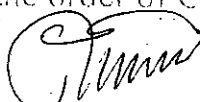


FORM OF ORDER SHEET

Court of _____

Appeal No. 1561 /2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/08/2023	The appeal of Mr. Naseeb Khan resubmitted today by Mr. Sajeed Khan Afridi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on
		By the order of Chairman
		 REGISTRAR

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal 1561 /2023

Naseeb Khan..... Appellant

Versus

Provincial police officer and others..... Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of Service Appeal		1-7
2.	Affidavit		8
3.	Addresses of parties		9
4.	Condonation of delay application		10-12
5.	Copy of the FIR no.170	A	13-15
6.	Copy of the daily diary and arrest cards	B	16-18
7.	Copy of the statement of allegation dated 25.11.2022	C	19
8.	Copies of Enquiry and statements of complainant and eyewitness	D	20-22
9.	Copy of the charge sheet and reply and Copy of the show cause notice and reply	E & F	23-26
10.	Copy of the whatsapp snap	G	27-28
11.	Copy of the appeal, impugned orders dated 24.02.2023 and 22.06.2023	H to H/2	29-34
12.	Notice to Respondents		35
13.	Wakalat Nama		36


Appellant

Through


Sajeed Khan Afridi


Tariq Afghan
Advocates, Peshawar

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKTUNKHWA
PESHAWAR

Service Appeal 1561/2023

Naseeb Khan S/O Khewa Khan
Presently Posted as Incharge DRC Hassan Khel (PS Hassan Khel) Sub
Division District Peshawar

..... Appellant

Versus

1. Provincial police officer, Khyber Pakhtunkhwa Peshawar.
2. Capital Police Officer Peshawar, Police line Peshawar
3. Senior Superintendent of Police (operation) Police line Peshawar
4. Superintendent of Police Saddar Division CCP Peshawar

.....Respondents

SERVICE APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT
1974 AGAINST THE IMPUGNED ORDER DATED 22/06/2023
WHEREBY REPRESENTATION / APPEAL OF THE APPELLANT
WAS PARTIALLY ALLOWED WITH FORFEITURE OF ONE
YEARS APPROVED SERVICE AND PERIOD OF OUT OF
SERVICE WILL BE TREATED LEAVE WITHOUT PAY BY THE
RESPONDENT NO.2(CCPO PESHAWAR) AGAINST THE
ORDER OF DISMISSAL FROM SERVICE DATED 24.02.2023.

PRAYER IN APPEAL:

On the acceptance of instant Appeal, the impugned order dated 22/06/2023 passed by respondent No.2 (CCPO

-2-

Peshawar) may please be set aside and the appellant be restored / reinstated in service with all back benefits of his service (including monthly salaries).

Any other relief deemed appropriated in the circumstance of the case, not specifically asked for, may also be granted to the appellant.

Respectfully Sheweth:

1. That after the merger of FATA into the Khyber Pakhtunkhwa and absorption of the Levis and Khasadar force in the regular police in the year 2019 vide Khyber Pakhtunkhwa Khasadar Force Act, 2019 and regulations and since then the appellant has been posted as S.H.O at P.S Hasan Khel except during police training appellant was not posted as SHO and since then in recognition of his abilities, efficient work and performance reached to the status as Sub inspector/SHO P.S Hasan Khel and his unblemished service record.
2. That brief fact of the case is that on 22.11.2022 police personnel of P.S Hasankhel and Tehsildar Hasankhel were present at Pastawani in connection with demarcation of the land of Said Bahadar s/o Ghaffar Khan who had approached the revenue authorities for resolution of his land dispute with Sadiq, Roseen khan and Ajmal. And after 15/20 minutes Accused Sadiq, Roseen khan and Ajmal killed Said Bahadar FIR No. 170 dated 22.11.2022 u/s 302/324/34 ppc P.S Hasankhel was registered against Sadiq, Roseen Khan and Ajmal Khan and soon after the occurrence the above accused escaped from the spot.

It is important to note here the occurrence took place when the police personnel defuse the situation between the parties and after elapsed of 15/20 minutes the occurrence took place of which FIR no.170 was registered at PS Hassan Khel.

Copy of the FIR no.170 is annex-A

3. That due to efforts of appellant on 25.12.2022 accused Ajmal Khan and roseen khan were arrested by the appellant. Copy of the daily diary and arrest cards are annex- B
4. That without any complaint to the S.P saddar division, S.P saddar division of his own issued the statement of allegation vide letter dated 25.11.2022 in which SDPO saddar was appointed as inquiry officer. That too without any reasons and grounds and justification. Copy of the statement of allegation dated 25.11.2022 is annex-C
5. That inquiry officer without recording the statement of witnesses (police officials and private witnesses) and without fact finding inquiry and thorough investigation held the appellant and found him guilty of the alleged charges. Despite the fact appellant arranged police personnel for the said demarcation etc. infact the complainant and eye witness of the FIR no.170 recorded statement in favor of the appellant. Copies of Enquiry and statements of complainant and eyewitness are annexed-D
6. That appellant was issued a charge sheet and show cause notice dated 20.12.2022 to which plausible replies were submitted but the stance of the appellant was discarded without any cogent reasons and grounds followed by dismissal from service. Copy of the charge sheet and reply are annex-E and Copy of the show cause notice and reply are Annex-F

It is important to note here that appellant was on routine ghasht and also informed the concerned police officer through a whatsapp message (03369286877) for arranging the personnel for security for demarcation proceedings which accordingly were arranged. Copy of the whatsapp snap is annex-G

7. That appellant aggrieved from the impugned order dated 24.02.2023 passed by Superintendent of Police (S.P) saddar division, Peshawar. That petitioner/applicant challenged the said of order before the competent authority which was partially allowed vide order dated 22.06.2023 in following

-4-

terms:- "forfeiture of one year's approved Service"
moreover, period of out of service is treated as leave
without pay" Copy of the appeal, impugned orders dated
24.02.2023 and 22.06.2023 is annex-H to H/2

8. That now appellant once again aggrieved of the impugned order dated 22.06.2023 hence, moved this Hon'ble Tribunal, inter alia, on the following grounds:

GROUNDS:

- A. That the appellant has not been treated in accordance with law and his rights secured and guaranteed under the law have been badly violated.
- B. That similar other police official who are also penalized with petitioner/applicant for the same cause they were reinstated in service with all back benefits except out of service period was count as leave without pay.
- C. That impugned order is against the law and facts of the case hence not tenable under the law. Hence appellant be reinstated in the service with all back benefits
- D. That the appellant has been treated against the law unequally & thus deprived of equal protection of law as envisaged by Art.4 of the Constitution and the official respondents have violated the settled law, Rules and regulation on the subject matter.
- E. That neither proper procedure nor due process were adopted at the time of initiation of inquiry and giving finding in the inquiry as well as passing the impugned notifications.
- F. That the impugned orders are against the pronouncements of the superior judiciary of the country.

- 5-
- G. That the impugned actions/ orders of the respondents are unreasonable as the Appellant is subjected to a naked discrimination for which no justification exists at all.
 - H. That the impugned orders are the result of malafide and discrimination, hence the same is liable to be set aside.
 - I. That depriving the appellant of the same treatment like Respondents is prima facie unfair, unjust and illegal.
 - J. That inquiry proceedings have not been conducted in accordance with prevailed rules contain under rule 6 of Rules 1975 (amended 2014) as no proper procedure has been followed by the worthy inquiry officer nor he has mentioned/shown cogent reason and grounds to connect the petitioner/applicant with the alleged charged. Moreover the opportunity of cross examination was not given to the petitioner/applicant.
 - K. That no fact finding inquiry has been conducted by the competent authority.
 - L. That what so ever no complaint has been lodged by the complaint of FIR nor any other party against the petitioner/applicant. Hence proceedings conducted the inquiry officer are illegal, unlawful and without jurisdiction.
 - M. That impugned proceedings and order is against the principle of natural justice.
 - N. That as per rule 6 sub clause 5 of the rule 1975 the inquiry officer has to submit cogent reasons and grounds to connect the petitioner/applicant with alleged charge but no ground has so far been brought on record, therefore the recommendations of the inquiry officer is not tenable in the eyes of law and the impugned order dated 22.06.2023 is also against the law and

petitioner/applicant be reinstated with all back benefits in service.

- O. That it may be submitted here that departmental inquiry proceedings were conducted by the worthy SDPO Saddar division who is not competent
- P. That finding report of the worthy inquiry officer is self-explanatory where the other police officials were present with the revenue staff who were deputed by the Assistant Commissioner sub division Hassan Khel for demarcation of the disputed land and later on occurrence was took place.
- Q. That replies to the charge sheet and final show cause are self-explanatory and worth of consideration by this honorable forum are annexed.
- R. That the impugned order is void ab-initio and illegal as the same has been passed in utter violation of the law as neither any inquiry committee was constituted nor any evidence what to speak of the legally admissible evidence was collected by the competent authority to warrant the impugned order.
- S. That the impugned order has no legal footing to stand upon as the same has been passed in utter disregard of the rules and regulation on the subject.
- T. That the constitution of Islamic Republic of Pakistan, 1973 guarantees equality and equal treatment and protection from exploitation but in this case the petitioner/applicant has been treated discriminately by the worthy inquiry officer and SP in so far as requirement of law is concerned

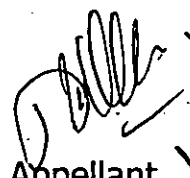
U. That impugned proceedings and order is against principle of policy as enshrined in the constitution -of Islamic Republic of Pakistan, 1973

V. That the appellant seeks leave of this Honourable Tribunal to raise further points at the time of arguments, with the kind permission of this Honourable Tribunal.

It is, therefore, most humbly prayed that On the acceptance of instant Appeal, the impugned order dated 22/06/2023 passed by respondent No.2 (CCPO Peshawar) may please be set aside and the appellant be restored / reinstated in service with all back benefits of his service (including monthly salaries).

Any other relief deemed appropriated in the circumstance of the case, not specifically asked for, and may also be granted to the appellant.

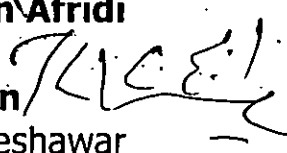
Through



Appellant


Sajeed Khan Afridi

Tariq Afghan
Advocates, Peshawar



CERTIFICATE:

It is certified that no such like civil appeal has earlier been filed before this Honourable Court by the appellant.


ADVOCATE

8-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal _____/2023

Naseeb Khan..... Appellant

Versus

Provincial police officer and others..... Respondents

AFFIDAVIT

I, Naseeb Khan S/O Khewa Khan Presently Posted as Incharge DRC Hassan Khel (PS Hassan Khel) Sub Division District Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

CNIC 17301-1493479-9

Cell # 0334 9905877



-9-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal _____/2023

Naseeb Khan..... Appellant

Versus

Provincial police officer and others..... Respondents

ADDRESSES OF PARTIES

APPELLANT:

Naseeb Khan S/O Khewa Khan
Presently Posted as Incharge DRC Hassan Khel (PS Hassan Khel) Sub
Division District Peshawar

RESPONDENTS:

1. Provincial police officer, Khyber Pakhtunkhwa Peshawar.
2. Capital Police Officer Peshawar, Police line Peshawar
3. Senior Superintendent of Police (operation) Police line Peshawar
4. Superintendent of Police Saddar Division CCP Peshawar


Appellant

Through


Sajeed Khan Afridi


Tariq Afghan
Advocates, Peshawar

-10-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal _____/2023

Naseeb Khan..... Appellant

Versus

Provincial police officer and others..... Respondents

***APPLICATION FOR CONDONATION OF
DELAY IN FILING OF THE TITLED
APPEAL.***

Respectfully Sheweth:

1. That the above noted appeal has been filed in this Hon'ble Court which is yet to be fixed for hearing.
2. That at the time of announcement of the impugned order dated 22.06.2023 copy of the order was not provided to the appellant, but when the same was provided to the appellant when he visit the police line Peshawar, the stipulated period of appeal has been over and thus the delay occurred in filing the instant appeal.
3. That posting of the appellant is in erstwhile FATA and performed his duty with zeal and devotion in such a terrorized situation

- 11 -
4. That appellant was also severely ill in last week of July 2023
 5. That the appellant was unaware of the limitation and in the circumstances which caused delay in filing the appeal is beyond the control of appellant.
 6. That since substantial rights of appellant are involved, therefore it is just and fair as well as in the interest of justice that case may be decided on merits.

It is therefore prayed that by accepting this application the delay in filing the titled appeal may please be condoned.


Appellant

Through


Sajeed Khan Afridi


Tariq Afghan
Advocates, Peshawar

-12-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal _____/2023

Naseeb Khan..... Appellant

Versus

Provincial police officer and others..... Respondents

AFFIDAVIT

I, Naseeb Khan S/O Khewa Khan Presently Posted as Incharge DRC Hassan Khel (PS Hassan Khel) Sub Division District Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT

CNIC 17301-1493479-9

Cell # 0334 9905877

01/8/23

13-

Annex = 'A'

پولیس فارم نمبر 24-5-1

سیریل نمبر: 000298--

ابتدائی اطلاعی رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ فوجداری

نمبر: 170/22 تھانہ: PS HASSAN KHEL ضلع: Peshawar ای ٹیک نمبر: HK-11/22/2022-175

تاریخ و وقت وقوع: 22-11-2022 01:20 PM دیگر

1	تاریخ و وقت رپورٹ	حوالہ نمبر (15) 22-11-2022 03:00 PM	6 تھانہ سے روانگی کی تاریخ و وقت	بطور اسپیشل رپورٹ
2	نام و سکونت اطلاع دہندہ مستغیث	وارث خان ولد غفور خان، پتہ: پستوئی حسن خیل، موجودہ پتہ: پستوئی، پیشہ: دیگر 22501-6631455-9 شناختی کارڈ نمبر: فون نمبر: 03366956562		
3	مختصر کیفیت جرم (معدہ دفعہ) و مال اگر کچھ کھو گیا ہے	بجرم: 302 ت پ 324 ت پ 34 ت پ		
4	جائے وقوع و فاصلہ تھانہ سے اور سمت	انڈر پٹی (کھیت) واقع پستوئی		
5	کارروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہو اہو تو اس کی وجہ بیان کی جاوے	مدی کے رپورٹ پر مقدمہ درج رجسٹر کیا گیا		

03159874403

ٹیلی فون نمبر:

HC

عہدہ:

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پلیٹ نمبر:

Walayat Khan

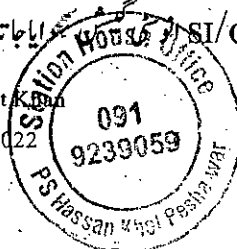
دستخط:

(ابتدائی اطلاع بچے درج کریں)

بوقت صدر بجے مسی وارث خان ولد غفور خان بعر 53/52 سال ساکن پستوئی آتم خیل بہ امد اور شیتہ داران بہ سواری پرائیوٹ گاڑی ڈائن نمبر J7591 پشاور ایک نیشن قتل شدہ تھانہ لا کر وارث خان یوں رپورٹ کرتا ہے کہ نیشن مقتول سید بہادر ولد غفور خان بعر 66/65 سال ساکن پستوئی آتم خیل میر ابراہمانی ہے آج میں میر ابراہمانی مقتول سید بہادر کے ساتھ اراضی کی تقسیم کے لئے ہمراہ تحصیلدار و رید خان اور 2 کسان پٹواری (1 عین اللہ 2 منصور احمد کے ساتھ اپنے اراضی بمقام انڈر پٹی (کھیت) میں گئے اسی دوران میرے رشتہ داران (1 صادق ولد آباد خان 2 رو سین خان 3 اجمل خان پسران بادل خان ساکنان پستوئی آتم خیل با مسلح آکر ہم پر فائرنگ شروع کی جس کی فائرنگ سے میر ابراہمانی سید بہادر ولد غفور خان ساکن ام خیل پٹواری گولی لگ کر بکن ہوا جبکہ میں بال بال بچ گیا وجہ عناد جائیداد کا تنازعہ ہے واقع ہذا میرے علاقہ دیگر موجودگان کا چشم دید ہے میں اپنے بھائی کے قتل اور مجھ پر یہ ارادہ قتل فائرنگ کرنے کا برخلاف حذکرہ بالا کسان دعویٰ اہوں۔ العبد وارث خان دستخط اردو کارروائی تھانہ حسب گفتہ مسائل کارپورٹ حرف بہ حرف درج بالا ہو کر پڑھ کر سنایا سمجھایا جا کر درست تسلیم کر کے زیر رپورٹ پر خود دستخط ثبت کیا جس کی میں تصدیق کرتا ہوں مقتول کے کاغذات مرگ تیار کر کے زیر حفاظت کنسٹیبل محمد خالد 7641 بغرض پوسٹ بارٹم KMC پشاور لایا جاتا ہے رپورٹ سے صورت جرم بالا کاپائی جا کر پڑھ کر بجرم بالا چاک کیا جا کر افسران بالا صاحبان کو بطور اسپیشل رپورٹ اطلاع دیا جا کر نقول پڑھ جات بغرض تفتیش عقب اکرام اللہ SI/OIL لایا جاتا ہے پڑھ بطور اسپیشل رپورٹ گزارش ہے۔

HC Walayat Khan

22-11-2022



پولیس مانیٹرنگ سسٹم 14



تاریخ و وقت	نام اطلاع	آڈیو رپورٹ نمبر / رجسٹر سلسلہ وار نمبر	پولیس سٹیشن	ضلع
25-12-2022 19:30	نصیب خان SHO	2 / 12	PS HASSAN KHEL	Peshawar

واپسی / روانگی

نوعیت

خلاصہ رپورٹ

میں ہماریاں رفتہ بکوالہ مدبالا بعد از فراغت علاقہ جنرل گشت سے واپس آیا دوران گشت خیریت گزری درج ہے کہ ایک مخبر خاص نے اطلاع دی کہ ملزمان روسین خان، اجمل خان پسران بادل خان سکندہ پستونی حاس وچ نہر میں رہا کٹی پذیر ہے جو کہ بحوالہ مقدمہ علت 170 مورخہ 11.11.2022 جرم 302.324.34.512 میں نامزد ملزمان ہے اب میں مع اکرام اللہ خان OII ولیدیز کنسٹیبل نیبلہ 393 و کنسٹیبلان نجیب خان FC عرفان 7587، طارق 7972، سیف الرحمن 7656 جاوید 7725، رحمت اللہ 7776، حضرت FC بسواری سرکاری پک اپ تحویل ڈرا نیور صاحب جمال 7748 بغرض چھاپہ زنی وچ نہر جو کی تھانہ اڑمڑ باسٹل SMG جیکٹ وہیلٹ روانہ ہوتا ہوں۔

سما عالی

نقل مطلوبہ امر

Station House Office
091
200959
Hassan Khel P.S.

mm - ps .ale
24 - 02 - 23

پولیس مانیٹرنگ سسٹم



- 15 -

ضلع پولیس سیشن آڈور پورٹ نمبر / رجسٹر سلسلہ وار نام اطلاع تاریخ و وقت

Peshawar PS HASSAN KHEL 2 / 17 نصیب خان SHO 22-11-2022 18:00

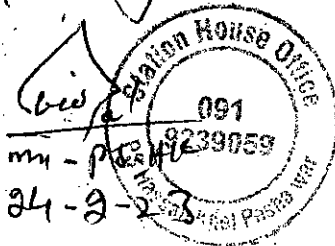
نو عیت و اجسی / رپورٹ / ارواگی

خلاصہ رپورٹ

میں مع ہر ایساں رفتہ بحوالہ مد بالا بعد از فراغت علاقہ جنرل گشت سے واپس آیا دوران گشت تمام حساس مقامات چیک کر رہے تھے کہ بوقت تقریباً 10:00 بجے بذریعہ واٹس آپ نمبری 03003666026 رحیم خان AC دفتر آپریٹر حسن خیل ایک تحریری پروانہ موصول ہوا کہ تحصیلدار اورید خان حسن خیل بسلسلہ کار سرکار علاقہ پستونی جا رہا ہے لہذا سیکورٹی کا اہتمام کیا جائے اس کے بعد سعید خان ASI نمبر 7944 ضلعی انتظامیہ کی طرف سے بطور سکواڈ انچارج ڈیوٹی سرانجام دے رہا ہے نے بھی اپنے ذاتی موبائل نمبر 03009015063 سے اطلاع دی کہ میں بھی تحصیلدار حسن خیل کے ساتھ جمع دیگر تقرری پولیس موجود ہوں مزید سیکورٹی فراہم کی جائے اطلاع کے پیش نظر چوکی انچارج زریزہ تازہ شاہ نوان ASI کو پروانہ بذریعہ واٹس آپ اور بذریعہ فون اطلاع دی کہ تحصیلدار حسن خیل بمعہ دیگر تقرری پولیس بسلسلہ کار سرکار پستونی جا رہا ہے لہذا چوکی زریزہ تازہ اور چوکی بوڑھہ اچھنچ سے تحصیلدار حسن خیل کو سیکورٹی فراہم کی جائے دیگر دوران گشت بوقت قریب 14:00 بجے اطلاع ملی کہ بمقام پستونی آتم خیل میں قتل کا وقوع رونما ہو چکا ہے فوراً بمعہ تقرری پولیس روانہ ہو کر انوشی گیشن سٹاف کو طلب کر کے جائے وقوعہ پر معلوم ہوا کہ واقعی وقوع قتل ہو چکا ہے اور نعش کو بہ امداد رشتہ داران بغرض رپورٹ بذریعہ پرائیوٹ گاڑی ڈائٹن تھانے کی طرف لے گئے ہے وہاں پر علاقہ مکینوں سے معلوم ہوا کہ فریق اول وارث خان ولد غفور خان اور فریق دوم اجمل خان ولد بادل خان ساکنان آتم خیل پستونے کے مابین آراضی کا تنازعہ چلا آ رہا تھا اس مسئلے کو حل کرنے کی غرض سے نائب تحصیلدار حسن خیل ورید خان اور پٹواریان (1) عین اللہ (2) منصور احمد سکواڈ انچارج سعید خان ASI/7944 بمعہ دیگر گنران تحصیلدار اور طلبیدہ چوکیات تقرری پولیس موجود تھے کہ اسی دوران فریق دوم اجمل خان وغیرہ نے فریق دوم وارث خان وغیرہ پر اسلحہ آتشیں سے بہ ارادہ قتل فائرنگ کر کے جس کے نتیجے میں فریق اول کی طرف سے مسکی سید بہادر ولد غفور خان سکندہ دیہہ آم لگ کر جا بحق ہوا ہے اکرام اللہ بھی موقع پر آکر اہم شواہد اکٹھے کر کے بعد ہمراہ اکرام اللہ SI/OIL ملزمان فریق دوم اجمل خان وغیرہ کی گرفتاری کے لئے کوشش کی لیکن ملزمان بعد وقوعہ کسی نامعلوم مقام منتقل ہو چکے ہیں تاہم نگرانی جاری ہے محرر تھانہ کی طرف سے بذریعہ واٹس آپ معلوم ہوا کہ مدعی مقدمہ وارث خان ولد غفور خان ساکن پستونی آتم خیل کے رپورٹ پر مقدمہ علت 170 مورخہ 22.11.2022 جرم 302.324.34 PPC تھانہ حسن خیل درج رجسٹر کیا گیا ہے تمام حالات واقعات افسران بالا کے نوٹس میں لایا جا کر باقی خیریت گزری اب میں مع ہر ایساں مزید علاقہ گشت کے لیے روانہ ہوں۔

ص 13

نقل و اطلاع اجمل



24-2-23

پولیس مانیٹرنگ سسٹم



تاریخ و وقت	نام اطلاع	آنور پورٹ نمبر / رجسٹر سلسلہ نمبر	پولیس سٹیشن	خانہ
25/12/2022 22:45	نصیب خان SHO	2/13	PS HASAN KHEL	Peshwar
			واپسی / گرفتاری / بندش ملزم	

پورٹ نمبر

دورانیہ ہے کہ ام شب ایک مخبر خاص نے اطلاع دی کہ ملزمان روسین خان، اجمل خان، زہرا ان بادل خان، مرحوم ساکنان پستونی حال وچ نہر مطلوبہ مقدمہ علت 170 اور رخ
 302.324.34.512 م 722.11.22 خانہ خود واقع وچ نہر میں موجود ہیں اس اطلاع کے پیش نظر یہ امید گرفتاری ملزمان متذکرہ بالا ہمراہ اکرام اللہ خان 1
 393 دیگر نفی پولیس کے یہ امید گرفتاری وچ نہر چوکی آکر دوسرا سے انچارج چوکی، نداء محمد خان ASI بمعہ دیگر نفی کے ہمراہ کر کے خانہ
 آکر ری کوڑھیاں دے کر مکان ملزمان پر پہنچا رہی کہ ملزمان بالا کو خانہ خود میں موجود پا کر جس کو نہایت حکمت عملی کے ساتھ قابو کر کے دوران گرفتاری من
 کے نام پلیٹ اور ٹیچ بھی کر گیا ہے مقدمہ ہذا میں ہر دو ملزمان بالا کو حسب ربط گرفتار کر کے مقدمہ ہذا میں شامل تفتیش کر کے بدوران خانہ تلاشی ملزمان سے
 کوئی بر قاتونی شے برآمد نہ ہو کر اور نہ ہی کوئی چیز بروائے فرو قبضہ پولیس کی، ملزمان بالا کو ہنواری سرکاری ایک اپ تھانہ لا کر بعد لینے جامہ تلاشی کوئی غیر قانونی شے
 بند عوالات تھانہ کیا گیا دیگر خیریت گزری۔

ضابطہ

نصیب خان SHO

mm PS - 14
 24 - 2 - 25



کلی منصفین حق

تقلید از روزگار قدیم

تخلیه از کربان

در 13 خرداد 1354 در شهر خرمین

مجلس سیزدهمین اجلاس کمیسیون علمی و فنی فرهنگ و ارشاد اسلامی

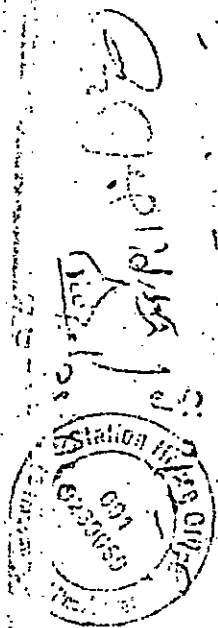
مجلس سیزدهمین اجلاس کمیسیون علمی و فنی فرهنگ و ارشاد اسلامی در 13 خرداد 1354 در شهر خرمین

مجلس سیزدهمین اجلاس کمیسیون علمی و فنی فرهنگ و ارشاد اسلامی در 13 خرداد 1354 در شهر خرمین

مجلس سیزدهمین اجلاس کمیسیون علمی و فنی فرهنگ و ارشاد اسلامی در 13 خرداد 1354 در شهر خرمین

مجلس سیزدهمین اجلاس کمیسیون علمی و فنی فرهنگ و ارشاد اسلامی در 13 خرداد 1354 در شهر خرمین

مجلس سیزدهمین اجلاس کمیسیون علمی و فنی فرهنگ و ارشاد اسلامی در 13 خرداد 1354 در شهر خرمین



کتابخانه

مکتوب شماره ۱۷۵
تاریخ ۲۵/۱۲/۵۵
موضوع: ...

بسم الله الرحمن الرحیم
میزبان عزیزان بالا سرزمین اسلام آباد کی طرف سے
میں نے آپ کو ایک خوشخبری کے ساتھ ۲۵/۱۲/۵۵ کو
تعمیرات کے بارے میں اطلاع دی تھی جس کی کاپی
میں نے آپ کی جانب سے ہے۔

محمد رفیق
۲۵/۱۲/۵۵

خلیفہ

(۱) = ...
(۲) = ۵۵/۵۶ سال

(۳) بین - نارمل

(۴) ہل - انگریزی فیشن

(۵) ... - ۵۳۴۶-۷۴۳۶-۹۴۵



Annex E

STATEMENT OF ALLEGATIONS

1. I, Malik Habib, SP Saddar CCP Peshawar, am of the opinion that the SI Naseeb Khan SHO PS Hasan Khel has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omission within the meaning of section 03 of the Khyber Pakhtunkhwa Police Rules, 1975.

"On 22.11.2022, 08 Police personnel of PS Hasan Khel and Tehsildar Hasan Khel were present at Pastawani in connection with demarcation of land of Said Bahader shi Ghafoor Khan who had approached Revenue authorities for resolution of his land dispute with Sadie, Roseen Khan and Ajmal. He under the law & rules was supposed to be present on the spot to maintain law & order at the place of demarcation, but due to his negligence, accused Sadiq blatantly killed Said Bahader right in front of Police personnel, vide case FIR No. 170, dated 22.11.2022 u/s 302/324/34 P. C. PS Hasan Khel and fled away. Neither the Police personnel bothered to retaliate on the spot, nor you make efforts to arrest the offender. Your act is highly objectionable and renders you liable for disciplinary proceedings under the Police Rules 1975."

39-E
28/1/2022
b(6)

2. For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations SP/PO Saddar is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

3. The Enquiry Officer shall in accordance with the provision of the Police Rules (1975) provide reasonable opportunity of hearing to the accused official and make recommendations as to punish or other action to be taken against the accused official.

Handwritten signature and scribbles

(Malik Habib Khan)
Superintendent of Police
Saddar Division CCP, Peshawar

No. 90 /E/A, dated Peshawar 25/11/2022

Copy to:-

1. Enquiry Officer, with the direction to finalize departmental enquiry.

یہ کہ عدلہ مسکرم خان ولد عرفان سکنہ لیٹوی ایم سیل جن سیل

موقع گواہ عدلت عددا 170 زیر دفعہ 302,324,34 تاپ مورخ 22/22/22 عدالتہ جن سیل

بہ وقت وقوعہ پولیس ٹوی پیلے سے موجود تھی۔ کارروائی سے پہلے کھیلدار علی بیٹواری صاحبان

موقع پیلے کے۔ جب کھیلدار اور پٹواریاں 55000 موقع لفتہ پٹواری صاحبان دو موقع

واقعہ لیٹہ والی جن سیل نے ایک شخص اسم صادق ولد آباد خان سکنہ لیٹوی ایم سیل جن سیل

اکر لیا۔ کہ اس صاحبان اور پٹواریاں سے ہے۔ جن پولیس نے عدالت محلی سے دونوں

فریقین کو ایک ایک لیا۔ اور تازہ دفعہ پیلے۔ کو پولیس لوی علم کھیلدار اور پٹواریاں

لیٹہ والی فریقین میں سے ہے۔ اور 15/15 میں عدالت فریقین کے ماسٹرنگی نامہ

کے تحت میں سید اعجاز ولد عرفان سکنہ لیٹوی ایم سیل جن سیل کے حاکم ہوا۔

یہ کہ پولیس ٹوی نے اپنی ڈیوٹی کے لئے احصا نام دی ہے۔ انہ کے خلاف کارروائی

بالکل غلط اور بے بنیاد ہے۔ یہی میرا خیال ہے۔

0335 5562056

22501-6433519-7 D

سکرم خان ولد عرفان
لیٹوی ایم سیل جن سیل

21 - ۲۱ - مہنگے آئین محمد ولد عباس رضاں سکنہ لیٹوئی ایم فصل عن صل

موقع گواہ علاقہ ۱۶۵/۲۲ زبردفع 302, 324, 34 تپ مورخہ ۱۱/۲۲ لغاتہ فصل عن صل

۳ وقت وقوعہ پولیس ٹوٹی ہیل سے مورخہ کارروائی سے پہلے تحصیلدار مع پٹواریان صاحبان

۱۱ مورخہ ۱۱/۲۲ سے جب تحصیلدار اور پٹواریان صاحبان موقع لکھنے پر پیمانہ حیدر واقع

لیٹوئی عن صل کہ ایک کھدایا صحافی ولد آباد رضاں سکنہ لیٹوئی ایم فصل عن صل اگر کیا

کہ اس حیدر پر پیمانہ ہے ، جس پر پولیس نے حکمت عملی سے دونوں فریقین کو

ایک ایک کیا اور تاریخ دفع کیا ، پٹواریان مع تحصیلدار اور پٹواریان

صاحبان اس کو فریبی کر رہے ہیں گئے اور ۱۵/۱۰ مورخہ خلاف فریقین سے

فائدہ کیا ، عملی ماٹرنڈ سے سید لکھنادر ولد شعور رضاں سکنہ لیٹوئی ایم فصل عن صل

مدرسہ حاصل کیا ہوا

۳ کہ پولیس ٹوٹی ہے اپنی ڈیوٹی بطریق احسن انجام دی ہے ، اسکا خلاف کارروائی

کلیئر کر کے اور بے بنیاد ہے ، یہی میرا بیان ہے

0334 0763756

آئین محمد

اسین محمد ولد عباس رضاں

لیٹوئی ایم فصل عن صل

یہ کہ مندرجہ وارث خان، ولد غفور خان سکنہ لتوالی ام جیل دنگانہ ٹوڑہ تحصیل ضلع میانہ علاقہ ملحقہ سکاہ

مستحقیت عدالت 170/25/170 زیر دفعہ 302, 324, 34 ت 31/22/22 کھانہ ضلع

یہ وقت وقوع پولیس ٹوٹی سے موجود ہے۔ کارروائی سے پہلے تحصیلدار علم پور، میانہ ضلع

کارروائی کرنے پر موقع پہنچ گئے۔ جب تحصیلدار اور پور، میانہ ضلع موقع لقمہ پیمانی

ہاں اتر یاد وقوع لقمہ پیمانی سے قبل کہ ایک شخص اسم صادق خان ولد ابرار خان

سکنہ ام جیل لتوالی ضلع کراچی کہ اس صاحبزادہ پر سبب تاریخ ہے جس پر پولیس

نے حکمت عملی سے دونوں فریقین کو آگے اور پیچھے رکھ دیا۔ اور تاریخ دفعہ دوم کا

پولیس ٹوٹی علم پور، میانہ ضلع کے ساتھ چلتے ہوئے۔ اور ڈاؤن اسٹیٹ کے

لور مخالف فریق 1. صادق خان ولد عبدالرحمن خان 2. یوسف خان ولد عبدالرحمن خان 3. افضل خان

ولد کھاول خان ساکنان ام جیل لتوالی نے اگر جائزہ لیں۔ جس میں میرا علم ہے

خان ملحق ہوا۔ اور میں بال بال چکا گیا۔

یہ کہ پولیس ٹوٹی نے ایسی ڈیوٹی کھولی سزا جی ڈی ہے۔ ان کا خلاف کارروائی بالکل

غلط اور بے بنیاد ہے۔ ایسی میرا بیان ہے۔

وارث خان
03365956562
22501.6631455-9
وارث خان ولد غفور خان
ام جیل لتوالی ضلع



OFFICE OF THE
SUPERINTENDENT OF POLICE,
SADDAR, CCP, PESHAWAR

-23-

Annex = 'E'

CHARGE SHEET

1. Whereas I, Malik Habib Khan, SP Saddar CCP, Peshawar, am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against you SI Naseeb Khan SHO PS Hasan Khel.


2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, Malik Habib Khan, SP Saddar CCP, Peshawar, hereby charge you under Rule 5 (4) of the Police Rules 1975.

"On 22.11.2022, 08 Police personnel of PS Hasan Khel and Tehsildar Hasan Khel were present at Pastavani in connection with demarcation of land of Said Bahader s/o Ghafoor Khan who had approached Revenue authorities for resolution of his land dispute with Sadiq, Roseen Khan and Ajmal. You under the law & rules were supposed to be present on the spot to maintain law & order at the place of demarcation, but due to your negligence, accused Sadiq blatantly killed Said Bahader right in front of Police personnel, vide case FIR No. 170, dated: 22.11.2022 w/s 302/324/34 PPC, PS Hasan Khel and fled away. Neither the Police personnel bothered to retaliate on the spot, nor you make efforts to arrest the offender. Your act is highly objectionable and renders you liable for disciplinary proceedings under the Police Rules 1975".

4. I hereby direct you further under Rule 6 (1) (b) of the said Rules to put forth written defence within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why action should not be taken against you and also stating at the same time whether you desire to be tried or not.

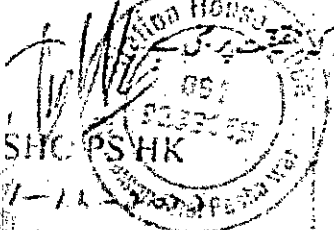
If your reply is not received within the specific period to the Enquiry Officer, it will be deemed that you have no defence to offer and in that case ex-parte action will be taken.


(Malik Habib Khan)
Superintendent of Police
Saddar Division CCP, Peshawar.

بیان آذان نصیب خان SHO حسن خیل

جناب عالی

مکملہ مشمولہ چارج شیٹ معروض خدمت ہوں کہ مورخہ 22.11.2022 میں SHO میں دیگر تقرری پولیس بحوالہ 21 روز نامہ
 22.11.2022 بوقت 6:30 بجے روٹین کے مطابق ماتحت گشت پر تھا (راگی ٹلمہ ہمراہ ہے)۔ دوران گشت حساس مقامات و سرکاری دفاتر کی نقلی
 سے چیک کرنے میں مصروف تھا کہ بوقت 10:31 بجے مورخہ 22.11.2022 دفتر AC حسن خیل کے آپریٹر زہیم خان نے بذریعہ اپنے وائس
 نمبر 03003666026 سے ایک تحریری پروانہ منجانب دفتر نائب تحصیلدار حسن خیل سب ڈویژن بھجوا جس میں تحریر تھا کہ فریق اول وارڈ
 اولد غفور خان ساکن آتم خیل پستولی فریق دویم اہمل خان ولد بادل خان ساکن پستولی مال اوج نمبر کو مورخہ 22.11.2022 متاثرہ اراضی واقع
 بوقت 10:09 بجے موجود رہے اور اس ضمن میں آپ کو لکھا جاتا ہے کہ سیکورٹی کا انتظام کرے۔ اسی دوران کچھ دیر بعد بوقت 10:35 بجے
 مورخہ 22.11.2022 کو میں SHO کے ذیلی سوبائل نمبر 03349905877 پر AC حسن خیل دفتر کے سرکاری ٹیلیفون نمبر 1919211899
 سے کال آئی کہ نائب تحصیلدار وید خان فریق اول وارڈ خان ولد غفور خان (2) فریق دویم اہمل خان ولد بادل خان ساکن پستولی مال اوج نمبر متاثرہ
 اراضی کی پٹیشن اور دونوں فریقین کے مابین متاثرہ اراضی کا مسئلہ حل کرنے کی غرض سے ہیرایان 2 پٹواریان بسلا متاثرہ اراضی کی پٹیشن روانہ ہے لہذا اس ضمن میں
 سیکورٹی کا بندوبست کیا جائے۔ اطلاع کے پیش نظر سریدست بوقت 10:38 مورخہ 22.11.2022 شاہنواز خان ASI/7948 کو اس کے ذیلی
 سوبائل نمبر 03369286877 پر اطلاع دی کہ نائب تحصیلدار حسن خیل اوج 2 پٹواریان بسلا متاثرہ اراضی کی تقسیم کی بابت مابین فریق اول
 وارڈ وغیرہ فریق دویم اہمل وغیرہ تمام آتم خیل پستولی جا رہا ہوں اس ضمن میں سیکورٹی طلب کی ہے لہذا پٹواریان کو بھیج کر پٹواریان کو
 پٹواریان فریق اول کو لکھا جائے کہ پٹواریان کو ASI/7948 بوقت 10:49 بجے مورخہ 22.11.2022 کو مشورہ متاثرہ اراضی
 پر نہ اس کے وائس آپ نمبر 03369286877 پر ارسال کیا جا کر اس وقت واقعات سے بارے میں آگاہ کیا گیا اور سیکورٹی فراہم کرنے کی بابت
 اطلاع دی گئی ہے تاکہ بوجہ اہم دیوٹی میں SHO کو موقع پر پہنچ نہ سکے (واٹر آپ سکرین شاٹ ہمراہ ہے)۔ دیگر تقریباً 14:00 بجے مورخہ
 22.11.2022 اطلاع ملے کہ مقام آتم خیل پستولی میں قتل کا وقوع رونما ہو چکا ہے لہذا ڈیوٹی چھوڑ کر فوراً مع تقرری پولیس کے جانے وقوع
 انوائس گیشن سٹاف پہنچ کر مظمان کی بروقت گرفتاری کی ہر ممکن کوشش کی تاکہ مابین نصیب خان پستولی جبکہ مظمان بعد وقوع کے نامعلوم مقام پر قتل ہو
 چکے تھے تاہم مظمان کی گرفتاری کی بھرپور کوشش جاری ہے انشاء اللہ جلد امیالی حاصل ہوگی میں SHO نے تمام سروس میں بہترین دیوٹی کی ہے اور
 اس ضمن میں آگاہ بھی کرتا ہوں تاکہ اس کی اندرین بارہ کسی قسم کی کوتاہی نہیں پائی جاتی ہے یہی میرا بیان ہے جو کہ حقیقت پر مبنی ہے۔



1-11-2022



- 25 -

SUPERINTENDENT OF POLICE
SADDAR DIVISION, CAPITAL CITY POLICE, PESHAWAR
E-mail: readersp76@gmail.com Phone: 091-9330330

ANNEX - 'F'

FINAL SHOW CAUSE NOTICE

I, Superintendent of Police, Saddar, Capital City Police, Peshawar as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve you SI Naseeb Khan, SHO PS Hasan Khel, Capital City Police, Peshawar as follows.

(i) That consequent upon the completion of enquiry conducted against you by the enquiry officer for which you were given opportunity of hearing.

(ii) On going through the findings and recommendation of the enquiry Officer, the material on record and other connected papers produced before the E.O.

I am satisfied that you have committed the following acts/omissions specified in Police Disciplinary Rules 1975 of the said Ordinance.

"On 22.11.2022, 08 Police personnel of PS Hasan Khel and Tehsildar Hasan Khel were present at Pashawani in connection with demarcation of land of Said Bahader s/o Ghafoor Khan who had approached Revenue authorities for resolution of his land dispute with Sadiq, Roseen Khan and Ajmal. You under the law & rules were supposed to be present on the spot to maintain law & order at the place of demarcation, but due to your negligence, accused blatantly killed Said Bahader right in front of Police personnel, vide case No. 170, dated: 22.11.2022 u/s 302/324/34 PPC, PS Hasan Khel and fled away. Neither the Police personnel bothered to retaliate on the spot, nor you make effort to arrest the offender. Your act is highly objectionable and renders you liable for disciplinary proceedings under the Police Rules 1975."

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Disciplinary Rules 1975 for absence.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within 7 days of its delivery, in normal course of circumstances, it shall be presumed that you have no defence to put in and in that case appropriate action be taken against you.
5. The copy of the findings of the enquiry officer is enclosed.

(Malik Habib Khar)
Superintendent of Police Saddar,
CCP, Peshawar

Peshawar the 28/12/2022.

بیان آذان نصیب خان SHO حسن خیل

جناب عالی!

مجاہد مشمول فائیکل شوکاڑہ معروفہ خدمت میں کہ مورخہ 22.11.2022 کو SHO جمعہ دیگر تقریبی پولیس بمجاہد
 مدعا روزہ سچے 22.11.2022 بوقت 6:30 بجے روٹین کے مطابق آذان غشت پر تھا (دریافتی نکتہ نمبر اول ہے)۔ دوران غشت
 حسان مقامات و بہر کاری و فنی تعلیمی ادارے چیک کرنے میں مصروف تھا کہ بوقت 10:31 بجے مورخہ 22.11.2022 دفتر AC
 حسن خیل کے آپریٹر تجزیاتی نے بذریعہ ایپ واٹس آپ نمبری 03003664026 سے ایک تحریری پروانہ منجانب دفتر نصیب
 خان لیا اور حسن خیل سب ڈویژن بھیجا جس میں تحریر تھا کہ فریق اول وارث خان ولد غفور خان ساکن آتم خیل پستولی فریق دوم
 باہل خان ولد باہل خان ساکن پستولی خال اوج نمبر کو مورخہ 22.11.2022 تنازعہ اراضی واقع پستولی بوقت 10:00 بجے موجود
 رہے اور اس ضمن میں آپ کو کھاجاتا ہے کہ سیکورٹی کا انتظام کرے۔ اس دوران کچھ دیر بعد بوقت 10:35 بجے مورخہ
 22.11.2022 کو سن SHO کے ذاتی نمبر 03349905877 پر AC حسن خیل دفتر کے سرکاری ٹیلیفون نمبر
 0919211899 سے کال آئی کہ نائب تحصیلدار فریق اول وارث خان ولد غفور خان (2) فریق دوم آتم خان ولد
 باہل خان ساکن پستولی خال اوج نمبر تنازعہ اراضی کی پیش اور دونوں زمینیں کے مابین تنازعہ اراضی کا مسئلہ حل کرنے کی غرض
 سے امر ایان 2 ڈی اریاں علاقہ پستولی روانہ ہے لہذا اس ضمن میں سیکورٹی کا بندوبست کیا جائے۔ اطلاع کے پیش نظر سرپرست
 یونٹ 10:35 مورخہ 22.11.2022 شاہ نواز خان ASI/7948 کو اس کے ذاتی نمبر 03369286877 پر اطلاع دی
 کہ نائب تحصیلدار حسن خیل پستولی 2 ڈی اریاں بسلسلہ تنازعہ اراضی کی آہم کی بابت مابین فریق اول وارث و غیرہ فریق دوم حاصل
 و غیرہ بابت آتم خیل پستولی جا رہا ہے اس سلسلے میں سیکورٹی طلب کی ہے لہذا چوکی بوزر ایکٹیو اور چوکی زیر و جاؤ سے سیکورٹی فراہم
 کرنے کا بندوبست کیا جائے اس بابت شاہ نواز خان ASI/7948 بوقت 10:49 بجے مورخہ 22.11.2022 موصول شدہ
 تحریری پروانہ اس کے واٹس آپ نمبری 03369286877 پر ارسال کیا جا کر حالات، واقعات کے بارے میں آگاہ کیا گیا اور
 سیکورٹی فراہم کرنے کی بابت اطلاع دی گئی جو کہ بوجہ اہم ذہنی سن SHO خود موقع پر پہنچنے سے (واٹس آپ سکرین شاٹ منراہ
 لف ہے)۔ دیگر تقریباً 14:00 بجے مورخہ 22.11.2022 اطلاع آئی کہ تمام آتم خیل پستولی میں قتل کا واقعہ رونما ہو چکا ہے لہذا
 دیگر ذہنی چھوڑ کر فوراً جمع تقریبی پولیس کے جائے وقوعہ میں انوسٹی گیشن سٹاف بھیج کر ملزمان کی بروقت گرفتاری کی ہر ممکن کوشش
 کی گئی کہ میں نصیب خان کوئی جہاد ملزمان بعد وقوعہ کے نامعلوم مقام پر منتقل ہو چکے تھے تاہم ملزمان کی گرفتاری کی ہر پوری کوشش
 جاری ہے انشاء اللہ جلد کامیابی حاصل ہوگی سن SHO نے تمام سرکاری میں بہترین ڈیوٹی کی ہے اور یہ فضل خدا کا نکتہ بھی کرتا
 رہو تاکہ اس کی اندریں بارہ کسی قسم کی کوتاہی نہیں پائی جاتی ہے کیا۔ ایان ہے جو کہ حقیقت پر مبنی ہے۔



10:56 PM

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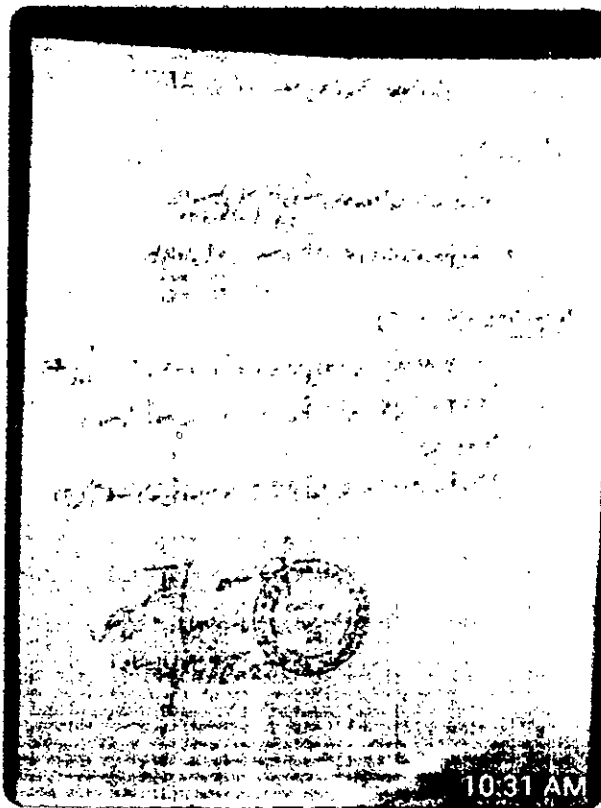
Rahim Leve

Annex-01


November 22, 2022


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Messages and calls are end-to-end encrypted. No one outside of this chat, not even WhatsApp, can read or listen to them. Tap to learn more.



Today


THE ASSISTANT COMMISSIONER, HASSAN KHEL
PESHAWAR
For the Director, P.W. Division (P.W. Division)
 No. 2764-63 (P.W.) Dtd. 22 Nov 2022
The Superintendent of P.W.

 **New Doc 11-28-2022**
15.51.pdf
 5 pages • 1.9 MB • PDF

3:56 PM

Message



Phone

- 28 -



Hamza Dam

Home

10:55



0302 5599211

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Said Mohammad

Work

10:40



Shahnawaz

Work

10:38



(091) 9211899

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10:35



Islam U Din Kdr

Mobile

10:34



Imran Haji H K

Home

10:31



Islam U.Din Kdr

Keypad

Recents

Contacts

**BEFORE THE HONORABLE SENIOR SUPERINTENDENT OF POLICE
PESHAWAR /C.C.P.O/ COMPETENT AUTHORITY, PESHAWAR**

SUBJECT:- DEPARTMENTAL APPEAL U/S 11 OF THE POLICE RULES 1975 (AMENDED 2014) AGAINST THE IMPUGNED ORDER VIDE ENDORSEMENT NO. 90-E/PA DATED 24.02.2023 PASSED BY SUPERINTENDENT OF POLICE (S.P) SADDAR DIVISION, PESHAWAR.

Respected Sir,

The appellant respectfully prefer this appeal against the impugned order vide endorsement No. 90-E/PA dated 24.02.2023 passed by Superintendent of Police (S.P) saddar division, Peshawar inter alia on the following facts and grounds amongst others. Copy of the of the impugned order dated 24.02.2023 is attached as annex-A

On Facts:

1. That after the merger of FATA into the Khyber Pakhtunkhwa and absorption of the Levis and Khasadar force in the regular police in the year 2019 vide Khyber Pakhtunkhwa Khasadar Force Act, 2019 and regulations and since then the appellant has been posted as S.H.O at P.S Hasan Khel except during police training appellant was not posted as SHO and since then in recognition of his abilities, efficient work and performance reached to the status as Sub inspector/SHO P.S Hasan Khel and his unblemished service record. Copy of the last order of appellant as SHO dated 22.09.2022 is
2. That brief fact of the case is that on 22.11.2022 police personnel of P.S Hasankhel and Tehsildar Hasankhel were present at Pastawani in connection with demarcation of the land of Said Bahadar s/o Ghaffar Khan who had approached the revenue authorities for resolution of his land dispute with Sadiq, Roseen Khan and Ajmal. And after 15/20 minutes Accused Sadiq, Roseen Khan and Ajmal killed Said Bahadar FIR No. 170 dated 22.11.2022 u/s 302/324/34 ppc P.S Hasankhel was registered against Sadiq, Roseen Khan and Ajmal Khan and soon after the occurrence the above accused escaped from the spot.

It is important to note here the occurrence took place when the police personnel defuse the situation between the parties and after elapsed of 15/20 minutes the occurrence took place of which FIR no.170 was registered at PS Hassan Khel.

Copy of the FIR no.170 is annex-C

3. That due to efforts of appellant on 25.12.2022 accused Ajmal Khan and roseen khan were arrested by the appellant. Copy of the daily diary and arrest cards are annex- D
4. That without any complaint to the S.P saddar division, S.P saddar division of his own issued the statement of allegation vide letter dated 25.11.2022 in which S/PO saddar was appointed as inquiry officer. That too without any reasons and grounds and justification. Copy of the statement of allegation dated 25.11.2022 is annex-E
5. That inquiry officer without recording the statement of witnesses (police officials and private witnesses) and without fact finding inquiry and thorough investigation held the appellant and found him guilty of the alleged charges. Despite the fact appellant arranged police personnel for the said demarcation etc. infact the complainant and eye witness of the FIR no.170 recorded statement in favor of the appellant. Copies of Enquiry and statements of complainant and eyewitness are annexed-F
6. That appellant was issued a charge sheet and show cause notice dated 20.12.2022 to which plausible replies were submitted but the stance of the appellant was discarded without any cogent reasons and grounds followed by dismissal from service. Copy of the charge sheet and reply are annex-G and Copy of the show cause notice and reply are Annex-H

It is important to note here that appellant was on routine ghasht and also informed the concerned police officer through a whatsapp message (03369286877) for arranging the personnel for security for demarcation proceedings which accordingly were arranged. Copy of the whatsapp snap is annex-I

7. That appellant highly aggrieved of the impugned order dated dated 24.02.2023 passed by Superintendent of Police (S.P) saddar division, Peshawar inter alia on the following grounds amongst others.

Grounds:-

1. That inquiry proceedings have not been conducted in accordance with prevailed rules contain under rule 6 of Rules 1975 (amended 2014) as no proper procedure has been followed by the worthy

inquiry officer nor he has mentioned/shown cogent reason and grounds to connect the appellant with the alleged charged. Moreover the opportunity of cross examination was not given to the appellant.

2. That no fact finding inquiry has been conducted by the competent authority.
3. That the appellant has not committed any offence or crime warranting major punishment like dismissal.
4. That what so ever no complaint has been lodged by the complaint of FIR nor any other party against the appellant. Hence proceedings conducted the inquiry officer are illegal, unlawful and without jurisdiction.
5. That impugned proceedings and order are based on suo moto action which has no legal footing to stand upon.
6. That impugned proceedings and order is against the principle of natural justice.
7. That the dismissal from service orders are highly excessive, arbitrary and unjustified.
8. That as per rule 6 sub clause 5 of the rule 1975 the inquiry officer has to submit cogent reasons and grounds to connect the appellant with alleged charge but no ground has so far been brought on record, therefore the recommendations of the inquiry officer is not tenable in the eyes of law.
9. That it is worth clarifying that appellant was not associated with the preliminary inquiry and the worthy inquiry officer examine not examine independent witnesses, therefore the recommendations for departmental inquiry was/is without jurisdiction and lawful authority.
10. That it may be submitted here that departmental inquiry proceedings were conducted by the worthy SDPO Saddar division who is not competent.
11. That as per provision contain in police rules 1934 the punishment of dismissal is to be awarded very carefully which is not done in the instant case.
12. That finding report of the worthy inquiry officer is self-explanatory where the other police officials were present with the revenue staff

who were deputed by the Assistant Commissioner sub division Hassan Khel for demarcation of the disputed land and later on occurrence was took place.

13. That replies to the charge sheet and final show cause are self-explanatory and worth of consideration by this honorable forum are annexed.
14. That the impugned order is void ab-initio and illegal as the same has been passed in utter violation of the law as neither any inquiry committee was constituted nor any evidence what to speak of the legally admissible evidence was collected by the competent authority to warrant the impugned order.
15. That the impugned order has no legal footing to stand upon as the same has been passed in utter disregard of the rules and regulation on the subject.
16. That the constitution of Islamic Republic of Pakistan, 1973 guarantees equality and equal treatment and protection from exploitation but in this case the appellant has been treated discriminately by the worthy inquiry officer and SP in so far as requirement of law is concerned
17. That impugned proceedings and order is against principle of policy as enshrined in the constitution of Islamic Republic of Pakistan, 1973.

It is therefore prayed that by accepting this appeal the impugned order vide endorsement No. 90-E/PA dated 24.02.2023 passed by Superintendent of Police (S.P) saddar division, Peshawar may please be set aside and the appellant may be reinstated with all back benefits.


Appellant

Naseeb Khan SI B.No 7946
Ex. SHO P.S Hassan Khel
Sub Division



SUPERINTENDENT OF POLICE

SADDAR DIVISION, CAPITAL CITY POLICE, PESHAWAR

E-mail: readersp76@gmail.com Phone: 091-9330330

No. 90-E/PA, dated: 24/02/2023

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Annex = H/1

ORDER

This is office order for disposal of departmental proceedings against SI Naseeb Khan SHO PS Hasan Khel on the charges that on 22.11.2022, 08 Police personnel of PS Hasan Khel and Tehsildar Hasan Khel were present at Pastawani in connection with demarcation of land of Said Bahader s/o Ghafoor Khan who had approached Revenue authorities for resolution of his land dispute with Sadiq, Roseen Khan and Ajmal. He under the law & rules were supposed to be present on the spot to maintain law & order at the place of demarcation, but due to his negligence, accused Sadiq blatantly killed Said Bahader right in front of Police personnel, vide case FIR No. 170, dated: 22.11.2022 u/s 302/324/34 PPC, PS Hasan Khel and fled away. Neither the Police personnel bothered to retaliate on the spot, nor you make efforts to arrest the offender.

Departmental proceedings were initiated against him and SDPO Saddar Circle was appointed as Enquiry Officer, who conducted enquiry and found him guilty.

Upon receipt of the findings, he was issued final Show Cause Notice, to which he submitted reply but found unsatisfactory. He was also heard OR. SI Naseeb Khan only tried to shift responsibility on his juniors which in fact was his job. He miserably failed to protect the life of a citizen which was murdered in front of his police contingent sent to spot. I agree with recommendations of EO and award him major punishment of "Dismissal from Service" with immediate effect.

(Malik Habib Khan)
Superintendent of Police,
Saddar Division CCP, Peshawar

OB No. 501

Dated: 23/02/2023

Copy all concerned for information & n/a please.



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

-34-

Annex-4/2

ORDER.

This order will dispose of the departmental appeal preferred by Ex-SI Naseeb Khan No. 7946, who was awarded the major punishment of "Dismissal from service" under PR-1975 (amended-2014) by SP/Saddar Peshawar vide OB No. 501, dated 23.02.2023.

- 2- Brief facts leading to the instant appeal are that the defaulter SI while posted as SHO Police Station Hassan Khel Peshawar was proceeded against departmentally on the charges that 08 police personnel's and Tehsildar Hassan Khel were present Pastawani on 22.11.2022 in connection with demarcation of land of Said Bahader s/o Ghafoor Khan who had approached revenue authorities for resolution of his land dispute with Sadiq, Roseen Khan and Ajmal. The defaulter SHO was supposed to be present on the spot and maintain law & order at the place of demarcation but he miserably failed to do so, when sadiq blatantly killed Said Bahader right in front of the other police personnel's vide case FIR No. 170, dated 22.11.2022 w/s 302/324/34 PPC PS Hasan Khel and fled away. The defaulter SHO did not make efforts to arrest the offenders nor did the officials on the spot responded in time to handle the situation professionally.
- 3- He was issued Charge Sheet and Summary of Allegations by SP/Saddar Peshawar. SDPO Saddar/Peshawar was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer after conducting departmental enquiry submitted his findings in which the accused official was found guilty. The competent authority in light of the findings of the Enquiry Officer issued him Final Show Cause Notice. But his reply to the Final Show Cause Notice was found unsatisfactory and hence awarded him the major punishment of dismissal from service.
- 4- He was heard in person in Orderly Room. During personal hearing the appellant pleaded that he had always performed his duty efficiently. He further stated that the incident took place when the police personnel defuse the situation between the parties and after lapse of 15/20 minutes the incident took place for which FIR No. 170 was registered at Police Station Hassan Khel. Keeping in view his contention and facts of the case, his appeal for reinstatement in service is hereby accepted. The punishment order of SP/Saddar, Peshawar issued vide OB No. 501 dated 23.02.2023 is hereby set aside. He is hereby reinstated in service with immediate effect and his dismissal is converted into a minor punishment of "forfeiture of one year's approved service". Moreover, his period of out of service is treated as leave without pay.

"Order is announced"

CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 2272-80 /PA, dated Peshawar the 02 06/2023

Copies for information and necessary action to the:-

1. SSP/Operations Peshawar.
2. SsP/Saddar & HQr: Peshawar.
3. EC-II, AS, OASI, CRC & PO.
4. Official concerned.

1522
23-06-23

-35-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal _____/2023

Naseeb Khan..... Appellant

Versus

Provincial police officer and others..... Respondents

NOTICE

To,

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Provincial police officer, Khyber Pakhtunkhwa Peshawar.
2. Capital Police Officer Peshawar, Police line Peshawar
3. Senior Superintendent of Police (operation) Police line
Peshawar
4. Superintendent of Police Saddar Division CCP Peshawar

Please take notice that I am filing titled Appeal on behalf of
petitioners before this Hon`ble Court. (Copy attached).


Appellant

Through-


Sajeed Khan Afridi


Tariq Afghan
Advocates, Peshawar

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WAKALATNAMA

(Power of Attorney)

BEFORE THE SERVICE TRIBUNAL ^{KP} PESHAWAR.

Naseeb Khan

(Plaintiff)

VERSUS

PROVINCIAL police officers & others
(Defendant)

We, the undersigned the Appellant in the above noted
Service Appeal, do hereby appoint and constitute **Sajeed**

Khan Afridi Tariq Afghan &

Khanzaib Ullah Khan Advocates Peshawar to

appear, plead, act, compromise, withdraw or refer to arbitration
for me/us as my/our Counsel in the above noted matter,
without any liability for their default and with the authority to
engage/ appoint any other Advocate/ Counsel at my/ our
matter.

Accepted and Attested



Sajeed Khan Afridi

Tariq Afghan

&

Khanzaib Ullah Khan

Advocates, Peshawar

Floor#7, flate#5, tasneem plaza near jans baker
Peshawar cantt.



CLIENT

☆ نصیب خان ولد رحیم خان

حال ایچ آر ڈی سی ڈی

ڈسٹرکٹ لیٹرن (PS Hassan Khan)

ڈسٹرکٹ لیٹرن

Bc-09-1532

Mob: 0333-9173354

CNIC 501-2219695-7