the Khyber Pakhtunkhwa Bar Council, learned counsel for the petitioner is not available today. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Adjourned to 12.03.2020 for further proceedings/arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

12.03.2020


Appellant in person present. Addl: AG alongwith Mr. Arif Saleem, Constable for respondents present. Appellant submitted rejoinder which is placed on file. Appellant seeks adjournment. Adjourned. To come up for arguments on 12.05.2020 before D.B.



Member


Member

24.09.2019

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 29.11.2019 for reply and arguments on restoration application before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

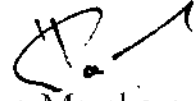
29.11.2019

Learned counsel for the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith representative Inayat Ullah H.C present and submitted reply.

Arguments heard. File perused.

The instant application for restoration of service appeal No.685/2018 was filed within time. Hence in the interest of justice, the same is allowed and the main service appeal bearing No. 685/2018 is restored. No order as to costs. To come up for arguments on the main service appeal bearing No. 685/2018 on 22.01.2020 before D.B. File of the instant application be consigned to the record room.


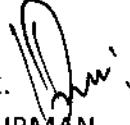




Member


Member

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 177 /2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	05.04.2019	<p>The application for restoration of appeal No. 685/2018 submitted by Syed Mudassir Prizada Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 5/4/19</p>
2	12-4-19	<p>This restoration application is entrusted to D. Bench-I to be put up there on 12-5-19</p>
17.05.2019		<p>Counsel for the petitioner present.  CHAIRMAN</p> <p>Due to demise of his father, learned Member of the Bench (Mr. Hussain Shah) is on leave. Adjourned to 09.07.2019 for further proceedings before the D.B.</p> <p style="text-align: right;">Chairman </p>
09.07.2019		<p>Petitioner absent, he be put to notice for 24.09.2019. Notice of the present application be also issued to the respondents for reply. Adjourn. To come up for reply and arguments on the date fixed before D.B. Record be also requisitioned.</p> <p style="text-align: center;">  Member  Member </p>

01.04.2019

Nemo for appellant. Addl. AG alongwith Ishaq Gul, DSP (Legal) for the respondents present.

It is already past 4.00 PM and no one is in attendance to represent the appellant despite repeated calls.

Dismissed for non-prosecution. File be consigned to the record room.


Member


Chairman

ANNOUNCED
01.04.2019

10.09.2018

Neither appellant nor his counsel present. Mr. Arif Saleem, ASI alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. The above named representative made a request for adjournment. Granted. Case to come up for written reply/comments on 05.11.2018 before S.B.


Chairman

05.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 20.12.2018. Written reply not received.

READER

20.12.2018


Learned counsel for the appellant present. Mr. Kabirullah Khattak learned AAG alongwith Ishaq Gul DSP present and submitted written reply. Adjourn. To come up for rejoinder if any and arguments on 15.02.2019 before D.B.~//


Member

15.02.2019

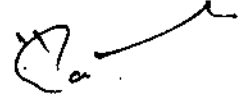
Learned counsel for the appellant and Mr. Kabiurllah Khattak learned Additional Advocate General alongwith Mr. Bilal Ahmed H.C for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 01.04.2019 before D.B


(Hussain Shah)
Member


(Muhammad Amin Khan Kundi)
Member

29.06.2018

Learned counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 19.07.2018 before S.B.



Member

19.07.2018

Appellant absent. Notice be issued to him for 10.8.2018. To come up for preliminary hearing on the date fixed before S.B



Member

SCANNED
KPST
Peshawar

10.08.2018

Mr. Syed Mudasir Pirzada, Advocate counsel for the appellant present and heard in limine.

Contentends that major penalty of removal from service has been imposed on the appellant on the ground that he was charged in a criminal case whereas later on the appellant was acquitted by a competent court of law.

Points raised need consideration. The appeal is admitted to full hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 10.09.2018 before S.B.

Appellant Deposited
Security & Process Fee






Chairman

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 685/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18/05/2018	<p>The appeal of Mr. Samin Gul resubmitted today by Syed Mudassir Pirzada 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>
2-	28/05/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/06/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	01.06.2018	<p>Counsel for the appellant Syed Mudasir Shah Pirzada, Advocate present and made a request for adjournment to 29.06.2018. Next date convenient to him is granted. To come up for preliminary hearing on 29.06.2018 before the S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Samin Gul Ex-cook Constable No. 701 District Police Kohat received today i.e. on 27.04.2018 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested. ✓
- 2- Annexures of the appeal may be flagged.
- 3- Affidavit may be got attested by the Oath Commissioner.
- 4- Departmental appeal having no date be dated.
- 5- Copy of revision petition is not attached with the appeal which may be placed on it.
- 6- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 7- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 927 /S.T.

Dt. 30/04 /2018.

[Signature]
REGISTRAR 30/4/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Mudasir Pirzada Adv. Kohat.

*Re-submitted
Assistant to Council
on date 18-5-18*

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 685 2018

Ex-Cook Constable Samin Gul No-701 R/o District Kohat

(Appellant)

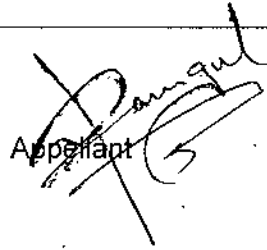
VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLIEC KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.

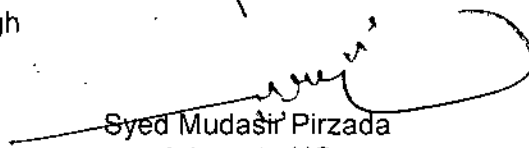
(Respondent)

INDEX

Sr No	Description of Documents	Annexure	Page
1	Memo of Appeal		1-5
2	Affidavit		6
3	Address of the Parties		7
4	Copy of impugned Order dated 15-01-2014. departmental representation dated 09-02-2014 & Rejection order dt 07-03-2014	A	8-9-10
5	Copy of Order dated 05-04-2018 of respondent No-1 anlongwith representation before respondent No-1 dated-01-02-2018	B	11-12
6	Copy of FCN, Charge Sheet, & Disciplinary action & affidavit	C	13-15
	Wakalatnama		


Appellant

Through


Syed Mudasir Pirzada
Advocate HC
0345-9645854

Date 27/ 04 / 2018

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2018

Ex-Cook Constable Samin Gul No-701 R/o District Kohat

(Appellant)

VERSUS

1:-INSPECTOR GENERAL OF KPK POLICE PESHAWAR.

2:-DEPUTY INSPECTOR GENERAL OF POLIEC KOHAT REGION KOHAT

3:-DISTRICT POLICE OFFICER KOHAT.

(Respondent)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 15-01-2014 VIDE NO 69 IN WHICH THE RESPONDENT NO:-3 UPON THE REPORT OF ENQUIRY OFFICER REMOVED THE APPELLANT FROM SERVICE WITH EFFECT FROM 22-06-2013 THE APPELLANT PREFERRED DEPARTMENTAL REPRESENTATION AND THE RESPONDENT GIVEN FALSE CONSOLATION THAT REPRESENTATION WILL BE ACCEPTED BUT THE SAME WAS REJECTED ON DATED 07-03-2014.

Pray:

In view of above submission it is requested, by accepting of instant appeal the impugned order of Respondents may be set aside and the present appellant may please be re instated in the service with all back benefits are blessed with any other remedy as the honorable tribunal deem proper .

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

Briefly facts are that the appellant while serving as Cook constable Belt No-701 in District Police Kohat and a false criminal case was register against the appellant along with other four accused, dated 22-06-2018 u/s ¾ P.O 9C-CNSA 13.A.O PS Jungle Khel Kohat.

That on the above count, the petitioner was proceeded against departmentally resulting in the removal from service by respondent No-3 dated 22-06-2013

vide order bearing OB-69 dated 15-01-2014(Copy of Impugned Order annexed as annexure A).

That the petitioner preferred an departmental appeal before the respondent No-2 against the impugned order of respondent No-3 but the same was rejected on 05-03-2014(Copy of rejection order & representation is annexed as annexure B)

That the allegation were not inquired by enquiry officer in accordance with law and the appellant was served with the FCN, Charge Sheet & Disciplinary action.(Copy annexed as annexure C)

That the petitioner face the trial before the court of learned ADJ-V Kohat and after prolong legal battle earned an acquittal in the above mentioned criminal case.

That the allegations were not inquired by enquiry officer and the appellant was removed from service from service with immediate effect from 22-06-2013 without giving any opportunity of fair hearing and proceedings have been initiated. Feeling aggrieved by the appellant from the impugned order of the respondent No-3 the appellant preferred representation for giving the opportunity of being heard in person but the same was not entertain nor accepted .

Grounds:

- a. That since the appointment of appellant in the police department performed duty with honesty and sincerity and devotion in the police department . during course of enquiry none from any other police official was examined in support of the charges leveled against the appellant. No allegation mentioned above practice by the appellant nor proved against any cogent reason against the appellant. That the enquiry officers vide in their findings not personally heard the present appellant .
- b. That the enquiry officer has mentioned in his finding report that the appellant was found guilty of the charges and appellant reply is unsatisfactory without any cogent reason, but till date the appellant was not given the opportunity of being personally heard nor any written reply is on the record which proves that the respondent have given any opportunity for his defense.
- c. That the above mentioned enquiry officer has not given any legal consideration to the actual facts of the case of appellant nor the other police officials were examine by enquiry officer.
- d. That during the course of enquiry the enquiry officer has mentioned in his finding report that the appellant was directed to submit his written reply

but no lice is crawling /creeping on his ear, but the same was falsely mentioned in enquiry report by concern enquiry officer in fact no single document has ever been served to the appellant and self stated that appellant has badly failed to narrate satisfactory reply to the charge sheet etc.

- e. That there is no cogent evidence on the record which proves that the appellant has commit any offence of mentioned above etc and the appellant not heard in person in all respect and the respondent No-3 Kohat has acted whimsically and arbitrary, which is apparent from the enquiry report submitted by the enquiry officer.
- f. That again the biasness of the respondent NO-2 clearly prove by not entertaining the representation of the petitioner ,keeping in view the decision of apex court the respondent No-2 were duty bound to record reason of rejection 'when departmental appeal was submitted to the competent authority was bound to decide the same with in reasonable time after application of independent mind ,by giving reason such was a requirement of law as well as of the principal of natural justice 2009 (PLC)(CS) 77
- g. That it is clearly mention in 2003 PLC CS 1468 that any instruction issued in violation of Rules would be illegal and void .
- h. That it is worth mentioning here that these facts have also been intimated to respondent No-2 but in vain.
- i. That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law, the same is based on wrong assumption of facts.
- j. That the departmental enquiry was not conducted according to the rules.
- k. That the penalty has been imposed on extraneous consideration which is not the subject of the occurrence but the appellant has been penalized.
- l. That the impugned order is out come of surmises and conjecture.
- m. That the impugned order is suffering from perversity of reasoning, hence liable to be set aside.
- n. That order of the respondent is very much harsh in nature.
- o. That some other grounds will be agitated at the time of arguments with the prior permission of the Honorable highness.

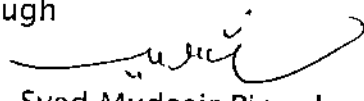
Pray:

In view of above submission it is requested, by accepting of instant appeal the impugned order of Respondents NO-3 may set aside and the present appellants may please be re instated in the service with all back benefits and blessed with any other remedy as the honorable tribunal deem proper .

Dated: 27/4/2018.


(Appellants)

Through


Syed Mudasir Pirzada
Advocate HC.
District Courts Kohat
0345-9645854

Certificate:-

Certified that no such like appeal has earlier been filed in this Hon able Service tribunal as per instruction of my client .

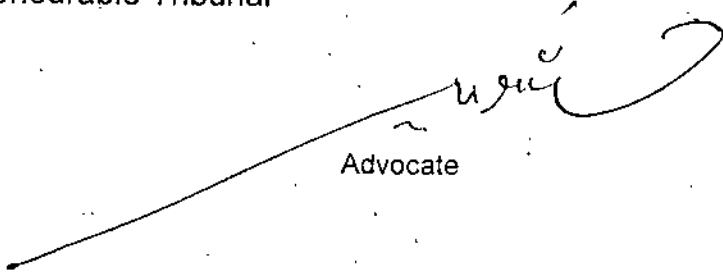
List of Books

- 1:- Constitution of Pakistan 1973
- 2:- Police Rules
- 3:- Case Law according to need.

Service Appeal _____ 2018

AFFIDAVIT

I, Syed Mudasir Pirzada Advocate, as per instruction of my client do here by solemnly affirm and declare that all the contents of accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable Tribunal


Advocate

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2018

Ex-Cook Constable Samin Gul No-701 R/o District Kohat

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR:
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT. (Respondent)

ADDRESS OF THE PARTIES

APPELLANT :-

Ex-Cook Constable Samin Gul No-701 R/o District Kohat

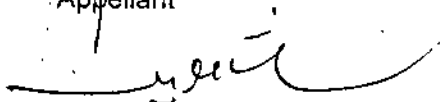
RESPONDENTS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.


Appellant

Through

Date 27/4/18


Syed Mudasir Pirzada
Advocate HC
0345-9645854

ORDER

Annexure A
Page No # 8


This order is passed on the departmental enquiry against Cook Constable Samin Gul No. 701 of this district Police under Police Rule 1975.

Brief facts of the departmental enquiry are that the above named defaulter cook constable while posted at PS Cantt, was involved/arrested vide case FIR No. 396 dated 22.06.2013 U/S 09 C CNSA/3/4PO/13AO PS Jungle Khel Kohat.

He was served with charge sheet/summary of allegations and Mr. Lal Farid Khan DSP City, Kohat was appointed as Enquiry Officer to proceed against him departmentally. The enquiry officer has submitted his findings and recommended that he is found guilty of the charges leveled against him.

He was served with Final Show Cause Notice. The defaulter Cook Constable was called in OR on 09.01.2014 and heard in person, His reply was perused and found unsatisfactory. He has been found guilty of the charges. His involvement in possessing narcotics/weapons has been recovered from his room by SHO Khan Ullah and his team of PS Jungle Khel in raid. By his gross misconduct, he has brought a bad name to the department. Therefore, he is removed from service with effect from 22.06.2013.

OB No. 69
Date 15-01-2014


DISTRICT POLICE OFFICER,
KOHAT

11/1
15-1-14
[Handwritten signatures and initials]

(9)

بخدمت جناب ڈپٹی انسپکٹر جنرل آف پولیس کوہاٹ رجمن کوہاٹ

کوہاٹ

جناب عالی!

یہ کہ سائل سال 2010 میں بطور کنسٹیبل کوہاٹ پولیس میں بھرتی ہوا۔ اور اسن طریقے سے اپنی ذیویں مختلف تھانہ جات میں سرانجام دیتا رہا۔

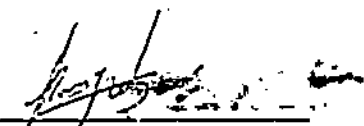
یہ کہ سائل نے اپنی ذیویں کے دوران کبھی انصران بازا کو شکایت کو مقیم نہ کیا۔ سائل تھانہ پنکھل خیل سے تھانہ کینٹ جمیل ہوا۔ اور SHO تھانہ پنکھل خیل نے سائل کو کہا کہ وہ اپنی تھانہ پنکھل خیل آؤ۔ اور تھانہ پنکھل خیل میں ذیویں کرو۔

یہ کہ میں نے SHO تھانہ پنکھل خیل خان اٹھ کو کہا کہ میں تھانہ کینٹ میں عرض اسلوبی کے ساتھ ذیویں دے رہا ہوں۔ آپ تھانہ پنکھل خیل کو سمجھ اور کو بنا لیں۔ جس پر وہ غصہ ہو کر تھانہ پنکھل خیل کی دھمکیاں دیں۔ اور کہا کہ میں تمہیں نوکری سے برخواست کروں گا۔ تھانہ پنکھل خیل کو پیشی محرم سٹاف اس بات کے گواہ ہیں۔

یہ کہ سوریہ 22-06-2013 کو چھاپے کے دوران دو کھیم ہونے پر پوری تھانہ میں اس میں بھی اپنے گھر سے بنا کر گھر آ کر لیا۔ اور میرے خلاف 1200 گرام جس 5 برعل شراب ایک کا شٹوف، جڈ الیٹر، ہتھول اور 2800 گرام چمبے میں گھرت برآمد کرنے کی تھانہ نوویہ اور میرے خلاف کی۔ تھانہ کے گھر سے جو ہتھیار برآمد کیے گئے تھے۔ وہ بھی میرے خلاف ڈال دیئے۔

یہ کہ میں ملغیہ بیان دینے کے لیے تیار ہوں۔ کہ میں بے گناہ ہوں۔

لہذا میری درخواست پر ہمدردانہ غور کر کے مجھے نوکری پر بحال کیا جائے۔ میرے چھوٹے چھوٹے بچے ہیں۔ اور گھر کا واحد کفیل ہوں۔



Ex. گل کنسٹیبل میں قی نمبر 701

کوہاٹ پولیس

تاریخ 9/2/14

POLICE DEPARTMENT

ORDER.

This order is passed on the appeal preferred by Ex: Cook Constable Sameen Gul No. 701 of Kohat District Police, wherein he requested for setting aside the punishment order of removal from service vide DPO Kohat O.B No. 69, dated 15.01.2014.

Facts are that the official while posted at Police Station Caritt. was involved / arrested vide case FIR No. 396, dated 22.06.2013 u/s 09-CNSA/3/4-PO/3-AQ, Police Station Jungle Khel Kohat. which speaks of indiscipline / disinterest in official duty and amounts gross misconduct.

He was served with charge sheet alongwith statement of allegations under Police Disciplinary Rules and Mr. Lal Farid Khan DSP City, Kohat was appointed as enquiry officer to proceed against him departmentally and to investigate the conduct of defaulter official.

The enquiry officer conducted a transparent enquiry, giving full opportunity of hearing to the accused official and recommended him for departmental punishment.

Aggrieved from the said order, he preferred the instant appeal for reinstatement in service.

Therefore, the defaulter was called in Orderly Room and heard in person on 05.03.2014, but failed to submit any plausible reply to his misconduct and could not satisfy the undersigned.

Therefore, in view of above and available record, the undersigned came to the conclusion that the allegations leveled against him is proved without any shadow of doubt. The order passed by the DPO Kohat is accordance with law / rules. Hence, appeal is hereby filed.

ANNOUNCED.
05.03.2014.

Dy: Inspector General of Police,
Kohat Region, Kohat.

No. 2437-38 /EC, dated Kohat the 21/03 2014.

Copy to the District Police Officer, Kohat for information w/r to his office
Memo: No. 3519/L.B, dated 18.02.2014. Service Record is also enclosed.

2.

Ex: Cook Constable Sameen Gul No. 701 of Kohat district.

Dy: Inspector General of Police,
Kohat Region, Kohat.

(91)

BEFORE THE PROVINCIAL POLICE OFFICER, KHYBER
PUKHTUNKHWA, PESHAWAR

Subject: **PRESENTATION -REQUESTING FOR RE-INSTATEMENT IN SERVICE**

Respectfully Sheweth,

With veneration, the petitioner submits the instant representation before your honour for judicious and sympathetic consideration.

1. Briefly stated the facts are that the petitioner while serving as cook constable in Kohat Distt: Police, was falsely implicated alongwith four others in a criminal case vide case FIR No. 396 dated 22-06-2013 u/ss-3/4 PO/9 CNSA/13 A.O, PS Jungle Khel Kohat.
2. On the above count, the petitioner was proceeded against departmentally resulting in the Removal from service by DPO Kohat w.e.f 22-06-2013 vide order bearing OB No. 69 dated 15-1-2014 (Copy of the order is enclosed herewith).
3. The petitioner preferred an appeal before the DIG of Police Kohat Region against the above cited order of DPO Kohat but the same was filed vide order dated 05-03-2014 (Copy of the order is enclosed herewith).
4. The petitioner and the co-accused faced the trial before the court of Learned Additional Sessions Judge -V- Kohat and after arduous, expensive and prolong legal battle earned an acquittal in the above noted criminal case vide judgement dated 16-01-2018 (Attested copy of the judgment is enclosed herewith).
5. According to Chamber's 21 Century Dictionary the word " acquittal" means a declaration in court of law that someone is not guilty of the crime of which he/she has been accused.
6. The illegal involvement of the petitioner in the business of narcotics etc was the only ground on which the petitioner was Removed from service by DPO Kohat and the said ground has now disappeared through acquittal of the petitioner by the court of law.
7. With the acquittal in the criminal case, the petitioner has re-emerged as a fit and proper person to continue with his service.

PRAYER:- In view of the above discussion, it is prayed that the order passed by DPO Kohat vide OB No. 69 dated 15-01-2014 and the order of DIG of Police Kohat Region dated 5-3-2014 may kindly be set aside and the petitioner re-instated in service w.e.f 22-6-2013 with all back benefits.

The petitioner shall always pray for your long life, health and prosperity.

Yours Obediently

EX-Cook Constable Sameen Gul No. 701
S/O Khadi Gul
R/O Mohallah Shenwari Jungle Khel Kohat

Phone No: 9260112.
FAX No: 9260114.

12

From: - The Regional Police Officer,
Kohat Region, Kohat.

To: - The District Police Officer, Kohat.

No. 4385 /EC, Dated Kohat the 04/04/2018.

Subject: - APPEAL.

MEMO:

An appeal, preferred by Ex-Cook Constable Sameen Gul No. 701 of Kohat district Police, was examined and filed by W/RPO Kohat being badly time-barred and also his previous appeal has been rejected vide this office order Endst: No. 2437-38/EC, dated 07.03.2014.

He may be informed accordingly please.

*0He/SRE
To inform Mr. Sameen
named in above
accordingly*

[Signature]
05/04/18
District Police Officer,
Kohat



[Signature]
Regional Police Officer,
Kohat Region

13

FINAL SHOW CAUSE NOTICE

1. I, Muhammad Saleem, District Police Officer, Kohat, as a competent authority under the Police Rule 1975 serve you Cook Case No. Samin Gul No. 701 as follow:-

The consequent upon the completion of enquiries conducted against you by the Enquiry Officer, Mr. Lal Farid Khan DSP City, Kohat.

2. On going through the findings and recommendations of the Enquiry Officer, the materials on the record and other connected papers I am satisfied that the charge against you is proved and you have committed the following acts/omission specified in Police Rule 1975.

"Arrested in case FIR No. 396 dated 22.06.2013 u/s 9CCNSA/3/4PO/13AO Police Station Jungle Khel".

3. As a result thereof I, as competent authority, have decided to impose upon you the penalty of major punishment under Police Rule 1975.

4. You are therefore, required to Show Cause as to why the above penalty should not be imposed upon you, also intimate whether you wish to be heard in person.

5. If no reply to this notice is received within seven (7) days of its delivery in the normal course of circumstances, it will be considered/assumed that you have no defence to put in and in that case an ex-parte action will be taken against you.

6. Copy of finding of the enquiry officer is enclosed.

No. 15296 /PA
Dated 25-9-2013

**DISTRICT POLICE OFFICER
KOHAT**

[Handwritten Signature]
25/9/13

CHARGE SHEET.

12

I **DILAWAR KHAN BANGASH, DISTRICT POLICE OFFICER, KOHAT** as competent authority, hereby charge you **Cook Constable Samin Gul No. 701** committed the following irregularities:-

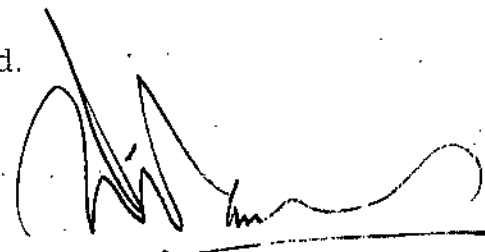
Arrested in case FIR No. 396 dated 22.06.2013 u/s 9CCNSA/3/4PO/13AO Police Station Jungle Khel.

2. By reasons of the above, you appear to guilty of misconduct under Police Rule-1975 and have rendered yourself liable to all or any of the penalties.

3. You are therefore, required to submit your written defence within 07days of the receipt of this Charge Sheet to the enquiry officer.

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

4. A statement of allegation is enclosed.



**DISTRICT POLICE OFFICER,
KOHAT**



15

DISCIPLINARY ACTION

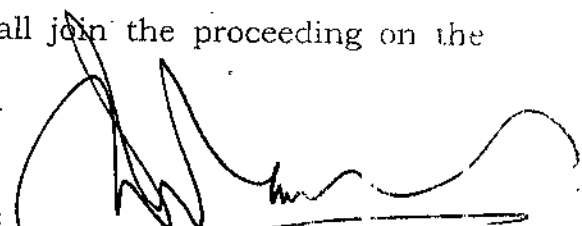
I, **DILAWAR KHAN BANGASH, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that **Cook Constable Samin Gul No. 701** has rendered himself liable to be proceeded against as he committed the following acts/omissions under Police Rule 1975:-

STATEMENT OF ALLEGATIONS

Arrested in case FIR No. 396 dated 22.06.2013 u/s 9CCNSA/3/4PO/13AO Police Station Jungle Kl el.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations, **Mr. Lal Farid Khan DSP City, Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record its findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

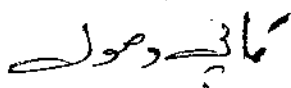
The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.


**DISTRICT POLICE OFFICER,
KOHAT**

No. 7704-05/PA, dated 27-6/2013.

Copy of above is forwarded to:-

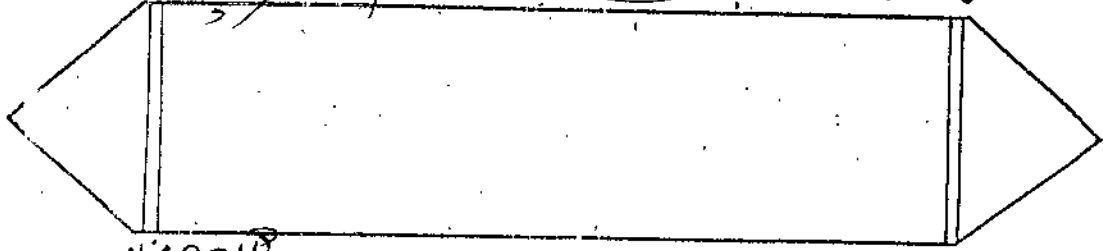
1. **Mr. Lal Farid Khan DSP City, Kohat**:- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. **Cook Constable Samin Gul No. 701**:- The concerned official officer's with the directions to appear before the Enquiry officer, on the date, time and place fixed by the enquiry officer, for the purpose of enquiry proceedings.





3-7-13

بعد التضرع کے سیکرٹری کے اصول و ضوابط



2018ء منجانب

سینئر سیکرٹری ایف جی پی - اے سی

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی اور جواب دہی وکل کاروائی متعلقہ آن مقام کلیٹ اور کیلے سید عدتہ بیگم زاہد امروہو مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک دروپیدار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا۔ پنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے 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 لکھ دیا کہ سندر ہے۔

المرقوم 27/4/18 ماہ اپریل 2018ء

واہ العبد

کے لئے منظور ہے

بمقام

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service appeal No. 685/2018
Ex-Cook Constable Samin Gul No. 701

..... Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, and others

..... Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

INDEX

S N	Description of documents	Annexure	pages
1	Parawise comments	-	01-02
2.	Counter affidavit	-	03
3.	Copy of FIR No. 396/2013 PS Jungle Khel	A	04
4.	Additional documents, i.e enquiry file and order of departmental appeal dated 07.03.2014		05-17,

1

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

Service appeal No. 685/2018
Ex-Cook Constable Samin Gul No. 701

Appellan

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, and others

Responden

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectively Sheweth:-

Parawise comments are submitted as under:-

Preliminary Objections:-

- a. That the appellant has got no cause of action.
- b. That the appellant has got no locus standi.
- c. That the appeal is not maintainable in the present form.
- d. That the appellant has not come to this Hon. Tribunal with clean hands.
- e. That the appeal is badly time barred and liable to be dismissed in limine.

FACTS:-

1. Correct, regarding enrollment of appellant as cook constable and his arrest in criminal case vide FIR No. 396 dated 22.06.2013 u/s 9 CCNSA, 3/4 PO, 13 AC Police station Jungle Khel Kohat. Copy is **annexure "A"**.
2. Correct, the appellant during his initial span of service i.e 3 years indulge himself in criminal activity. Therefore, he was proceeded with departmentally in accordance with law & rules, which culminated into his removal from service vide order of respondent No. 3 dated 15.01.2014.
3. The appellant was heard in person by the respondent No. 2, who failed to submit any plausible explanation to his misconduct. Therefore, the departmental appeal of the appellant was correctly rejected by the respondent No. 2.
4. Incorrect, the appellant was associated with the inquiry proceedings by the inquiry officer, heard in person by the competent authorities and afforded ample opportunity of defense, but the appellant failed to rebut the allegations levelled and proved against him.
5. Irrelevant, criminal and departmental proceedings are distinct in nature. Both the authorities are not binding on the decision / proceedings of any other authority.
6. The allegations / charges levelled against the appellant were proved beyond any shadow of doubt by the inquiry officer and competent authorities as well. As submitted in the above para, the appellant was afforded ample opportunity of defense by the concerned.

PS to Secretary & Tribal Affairs Department, Khyber Pakhtunkhwa Peshawar
Superintendent Central Prison Mardan
Incharge Internment Centre Kohat
District Police Officer Swat
District Police Officer Charsadda
District Police Officer Kohat
HQ 11 Corps - JAG B
Office Copy

Subj: Shifting of Convicts from Internment Centres to Civil Jails

Further to our letter number 0252/8/FIC/GS (Int)-FRHIVO dated 30 November 2018 re:
1. Shifting of 70 x prisoners (out of 139 x prisoners) from Internment Centre Kohat
to Central Prison Mardan has been completed in first phase on 3 December 2018. The
second phase shifting of remaining 69 x convicts has been planned on 6 December
2018. 4 x Prison vans are required at Internment Centre Kohat for completion of
subject shifting.

- 2. ~~Point of contact at Kohat will be Lieutenant Colonel Atiq Ahmed 03330222598.~~
Please intimate point of contact of Police Officer
- 3. Forwarded for early action, please

Docu ID: XPRV1 APPROVED BY 6504 (Int) Lt Col Fayaz Ahmad on 24 Dec 2018
Not to be used for General Purpose. This Document Does Not Require Signature.

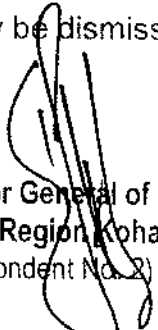
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GROUNDS:-

2

- a. Incorrect, the appellant during his initial stage are service i.e 3 years indulged himself in criminal case.
- b. The appellant was proceeded with departmentally in accordance with law / rules, provided defense opportunity by the inquiry officer and he was heard in person by the competent authorities. Hence, all codal formalities of the inquiry have been fulfilled accordingly.
- c. Incorrect, all the facts were brought on record by the inquiry officer and the appellant was held guilty of the charge.
- d. Incorrect.
- e. Incorrect, the appellant was arrested by local Police and recovered contraband.
- f. Incorrect, the departmental appeal of the appellant was proceeded in accordance with law & rules. Furthermore, reference of precedent of superior court is irrelevant.
- g. Irrelevant, the appellant quoted reference of reported case in appeal is bad in eyes of law. However, it is submitted that each and every case has its own circumstances, facts and merits.
- h. Irrelevant.
- i. Incorrect, the orders were passed in accordance with law & rules.
- j. Incorrect, the departmental inquiry was conducted according to law & rules.
- k. Incorrect, the appellant was involved / charged in criminal case i.e recovery of narcotics, arms and ammunition.
- l. Incorrect.
- m. Incorrect.
- n. Incorrect, retention of appellant being charged in criminal case would earn bad name to the department.
- o. The respondents may also be allowed to advance any other grounds at the time of hearing.

Keeping in view of the above that the appeal is without merit and not substantiated/badly time barred for about 04 years. It is, therefore, prayed that the appeal may kindly be dismissed with cost please.


Dy: Inspector General of Police,
Kohat Region Kohat
(Respondent No. 2)


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


District Police Officer,
Kohat
(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service appeal No. 685/2018
Ex-Cook Constable Samin Gul No. 701 Appellant.

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, and others Respondents.

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.

Dy: Inspector General of Police,
Kohat Region Kohat
(Respondent No. 2)

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

District Police Officer,
Kohat
(Respondent No. 3)

ایجوکیشنل پولیس سروس ڈرام نمبر ۲۲

ابتدائی اطلاعی رپورٹ

نمبر ۲۲، ۵۰ (۱۱)

Handwritten signature

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(قائیں) ابتدائی اطلاع نسبت مجرم قابل دست اندازی پولیس رپورٹ شروع زیر دفعہ ۱۵۲ مجموعہ ضابطہ نوچواری
تھانہ جھل محل منبہ کھوکھٹ

نمبر 396 تاریخ و وقت وقوع 6/22 وقت 14:50

26/1/22

1	تاریخ و وقت رپورٹ 6/22 وقت 13:30 بجے گئی 6/22 وقت 16:10
2	نام و سکونت اطلاع دہندہ و منیفٹ خان اللہ خان 540
3	مختصر کیفیت مجرم (مورد نمبر) حال اگر کچھ یا گیا ہو 9207546 13180 4/5 4000
4	جائے وقوع فاصلہ تھانہ سے اور سمیت لکھی جانے والی حالت و طے بہن عدالت واقع فی پیر و جان سکونت
5	نام و سکونت ملزم و لہذا کا مکمل نام و پتہ خان اشرف مہدی پور
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو۔
7	تھانہ سے روانگی کی تاریخ و وقت

ابتدائی اطلاع مجرم درج کرو اور بتایا کہ مجرم نے اطلاع دہندہ خان اللہ خان سے ملنے سے پہلے ہی فرار ہو گیا ہے۔ اطلاع دہندہ نے اطلاع دہندہ سے ملنے سے پہلے ہی فرار ہو گیا ہے۔ اطلاع دہندہ نے اطلاع دہندہ سے ملنے سے پہلے ہی فرار ہو گیا ہے۔

مذکورہ بالا کے مطابق اطلاع دہندہ نے اطلاع دہندہ سے ملنے سے پہلے ہی فرار ہو گیا ہے۔ اطلاع دہندہ نے اطلاع دہندہ سے ملنے سے پہلے ہی فرار ہو گیا ہے۔ اطلاع دہندہ نے اطلاع دہندہ سے ملنے سے پہلے ہی فرار ہو گیا ہے۔

مذکورہ بالا کے مطابق اطلاع دہندہ نے اطلاع دہندہ سے ملنے سے پہلے ہی فرار ہو گیا ہے۔ اطلاع دہندہ نے اطلاع دہندہ سے ملنے سے پہلے ہی فرار ہو گیا ہے۔ اطلاع دہندہ نے اطلاع دہندہ سے ملنے سے پہلے ہی فرار ہو گیا ہے۔

مذکورہ بالا کے مطابق اطلاع دہندہ نے اطلاع دہندہ سے ملنے سے پہلے ہی فرار ہو گیا ہے۔ اطلاع دہندہ نے اطلاع دہندہ سے ملنے سے پہلے ہی فرار ہو گیا ہے۔ اطلاع دہندہ نے اطلاع دہندہ سے ملنے سے پہلے ہی فرار ہو گیا ہے۔

22-9260274
22-9260275

5

The Superintendent of Police
Investigation Wing, Kohat.

The District Police Officer,
Kohat.

Office of the District Police Officer
Diary No. 2622/13
Dated 26-6-13

/GC Dated Kohat the, _____/2013.

Subject: INFORMATION

Memo:

It is to inform your good-self that accused Samin s/o Khadi Gul R/o Meht. Pur Dil Khan Shinwari Jungle Khel Kohat presently serving under your command as Cook Constable in Police Station Cantt, has been arrested in case FIR No. 396 dated 22.06.2013 U/S 9CCNSA/3/4PO/13AO Police Station Jungle Khel.

[Signature]
SUPERINTENDENT OF POLICE
INVESTIGATION WING, KOHAT

No. _____/GC,

Copy to I.O PS Jungle Khel for information.

*June Charge Sheet
& Summary of allegations
Dtd/city. To conduct
deport. enquiry &
re-arrest. 26-6-13*

CHARGE SHEET.

I **DILAWAR KHAN BANGASH, DISTRICT POLICE OFFICER, KOHAT** as competent authority, hereby charge you **Cook Constable Samin Gul No. 701** committed the following irregularities:

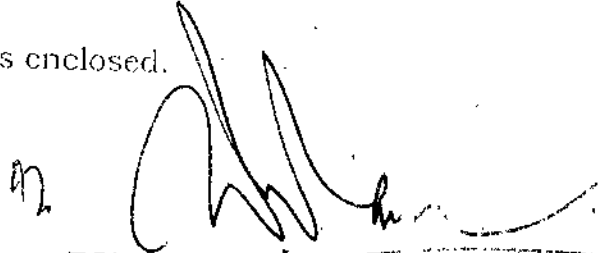
Arrested in case FIR No. 396 dated 22.06.2013 u/s 9CCNSA/3/4PO/13AO Police Station Jungle Khel.

2. By reasons of the above, you appear to guilty of misconduct under Police Rule-1975 and have rendered yourself liable to all or any of the penalties.

3. You are therefore, required to submit your written defence within 07days of the receipt of this Charge Sheet to the enquiry officer.

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

4. A statement of allegation is enclosed.


**DISTRICT POLICE OFFICER,
KOHAT**

7 5-710
1-7-2013

DISCIPLINARY ACTION

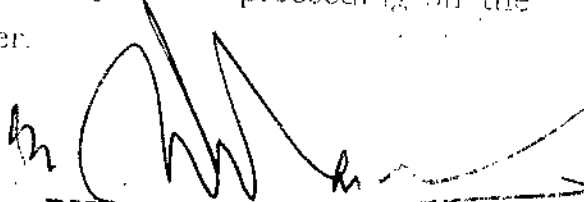
1. **DILAWAR KHAN BANGASH, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that **Cook Constable Samin Gul No. 701** has rendered himself liable to be proceeded against as he committed the following acts/omissions under Police Rule 1975:-

STATEMENT OF ALLEGATIONS

Arrested in case FIR No. 396 dated 22.06.2013 u/s 9CCNSA/3/4PO/13AO Police Station Jungle sheri.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations, **Mr. Lal Farid Khan DSP City, Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record its findings and make, within seventy five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

The accused official shall join the proceedings on the date, time and place fixed by the enquiry officer.


**DISTRICT POLICE OFFICER,
KOHAT**

No. 7704-05/PA, dated 27-6-2013.

Copy of above is forwarded to:-

1. **Mr. Lal Farid Khan DSP City, Kohat**:- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. **Cook Constable Samin Gul No. 701**:- The concerned official/officer's with the directions to appear before the Enquiry officer, on the date, time and place fixed by the enquiry officer, for the purpose of enquiry proceedings.

بیانِ شین گل نمبر 701 کلک کنسٹیبل

جناب عالی!

حوالہ چارج شیٹ نمبر PA/05-7704 مورخہ 17-06-2013 DPO صاحب ضلع کوہاٹ معرض خدمت ہوں۔

مورخہ 22-06-2013 کو حسب معمول ڈیوٹی کے لیے تھانہ کینٹ آیا۔ جملہ سٹاف تھانہ کینٹ کے لیے کھانہ تیار کر کے کھانہ کھلایا۔ چونکہ سخت گرمی تھی۔ جس کی وجہ سے میری طبیعت خراب ہوئی۔ میں آرام کرنے بوقت 14:30 تقریباً گھر خود واقع محلہ پردل خان جنگل خیل آیا۔ اور اپنے کمرے میں آرام کر رہا تھا۔ تاکہ میری طبیعت تھوڑی بہتر ہو جائے۔ اور میں واپس ڈیوٹی کے لیے تھانہ کینٹ جا سکوں۔ میں خواب بہرہ تھا۔ کہ اچانک باہر گیٹ کے کھٹکھٹانے کی آواز آئی۔ دروازہ کھولنے پر میں نے دیکھا کہ SHO صاحب خان اللہ بمعہ نفری پولیس کھڑے تھے۔ جو کہ گھر کے اندر معنفری پولیس داخل ہوئی۔ اور مجھے کہا کہ آپ سیمین کلک کنسٹیبل ہو۔ میں نے جواب میں کہا کہ ہاں۔ انہوں نے کہا کہ SHO صاحب نے کہا کہ میں بار بار آپ کو کہہ رہا ہوں۔ کہ تھانہ آ جاؤ۔ تو اس پر میں نے کہا کہ میری بدلی تھانہ کینٹ ہوئی ہے۔ میں ادھر ڈیوٹی کر رہا ہوں۔ تو SHO صاحب نے کہا کہ کس نے تمہاری بدلی کرائی ہے۔ تو میں نے کہا کہ DSP صاحب کے حکم سے میری بدلی تھانہ جنگل خیل سے تھانہ کینٹ ہوئی ہے۔ یہ سن کر SHO صاحب صاحب متح پنا ہوئے۔ اور چلا چلا کر کہنے لگے کہ اس کے یہ اختیارات صرف DPO صاحب کے پاس ہیں۔ اور اس کے بعد پولیس نفری کو حکم دیا کہ گھر کی تلاشی شروع کرو۔ گھر میں داخل ہوتے وقت ہمایون، وسیم اور شین پسران کریم خان بھی ساتھ میں تھے۔ جن کے ہمراہ میرے گھر میں داخل ہو کر تلاشی شروع کی۔ تلاشی کے دوران میرے کمرہ رہائشی سے کوئی غیر قانونی شے دستیاب نہ ہوئی۔ تاہم مکان میں میرے چھوٹے بھائی کا کمرہ ہے۔ اور میرا بھائی عرصہ ڈھائی تین سال سے دوآبہ میں رہائش پذیر ہے اور اس نے اپنا کمرہ اپنے سالاے ہمایون ولد کریم سکند پر دل خان جنگل خیل کے حوالے کیا ہے۔ اور کمرے کے تالے کی چابی بھی ہمایون کے پاس تھی۔ جس میں ہمایون نے اپنا کاٹھ کباڑ رکھا ہوا تھا۔ میں خدا کو حاضر ناظر جان کر کہتا ہوں۔ کہ مجھے یہ علم نہیں تھا کہ ہمایون سالہ ام کمرے کو کس مقصد کے لیے استعمال کر رہا ہے۔ چونکہ میں کلک ہوں۔ جس کی وجہ سے میں صبح سویرے گھر سے نکلتا ہوں۔ اور رات کے اندھیرے میں گھر واپس آتا ہوں۔ اور فوراً سو جاتا ہوں۔ جب میں کلک بھرتی ہوا ہوں۔ یہ میرا روز کا معمول ہے۔ جو کہ سب کو پتہ ہے پولیس نفری جب کمرے میں جو کہ ہمایون کے حوالے میں ہے۔ داخل ہوئی۔ تو کمرہ سے ایک ضرب کلاشکوف جو کہ لائسنس دار تھا۔ جس کا لائسنس ہمایون کے بھائی نعیم کے نام پر ہے۔ برآمد کر کے قبضہ میں کیا۔ اور اسی بناء پر پولیس مجھے گرفتار کر کے تھانے لے گئی۔ اور اسکے بعد SHO صاحب معنفری تھانہ واپس آئے۔ اور اپنے ساتھ ہمایون (سالہ ام)، وسیم، شین پسران کریم خان، شمعون ولد ظہیر الدین ساکنان جنگل خیل کو بھی گرفتار کر کے ہمراہ لے آئے۔ اور ہمارے خلاف عات نمبر 396 مورخہ 22-06-2013 جرم 9C CNSA/3/4 PO / 13AO تھانہ جنگل خیل درج کیا۔ تھانہ میں پولیس اہلکاران کی زبانی مجھے معلوم ہوا۔ کہ جو ہمایون کے کمرہ سے شراب کے بوتل بھی برآمد ہوئے ہیں۔ جس کا مجھے کوئی علم نہیں تھا۔ جبکہ بھائی بالمقصدہ جو کہ SHO صاحب نے درج کی ہے۔ اس کا بھی مجھے کوئی علم نہیں کہ وہ کہاں اور کس کے قبضہ سے برآمد ہوا ہے۔ اور FIR میں باقی چار کسان جس کا ذکر کیا گیا ہے۔ کہ وہ سائل کے گھر سے گرفتار ہوئے ہیں۔ بالکل جھوٹ اور بے بنیاد ہے۔ میرے گھر سے پولیس پارٹی نے صرف کلاشکوف جو کہ ہمایون (سالہ ام) کے کمرے سے برآمد کیا ہے۔ اسی جرم میں مجھے گرفتار کر کے سیدھا تھانے پہنچایا۔

میں ایک غریب انسان ہوں۔ اور پولیس تنخواہ سے ہی اپنے اور اپنے بچوں کا پیٹ پالتا ہوں۔ میں حلفیہ بیان کہتا ہوں کہ SHO صاحب نے FIR میں میرے ساتھ جو سامان ظاہر کیا ہے۔ اور جوازات لگائے ہیں، مکمل جھوٹ اور بے بنیاد ہیں۔ اور مجھے اس کا کوئی علم نہیں اور میں ہر قسم کا حلف دینے کو تیار ہوں۔ میں بالکل بے گناہ ہوں۔ اور مجھے عدالت اور اپنے افسران پر مکمل اعتماد ہے کہ وہ مجھے انصاف فراہم کریں گے۔ کیوں کہ میں نے ہمیشہ اپنے افسران کی خدمت پوری ایمانداری اور فرض شناسی سے کی ہے۔ اور اپنی ڈیوٹی بھی مکمل ایمانداری اور فرض شناسی سے انجام دی ہے۔

شین گل نمبر 701 کلک کنسٹیبل

8/7/13

9

DEPARTMENTAL ENQUIRY AGAINST
COOK CONST. SAMIN GUL NO. 701

Cook Constable Samin Gul No. 701 while posted at Police Station Jungle Khel Kohat. Allegation were that the said accused Constable has been arrested in case FIR No. 396 dated 22.6.2013 U/S 9 CNISA/3/4/PO/13AO Police Station Jungle Khel, Kohat.

In this connection he was charge sheeted and the undersigned was appointed as enquiry officer to conduct departmental enquiry against him.

The above named accused Constable, SHO, PS Jungle Khel, I.O. of the case and other Police official were summoned, heard in person and recorded their statements and which enclosed in enquiry file.

Cook Constable Samin Gul No. 701 stated in his statement that he has been not involved in the said case. The case has been registered against him falsely.


SHO of PS Jungle Khel stated that the said accused cook Constable has been arrested red handed in his house and recovered his possession one Kalashnikov, 03 charger, 120 round 7.62 bore, Charas 04 Kg, 05 bottle tender and one pistol 30 bore. Accuse has been registered against him vide case FIR No. 396 dated 22.6.2013 U/S 9 CNISA/3/4/PO/13 AO PS Jungle Khel Kohat.

I.O. of the case SI Sadda Khan, ASI Begoo Khan and LHC Bashir Hussain of PS Jungle Khel supported the version of FIR.

Service record of the above named Constable was perused. He was enlisted in Police department on 12.04.2010. Good and bad entry is nil.

From the enquiry so far conducted it proved that the said Constable is guilty of charges, but case is under trial in the Court of law. Therefore it would be better if enquiry in hand may be ordered to be kept pending till the decision of the Court order.

Submitted please.


LAL FARUK)
SDPO City Circle Kohat.

No. 112/2013
dt. 30.7.2013

213.

SDPo/4175/10

جناب سہو صاحب قاری

عمر زید پوٹوں (بلا) ان سہو
 لکھنؤ ٹیبلٹ کے ذریعہ
 وقت کے ساتھ ساتھ
 ASI 1
 ASI 2
 ASI 3

SDPo/4175

Steno to
 SDPo/4175
 23/7/2019

بیانہ اولیٰ خانہ SHO قادیانہ ضلع

— ۲ —

۲۲/۶/۲۰۱۳ ۳۹۶ FIR

۱۳/۹/۲۰۱۳

کے لئے

بیانہ

Attested

Do
B.O.

SHO
10/7/13

233
LHC
12

22 $\frac{6}{13}$ 396 FIR

9 CNSI / 3/4
134

Handwritten notes and scribbles

BAN
26 / 7 / 013

Att-Gen.
De
E...

FINAL SHOW CAUSE NOTICE

1. I, Muhammad Saleem, District Police Officer, Kohat as competent authority under the Police Rule 1975 serve you Cook Constable Samin Gul No. 701 as follow:-

The consequent upon the completion of enquiries conducted against you by the Enquiry Officer, Mr. Lal Farid Khan DSP City, Kohat

2. On going through the findings and recommendations of the Enquiry Officer, the materials on the record and other connected papers I am satisfied that the charge against you is proved and you have committed the following acts/omission specified in Police Rule 1975.

"Arrested in case FIR No. 396 dated 22.06.2013 u/s 9CCNSA/3/4PO/13AO Police Station Jungle Khel".

3. As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Rule 1975.

4. You are therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

5. If no reply to this notice is received within seven (7) days of its delivery in the normal course of circumstances, it will be considered/provided that you have no defence to put in and in that case an ex-parte action will be taken against you.

6. Copy of finding of the enquiry officer is enclosed.


No. 15296 /PA
Dated 25-9-2013

**DISTRICT POLICE OFFICER,
KOHAT**

[Handwritten signature]
25/9/13

حسابات:
 خالد شکر فاضل شیوکار نوش $\frac{152961PA}{25-9-13}$ میان خواب ع 77D
 کوہٹ مدرغونہ ہون کم بل ازن ہریان چارم شہت ہن
 لینڈ۔ سترہما ہون ہن آسہی ہریان کی تامل کمریا ہون

تقریب $\frac{29}{13}$

لاہور۔ شہین گل 201 کوہٹ متضم نماز کتب


ORDER

16

This order is passed on the departmental enquiry against Cook Constable Samin Gul No. 701 of this district Police under Police Rule 1975.

Brief facts of the departmental enquiry are that the above named defaulter cook constable while posted at PS Cantt, was involved/arrested vide case FIR No. 396 dated 22.06.2013 U/S 09 C CNSA/3/4PO/13AO PS Jungle Khel Kohat.

He was served with charge sheet/summary of allegations and Mr. Lal Farid Khan DSP City, Kohat was appointed as Enquiry Officer to proceed against him departmentally. The enquiry officer has submitted his findings and recommended that he is found guilty of the charges leveled against him.

He was served with Final Show Cause Notice. The defaulter Cook Constable was called in OR on 09.01.2014 and heard in person, His reply was perused and found unsatisfactory. He has been found guilty of the charges. His involvement in possessing narcotics/weapons has been recovered from his room by SHO Khan Ullah and his team of PS Jungle Khel in raid. By his gross misconduct, he has brought a bad name to the department. Therefore, he is removed from service with effect from 22.06.2013.

OB No. 69
Date 15-01-2014


DISTRICT POLICE OFFICER,
KOHAT

20-1-14
20-1-14
20-1-14
20-1-14
20-1-14

POLICE DEPARTMENT

ORDER.

This order is passed on the appeal preferred by Ex: Cook Constable Sameen Gul No. 701 of Kohat District Police, wherein he requested for setting aside the punishment order of removal from service vide DPO Kohat O.B No. 69, dated 15.01.2014.

Facts are that the official while posted at Police Station Cantt was involved / arrested vide case FIR No. 396, dated 22.06.2013 u/s 09-CNSA/314-PO/13-AD, Police Station Jungle Khel Kohat, which speaks of indiscipline / disinterest in official duty and amounts gross misconduct.

He was served with charge sheet alongwith statement of allegations under Police Disciplinary Rules and Mr. Lal Farid Khan DSP City, Kohat was appointed as enquiry officer to proceed against him departmentally and to investigate the conduct of defaulter official.

The enquiry officer conducted a transparent enquiry, giving full opportunity of hearing to the accused official and recommended him for departmental punishment.

Aggrieved from the said order, he preferred the instant appeal for reinstatement in service.

Therefore, the defaulter was called in Orderly Room and heard in person on 05.03.2014, but failed to submit any plausible reply to his misconduct and could not satisfy the undersigned.

Therefore, in view of above and available record, the undersigned came to the conclusion that the allegations leveled against him is proved without any shadow of doubt. The order passed by the DPO Kohat is accordance with law / rules. Hence, appeal is hereby filed.

ANNOUNCED.
05.03.2014

Dy: Inspector General of Police,
Kohat Region, Kohat.

No. 2437-38 /EC, dated Kohat the 21/03 /2014.

Copy to the District Police Officer, Kohat for information w/r to his office Memo: No. 3519/L.B, dated 18.02.2014. Service Record is also enclosed.

2.

Ex: Cook Constable Sameen Gul No. 701 of Kohat district.

Dy: Inspector General of Police,
Kohat Region, Kohat.

IN THE COURT OF FAHEEM AFZAL KHAN,
Additional Sessions Judge-V, Kohat.

Case No: 02/AO
Date of Institution: 04.12.2013
Date of Decision: 16.01.2018

State through Khanullah Khan SHO of PS Jungle Khel, Kohat
.....(complainant)

VERSUS

- 1- Sameen s/o Khadi Gul
- 2- Sameen s/o Karim Khan
- 3- Shamoon s/o Zaheer ud Din
- 4- Hamayoon s/o Karim Khan
- 5- Waseem s/o Karim Khan,
All r/o Jungle Khel, Kohat

..... (Accused Facing Trial)

Present:

Mr. Shahab Alam Shah, APP for State
Mr. Ibrar Alam Advocate, for accused

CASE FIR NO. 396 DATED 22.06.2013 U/S 13 AO OF POLICE
STATION JUNGLE KHEL, KOHAT

JUDGMENT

1. Accused, named above, have been charged in case FIR No.396 dated 22.06.2013 u/s 13 AO of PS Jungle Khel, Kohat.
2. Brief facts of the case, as per murasila Ex:PW-1/1 based FIR Ex:PA, are that SHO Khanullah of PS Jungle Khel, Kohat reported that he received spy information that Sameen s/o Khadi Gul is busy in selling of narcotics i.e. churs and wine in front of his house situated at Mohallah Purdil Khan, Jungle Khel, Kohat. On that information, he along with other police party proceeded to the spot. He further reported that near the house of Sameen, he over powered one person duly armed and from his possession, he

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recovered one Kalashnikov bearing No.56-1H26002136 along with
and three spare chargers containing 120 rounds of 7.62 bore, from right
hand one plastic bag containing chars garda weighing 1200 grams and
five bottles of local tincture. On further search of said person, he also
recovered one pistol 30 bore bearing No.A-7811 along with fixed charger
containing 02 rounds of the same bore. Upon interrogation, the said
person disclosed his name as Sameen s/o Khadi Gul r/o Mohallah Purdil
Khan, Jungle Khel, Kohat and disclosed that he along with his relatives
Sameen, Hamayoon, Waseem and Shamoon make tincture and deal in the
business of narcotics. he disclosed that others are busy in making
contraband inside the house. Complainant/SHO further reported that they
raided the house of accused Sameen, found four persons in the room who
were filling bottles from tincture and they were over powered. On
personal search of accused Sameen s/o Karim Khan, from his trouser fold,
one 30 bore pistol bearing No.2020 along with fixed/spare charger
containing 12 rounds of same bore. from trouser fold of accused
Hamayoon one 30 bore pistol bearing No.4563 along with fixed charger
containing 02 rounds of same bore, from trouser fold of accused Waseem
one 30 bore pistol bearing No.777 along with two rounds of same bore
and from trouser fold of accused Shamoon one 30 bore pistol along with
two rounds were recovered. On further search of room; from big box, he
recovered 45 bottles of local tincture, 20 empty bottles, one rifle double
barrel bearing No.7777, one rifle single barrel 12 bore bearing No.1125
along with two bandoliers containing 35 rounds of 12 bore and chars
garda weighing 2800 grams. 5/5 grams was separated from recovered

25/3

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chars and 4/4 milliliter from each bottle and from "Tapka" and sealed into separate parcels while rest of the contraband and tinctures were sealed into other parcels. Accused were arrested from the spot and thus instant FIR was registered against the accused.

3. After completion of investigation, complete challan was submitted by the prosecution on 13.09.2013. Accused were summoned. Compliance of section 265-C Cr.P.C. were carried out and formal charge was framed against the accused, wherein they pleaded not guilty and claimed trial. Thereafter, prosecution was directed to produce evidence. Prosecution produced as many as four witnesses.

4. Gist of prosecution evidence is:

5. PW-1, Khanullah SHO (complainant) stated that upon receiving information that the accused facing trial is busy in selling contraband, he along with police officials and one lady constable Benish rushed to the spot i.e. near his house. When they reached, they found accused Sameen s/o Khadi Gul on the spot. They over-powered the accused and recovered one Kalashnikov along with fixed and three spare chargers and 120 live rounds of 7.62 bore and from the right hand recovered one plastic bag of black colour containing chars garda and five bottles of tincture. They also recovered one pistol of 30 bore bearing No.A-7811 containing fixed charger along with two live rounds of the same from trouser of the accused. They weighed the recovered chars garda and found 1200 grams. He cursorily interrogated the accused who told that my other relatives namely Sameen, Hamayoon, Wasim, sons of Karim Khan, Shamoan s/o Zaheer ud Din, my co villagers prepare wine and also involve in selling

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chars and all of them are busy in making contrabands inside the house. So, they raided the house of Sameen and found four persons inside the room who were filling empty bottles via Kaif (Surahi) from cane. They over powered Sameen s/o Karim Khan and found one pistol of 30 bore bearing No.2020 containing fixed and spare chargers along with 12 live rounds of same from his trouser. From the trouser of Hamayoon they recovered one 30 bore pistol No.4563 containing fixed charger along with two live rounds of same bore. Recovered one pistol of 30 bore bearing No.777 along with two live rounds of same bore from trouser of accused Wasim and recovered one pistol of 30 bore along with two live rounds of same from the trouser of accused Shamaoun. They could not produce any license regarding the recovered arms and ammunition. On further search, inside the room he recovered 45 bottles of Desi wine, 20 empty bottles of wine, one rifle double barrel No.7777, one rifle single barrel of 12 bore No.1125 along with two bandoliers, total 35 live rounds of 12 bore and chars garda weighing 2800 grams from a box which was present inside the room. 5/5 grams chars was separated for FSL and sealed in parcels No.1 and 2, respectively while 4/4 ml was separated via syringe from each bottle of wine and sealed in parcels No.3 to 53 for FSL while rest of the contraband was sealed in parcel No.54 and 55, respectively and 20 empty bottles in parcel No.56. In this respect, he drafted murasila Ex:PW-1/1 and sent to PS for registration of the case through constable Bashir Hussain LHC. He took into possession the above mentioned contraband, wine, arms and ammunitions vide recovery memo Ex:PW-1/2. He arrested the accused vide card of arrest Ex:PW-1/3. He drafted application

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INVESTIGATION
SECTION
P.S. HUSSAIN
10/10/2011

Ex:PW-1/4 to FSL. He drafted application Ex:PW-1/5 for getting opinion of Arms Expert. After completion of investigation by KBI staff, he submitted complete challan against the accused, which is Ex:PW-1/6.

6. PW-2, Sada Khan SHO stated that FIR, murasila and other relevant documents were handed over to him for investigation. He proceeded to the spot where he prepared the site plan Ex:PW-2/1, on the pointation of SHO. He also recorded statements of PWs u/s 161 Cr.P.C. Thereafter, he came to police station and recorded statements of Moharrir and other witnesses u/s 161 Cr.P.C. He interrogated the accused. On 23.06 2013, he produced the accused vide application Ex:PW-2/2 before the court and one day custody was granted to all the accused. He interrogated the accused and recorded their statements u/s 161 Cr.P.C. On the following day, he produced all the accused for their confessional statements vide application Ex:PW-2/3 but they refused to confess their guilt and sent to judicial lockup. He also received the FSL report Ex:PZ, which is in positive. After completion of investigation, he handed over the case file to SHO for submission of challan.

7- PW-3, Izhar Ali SI stated that on receipt of murasila, I chalked out FIR Ex:PA.

7. PW-4, Bego Khan ASI stated that he was present along with seizing officer/complainant. In his presence, the seizing officer recovered and took into his possession one Kalashnikov along with fixed and three spare chargers and 120 live rounds of 7.62 bore and from the right hand recovered one plastic bag of black colour containing chars garda and five

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bottles of tincture, also recovered one pistol of 30 bore bearing No. 7811 containing fixed charger along with two live rounds of the same bore from trouser of the accused facing trial. The seizing officer weighed the recovered chars garda and found the the same of 1200 grams. Complainant cursorily interrogated the accused who told him that his other relatives namely Sameen, Hamayoon, Wasim sons of Karim Khan, Shamaoon s/o Zaheer ud Din, his co villagers prepare wine and also involve in selling chars and all of them are busy in making contrabands inside the house. So, they raided the house of Sameen and found four persons inside the room who were filling empty bottles via kaif (Surahi) from cane. They over powered Sameen s/o Karim Khan and found one pistol of 30 bore bearing No.2020 containing fixed and spare chargers along with 12 live rounds of same from his trouser, from the trouser of Hamayoon they recovered one 30 bore pistol No.4563 containing fixed charger along with two live rounds of same bore, recovered one pistol of 30 bore bearing No.777 along with two live rounds of same bore from trouser of accused Wasim and recovered one pistol of 30 bore along with two live rounds of same from the trouser of accused Shamaoon. They could not produce any license regarding the recovered arms and ammunition. On further search inside the room, the complainant recovered 45 bottles of Desi wine, 20 empty bottles of wine, one rifle double barrel No.7777, one rifle single barrel of 12 bore No.1125 along with two bandoliers, total 35 live rounds of 12 bore and chars garda weighing 2800 grams from a box which was present inside the room. 5/5 grams chars was separated for FSL and sealed in parcels No.1 and 2.

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respectively while 4/4 ml was separated via syringe from each bottle wine and sealed in parcels No.3 to 53 for FSL while rest of the contraband was sealed in parcel No.54 and 55 Ex:P-1 to Ex:P-2, respectively and 20 empty bottles in parcel No.56 Ex:P-3. The seizing officer prepared the recovery memo Ex:PW-1/2.

8. After the completion of prosecution evidence, statements of accused u/s 342 Cr.P.C. were recorded wherein all the incriminating evidence has been put to the accused facing trial to afford them an opportunity to explain the circumstances. accused facing trial discarded all the allegations leveled against them by the prosecution, however, they did not opt to be examined on Oath or produce defence evidence.

9. Arguments heard and record perused.

MS

10. As per prosecution version, in instant case prosecution was duty bound to prove that alleged recoveries were made from the possession of accused, named in the FIR, and the proceedings were conducted in accordance with law as well as according to the version set up in the FIR and murasila. In this respect, statement of complainant recorded as PW-1, would reveal that the complainant of the instant case could not remember exact day and date of the occurrence. He has admitted that the place of occurrence, as alleged in the murasila, consists of two parts, one is on the main street/road whereas other is a residential house having females and women folk living there. Complainant has also admitted that at the time of occurrence many people were available outside the house but has not given any explanation as to why they were not associated with the

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proceedings as required by law. Furthermore, complainant had alleged that they were having a lady constable at the time of alleged raid but the said lady constable has never been produced before the Court during the course of trial. which facts creates doubt regarding the legal procedure adopted at the time when the alleged recoveries were made. All the PWs have not corroborated each other in the mode and manner of the occurrence. Furthermore, the entire alleged recoveries have not been produced before the Court during trial. The prosecution witnesses were unable to describe the details regarding the place of occurrence. The complainant, in his statement, could not answer as to from which room of the house the alleged recoveries were effected neither he was able to reply regarding number of the total rooms in the house.

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11. In a situation where the complainant/seizing officer and marginal witness have not supported the prosecution version regarding the mode and manner of alleged recovery and seizing officer himself is not sure regarding the day of occurrence coupled with the fact that the mode and manner of the recoveries as narrated in the murasila and FIR, does not appeal to a prudent mind, which creates reasonable doubts in the mode and manner of recovery as alleged and as per law, the benefit of any reasonable doubt has to be extended to the accused facing trial.

12. In view of above discussion, prosecution has failed to prove its case against the accused facing trial beyond the shadow of doubt hence, while extending benefit of same, accused facing trial namely Sameen s/o Khadi Gul, Sameen s/o Karim Khan, Shamoon s/o Zaheer ud Din, Hamiayoon s/o Karim Khan and Waseem s/o Karim Khan are acquitted from the charges

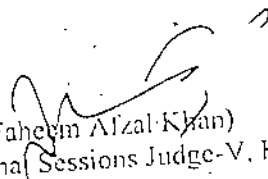
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levelled against them in the instant case. They are on bail, their sureties are
discharged from the liabilities under the bail bonds.

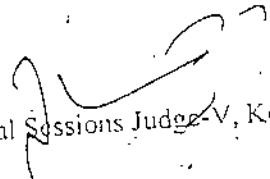
13. Case property i.e. Chars and local tincture are confiscated to State and be
disposed off, in accordance with law, after expiry of period provided for
appeal/revision while arms and ammunitions are returned to its lawful
owners.

Announced
16th January, 2018


(Faheem Alzal Khan)
Additional Sessions Judge-V, Kohat

CERTIFICATE

Certified that this judgment consists of 09 pages. Each page has been read,
corrected and signed by me wherever necessary.


Additional Sessions Judge-V, Kohat

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Appellant
Samir Cull

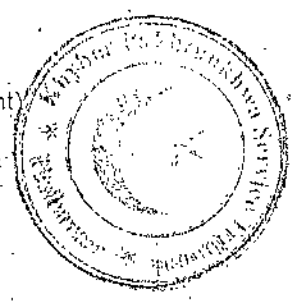
BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 768 2018

1024
01-6-2018

Ex- Constable Muhammad Tahir No- 964 District Police QRF-7 Kohat

(Appellant)



VERSUS

- 1-INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
- 2:-DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
- 3:-DISTRICT POLICE OFFICER KOHAT.

(Respondent)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 04-01-2017 VIDE OB-NO 13 IN WHICH THE RESPONDENT NO:-3 UPON THE FINAL SHOW CAUSE NOTICE DATED 25-10-2016 DISMISS THE APPELLANT FROM SERVICE ON THE BASIS OF FAKE CRIMINAL CASE DATED 06-09-2016 AND AFTER ACQUITTAL APPELLANT PREFERRED DEPARTMENTAL REPRESENTATION DATED 16-02-2018 AND THE RESPONDENT GIVEN FALSE CONSOLATION THAT REPRESENTATION WILL BE ACCEPTED BUT THE SAME WAS REJECTED ON DATED 11-05-2018.

01/06/18

Pray:

In view of above submission it is requested, by accepting of instant appeal the impugned order of Respondents may be set aside and the present appellant may please be re instated in the service with all back benefits are blessed with any other remedy as the honorable tribunal deem proper.

Respectfully Sheweth;

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

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EXAMINER
Khyber Pakhtoon Khwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 768/2018

Date of Institution ... 01.06.2018

Date of Decision ... 04.10.2021



Muhammad Tahir Ex-Constable No. 964 District Police QRF-7, Kohat.
... (Appellant)

VERSUS

Inspector General of Khyber Pakhtunkhwa Police, Peshawar and two others.
... (Respondents)

Present.

Syed Mudasir Pirzada,

For appellant.

Mr. Kabirullah Khattak,
Addl. Advocate General

For respondents.

MR AHMAD SULTAN TAREEN
MIAN MUHAMMAD,

CHAIRMAN
MEMBER(E)

JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:- The appellant named above invoked the jurisdiction of this Tribunal through service appeal described above in the heading challenging thereby the penalty imposed upon him in pursuance to the disciplinary proceedings under E&D Rules, purporting the same being against the facts and law on the subject.

2. Brief facts of the case are that the appellant while serving as Constable in District Police Kohat QRF, a criminal case was registered against him alongwith other accused vide FIR No. 677 dated 06.09.2016 u/s 9C-CNSA P.S


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KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL

Pirwadaha, Rawalpindi. The appellant was proceeded against departmentally and was dismissed from service on 04.01.2017. Feeling aggrieved, the appellant filed departmental appeal on 16.02.2018 which was rejected on 11.05.2018, hence the present appeal on 01.06.2018.


3. The appeal was admitted for regular hearing on 19.09.2018. Notices were issued to the respondents for submission of written reply/comments. On 20.12.2018, the respondents have submitted written reply/comments refuting the claim of the appellant with several factual and legal objections and asserted for dismissal of appeal with cost.
4. We have heard arguments of learned counsel for the parties and have also gone through the available record with their assistance.
5. Obviously, the plea which the respondents have tried to establish against the appellant through parawise comments and arguments at the bar is mainly linked with his involvement in the criminal case. It has been asserted on behalf of the respondents that the appellant being member of disciplined force indulged himself in criminal activity/narcotics case and earned bad name to the department; and that departmental and criminal proceedings are of distinct in nature and can work side by side and decision of the criminal court if any is not binding in the departmental proceedings. It was also argued on behalf of respondents that Rule 5 (3) KP Police Rules, 1975 (amended 2014) empowers the competent authority to take disciplinary action without necessity of the formal inquiry through appointment of an inquiry officer. It is observed that the impugned order dated 04.01.2017 tells about the reasons which predominantly prevailed to satisfy the competent authority for deciding imposition of major

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 Khushboo Chaudhary
 Service Tribunal
 Islamabad

penalty of dismissal from service upon the appellant, originates from the fact that he was reported as absent from official duty vide DD No. 28 dated 06.09.2016 till date without any leave or permission from the competent authority; and secondly that when show cause notice was sent at home address of the appellant, his relatives informed about confinement of appellant in Adiala Jail Rawalpindi in a narcotics case which information was got confirmed and he was found involved in the occurrence reported vide FIR No.677 dated 06.09.2016 u/s 9-C CNSA P.S Pirwadahal Rawalpindi. It is noteworthy that the date of absence of the appellant as noted vide DD No. 28 was 06.09.2016 onwards and the date of registration of the criminal case against him is also the same. So, it can be safely presumed that absence of the appellant was the consequence of his arrest in case FIR No. 677 dated 06.09.2016 of P.S Pirwadahal Rawalpindi and not a willful absence. CSR 194 under the heading of Committals to Prison provides that a Government servant when is charged in a criminal offence or debt and is committed to prison shall be considered as under suspension from the date of his arrest. So, the arrest and committal of a government servant to prison on charge of a criminal offence will be considered automatic suspension from the date of his arrest. CSR 194 also provides that in case, such a Government servant is not arrested or is released on bail, the competent authority may suspend him by specific order, if the charge against him is connected with his position as Government servant or is likely to embarrass him in the discharge of his duties or involves moral turpitude. In any case, the provision of CSR 194 does not necessitate any disciplinary action more than suspension. In the present case of the appellant, the competent authority exercised its power in excess of the said

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 EXAMINER
 Khushbu Puri
 Service Tribunal
 Bhubaneswar

provision of CSR 194. No ground for disciplinary action in the manner as taken by the competent authority in case of the appellant was made out prior to decision of the criminal case against the appellant. We are mindful of the fact that the criminal proceedings and departmental proceedings can go parallel and even acquittal of the accused has no bearing upon the departmental disciplinary proceedings; but every criminal charge has its different circumstances. In our view, if a Government servant is charged for an offence connected with his position as such, he can be proceeded against simultaneously in departmental proceedings and in criminal proceedings on account of the charge of an offence. The case of the appellant is not one involving the charge against him connected with his position as Government servant. Therefore, it was not justifiable to proceed against him for imposition of punishment under Efficiency and Discipline Rules. Needless to say that certified copy of judgment dated 06.02.2018 passed by the Hafiz Hussain Azhar Shah, Additional Sessions Judge/Judge Special, Court CNS Rawalpindi in Narcotics Case No. 164 of 2017 has been produced during the course of arguments and placed on file. The said judgment relates to case FIR No. 677 dated 05.09.2016 Offence u/s 9-C of the CNSA, 1997 of Police Station Pirwadahal, Rawalpindi which was taken as ground for disciplinary action against the appellant. According to operative part of the judgment, it is provided that the prosecution has miserably failed to prove its case against accused/present appellant beyond any shadow of doubt whereas slightest doubt goes in favour of accused, therefore, extending benefit of doubt, accused Muhammad Tahir son of Munammad Munir is acquitted from the case. When the criminal case taken as ground for disciplinary action against the

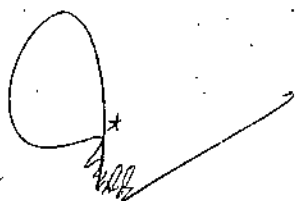
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 WAZIR
 Member, Tribunal
 Rawalpindi


appellant has failed at trial of the accused, the said ground having worked for disciplinary action against the appellant and imposition of major penalty upon him has vanished. We, therefore, hold that the imposition of the penalty of dismissal from service upon the appellant remained no more tenable.

6. For what has been discussed above, the appeal at hands is accepted, the impugned order is set aside and the appellant is reinstated into service from the date of his absence. However, the period commencing from the date of absence of the appellant till passing of this judgment shall be treated as leave of the kind due in accordance with law. Parties are left to bear their respective costs. File be consigned to the record room.



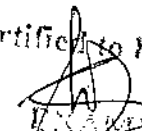
(MIAN MUHAMMAD)
Member(E)

ANNOUNCED
04.10.2021


(AHMAD SULTAN TAREEN)
Chairman

Date of Presentation of Application 07/10/21
Number of Words 2460
Copying Fee 26/-
Urgent _____
Total 26/-
Name of Copyist _____
Date of Completion of Copy 13/10/21
Date of Delivery of Copy 13/10/21

Certified to be true copy


KHUSHI AKHTARKHWA
Service Tribunal,
Peshawar

BEFORE THE HONOABLE KPK SERVICE TRIBUNAL PESHAWAR.

Service Appeal No: 685/2018

Sameen Guls Ex-Constable No: 701/ Kohat Range _____ Appellant.

Versus

The Inspector General of Police
KPK Peshawar and others

_____ Respondent.

Rejoinder for and on behalf of appellant to the comments, filed by respondents

Respected Sheweth,

Rejoinder to the comments of respondent are as under.

Reply to Preliminary Objection :-

1:- That Para No-1 in preliminary Objection is incorrect because the appellant has good cause of action and balance of convenience is also in favor of present appellant and the appeal with in time.

2:-That Para No-2 is incorrect to the appellant has been removed from service then after competent authority tribunal has jurisdiction to entertain service appeal as per law and proper law is made for it.

3:-That Para No-3 is incorrect ,the appellant has properly file departmentally appeal to the respondent above but in vain having no other alternate remedy except the instant appeal and remaining.

4:- That the Para No-4 is incorrect, the appellant feeling aggrieved from the impugned order having no alternate remedy hence approach to the honorable tribunal with clean hand..

5- That Para No: 5 is incorrect, the appellant has file the department representation which was not entertain hence approach to this tribunal for the redressal of his grievance with in time as per report of officials of respondents

Facts Reply:-

1:-Facts Para No- 1,2 of the facts is already admitted by respondents hence no comments.

2:-Facts Para No- 3 of the facts is incorrect no personal hearing nor any opportunity to cross examine the witness even though that not provided the enquiry finding to the appellant by respondent No 2

3:-Facts Para No- 4 of the facts is incorrect there is no proof of ample opportunity of hearing nor allowed to explain the facts and all the proceedings were conducted on back of the appellant nor to produce evidence in his defense.

4: -Facts Para No- 5 of the facts is incorrect the respondent have no answer in his defense the enquiry officer report is self explanatory.

5:-Facts Para No- 6 of the facts is incorrect and will discuss at the time of arguments with the permission of honourable tribunal .

6:-Facts Para No- 7 of the facts is incorrect already discussed in Para 2 of the facts above

Reply to reply of grounds:-

1:-That the Para No-1 of the grounds is incorrect appellant being innocent acquitted from all the charges.

2:- That Para No- b is incorrect appellant was not heard in person and respondent have not annexed any single documents of codal formalities.

3:-That Para No- C of the grounds of comments of respondents is incorrect that enquiry officer never completed his enquiry till the decision .

4:- That Para No- D is incorrect on the basis that the respondent have no answer to reply the grounds of the appellant hence need no comments.

5:- That Para No- E is incorrect nothing available on record which proof the stance of the respondent and even ignored the enquiry officer report conclusion .

6:- That Para No- F of the grounds of comments is incorrect no speaking order is mentioned in rejection of appeal so far as the decision of superior court is binding for every one.

7:- That Para No- G of the grounds of comments is incorrect to the extent that all the decision of courts are binding one and having guidelines for future .

8:-That Para No-H will discuss at the time of arguments.

9:-That Para I, J. of the grounds is incorrect no proper enquiry was conducted nor statement of any relevant persons recorded in this regard the whole proceeding become defective.

10- That Para K is incorrect to the extent that no single piece of evidence is available on record which connect the appellant with guilt also acquit from the charges.

11:- That Para L,M is incorrect it respondent above have no answer to respond before honourable tribunal

12:- That Para N is incorrect the appellant having good service record and no single bad entry .

13: That Para O is incorrect the respondent are not entitled after submission of there comments .

Prayer:-

On acceptance of this rejoinder the appeal may kindly graciously be accepted and appellant may please be reinstated in service with all back benefits as the enquiry officer already kept pending the enquiry for acquittal hence the instance is with in time and it is also prayed that any other remedy as deemed proper by the honorable tribunal respectively award please.

Through

Appellant

Syed Mudasir Pirzada
Advocate District Courts
Kohat

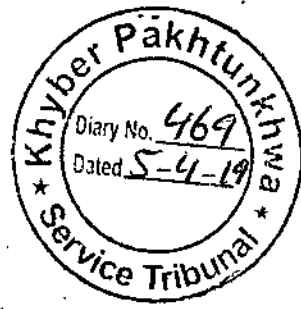
Dt:- 12-3-20

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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 685/18

Restoration appli. no. 177/18



Sameen Gul A/o 701

R/o District Kohat.

Appellant

VERSUS

Inspector General of Police KPK Peshawar.etc

Respondent

**APPLICATION FOR RESTORATION OF SERVICE APPEAL WHICH WAS
DISMISSED FOR NON PROSECUTION**

Respectfully sheweth.

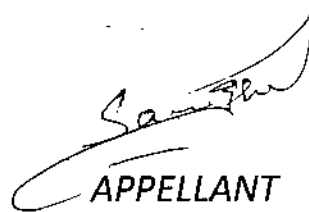
1. That the captioned Service Appeal was pending in this hon'ble court and was fixed for submission of rejoinder as well as for arguments.
2. That due to inadvertent omission and misunderstanding the clerk of the counsel of petitioner noted date of hearing 01\05\2019 instead of 01\04\2019.
3. That due to the reason the correct date was not conveyed to the appellant which led nonappearance of the appellant before this hon'ble court
4. That the nonappearance of the appellant or his counsel is not intentional but due to the misunderstanding of the date noted in the diary of the counsel.
5. That appellant appeared on 25\03\2019 the dated recorded in the diary of the counsel and on inquiry it was revealed that the appeal has been dismissed for non prosecution on the previous date i.e.

01\04\2019

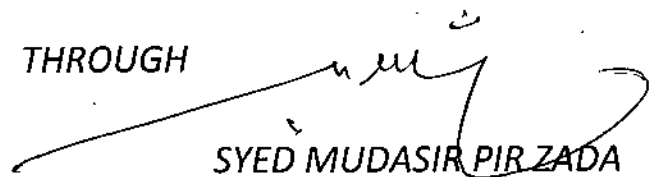
6. That becoming to know the factum of dismissal for non prosecution the appellant has filed the application promptly without any delay

7. That if the appeal was not restored to its original numbers the appellant shall suffer irreparable loss. law does require a lis to be to be adjudicate upon on merits rather that to be dismissed on mere technicalities, hence this petition.

it is therefore respectfully prayed that this hon'ble court may be pleased to accept this petition and be further pleased to restore the appeal dismissed for non prosecution on its original number so as to be disposed on merits in accordance with law.


APPELLANT

THROUGH

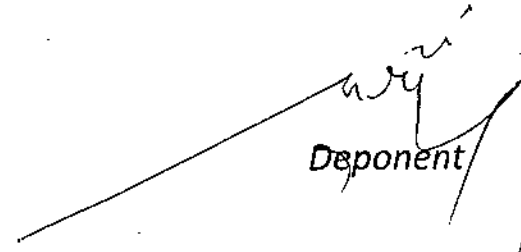

SYED MUDASIR PIR ZADA

ADVOCATE

HIGH COURT PESHAWAR

AFFIDAVIT.

AS PER INSTRUCTION of my client that all the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court


Deponent

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 685 2018



Ex-Cook Constable Samin Gul No-701 R/o District Kohat

(Appellant)

Khyber Pakhtunkhwa
Service Tribunal

D/S No. 632

Dated 27-4-2018

VERSUS

- 1:-INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
- 2:-DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
- 3:-DISTRICT POLICE OFFICER KOHAT.

(Respondent)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 15-01-2014 VIDE NO 69 IN WHICH THE RESPONDENT NO:-3 UPON THE REPORT OF ENQUIRY OFFICER REMOVED THE APPELLANT FROM SERVICE WITH EFFECT FROM 22-06-2013 THE APPELLANT PREFERRED DEPARTMENTAL REPRESENTATION AND THE RESPONDENT GIVEN FALSE CONSOLATION THAT REPRESENTATION WILL BE ACCEPTED BUT THE SAME WAS REJECTED ON DATED 07-03-2014.

Pray:

01.04.2019

Nemo for appellant. Addl. AG alongwith Ishaq Gul, DSP (Legal) for the respondents present.

It is already past 4.00 PM and no one is in attendance to represent the appellant despite repeated calls.

Dismissed for non-prosecution. File be consigned to the record room.

Member

Chairman

ANNOUNCED
01.04.2019

Certified to be true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Copy 05-04-19
 Number of Words 400
 Copying Fee 4
 Urgent 2
 Total 6
 Name of Copyist [Signature]
 Date of Copy 05-04-19
 Date of Delivery of Copy 05-04-19

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Restoration Application No. 177/2019

In Service Appeal No. 685/2018

Sameen Gul

.....Applicant / Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & others

..... Respondents

REPLY ON BEHALF OF THE RESPONDENTS.

Respectively Sheweth:-

Reply on behalf of the respondents is submitted as under:-

Preliminary Objections:-


- a) That the application is not maintainable in its present form.
- b) That the applicant is estopped to file the instant application for his own conduct.
- c) That the applicant is not based on facts.
- d) That application is time barred.


FACTS:-


1. Pertains to record, hence no comments.
2. Incorrect, the applicant / appellant did not appear before the Honorable Tribunal on the date fixed, despite the Honorable Tribunal has called several times as mentioned in the order dated 01.04.2019. **Annexure A.**
3. Incorrect, the applicant / appellant deliberately did not appear before the Honorable Tribunal on the date fixed.
4. Incorrect, counsel for the applicant also did not appear. Further added that the counsel for the applicant was engaged in other service appeal by different appellants and his appeals were also dismissed in default. Copies are annexed for kind perusal.

5. This para is totally contradicted to the para No. 2 of the application, wherein the counsel for the petitioner submitted that his clerk recorded / noted date of hearing 01.05.2019 instead of 01.04.2019, furthermore, this para is also illogical as appellant mentioned that he appeared on 25.03.2019 in the tribunal wherein, he came to know that his service appeal has been dismissed on previous date i.e 01.04.2019 due to non-prosecution of service appeal by the appellant. Date 25.03.2019 come before 01.04.2019, then how it could be possible that his service appeal has been dismissed which yet to be come on 01.04.2019.
6. Incorrect, the application is delayed.
7. The applicant is responsible for his own act.

In view of the above, it is submitted that the application is contrary to facts. It is therefore, humbly prayed that the application may be dismissed with cost please.


Dy: Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 2)


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


District Police Officer,
Kohat
(Respondent No. 3)

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 685 2018



Ex-Cook Constable Samin Gul No-701 R/o District Kohat

VERSUS

Khyber Pakhtoon Khwa Service Tribunal Peshawar

Case No. 632

Date: 27-4-2018

- 1:-INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
- 2:-DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
- 3:-DISTRICT POLICE OFFICER KOHAT.

(Respondent)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 15-01-2014 VIDE NO 69 IN WHICH THE RESPONDENT NO:-3 UPON THE REPORT OF ENQUIRY OFFICER REMOVED THE APPELLANT FROM SERVICE WITH EFFECT FROM 22-06-2013 THE APPELLANT PREFERRED DEPARTMENTAL REPRESENTATION AND THE RESPONDENT GIVEN FALSE CONSOLATION THAT REPRESENTATION WILL BE ACCEPTED BUT THE SAME WAS REJECTED ON DATED 07-03-2014.

Pray:

01.04.2019

Nemo for appellant. Addl. AG alongwith Ishaq Gul, DSP (Legal) for the respondents present.

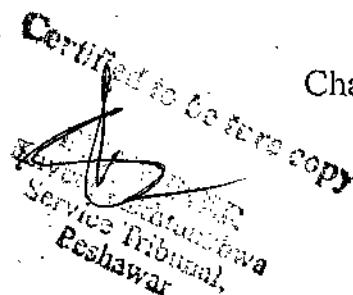
It is already past 4.00 PM and no one is in attendance to represent the appellant despite repeated calls.

Dismissed for non-prosecution. File be consigned to the record room.


Member


Chairman

ANNOUNCED
01.04.2019

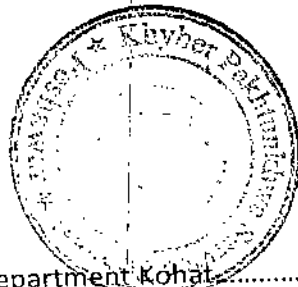

Certified to be true copy
Khyber Pakhtoon Khwa Service Tribunal, Peshawar

Date of Report: 12-4-19
 Number of Pages: 4
 Chapter No: 4
 Page: 18-4-19
 Name of Officer: [Signature]
 Date of Copy: 18-4-19
 Date of Delivery of Copy: 18-4-19

1/2

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 1385 /2015



**A.W.P. Province
Services Tribunal**

Diary No. 1418

Dated 03-12-2015

Abdul Majid Ex-constable belt No. 1202, Police Department Kohat.....(Appellant)

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa
2. Deputy Inspector General of Police Kohat Range Kohat
3. District Police Officer, Kohat.

.....(Respondents)

**APPEAL U/S 4 OF THE SERVICES TRIBUNAL ACT KHYBERPAKHTUNKHWA, AGAINST
IMPUGNED ORDER OF DISMISSAL OF THE APPELLANT BY RESPONDENT No. 3, 2 & 1.**

**PRAYERS IN APPEAL TO SET ASIDE THE IMPUGNED ORDERS OF DIS-MISSAL OF THE
APPELLANT AND TO RE-INSTATE HIM BACK IN POLICE SERVICE WITH ALL BACK BENEFITS.**

29.07.2019 Appellant absent. Learned counsel for the appellant absent. Mr. Usman Ghani learned District Attorney alongwith Inayat Ullah H.C present. Case called but no one appeared on behalf of appellant. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.

(Ahmad Hassan)
Member

(Muhammad Hamid Mughal)
Member

ANNOUNCED.
29.07.2019

Case No. 400 01-08-19

Page No. 4

Date of 19-8-19

Date of 19-8-19

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal 854 / 2016

Diary No. 877

Dated 24-8-2016

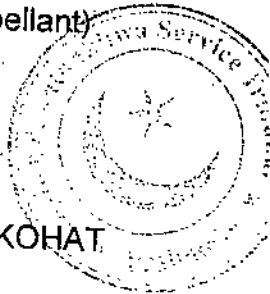
Ex-Inspector/ SI Ghulam Murtaza S/o Ghulam Mustafa R/o Khattak Colony Kohat

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT.
3. DISTRICT POLICE OFFICER KOHAT.

(Respondent)



APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 24-03-2016 VIDE OB-NO-263 IN WHICH THE RESPONDENT NO:-3 UPON THE RECOMMENDATION FROM PRELIMINARY ENQUIRY AWARDED THE PUNISHMENT OF REVERSION FORM THE RANK OF INSPECTOR TO SUBINSPECTOR AND THE APPELLANT PREFERRED DEPARTMENTAL REPRESENTATION DATED 22-04-2016 AND THE RESPONDENT GIVEN FALSE CONSOLATION THAT REPRESENTATION WILL BE ACCEPTED BUT THE SAME WAS REJECTED ON DATED 28-07-2016.

22.11.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mr. Ishaq Gul DSP legal representative of respondents present. However no one appeared on behalf of appellant despite of repeated calls. Earlier, the present service appeal was also dismissed for want of prosecution vide order dated 12.01.2017. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.

[Signature]
Member

Certified to be true copy

[Signature]
Member

ANNOUNCED
22.11.2018

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Name of Applicant: H.M.R
 Number of Pages: 4
 Copying Fee: 4.00
 Stamp: 4.00
 Total: 4.00
 Name of Copyist: [Signature]
 Date of Copy: 03-12-18
 Date of Payment: 03-12-18



BEFORE THE SERVICE TRIBUNAL, K.P.K, PESHAWAR

Service Appeal No. 851 2014

893
13/6/2014

Inspector Mazhar Jehan S/o Jahan Khan R/o Barh Tehsil & District Kohat (Presently) Counter Terrorism Department Police Line Kohat
..... (Appellant)

VERSUS



1. Deputy Inspector General of Police, Kohat Region
2. Provincial Police officer / Inspector General of Police KPK Peshawar

..... (Respondents)

APPEAL U/S 4 of Service Tribunal Act 1974 against the impugned order No. 1714 / E C dated Kohat 12-02-2013 of the respondent No. 1 who awarded punishment for -feature of 2 years approved service of the appellant.

PRAYER:

On acceptance of this appeal, the impugned order dated 12-02-2013 awarded punishment mentioned above of respondent No. 1 to the appellant may kindly be set-aside and also other suitable remedy may kindly be granted.

13/6/14

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

15.04.2019

None present on behalf of the appellant. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Ishaq Gul, DSP (Legal) for the respondents present. Notice be issued to appellant and his counsel for attendance and arguments for 13.06.2019 before D.B.

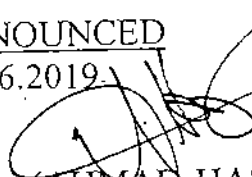

(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

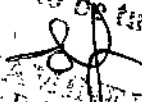
13.06.2019

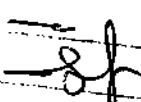
None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG for the respondents present. Called several times till 4:00 PM but no one appeared on behalf of the appellant nor he was present in person. Therefore, the appeal in hand is dismissed in default. File be consigned to the record room.

ANNOUNCED
13.06.2019


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

Certified to be true copy

E. A. WANI
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Appeal	1-8-2019
Number of Words	800
Copying Fee	12/-
Urgent	4/-
Total	16/-
Name of Copyist	
Date of Completion	1-8-2019
Date of Delivery of Copy	1-8-2019

W

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.685/2018

Ex-Cook Constable Sameen Gul No.701

Appellant

VERSUS

IGP ETC.

Subject: APPLICATION FOR AMENDMENT IN ABOVE MENTIONED SERVICE APPEAL.

Respectfully Sheweth:

Appellant state as under:

1. That the present appeal is pending before the Hon'ble Tribunal.
2. That in the present service appeal the appellant does not annexed the order dated 28.02.2018 bearing No.671/2018. (Copy of the order annexed).
3. That the order mentioned above were communicated to the appellant on 30.04.2018.
4. That the appellant was not in the knowledge of issuance of the mentioned order, hence, not mentioned in the present service appeal nor in the prayer of appeal.
5. That due to the above inadvertence, not included in the service appeal.

Therefore, it is requested that the same may kindly be allowed for the ends of justice and obliged.

Dated: 17.05.2022

 Appellant through
Syed Mudassir Pirzada Advocate

AFFIDAVIT

I Syed Mudasir Pirzada Council for appellant, do hereby solemnly affirm and declare on oath that the contents of this petition are true and correct to the best of his knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT



35, 18370

26930

34280

KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE
PESHAWAR.

1683
26/2/18

No. S/ 671 /18, dated Peshawar the 19/02/2018.

The Regional Police Officer,
Kohat Region, Kohat.

APPEAL (EX-COOK CONSTABLE SAMEEN GUL NO. 701)

Ex-Constable Sameen Gul No. 701 of District Police Kohat had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for reinstatement in service. His appeal was processed / examined at Central Police Office, Peshawar and filed with the competent authority being badly time barred for about 03 years and 10 months.

The applicant may please be informed accordingly.

Shah

(SYED ZIA ALI SHAH),
Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

PJC
26/02/18
Ko

28/2/18

No 1984 /ee
do 27/02/2018

2096
28/2/18

DPO Kohat

For information and also
inform the appellant concerned
accordingly please

Amir

DIG POLICE
KOHAT
27/2/18

ette/SRE

To inform the above named
constable and mention in
his service record

27/02
District Police Officer,
Kohat

27/2/18

BEFORE THE PROVINCIAL POLICE OFFICER, KHYBER
PUKHTUNKHWA, PESHAWAR

Subject: **PRESENTATION -REQUESTING FOR RE-INSTATEMENT IN SERVICE**

Respectfully Sheweth,

After Acquittal
Appeal

With veneration, the petitioner submits the instant representation before your honour for judicious and sympathetic consideration.

1. Briefly stated the facts are that the petitioner while serving as cook constable in Kohat Distt: Police, was falsely implicated alongwith four others in a criminal case vide case FIR No. 396 dated 22-06-2013 u/ss-3/4 PO/9 CNSA/13 A.O, PS Jungle Khel Kohat.
2. On the above count, the petitioner was proceeded against departmentally resulting in the Removal from service by DPO Kohat w.e.f 22-06-2013 vide order bearing OB No. 69 dated 15-1-2014 (Copy of the order is enclosed herewith).
3. The petitioner preferred an appeal before the DIG of Police Kohat Region against the above cited order of DPO Kohat but the same was filed vide order dated 05-03-2014 (Copy of the order is enclosed herewith).
4. The petitioner and the co-accused faced the trial before the court of Learned Additional Sessions Judge -V- Kohat and after arduous, expensive and prolong legal battle earned an acquittal in the above noted criminal case vide judgement dated 16-01-2018 (Attested copy of the judgment is enclosed herewith).
5. According to Chamber's 21 Century Dictionary the word " acquittal" means a declaration in court of law that someone is not guilty of the crime of which he/she has been accused.
6. The illegal involvement of the petitioner in the business of narcotics etc was the only ground on which the petitioner was Removed from service by DPO Kohat and the said ground has now disappeared through acquittal of the petitioner by the court of law.
7. With the acquittal in the criminal case, the petitioner has re-emerged as a fit and proper person to continue with his service.

PRAYER:- In view of the above discussion, it is prayed that the order passed by DPO Kohat vide OB No. 69 dated 15-01-2014 and the order of DIG of Police Kohat Region dated 5-3-2014 may kindly be set aside and the petitioner re-instated in service w.e.f 22-6-2013 with all back benefits.

The petitioner shall always pray for your long life, health and prosperity.

Yours Obediently

EX-Cook Constable Sameen Gul No. 701
S/O Khadi Gul
R/O Mohallah Shenwari Jungle Khel Kohat