



15.12.2022

Due to general strike of the Bar, case is adjourned to 06.03.2023 before D.B. Office is directed to notify the next date on notice board as well as the website of the Tribunal.

SCANNED
K-11
Peshawar


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

15.06.2022

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

Clerk of counsel for the appellant requested for adjournment on the
ground that learned counsel for the appellant is not available today due to some
domestic engagement. Adjourned. To come up for arguments on 01.08.2022
before the D.B.



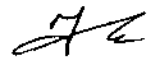
(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

1-8-2022

Proper DB not available the case is
adjourned to 1-11-2022



Reader

1st Nov., 2022

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

Learned counsel for the appellant requests for
adjournment in order to further prepare the brief. Last opportunity
is granted. To come up for arguments on 15.12.2022 before the
D.B.



(Fareeha Paul)
Member (E)




(Kalim Arshad Khan)
Chairman

06.01.2022

Clerk to counsel for the appellant present. Mr. Muhammad Rasheed, DDA for the respondents present.

Clerk to counsel for the appellant requested for adjournment on the ground that his counsel is not available today, due to general strike of the bar. Adjourned. To come up for arguments before the D.B on 20.04.2022.



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


Chairman

20.04.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Paindakhel, Assistant Advocate General for the respondents present.

Learned Counsel for the appellant seeks adjournment in order to properly assist the court. Last chance is given to the counsel of appellant to prepare the case failing which it will be decided on the basis of available record. To come up for arguments on 15.06.2022 before D.B.



(Mian Muhammad)
Member (E)


Chairman

19.02.2021

Mr. Changez Khan, Advocate on behalf of counsel for the appellant and Syed Asif Masood, DDA alongwith Nasarul Mulk, Inspector (Legal) for the respondents present.

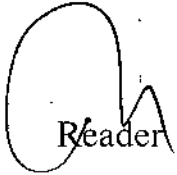
To come up for hearing before the D.B alongwith Service Appeal No. 1102/2018 on 11.05.2021.


(Mian Muhammad)
Member(E)

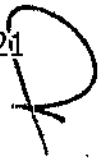

Chairman

11.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 31.08.2021 for the same as before.


Reader

31.08.2021


Due to summer vacations, the case is adjourned to 06.01.2022 for the same as before.


READER

17.06.2020

Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 10.09.2020 before D.B.


Member

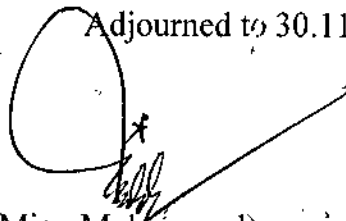

Chairman

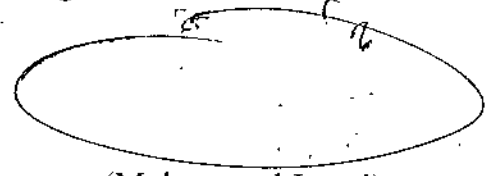
10.09.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today.

Adjourned to 30.11.2020 for arguments before D.B.


(Mian Muhammad)
Member (E)

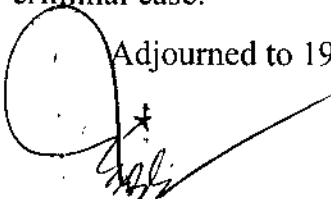

(Muhammad Jamal)
Member(J)

30.11.2020

Counsel for the appellant present. Additional AG for respondents present.

Learned counsel states that the criminal case forming basis of the departmental proceedings and impugned penalty is about to be concluded in a short time. He, therefore requests for adjournment in order to avail the outcome of the criminal case.

Adjourned to 19.02.2021 for arguments before D.B.


(Mian Muhammad)
Member (E)


Chairman

20.12.2019 Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 24.02.2020 before D.B.


Member


Member

24.02.2020 Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 27.03.2020 before D.B.


Member


Member

27.03.2020 Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on ~~17~~06.2020 before D.B.


Reader

02.05.2019

Clerk to counsel for the appellant and Addl: AG for respondents present. Arguments could not be heard due to Learned Member (Executive) is on leave. Adjourned to 01.07.2019 before D.B.


(M. Amin Khan Kundi)
Member

01.07.2019


Junior counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Mubashir Hussain, Head Constable for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel is not available today. Adjourned to 27.08.2019 for rejoinder and arguments before D.B.



(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

27.08.2019

Junior to counsel for the appellant and Mr. Zia Ullah learned DDA present. Junior to counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 09.10.2019 before D.B.


Member


Member

9-10-19


Due to tour of Honble member to court Swat The case is adjourned to 20-12-2019


Reader

16.1.2019

Counsel for the appellant and Addl. AG alongwith Mohsinul Mulk, S.I (Legal) for the respondents present.

The representative of respondents states that the reply has been prepared but it is yet to be signed by respondent No. 2 which shall be done in a couple of days. Adjourned to 31.01.2019 for submission of reply.


Chairman

31.01.2019

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present and requested for adjournment for filing of written reply. Adjourned. To come up for written reply/comments on 05.03.2019 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

05.03.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Mubashir Hassan, Head Constable for the respondents present Written reply on behalf of respondents submitted. Copy of the same is handed over to learned counsel for the appellant. Adjourned to 02.05.2019 for rejoinder and arguments before D.B-II.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

17.10.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that he was awarded major punishment of dismissal from service vide impugned order dated 09.04.2018. He filed departmental appeal on 30.04.2018 which was rejected on 06.08.2018, hence, the instant service appeal. All legal requirements before imposition of major punishment were not observed by the respondents as such the appellant was condemned unheard.

Appellant Deposited
Security & Process Fee

Points urged need consideration. Admit, subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 03.12.2018 before S.B.

(AHMAD HASSAN)
MEMBER

03.12.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Representatives of the respondents states that notices were received lately in Chitral, therefore, request for further time for submission of written reply. Adjourned. To come up for written reply/comments on 16.01.2019 before S.B.

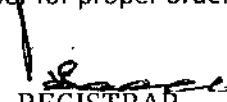

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1105/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
<p>1-</p> <p>SCANNED KPST Peshawar 7-9-18</p>	<p>06/09/2018</p>	<p>The appeal of Syed Shahbul Amin presented today by Syed GGhufran Ullah Shah Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;">  REGISTRAR 6/9/18 </p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17-10-18</u>.</p> <p style="text-align: right;">  MEMBER </p>
2-		

**BEFORE THE KHYBER PAKHTUNKHUWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 1105 2018

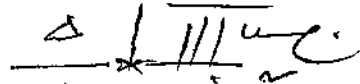
Syed Shahab Ul Amin

V E R S U S

Government of Khyber Pakhtunkhwa (KPK) through the Secretary
Home and Tribal affair KPK Peshawar and others

INDEX

S.No	Description of Documents	Annexure	Pages
1	Memo of Service Appeal		1-5
2	Affidavit		6
3	Copy of the F.I.R and Bail order.	"A"	7-11
4	Copy of impugned Order dated 09-04-2018	"B"	12
5	Copy of Memo of appeal along with impugned order	"C"	13-15
6	Wakalatnama		



Appellant

Through



.....
Syed Ghufrān ullah Shah
(Advocate Peshawar)
Office; 22-A Nasir Mansion
Railway Road, Peshawar
Cell No.0334-9185580

BEFORE THE KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____ 2018.

Syed Shahab ul Amin

S/o Syed Islam Shah R/o Village Xupu, P/O Xupu, Tehsil Mastuj
District Chitral.

.....Appellant

V E R S U S

1. Government of Khyber Pakhtunkhwa (KPK) through the Secretary Home and Tribal affair KPK Peshawar.
2. Inspector General of Police Khyber Pukhtunkwa Peshawar.
3. Regional Police Officer Malakand Division at Saidu Sharif Sawat.
4. District Police Officer Chitral.
5. Secretary Finance Government of K.P.K at Civil Secretariat Peshawar.

.....Respondents

Appeal against impugned Order bearing No. 2763-66 dated 09-04-2018 issued by District Police Officer Chitral/Respondent No.4 as well as impugned order bearing No. 6860 dated 06-08-2018 issued by Regional Police Officer Malakand Division/Respondent No.3; whereby the appellant has been imposed major Penalty of dismissal from service and his departmental appeal has been rejected respectively.

Prayer;

On acceptance of the instant Service Appeal both the impugned orders bearing No. 2763-66 dated 09-04-2018 issued by District Police Officer Chitral/Respondent No.4 and order bearing No. 6860 dated 06-08-2018 issued by issued by Regional Police Officer Malakand Division/Respondent No.4; be set aside and the appellant be reinstated in service with all subsequential benefits.

Any other relief including keeping the service of the appellant suspended till final disposal of the Criminal case may also be granted to the appellant.

Respectfully Sheweth:

Brief facts and grounds giving rise to the instant Service Appeal are as under:

1. That the appellant joined Service in Police department as constable on 03-10-2012 at Malakand Region Police and was lastly transferred to District Police Chitral in May, 2017. The appellant rendered spotless service and no adverse remarks whatsoever assigned to him from any quarter during his entire service.
2. That the appellant served Police Department about 06/07 years with full commitment and professionalism.
3. That the appellant was charged in a fabricated and false case vide F.I.R No. 72 dated 18-10-2017 Under Section 302/34 Pakistan Penal Code at Police Station Mastuj Chitrl, where he has already been granted Bail by the Additional Session Judge Chitral vide order dated 15-12-2017 and trial of the case is in progress.

(Copy of the F.I.R and Bail order is annexure "A")

4. That solely on the basis of the subject F.I.R the appellant has been imposed major penalty of dismissal from service vide impugned order bearing No. 2763-66 dated 09-04-2018.

(Copy of impugned order is annexure "B")

5. That the appellant filed departmental appeal before the Regional Police Officer Malakand/ Respondent No.3 on 08-05-2018, which was dismissed on 06-08-2018 and communicated to the appellant on 13-08-2018.

(Copy of Memo of appeal along with impugned order is Annexure "C")

6. That the appellant being aggrieved from both the impugned orders and having statutory rights approaches this honourable Tribunal through the instant appeal amongst the following other grounds.

GROUND:


- A. That respondents have failed to deal the appellant in accordance with law because according to the applicable Law and Rules the it was mandatory for Respondents to suspend service of the appellant till the decision criminal case pending before the competent court of law and the allegation leveled against the appellant in criminal case are same and similar, which require to be proved through witnesses.
- B. That no proper Enquiry has been conducted by the department neither the proceedings required for Enquiry in the case has been complied. Furthermore the so-called inquiry was defective one because no witness has been shown to the appellant neither the involvement of the appellant in the alleged offence has been established nor the appellant has been given opportunity to cross-examine the witness deposed against him.

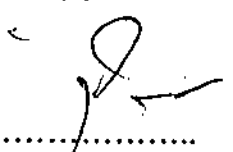
- C. That the solely ground for the punishment against the appellant is that the appellant has been charged for the reason that he has married with the wife of the deceased after death of her husband about 06 months of his death and no single point is part of the proceeding about the occurrence and the F.I.R has also been lodged after marriage of the appellant. Furthermore it is not yet determined that the occurrence was due to murder or natural death neither it is part of departmental proceedings.
- D. The departmental proceedings are also illegal with effect to judge place of posting of the appellant and to establish role of appellant.
- E. That the impugned orders are based on material irregularities and illegal grounds, which are neither justified nor legal in circumstances of the case, therefore void.
- F. That just to use the proposition that the departmental proceeding and criminal case may be proceeded side by side keeps no meaning in the subject case because the alleged offence is not related to the performance of duty of the appellant and the only ground for termination of his service or imposition of any other punishment may be conviction of the appellant in the alleged case.
- G. That the appellate authority has also failed to read and understand the order of Bail furnished by the competent court of law.
- H. That the allegations leveled against the appellant are not related to act or omission done under color of uniform of the

appellant therefore under the police Rule terms and condition of the appellant cannot be determined solely.

- I. That the punishment is too severe and is not proportionate to the gravity of offence.
- J. That the appellant was given no chance of personal hearing and it is a demand of natural justice that no one should be condemned unheard.
- K. That in light of the afore mentioned situation the imposed penalty is not only arbitrary and illegal but also harsh and unnatural beside being void and illegal.
- L. That the acts and omission of respondents is against the Civil Service Act 1973, Efficiency and Disciplinary Rules and applicable Fundamental and Supplementary Rules.
- M. That the instant appeal relates to terms and conditions of civil servant and this honorable tribunal has been vested with statutory power to entertain the matter.
- N. That any other ground be furnished when ever required for the assistance of this honourable Tribunal in support of the subject appeal with prior permission as required by procedure.

It is, therefore, most humbly prayed that the instant Service Appeal be allowed as prayed for.


Appellant

Through 

.....
Syed Ghufan ullah Shah
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHUWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. _____ 2018

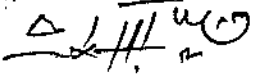
Rahmat-ud-Din

V E R S U S

Government of Khyber Pakhtunkhwa (KPK) through the Secretary
Home and Tribal affair KPK Peshawar

AFFIDAVIT

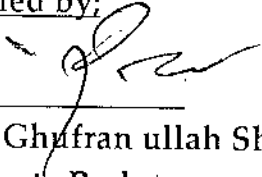
I, Syed Shahab ul Amin S/o Syed Islam Shah R/o Village Xupu, P/O Xupu, Tehsil Mastuj District Chitral/Appellant; do hereby solemnly verify and declare on oath that all the contents of the subject appeal; are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.



Deponent

C.N.I.C No 15202-2927623-9

Verified by:



Syed Ghufuran ullah Shah
Advocate Peshawar

تاریخ 15-11-2010

NOTED
7

ابتدائی اطلاع نمبت جرم قابل دست اندازی پولیس رپورٹ شدہ ڈیڑھ 102 مجموعہ ضابطہ نوعداری

حشرال

Suprintendent

72	5	Sessions Court
2200	1400	2010
15202	1213630	9
1106	034447DS605	
34	302	34
1400	2010	1400
15202	1213630	9
1106	034447DS605	
34	302	34
1400	2010	1400
15202	1213630	9
1106	034447DS605	
34	302	34
1400	2010	1400
15202	1213630	9
1106	034447DS605	
34	302	34

ابتدائی اطلاع نمبت جرم قابل دست اندازی پولیس رپورٹ شدہ ڈیڑھ 102 مجموعہ ضابطہ نوعداری
 ایک تحریری درخواست فیخ نمبر 1400 میں پیش کی گئی جو کہ 04 14 کو سر ڈیڑھ پورا ہوا تھا
 جو کہ 10 جن قبل کا ہے۔ بریں جسٹس کا رپورٹ 156 156 میں خرابی صورت
 جس میں ایک ایڈووکیٹ سترج کیا جا کر عدالت سے 156 31 صرف کی اجازت لیا گیا
 درخواست پیش کرنے پر عدالت سے اجازت نہیں ملی لہذا عدالت نے درخواست سے
 عدالت جرم قابل دست اندازی کا یا کہ تفریح جرم ماہ فرق چاک لیا جانا ہے یا جفہ
 لیا گیا کی اطلاع مذکورہ نمبت بریم حشرال انجان ماہ کو دی جا رہی ہے۔ جفہ مذکورہ میں
 بریم سٹیج ریکارڈ مانور کیا جا کر نفل 12 12 درخواست دیا گیا جو کہ 06 06 ہے۔ لکھتانا
 ضعیف ہے لہذا بریم حشرال کے پاس
 نمب 034447DS605
 CNR 15202-0808697-9
 SHU 10-10-017
 1510
 15202-1213630-9
 034447DS605
 جس وقت شہی پر دم دیا ہوا تھا شہی کا ڈڈ نمبر 09 1213630-15202 اور ماہ
 کی جول ہو ہو ذیل ہے۔ بقدر قیاب 1106 1106 ختم سترج ختم سترج ختم سترج
 جو کہ قومی اپریل 2017 میں لوفن محبت ایڈم آباد میں قتل ہوا 14 اپریل 2017 کو
 سترج ختم سترج ختم سترج ختم سترج ختم سترج ختم سترج ختم سترج ختم سترج
 لکھتانا 10 سال کی عدالت کو عدالت کے قتل کے سترج ختم سترج ختم سترج
 جو کہ لوگوں نے عدالت کی وجہ سے سترج ختم سترج ختم سترج ختم سترج ختم سترج

PTO

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بازو نسیان کے قصبات میں تھلا گیا تھا۔ میرے منہ کا کچھ دیر لہو سے مہر سے تھلا گیا تھا۔
 دوست کے نزدیک میں مبتلا گیا۔ اور اس وقت جب سب کو غسل دینے والے انہوں نے
 نے انہوں نے کہا کہ انہوں نے دو دنوں میں غسل دینے کے لیے میرے کندھے پر لٹکانے کے لیے تھے۔

پھر رقبہ رقبہ بھینٹیں اٹھ کر لڑنے لگیں۔ پھر وہیں سے اتر کر آئے اور اسے تھلا کر اوپر لے کر آئے۔
 میری ہوشیاری اور آکر وہ دھڑکے کل جس میں میرے ہاتھوں کے دھکات، سسٹات اور شہداء
 کہہ دیا کہ یہ لڑکا اہل اللہ ہے۔ اور یہ لڑکا کسی بار بیچارے کے گھر میں آ رہا ہے۔ اور اب میری ہوشیار
 اس لڑکے کے بارے میں پوچھنا ہے۔ تو میں نے اسے کہا کہ وہ بالکل اچھے اور سچے ہیں۔
 کہ انہوں نے اسے لٹکانے کے لیے لٹکانے سے منع کیا ہے۔ لیکن اس لڑکے کا منہ دھڑک رہا ہے۔
 اس کے قتل کا سبب لٹکانے میں ہے۔ کیونکہ اس لڑکے نے اسے لٹکانے سے منع کیا ہے۔
 اس لیے کہ گھر میں لٹکانے کا کوئی سبب نہیں ہے۔ حالانکہ یہ لڑکا اپنے سے تھلا گیا ہے۔ اور
 ہے۔ لٹکانے کا سبب لٹکانے کو سامنے آگیا ہے۔ اور اسے لٹکانے سے منع کیا ہے۔
 لٹکانے کا سبب لٹکانے کو سامنے آگیا ہے۔ اور اسے لٹکانے سے منع کیا ہے۔
 لٹکانے کا سبب لٹکانے کو سامنے آگیا ہے۔ اور اسے لٹکانے سے منع کیا ہے۔

الغالب ہے کہ یہ لڑکا کسی اور سے لٹکانے سے منع کیا ہے۔ اور اسے لٹکانے سے منع کیا ہے۔
 میری کھینچنے سے لڑکا ڈر گیا۔ اس لیے کہ اسے لٹکانے سے منع کیا ہے۔ اور اسے لٹکانے سے منع کیا ہے۔
 لٹکانے سے منع کیا ہے۔ اور اسے لٹکانے سے منع کیا ہے۔ اور اسے لٹکانے سے منع کیا ہے۔
 لٹکانے سے منع کیا ہے۔ اور اسے لٹکانے سے منع کیا ہے۔ اور اسے لٹکانے سے منع کیا ہے۔
 لٹکانے سے منع کیا ہے۔ اور اسے لٹکانے سے منع کیا ہے۔ اور اسے لٹکانے سے منع کیا ہے۔

نظر ثانی اور ترمیم ہے
 mm / ps mo st. |
 20 - 10 - 017

اطلاع کے لیے اطلاع دینے کا خط ہوگا یا اس کی ہر اطلاع کا کیا جائے گا اور اسے لٹکانے سے منع کیا ہے۔ اور اسے لٹکانے سے منع کیا ہے۔
 ایک لڑکا یا شہداء لٹکانے سے منع کیا ہے۔ اور اسے لٹکانے سے منع کیا ہے۔ اور اسے لٹکانے سے منع کیا ہے۔

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(5)

(9) DNO 338/18

NO. OF ORDER OR PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY
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IN THE COURT OF AHMED IFTIKHAR
ADDITIONAL SESSIONS JUDGE CHITRAL
 BA # 198/BA of 2017
 Shahab-ul-Amin Vs. The State

05 107	Present	<p>Counsel for accused/petitioners and Dy: PP for the state. Complainant alongwith counsel.</p> <p>2. Arguments heard record perused.</p> <p>3. Accused/petitioner Shahab-ul-Ameen S/O Aslam Shah R/O Xhopo Yarkhun Tehsil Mastuj and District Chitral, supplicated for bail in case FIR No. 72 dated 18.10.2017 registered under section 302/34-PPC at PS Mastuj.</p> <p>4. Allegedly, complainant who lived at Islamabad on the intimation about his ailing father, reached Chitral. However, found that his son Aslam Baig was dead and the people informed them that cause of death was the heart attack. That did not satisfy him, more so when some people told him that they had noticed signs of violence on the body of his son. With passing moments, his suspicions focused on Shahab-ud-Din, who has been visiting his house and when Mst: Zakira, widow of the deceased, used to be inquired about him that she would say that he was her foster brother. The suspicions of the complainant got more entrenched, as Zakira Bibi fled with the said boy and married him. Thus, charge was laid against Shahab-ud-Din and Mst: Zakira Bibi for the murder of Aslam Baig.</p> <p>5. It was argued by the petitioner counsel that there is delay of six (06) months and three days in registration of the case, that the occurrence is unseen, that there is no confessional statement, that there is no medical report to support the prosecution story, that version advanced by the petitioner is supported by the prosecution witnesses and that it is a case of no evidence at all. Furthermore, that co-accused</p>
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 Session Court / 20
 Chitral



(Signature)

(21)

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NO OF PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY
	2	3
-05 d	15.12.20107	<p>has been granted bail. The counsel also argued that since then prosecution has claimed to collect some additional evidence, such as the CDR, pointation of the spot by the petitioner/the accused and some witnesses stating under section 161-Cr. PC claiming to have seen both the accused meeting before the occurrence and some witnesses stating that they noticed signs of violence on the body of the deceased, but all such evidence is of little worth. The pointation by the accused of the spot is no evidence at all and the CDR at the most suggests that the two accused exchanged talks and nothing more and that also much prior to the occurrence. The statement of the witnesses under section 161-Cr. PC and under section 164-Cr. PC were much belated and afterthought and even believing them they also least suggested the involvement of the accused in the offence. <i>Petitioner would so argued.</i></p> <p>6. On the other hand, complainant counsel and state counsel argued that conduct of the petitioner in marrying with the other co-accused is noticeable, that case had been manipulated by the police because petitioner is a police official, that the CDR suggests that just before the occurrence the two accused exchanged talks for lengthy time, that later the prosecution also collected evidence about spot pointation by the accused, that some witnesses also gave statement under section 164-Cr. PC about signs of violence on the body of the deceased and some about petitioner found in the company of co-accused day before the occurrence and that therefore, credible evidence now exists against the petitioner, disenttling him to the concession of bail.</p> <p>7. Co-accused was granted bail by this court and therefore, the first principle that comes in aid for the petitioner is principle of parity or</p>


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L NO. OF ORDER OR PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY
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15.12.2017

treating the accused equally. In ^{that order} I observed that delay in registration of FIR was important to be seen, pertinently when the relationship between the two accused was known already to the complainant. I also observed that there is no direct evidence in the case. All this applies to the case of petitioner. Pointation of the spot by the accused unless followed by any discovery is of ~~little~~ of no worth. The CDR suggests that the two accused would have exchanged talks, but that is the weakest type of circumstantial evidence and unless supported by any other credible circumstantial evidence will not make it a case prima facie believable against the petitioner.

8 In view ^{of} reasons mentioned above, accused/petitioner is admitted to bail provided ^{she} furnishes bail bond in sum of Rs. 100,000/- (One Lac) with two local, reliable and men of means sureties each in like amount to the satisfaction of learned Judicial Magistrate/MOD concerned. Record be returned and file be consigned after its completion and compilation.

ANNOUNCED:
15.12.2017

Attested
Copy Clerk
Sessions Court /ZQ
Chitral




(AHMED IFTIKHAR)
Additional Sessions Judge /ZQ,
Chitral

18/12
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JER

Amir - B^y (12)

My this office order will dispose off a departmental enquiry under Police Rules 1975 amended 2014 against Constable Shahab-ul-Amin No.188 posted in Police Lines Chitral.

Brief facts pertaining to the initiation of the enquiry are that the accused Constable during ATS course was found involved in case FIR No.72 dated 20.10.2017 U/S 302/34 PPC PS Mastuj. Accordingly he was dropped from ATS Course at Simly Islamabad and suspended vide this office order No.11712-17/B-II dated 24.11.2017 and closed to Police Lines Chitral.

He was issued Charge Sheet along with Summary of Allegations and Mr. Muly-ud-Din, DSP/HQ Chitral was appointed as Enquiry Officer to conduct departmental enquiry against him under Police Rule 1975, amended 2014.

During the course of enquiry, the delinquent FC Shahab-ul-Amin No.188 was given ample opportunity of hearing & defense. After proper and impartial enquiry, the Enquiry Officer in his finding recommended him for Major punishment.

He was issued Final Show Cause Notice, but his reply was found unsatisfactory.

Records show no material illegality /irregularity during neither the course of enquiry nor the accused raised any objection on the enquiry proceedings or to Enquiry Officer.

During the enquiry the accused constable has taken the plea of alibi showing himself in Swat, but the information received from DPO Swat dated 27.03.2018 revealed that the accused was not present in Swat, from which it is evident that the accused has got no clear hand and his involvement in a heinous offence cannot be ruled out as he is directly charged in FIR and he has married the wife of deceased allegedly after killing him. A prima facie case is established against the accused constable and in such a situation keeping the enquiry pending till the decision of the case is against the norms of justice as the case is one of departmental proceeding. Hence the recommendation of Enquiry Officer is upheld and as a Major Punishment, the accused constable Shahb-ul-Amin No.188 is Dismissed from Service.

Order Announced

No. 2763-66 AE-II, Dated Chitral the
Copy to the:-

1. DSP/HQ Chitral.
2. R/O

District Police Officer,
Chitral
09/04/2018.

Annex - C

(13)

بکھنڈور آفیسر محترم (RPO) ملائکہ ریجن سوات سید و شیرلیف

سروس اپیل تھرو پراپر چینل بر خلاف حکم جنٹل ڈی پی نو صاحب چترال عمرہ 09-04-2018 ڈیر نمبر 2763/66 جس کی رو سے اپلائٹ کو انکوآری آفیسر کی رپورٹ سے اتفاق کرتے ہوئے ملازمت سے برخواستہ کیا گیا ہے۔
جناب عالی!

سائل کے خلاف ایک بے بنیاد دعویٰ داری کرنے پر مجھے مقدمہ عدالت نمبر 72 مورخہ 20-10-2017 تھانہ مستونج جرم زیر دفعہ 302/34 میں ملزم ٹھرایا گیا ہے جس کے نتیجے میں سائل کے خلاف انکوآری ہو کر مذکورہ بالا تاریخ کو DPO صاحب چترال نے انکوآری آفیسر کے رپورٹ سے اتفاق کرتے ہوئے مجھے ملازمت سے برخواستہ کیا ہے جس کے خلاف اپیل ہذا داری کی جاتی ہے۔
جناب عالی!

وجوہات اپیل ذیل ہیں:-

۱۔ یہ کہ فاضل DPO صاحب کا فیصلہ قانون کے مسلمہ اصولوں کے خلاف ہے کیونکہ سائل کے خلاف ایک بے بنیاد دعویٰ داری ہو چکی ہے اور اس الزام کا جھوٹا ہونا جناب (ADJ) چترال کے حکم نمبر 10-12-2017 سے ثابت ہے یہ observation دیا ہے کہ ملزم کے خلاف کوئی چشمہ دید گواہ نہیں ہے۔ اور ساتھ ہی مبینہ نشانہ بھی اور CDR کو فاضل عدالت سے مشکوک قرار دے کر سائل کو ضمانت پر رہا کیا ہے لیکن فاضل DPO صاحب (ADJ) کے فیصلے سے انکوآری آفیسر کی رائے کو اہمیت دی ہے۔ جو کہ سراسر قانون و انصاف کے مسلمہ اصولوں کے خلاف ہے۔

۲۔ یہ کہ فاضل DPO کا فیصلہ مکمل طور پر محکمانہ کاروائی کے مسلمہ اصولوں کے خلاف ہے کیونکہ جب تک عدالتی فیصلہ نہیں ہوتا کبھی بھی کسی سرکاری ملازم کو ایک ایسی رپورٹ پر Dismiss کرنا قرین انصاف نہیں ہے اور یہ ایک مسلمہ اصول ہے کہ محکمانہ کاروائی اس وقت تک التواء میں رکھا جاتا ہے جب تک ملزم کے خلاف عدالتی فیصلہ نہیں ہوتا اور اس وقت تک سرکاری ملازم بے شک معطلی کے مدارج سے گزرتا ہے مگر DPO صاحب نے اس اہم محکمانہ ضابطہ کو بھی نظر انداز کیا۔

۳۔ یہ کہ سائل مبینہ وقوعہ کے دنوں قبل سوات میں تعینات تھے اور فیملی کے ساتھ سرکاری کوارٹر میں موجود تھا جو کہ ریکارڈ میں موجود ہے کہ میں اس دن (بچت) پر موجود تھا اور اس ریکارڈ سے واضح ہے کہ میں اس دن غیر حاضر نہیں تھا لیکن فاضل DPO صاحب نے میری (بچت) ریکارڈ جو کہ میری بے گناہی کا ثبوت تھا غیر حاضری قرار دے کر ملازمت سے برخواستہ کیا اور یہ غور تک نہیں کیا کہ ریکارڈ میں سائل کی ڈیوٹی سے غیر حاضری کی نہ ہی کوئی ریکارڈ ہے اور نہ ہی غیر حاضری رپورٹ۔

۴۔ یہ کہ فاضل DPO نے یہ انصاف کرنا تھا گوارا نہیں کیا کہ ایک بندہ پولیس لائن قبل سوات میں تعینات ہے اس کے ان دنوں روزنامے کے نقولات منگوا لیتے تاکہ دودھ کا دودھ اور پانی کا پانی ہو جاتا، اس کے ماتحت کو ملازمت سے برخواستہ کرنے کا موقع آجاتا

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اور نہ ہی ایک بے بنیاد مقدمہ کا سامنا کرنا پڑتا۔ حالانکہ یہ مقامی پولیس کا بھی فرض تھا کہ وہ تفتیش کے دوران صاف ستھرے تفتیش کرے۔ اس غرض سے سائل کے روزنامے کے نقولات حاصل کرتے کہ کیا ان دنوں سائل غیر حاضریا چھٹی پر تھا۔ حالانکہ سائل اس نسبت انکوٹری آفیسر سے بھی استدعا کیا تھا کہ سوات سے روزنامہ کے نقولات منگوالیں تاکہ سائل کی بے گناہی واضح ہو جائے مگر کوئی شنوائی نہیں ہوئی۔

۵۔ یہ کہ سائل اب بھی انجناب کے حضور میں شہادتیں پیش کر سکتا ہوں قرآن مجید پر قسم کھا سکتا ہوں کہ میں ان دنوں اپنے بال بچوں کے ہمراہ سرکاری کوارٹر میں رہائش پذیر تھا۔ اور ایک دن کیلئے بھی ضلع چترال تو دور کی بات ہے اپنے کوارٹر سے بھی ایک یا دو گھنٹے کے مسافت پر نہیں گیا ہوں چہ جائے کہ کبل سوات سے مستوحہ پر چترال جا کے کوئی وقوعہ کروں۔ اور فاضل DPO صاحب مقامی پولیس کی غفلت اور غلط تفتیش پر پولیس کو سرزنش کرنے کے بجائے مجھے قربانی کا بکرابنا یا گیا جو کہ قرین انصاف و شریعت نہیں ہے۔

جناب والا!

آپ قانون سے واقف اور اعلیٰ رتبے پر فائز میرے آفیسر ہے DPO صاحب چترال کا فیصلہ نہ صرف میری برخاستگی کی حد تک میرے ساتھ زیادتی ہے بلکہ اگر فاضل DPO صاحب کا حکم یا فیصلہ میرے مخالف کے ہاتھ لگ جائے تو یہ عدالت سے میرے خلاف ایک بے بنیاد کیس میں میرے خلاف ایک خطرناک اور منطوب شہادت کے طور پر میرے مخالف استعمال کر سکتے ہیں یوں ایک بے گناہ ماتحت ملازم کو نا کردہ جرم میں سزا کیلئے تیار کرنا انصاف قانون اور عدل اسلامی کے خلاف ہے۔

لہذا استدعا ہے کہ میرے برخاستگی کا حکم محررہ 09-04-2018 کا عدم قرار دیا جا کر مجھے الزام عائد کردہ سے بری کیا جائے اور یا یہ فیصلہ و حکم محررہ 09-04-2018 تا تصفیہ عدالت معطل رکھا جانے کا حکم صادر فرمایا جائے تاکہ میں اپنی بے گناہی عدالت سے بھی صادر کر کے سرخرو ہو کر اپنے ملازمت جاری رکھ سکوں۔ اور دوران معطلی لائن حاضری یقینی بنا سکوں۔

الحاضر

شہاب الامین بیلٹ نمبر 188
حال پولیس لائن چترال

DATE/30/4-18

4348 IE
dt 08-05-18

DPO
Chitral

For Certificate
and enquiry file

Regional Police Officer
Malakandi at Saidi Sironi, Swat.



15

OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND

AT SAIDU SHARIF SWAT.

Ph: 0946-9240381-83 & Fax No. 0946-9240390

Email: dtgmalakand@yahoo.com

ORDER:

This order will dispose off appeal of Ex-Constable Shahab Ul Amin No. 188 of Chitral District for reinstatement in to service

Brief facts of the case are that Ex-Constable Shahab Ul Amin No. 188 was proceeded departmentally for his involvement in murder directly charged vide case FIR No. 72 dated 20/10/2018 u/s 302-PPC PS Mastuj by the complainant for murder of his son and later on sermonizing marriage with his daughter in law. He was arrested in the case remanded to Judicial lock-up. After completion of investigation a prima-facie case was put in court which is pending trial. The accused (appellant) in his statement took the plea of alibi which was proved false from the official record. This act of the accused was publicly condemned by the people of the area and was affecting the reputation of the force causing adverse impact on the District Police. As a legal process a departmental action under disciplinary laws was initiated against him. In the course of which he was suspended, issued Charge Sheet and summary of allegation. The enquiry officer after completing all legal formalities came to the conclusion that the accused (appellant) found guilty. Hence recommended for major punishment. The accused (appellant) was also served with final Show Cause Notice. his reply was not satisfactory, he was heard in person in Orderly Room but he failed to convince the then DPO Chitral, therefore he was dismissed from service vide DPO Chitral office Order No. 2963-66/E-II, dated 09/04/2018.

His appeal and enquiry filed has been examined, heard in Orderly Room on 01/08/2018. The appellant could not produce any cogent reason in his defense. Therefore, his appeal for reinstatement in service is hereby filed

Order announced.

[Handwritten signature]

(MUIB AMIN) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat

No. 6860 /E.

Dated 06-08- /2018.

Copy for information and necessary action to DPO Chitral with reference to his office Memo: No. 4843/E-II, dated 10/07/2018.



OHC
For necessary action

[Handwritten signature]
District Police Officer

101

WAKALAT NAMA

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

Service Appeal No. _____ of 2018

Syed Shahab Ul Amin

VERSUS

IG Police Government K.P.K and others

(Petitioner)
(Plaintiff)
✓ **(Appellant)**
(Accused)
(Decree-Holder)

Respondent
(Defendant)
(Opponent)
(Complainant)
(Judgment-Debtor)

I/we **Syed Shahab Ul Amin S/O Syed Islam Shah, Appellant.**

The above named accused/Petitioner /Appellant do hereby appoint and constitute **SYED GHUFRAN ULLAH SHAH, Advocate** as counsel (for Appellant) in the above mentioned case, to do all or any of the following acts, deeds and things:-

- 1- To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal or any other court/tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
- 2- To sign, verify and file or withdraw all proceedings, petitions, appeals, revision, review affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other document, as may be deemed necessary or advisable by him for the conduct, prosecution or defense of the said case at any stages.
- 3- To receive payment of and issue receipts for all money that may be or become due and payable to us during the course or on the conclusion of the proceedings. To do all other acts and things this may be deemed necessary or advisable during the course of the proceedings.

AND HEREBY AGREE:-

- a) To ratify whatever the said Advocate may do in the proceedings.
- b) Not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of their absence from the Court/Tribunal when it is called for hearing.
- c) That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole OR any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this power of Attorney/Wakalat Nama hereunder the contents of which have been read/explained to me/us and fully understood by me / us this _____ 02nd Day of _____ September, 2018 at Peshawar.

Signature of Executants'

15202-2927623-9

Accepted subject to term regarding payment of fee.

SYED GHUFRAN ULLAH SHAH
Advocate High Court Peshawar
22-A Nasir Mansion, Railway Road Peshawar
Off:-0342-9047344/H.C.B No.091-9210186/Mob: 0334-9185580

Firm Regist.No.RF/ICT #8565/09
N.T.N 3796081-4

BEFORE THE KHYBER PUKHTUN KHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.1105 of 2018.

Syed Shahab ul Amin,

S/O Syed Islam Shah R/o Village Xupu, P/O Xupu, Tehsil Mastuj District
Chitral.

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa (KPK) through the Secretary Home and Tribal affair KPK Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
3. Regional Police Officer Malakand Division at Saidu Sharif Swat..
4. District Police Officer (DPO) Chitral.
5. Secretary Finance Government of K.P.K at Civil Secretariat Peshawar.

.....Respondents

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3	Affidavit		5
4	Counter Affidavit.		6
5	Copy of FIR	A	7
6	Service Record	B	8 & 9
7	Finding report	C	10 & 11
8	Charge sheet , summary of allegations and final show cause notice	D & E	12.to 14
9	Statement s u/s 164 CrPC	F-1 to F-7	15 to 24
10	Reply of Charge sheet and final show Cause Notice	G & H	25 & 26

District Police Officer,
Chitral

BEFORE THE KHYBER PUKHTUN KHWA SERVICE TRIBUNAL, PESHAWAR.Service Appeal No.1105 of 2018.

Syed Shahab ul Amin,

S/O Syed Islam Shah R/o Village Xupu, P/O Xupu, Tehsil Mastuj District
Chitral.

.....Appellant

Versus

1. Government of Khyber Pakhtunkhwa (KPK) through the Secretary Home and Tribal affair KPK Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
3. Regional Police Officer Malakand Division at Saidu Sharif Swat..
4. District Police Officer (DPO) Chitral.
5. Secretary Finance Government of K.P.K at Civil Secretariat Peshawar.

.....Respondents

Respectfully Sheweth!

Parawise Comments on behalf of Respondents No.1 to 5**Preliminary objections:-**

- (1) That the appeal is bad in the eyes of Law due to joinder of irrelevant parties.
- (2) That the appellant has not come to the Tribunal with clean hands.
- (3) That the appellant has got no locus standi to institute the present appeal.

On facts:-

- (1) That Para No.1 is not admitted as correct, the appellant joined police Service on 04.10.2012 and lastly transferred to District Chitral on 21.04.2017, the appellant rendered himself liable for adverse remarks by involving himself in case FIR No.72 dated 20.10.2017 u/s 302/34 PPC PS Mastuj. (Copy attached as annexure "A").
- (2) That Para No.2 is not admitted as correct, the appellant has served police department for only about five (05) years, commitment and professionalism of the appellant is evident from his service record (copy attached as annexure....."B").
- (3) That Para No.3 is admitted to the extent that the appellant has been granted bail, the appellant has been nominated and charged on solid grounds.
- (4) That Para No. 4 is incorrect, prior to the registration of the FIR proper enquiry U/S 156(II) CrPC vide DD No. 06 dated 18.10.2017 was initiated, during the enquiry cogent evidences guided for the registration of the FIR, which were enough pieces of evidence to incriminate the appellant in the department proceeding which has rightly been concluded on major punishment..... (Copy of finding enclosed as annexure "C").
- (5) at para No.5 pertains to record.
- (6) That Para No. 6 needed no comments.

- A. That there is no legal bar to the holding of a departmental Enquiry/proceeding against a Government Servant who is being prosecuted in Criminal Court, therefore the respondents have dealt the appellant in according with law.
- B. Incorrect. The appellant has been properly proceeded against departmentally by giving him charge sheet, summary of allegation vide No.855-56/E-II, dated 29.01.2018 and final show cause notice vide No.2587/E-II, dated 29.03.2018. (Copies attached as annexure "D & E" respectively). He was given ample opportunity of hearing and defence. Statements of seven witnesses recorded u/s 164 CrPC and pointing of the place of occurrence by the appellant in presence of civil witnesses corroborated the incident and involvement of the appellant (accused) in the case (Copies of the statements attached as annexure F- 1 to 7), based on these and other related evidences the offence has been established beyond any shadow of doubt, all legal and codal formalities have been properly followed.
- C. Incorrect. During enquiry/investigation statements of seven witnesses were recorded u/s 164 CrPC, which corroborated version of the complainant of the FIR, which were made part of the enquiry and the appellant badly failed to negate them.
- D. Incorrect. Specific role of the appellant has been established without any shadow of doubt and the departmental proceeding has been completed following all codal and legal formalities.
- E. Incorrect. Both the orders have been passed within the parameter of legal framework and no material illegality or irregularity exists, therefore both the orders are legal, justified and binding.
- F. That it has been rightly admitted by the appellant that departmental proceeding and criminal case may be proceeded side by side, as primary duty of police is to ensure security of life, honor and property etc of citizens, commission of murder is not only against the mandate of police duty rather it has been declared as forbidden (Haram) is shariah, security of life, honor and property has also been ensured by the constitution of Islamic Republic of Pakistan, violator of all these rights deserve the action which has been taken against the appellant.
- G. That bail is a concessional right, it is established rule that even acquittal on criminal charge has no bearing on disciplinary proceeding.
- Acquittal in a criminal case neither constitutes a bar nor is a clog on the imposition of departmental penalty. Therefore grant of bail to the appellant has no bearing on the proceeding concluded against the appellant.
- H. Incorrect. Reply has already been given on para "F".
- I. Incorrect. Gravity of the offence (Murder) has been determined in Islam by declaring it forbidden (Haram), the constitution of Islamic Republic of Pakistan 1973 in its Article No.9 has declared security of life as fundamental right and national law of the state has prescribed sentence of "Qisas" or death, imprisonment for life or imprisonment upto Twenty Five years for the offence of murder, therefore punishment given to the appellant is well proportionate to the gravity of the offence committed by him.
- J. Incorrect. The appellant has been given ample opportunity of hearing and defence which is evident from his written submission in reply of the charge sheet and final showcase notices (Copies attached as annexure "G & H" respectively).
- K. Incorrect. Being based on solid, cogent and undeny able evidences and completion of all legal and codal formalities the enquiry is legal and well according to natural justice.
- L. Incorrect. The respondents have followed all applicable Rules and completed all legal and codal formalities.

M. It needs no comments.
N. The respondents seek leave to raise additional grounds at the time of arguments.

May be

In light of the facts submitted above the Instant Service Appeal may be dismissed.

1. Government of Khyber Pakhtunkhwa (KPK) through the Secretary, Home and Tribal Affairs KPK Peshawar.

2. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.

3. Regional Police Officer, Malakand Division, Saidu Sharif Swat.

Regional Police Officer,
Malakand Division, Swat.

4. District Police Officer (DPO) Chitral.

5. Secretary Finance Government of K.P.K. at Civil Secretariat Peshawar.

..... Respondents

Syed Shahab ul Amin,
S/O Syed Islam Shah R/o Village Xupnu, P/O Xupnu, Tehsil Mastuj District
Chitral.

Appellant.....

Versus

1. Government of Khyber Pakhtunkhwa (KPK) through the Secretary
Home and Tribal affair KPK Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
3. Regional Police Officer Malakand Division at Saidu Sharif Swat.
4. District Police Officer (DPO) Chitral.
5. Secretary Finance Government of K.P.K at Civil Secretariat Peshawar.

Respondents.....

Authority Letter.

Sher Mohsinul Mulik Inspector Legal of District Police Chitral is hereby
authorized/deputed to proceed to the office of Govt Pleader, Service Tribunal, KPK,
Peshawar in connection with the vetting of Service Appeal No.1105 of 2018 titled Ex-
Constable Syed Shahab ul Amin,S/O Syed Islam Shah R/o Village Xupnu, P/O Xupnu, Tehsil
Mastuj District Chitral.

1. Government of Khyber Pakhtunkhwa (KPK) through the Secretary,
Home and Tribal affair KPK Peshawar.

2. Inspector General of Police Khyber Pakhtunkhwa,
Peshawar.

3. Regional Police Officer, Malakand Division,
Saidu Sharif Swat.

4. District Police Officer (DPO) Chitral.

5. Secretary Finance Government of K.P.K
at Civil Secretariat Peshawar.

Respondents.....

Syed Shahab ul Amin,

S/O Syed Islam Shah R/o Village Xupu, P/O Xupu, Tehsil Mastuj District

Chitral

Appellant.....

Versus

Respondents.....

Affidavit

We the following respondents do hereby solemnly affirm that the contents of Parawise comments are true to the best of our knowledge and belief and nothing has been concealed from the Honorable Tribunal.

1. Government of Khyber Pakhtunkhwa (KPK) through the Secretary, Home and Tribal affair KPK Peshawar.

2. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.

3. Regional Police Officer, Malakand Division, Saidu Sharif Swat.

4. District Police Officer (DPO) Chitral.

5. Secretary Finance Government of K.P.K, at Civil Secretariat Peshawar.

.....

Respondents.....

Syed Shahab ul Amin,
S/O Syed Islam Shah R/o Village Xupu, P/O Xupu, Tehsil Mastuj District
Chitral.

Appellant.....

Versus

Respondents.....

1. Government of Khyber Pakhtunkhwa (KPK) through the Secretary
Home and Tribal affair KPK Peshawar.

2. Inspector General of Police Khyber Pakhtunkhwa Peshawar.

3. Regional Police Officer Malakand Division at Saidu Sharif Swat.

4. District Police Officer (DPO) Chitral.

5. Secretary Finance Government of K.P.K at Civil Secretariat Peshawar.

Counter Affidavit.

Verified that the contents of Parawise comments/ reply are true and correct and
nothing have been concealed from the tribunal.

1. Government of Khyber Pakhtunkhwa (KPK) through the Secretary,
Home and Tribal affair KPK Peshawar.

2. Inspector General of Police Khyber Pakhtunkhwa,
Peshawar.

3. Regional Police Officer, Malakand Division,
Saidu Sharif Swat.

4. District Police Officer (DPO) Chitral.

5. Secretary Finance Government of K.P.K,
at Civil Secretariat Peshawar.

Respondents.....

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80-10-01

mm ps moshy

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31

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ATTESTE

PTB

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Table with multiple rows and columns containing handwritten entries, possibly a ledger or record book. Columns contain names, dates, and other identifiers.

انسانی اطلاع اور... (Human information and...)

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FACTER AND SERVICE ROLL OF

STABULARY NO. () in
 STABULARY NO. () in
 STABULARY NO. () in

ATTESTED

[Signature]
 H. ...
 District

DISTRICT
 DISTRICT
 DISTRICT

Name	Special Subordinate in Army	
Father's Name	Special & Senior Subordinate	
Tribes or Caste	Chitavale	
Village or Town	Zubna Post, Maharashtra	
Post and Telegraph Office	M. S.	
Police Station	M. S. K. S.	
District	Chitavale	
Previce	C. P. S.	
Date of Birth	22-03-1990	
Height	5' 8"	
Chest Measurement	33 x 34 1/2	
Date of Enrolment	04-10-2012	
Age on Enrolment	18 Years	
Distinctive Marks	R. Marks	

2. Verification Roll No. Dated Received back and attached to the Fauji Misal

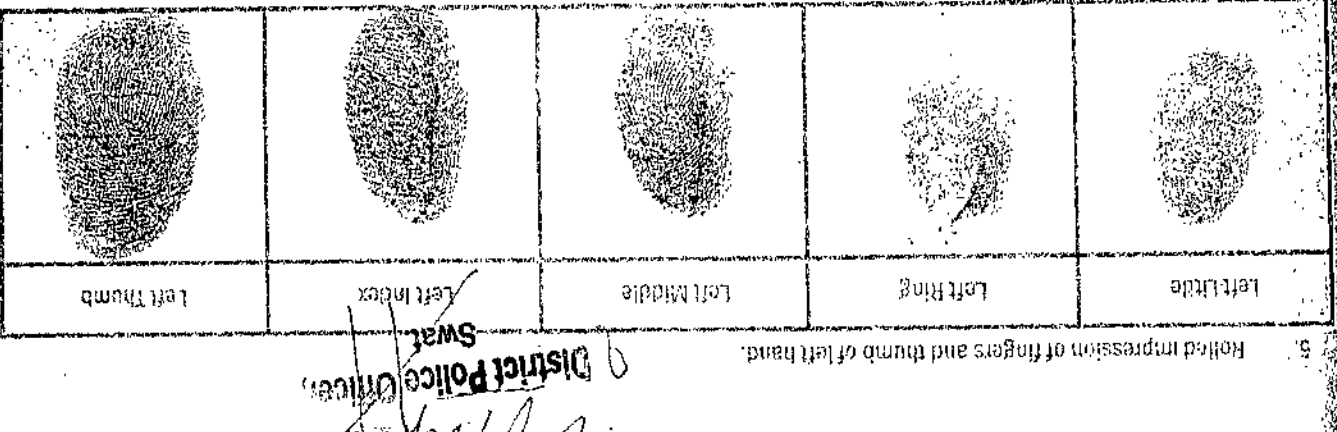
3. Government Service prior to present employment, which is approved for pension service.

Service or Department	Rank or Grade	Pay of last appointment	From	To	Years	Month	Days
					Period		
4. Cause of and character on discharge from above service.	Reference to orders approving above service for pension service in the Police Department.						

Agreement - I understand that I have been appointed under section 7 of the Police Act (V of 1861), and the purport of that section and the provisions of the Act and the Rules issued under it and now in force, by which my discipline and control are governed have been explained to me. I agree to serve faithfully under the provisions of the said Police Act and to obey all lawful orders issued to me by my Superior Officers and undertake not to resign my appointment within three months from the date of my enrolment. I have received a certificate of enrolment issued under section 2 of the Police Act (V of 1861).

ATTESTED

[Signature]
 District Police Officer



ATTESTED

28-3-2018
 POLICE OFFICER
 MIRAN

Issue him
 First Show
 Notice

28-03-2018
 میراں
 پولیس آفیسر

میراں پولیس آفیسر نے ایک نوٹس جاری کیا ہے۔
 جس میں بتایا گیا ہے کہ میراں پولیس اسٹیشن پر ایک شخص نے ایک نوٹس جاری کیا ہے۔
 جس میں بتایا گیا ہے کہ میراں پولیس اسٹیشن پر ایک شخص نے ایک نوٹس جاری کیا ہے۔
 جس میں بتایا گیا ہے کہ میراں پولیس اسٹیشن پر ایک شخص نے ایک نوٹس جاری کیا ہے۔
 جس میں بتایا گیا ہے کہ میراں پولیس اسٹیشن پر ایک شخص نے ایک نوٹس جاری کیا ہے۔
 جس میں بتایا گیا ہے کہ میراں پولیس اسٹیشن پر ایک شخص نے ایک نوٹس جاری کیا ہے۔

14. COMMENDATORY ENTRIES - Contd.

Suspected & chased by Police Unit due to involved in case EN No. 72 dated 20-10-2017 u/s 302/34 P.P. PS: Mashtaj. vide this entry over No. 11712.17 16-II dt 26-11-2017.

[Signature]
District Police Officer
Central M.

Dismissed from service vide this entry over No. 2763-66/16-II dt 6/4/2016. (copy enclosed)
403. No 2111 dt 06/04/2016.

[Signature]
District Police Officer
Central M.

ATTESTED

[Signature]
Inspector
Legal Central

Inspector
Chitral

ATTESTED

1. DSP/10 Chitral for initiating proceedings against the above defaulting official under Police Rule 1975 amended 2014.

2. Constable Saeed Shahab-ul-Amin No.188 posted Police Line Chitral C/O Line Officer Chitral.

(Mansoor Aman) PSP
District Police Officer,
Chitral.

[Handwritten signature]

A statement of Allegation is enclosed.

Intimate as to whether you desire to be heard in person or not?

3. Your written reply, if any should reach to the Enquiry Officer Mr. Muly-ud-Din DSP/10 Chitral 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.

2. You are therefore, require to submit your written reply within Seven (07) days of receiving this Charge Sheet to the Enquiry Officer.

1. Based on the above reasons, you appear to be guilty of misconduct/inefficient, not fit for service and have rendered yourself liable to all or any of the penalties specified in Rule -4 of the disciplinary Rules, 1975 amended 2014

That you during ATS course involved yourself in case vide FIR No.72 dated 20.10.2017 U/S 302/34 PPC PS Mastuj. You have been returned from ATS course at Sindy Islam Abad vide letter No.4/2/68/BAT/2017 ATS and suspended vide this office order No.11712-17/E-II dated 24.11.2017 and closed to Police Lines Chitral.

hereby charge you Constable Saeed Shahabul Amin No.188 as follows.

I, Mansoor Aman (PSP) District Police Officer, Chitral as competent authority,

CHARGE SHEET

Enquiry No. /E-II
Dated Chitral the /2017



Amekure "BWB"

[Handwritten notes and signatures]
30/10/2017
30/10/2017



Inquiry No. _____
Dated Chitral the _____ / _____ / 2017.

DISCIPLINARY ACTION

I, Mansoor Aman (PSP), District Police Officer, Chitral as a competent authority am of the opinion that Constable Saeed Shahab-ul-Amin No.188 has rendered himself liable to be proceeded against departmentally as he has committed the following Acts/Omission as defined in Rule -2(iii) of Police Rule 1975 amended 2014.

STATEMENT OF ALLEGATION

That he during ATS course involved himself in case FIR No.72 dated 20.10.2017 U/S 302/34 PPC PS PS Mastuj, and was returned from ATS course at Simly Islam Abad vide letter No.4/2/68/B3A/1/2017 ATS and suspended vide this office order No.11712-17/11 dated 24.11.2017 and closed to Police Lines Chitral.

That due to above reasons he has rendered himself liable to be proceed under Police Rules 1975 amended 2014.

For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation Mr. Muhy-ud-Din DSP/HQ Chitral is appointed as Inquiry Officer.

The Inquiry Officer shall conduct proceeding in accordance with the provision of Police Rule-1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record his finding and submit report within Seven (07) days of the received of this order.

The accused official is bound to ensure his presence during the enquiry proceedings when and where called by the Inquiry Officer.

(Mansoor Aman)PSP
District Police Officer,
Chitral. *o/c*

No. 855-56/11-11, Dated Chitral the 27/10/2018.

Copies to:-

1. DSP/HQ Chitral for initiating proceeding against the above defaulter official under Police Rule 1975 amended 2014.
2. Constable Saeed Shahabul Amin No.188 posted Police Lines Chitral C/O Line officer Police Lines Chitral

ATTESTED

Legal Officer
(Signature)

①

FINAL SHOW CAUSE NOTICE

Whereas you Constable Saeed Shahbul Amin No.188 during
ATS course involved yourself in case FIR No.72 dated 20.10.2017 U/S 302/34
PPC PS Mastui. You have been returned from ATS course at Simly Islamabad and
is under suspension vide this office order No.11712-17/11-11 Dated
24.11.2017. Your this act is gross misconduct on your part as defined in Police
Disciplinary Rules, 1975 amended 2014.

You were issued Charge Sheet along with Summary of
allegation, vide this office No.855-56/11, dated 29.01.2018 and Mr. Muhy-ud-Din
Chitral was appointed as Enquiry Officer to conduct proper Departmental Enquiry
against you under Police Rule 1975, amended 2014.

The Enquiry Officer after proper & impartial enquiry has found
you guilty of misconduct and in his findings has recommended you for Major
Punishment.

In light of the above reasons you are issued this Final Show
Cause Notice to explain as to why you should not be awarded punishment.

Your written reply if any should reach to the undersigned
within (3) days of the receipt of this notice, otherwise it will be presumed that you
have no defence to put in and in that case an ex-parte action shall be taken against
you and order shall be announced. (Copy of Finding Report is also attached).

**District Police Officer,
Chitral**

No. 8557 /E-11, 29-3-2018

Copy to the Constable Saeed Shahbul Amin No.188 posted
Police Lines Chitral C/O Line Officer, Police Lines Chitral.

ATTESTED

**Inspector
Legal Chitral**



TESTED

21-11-13

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ATTESTED

15202-8462886-3
15/11/2017
184

15/11/2017

15-11-2017

15/11/2017

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Director
Federal Bureau of Investigation

15202-4871388-9

10/2/2015

ATTESTED

15202-4871388-9

11-11-17

11-11-17

11-11-17

11-11-17

11-11-17

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1873
1000

ATTACHED

1873 / Jim [unclear] - [unclear] 1873

61101-1796614-7

1873

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21-11-2017

1873

1873

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12/10

Inspector
Legal
Murali

ATTESTED

164/1964

15202-4813484-7

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11-11-1967

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Director
10/11/17

15202-1887400-9

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15202-1887400-9

15202-1887400-9

10/11/17

10/11/17

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10/11/17

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Legislator
Sector

15202-7350844-5
164

10/12/2017

15202-7350844-5

15202-7350844-5

15202-7350844-5

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501
5-11-2017

SECRET

15202-1287422-9

مقام

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10/10/2018

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91-11-17

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115314

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(115314) محمد علی گیلانی

Inspector
Legal Chitral

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(V3)

Inspector
Legal Chitral

51775757

تعمیر پوئیس لائن چترال

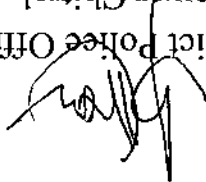
۱۸۸ نمبر پوئیس لائن چترال

لہذا گزارش ہے کہ عمارت کے خلاف انوائسری بند کیا گیا ہے اور انکوائری بند کر دی گئی ہے۔
- عمارت کے خلاف جو مقدمہ درج کیا گیا ہے وہ بالکل ختم ہو گیا ہے اور اس کے خلاف کوئی بھی کارروائی نہیں ہو رہی ہے۔
- اس وقت عمارت پر سٹیٹ پیپر لگایا گیا ہے۔
- اور پوئیس لائن چترال میں عمارت کے خلاف انوائسری بند کر دی گئی ہے اور اس کے خلاف کوئی بھی کارروائی نہیں ہو رہی ہے۔
- اس کے علاوہ پوئیس لائن چترال میں عمارت کے خلاف انوائسری بند کر دی گئی ہے اور اس کے خلاف کوئی بھی کارروائی نہیں ہو رہی ہے۔

302/34PC ریزولوشن نمبر 72/2017 کے تحت عمارت کے خلاف انوائسری بند کر دی گئی ہے اور اس کے خلاف کوئی بھی کارروائی نہیں ہو رہی ہے۔
302/34PC ریزولوشن نمبر 72/2017 کے تحت عمارت کے خلاف انوائسری بند کر دی گئی ہے اور اس کے خلاف کوئی بھی کارروائی نہیں ہو رہی ہے۔
302/34PC ریزولوشن نمبر 72/2017 کے تحت عمارت کے خلاف انوائسری بند کر دی گئی ہے اور اس کے خلاف کوئی بھی کارروائی نہیں ہو رہی ہے۔

Authority letter

Mr. Sher Mohsin ul Mulik, Inspector Legal, District Police Chitral is hereby authorized and deputed to attend Service Tribunal Khyber Pakhtunkhwa Peshawar in Service Appeal No.1105/2018 titled Ex Constable Syed Shahab ul Amin VS Inspector General of Police Khyber Pakhtunkhwa and others as departmental representative on 01.08.2022.


District Police Officer,
Lower Chitral