

04.11.2022

Appellant in person present. Mr. Asif Masood Ali Shah,
Deputy District for the respondents present.

Appellant requested for adjournment on the ground that his
counsel is not available today due to strike of lawyers.
Adjourned. To come up for arguments before the D.B on
28.12.2022.

SCANNED
PESHAWAR

(Mian Muhammad)
Member (E)

(Salah-ud-Din)
Member (J)

~~28-12-22~~

~~Due to winter vacation the
case is adjourned to 27-1-23 before
the same!~~


28.12.2022

Due to winter vacation, the case is adjourned to
06.04.2023 for the same as before.

Reader

28.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 12.05.2022 for the same as before.



Reader

02-06-2022

As per direction of the Hon'ble Chairman this case is fixed for argument before DB on 25/07/2022

25-7-22

Proper DB not available to come up for the same as before on 19-9-22

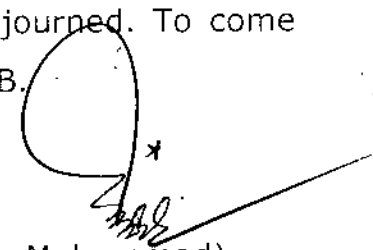

Registrar


Reader

19.09.2022

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 04.11.2022 before the D.B.


(Mian Muhammad)
Member (Executive)

14.06.2021

Junior to counsel for the *appellant* and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Stipulated period has passed and reply has not been submitted

The respondents have not submitted written reply. They are directed to submit written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 30.09.2021 before the D.B.

P.S


Chairman

29.06.2021

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


Chairman

ds
30-9-21

*DB is on Tour case to come up
For the same on Dated. 30-12-21*

30.12.2021

*Due to winter vacation, the
case is adjourned. To come up
for the same on 28.02.2022.*

Riades



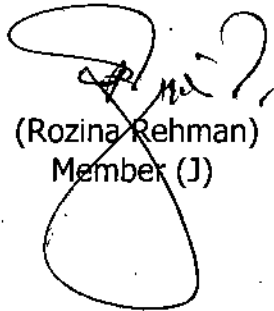


Form- A


FORM OF ORDER SHEET

Court of _____

Case No.- 2765 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/02/2021	<p>The appeal of Mr. Bashir Muhammad presented today by Mr. Javed Iqbal Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 12/2/2021</p>
2-	12.03.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/03/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant present through counsel. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on <u>14/6</u> /2021 before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

Appellant Deposited Security & Process Fee



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'A'

To be filled by the Counsel/Applicant

Case Number

2765/2021

Case Title

Date of

Institution

Bench

SB

DB

Case Status

Fresh

Pending

Stage

Notice

Reply

Argument

Urgency to

clearly stated.

Nature of the

relief sought.

Next date of

hearing

Alleged Target

Date:

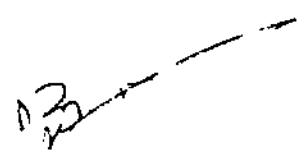
19-01-2023

Counsel for

Petitioner

Respondent

In person


Signature of counsel/party

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing _____ -p/20 _____

In case No. _____ -p/20 _____

Vs _____

Presented by _____ on behalf of _____. Entered
in the relevant register.

Put up alongwith main case _____

Last date fixed

Reason(S) for last adjournment, if
any by the Branch Incharge.

Date(s) fixed in the similar matter
by the Branch Incharge

Available dates Readers/Assistant
Registrar branch

Assistant Registrar

REGISTRAR

Before the Honorable Chairman Service Tribunal KPK Peshawar

Service Appeal No 2765 2021

Bashir Muhammad Sub-inspection of Police MR-31 District Nowshera

(Appellant)

VERSUS

1. Inspector General of Police KPK Peshawar.
2. D.I.G of Police, Mardan Region Mardan.
3. District Police officer District Nowshera.

(Respondents)

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5	Final show cause notice	C	9
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10	Wahala Nama		

Appellant Deposited
Security & Process Fee

12/3/21
Rs. Secy (Presented only)

Through:

Javed Iqbal Advocate
District Courts Mardan.
HC-10
Dist. Nowshera Mardan

Before the Honorable Chairman Service Tribunal KPK Peshawar

Service Appeal No _____ 2021

Bashir Muhammad Sub- inspection of Police MR-31 District Nowshehra

(Appellant)

VERSUS

1. Inspector General of Police KPK Peshawar.
2. D.I.G of Police, Mardan Region Mardan.
3. District Police officer District Nowshehra.

(Respondents)

Service appeal U/s 4 of service Tribunal Act 1974 final appellant order dated 15.1.21 passed by Respondent No.2 on appeal against the order of Respondent no.3 dated 17/12/20 whereby the appellant was awarded the punishment of reduction from the confirmed rank of inspector to the of sub-inspector, which is illegally against the law and facts.

Prayer:

On acceptance of this appeal order dated 17.12.20 and 15.1.21 may kindly be set aside and appellant be reinstated in the previous rank of inspector with all benefits, any other relief deems fit be graciously granted.

Respectfully Shweth:-

Sir, Appellant submits as under:-

1. The appellant while posted as inspector/SHO P.S Rislapur was departmentally proceeded against on the allegations that the appellant showed less quantity of contraband narcotic and replaced it while registering case FIR No.645 dated 09.11.20 U/s 9(D) CNSA Police station Rislapur District Nowshehra against the accused Muhammad Ishaq S/o Abid Khan and Haji Khan R/o Qambar Khel District Kahyber vide copy of FIR as Annex A.
2. That the appellant was charged sheeted with statements of allegation by DPO Nowshehra for the alleged misconduct and DSP/HQRS was appointed as enquiry officer vide the attached copy as Annex B.

3. That after the departmental enquiry the final-show cause notice was given to the appellant by DPO Nowshehra and the reply was submitted vide Annex "C and D".
4. That subsequently the punishment of reduction from the rank of inspector to sub-inspector was awarded by DPO Nowshehra vide his order dated 17.12.20 as Annex E.
5. That the appellant preferred as appeal to PRO/DIG but the same was rejected vide the copy as F&G. both the order dated 17.12.21 and 15.1.21 passed by respondents 3 and 2 are not maintainable under the law inter alia with following and other grounds, which with the permission of the learned Court is to be advanced at the time of Court proceedings.

GROUND:-

1. That the orders dated 17.12.20 and dated 15.1.21 passed by respondent 3 and 2 respectively are arbitrary, non-judicial and unlawful in the eyes of law.
2. That neither the Norcotic was less than the actual recovery nor it was replaced because the factum of recovery of Norcotic has been proved by the statements of PWS and FSL report during the investigation of the case which is further substantial by video of the accused in a press conference.
3. That the Norcotic was sealed into parcel in presence of ASP who was present on the spot and was a witness of all the proceeding. The recovered norcotics were produced before the court at the time of production of accused and the same was signed by the presiding officer and by that time no one raised any objection about its quantity and replacement.
4. That no one has made any complaint about the less quantity and replacement of Norcotic. All the allegations has been advanced on mere hearsay information only to create dent in prosecution case and rescue the accused from clutches of law.
5. That the departmental enquiry has been carried out in haphazard manner and no rules and regulation has been followed during the departmental enquiry.

6. That the statements of PWS are not recorded on oath which is against the law and cannot be considered as evidence against the appellant.
7. That the statements of PWS has been recorded in the absence of the appellant and it is enough strange that all the questions has been put by the enquiry officer himself of his own choice and the appellant has not afforded the opportunity to cross-examine the witnesses in order to ascertain the truth.
8. That even otherwise the statements of PWS are contradictory with the statements given to the investigation officer and such it is not worth reliable.
9. That the enquiry officer by his designation of his scale is not authorized to conduct an enquiry against the appellant.
10. That the replacement of narcotic and showing less quantity are the questions which can be determined by the concerned court after taking the evidence of prosecution as well as statement of the accused.
11. That there is neither oral nor documentary evidence against the appellant to establish the charges.
12. That all allegations are manipulated by the accused party with the connivance of police witnesses for rescue themselves from the law in a heinous case of narcotic.

In view of the above it is earnestly prayed that the impugned order dated 17.12.20 and 15.1.21 of respondent 3 & 2 may kindly be set aside and the appellant be reinstated in previous rank of inspector with all its benefit in greater interest of justice.

.....
Bashir Muhammad S.I Sub-inspector of Police No MR-31
District Nowshehra.

6. That the statements of PWS are not recorded on oath which is against the law and cannot be considered as evidence against the appellant.
7. That the statements of PWS has been recorded in the absence of the appellant and it is enough strange that all the questions has been put by the enquiry officer himself of his own choice and the appellant has not afforded the opportunity to cross-examine the witnesses in order to ascertain the truth.
8. That even otherwise the statements of PWS are contradictory with the statements given to the investigation officer and such it is not worth reliable.
9. That the enquiry officer by his designation of his scale is not authorized to conduct as enquiry against the appellant.
10. That the replacement of narcotic and showing less quantity are the questions which can be determined by the concerned court after taking the evidence of prosecution as well as statement of the accused.
11. That there is neither oral nor documentary evidence against the appellant to establish the charges.
12. That the all allegations are manipulated by the accused party with the connivance of police witnesses for rescue themselves from the law in a heinous case of narcotic.

In view of the above it is earnestly prayed that the impugned order dated 17.12.20 and 15.1.21 of respondent 3 & 2 may kindly be set aside and the appellant be reinstated in previous rank of inspector with all its benefit in greater interest of justice.

.....
Bashir Muhammad S.I Sub-inspector of Police No MR-31

District Nowshehra.

Before the Honorable Chairman Service Tribunal KPK Peshawar

Service Appeal No _____ 2021

Bashir Muhammad Sub- inspection of Police MR-31 District Nowshehra
(Appellant)


VERSUS

1. Inspector General of Police KPK Peshawar.
 2. D.I.G of Police, Mardan Region Mardan.
 3. District Police officer District Nowshehra. (Respondents)
-

AFFIDAVIT

I, Bashir Muhammad MR-31 Sub Inspector District Police Nowshehra (Appellant) do hereby solemnly affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief. Nothing has been concealed therein.

Dated: 11.02.2021

Deponent: 
Bashir Muhammad
Sub- Inspector MR-31 Police
District Nowshehra.

(5)

انڈیا ہیری لیسٹریڈ میں طاق ملائی رسالہ پر 11-11-2020ء کو ایک ایسے مکرہ سے اس وقت میں
سیرتہ محترمہ اہل خانہ کا کیا تعویذ FIR سے اس مکرہ کو کس کو اس مکرہ
الذیشان کے لئے کیا ہے جس سے مکرہ اس کے لئے کیا ہے

AG-PS-AD
09-11-2020

ملتان
11-11-2020
=

اطلاع کے لیے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الف باء سرخ روشنائی سے المتقابل نام پر
ایک مکرہ یا بیشتر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں لکھنا چاہئے۔

ORDER

will dispose of the department
against Inspector Muhammad Bashir,
case vide FIR No. 645 dated 09.11.2020
Ishaq s/o Abid Khan and Haji Khan s/o Zakir Khan,
-hand less than the actual quantity,
him.

DISCIPLINARY ACTION

I, Capt: (R) Najmul Hasnain Liaquat, PSP, District Police Officer, Nowshera
as competent authority am of the opinion that Inspector Muhammad Bashir has rendered himself
liable to be proceeded against as he committed the following acts/omissions within the meaning of
Police Rules, 1975.

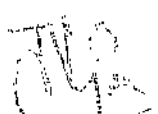
STATEMENT OF ALLEGATIONS

Whereas, Inspector Muhammad Bashir while posted as SHO PS Risalpur
now under suspension at Police Lines, registered case vide FIR No. 645 dated 09.11.2020 vs 9 D
CNESA PS, Risalpur against accused Muhammad Ishaq s/o Abid Khan and Haji Khan s/o Zakir Khan
residents of Qambar Khel, Bara, District Khyber, wherein he showed the contraband less than the
actual quantity seized by him. Besides, the original contraband was also replaced / changed by him,
which amounts to grave misconduct on his part and rendered him liable for punishment under
Khyber Pakhtunkhwa Police Rules, 1975.

For the purpose of scrutinizing the conduct of the said accused official with
reference to above allegations, DSP HQs is hereby nominated as Enquiry
Officer.

The Enquiry Officer shall in accordance with the provision of Police Rules
1975, provide reasonable opportunity of hearing to the defaulter official, record his findings and
make immediate recommendations as to punish or other appropriate action against the defaulter
official.

Inspector Muhammad Bashir is directed to appear before the Enquiry Officer
on the date, time and place fixed by the Enquiry Officer.


District Police Officer,
Nowshera

No. 189 IPA,
Dated 12/11 2020.

ORDEK

will dispose of for Mulla

3

CHARGE SHEET

1. I, Capt: (R) Naimul Hasnain Liaquat, PSP District Police Officer, Nowshera, as competent authority, hereby charge Inspector Muhammad Bashir as per Statement of Allegations enclosed.
2. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
3. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
4. Your written defense, if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case in parte action shall follow against you.
5. Intimate whether you desire to be heard in person.

No
District Police Officer,
Nowshera

Handwritten notes and signatures at the bottom of the page.

Order will be... (9)

FINAL SHOW CAUSE NOTICE

Whereas, you Inspector Muhammad Bashir, while posted as SHO Police Station, Risalpur, registered a case vide FIR No. 645 dated 09.11.2020 u / s 9 D CNSA PS, Risalpur against accused Muhammad Ishaq s / o Abid Khan and Haji Khan s / o Zakir Khan residents of Qambar Khel, Bara, District Khyber, wherein you showed the contraband less than the actual quantity seized by you. Besides, the original contraband was also replaced / changed by you.

On account of which, you were suspended, closed to Police Lines and proceeded against departmentally through DSP HQrs: Nowshera, who after fulfillment of legal formalities submitted his report to undersigned, wherein he proved the allegations leveled against you and recommended you for awarding major punishment.

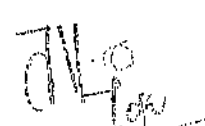
Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

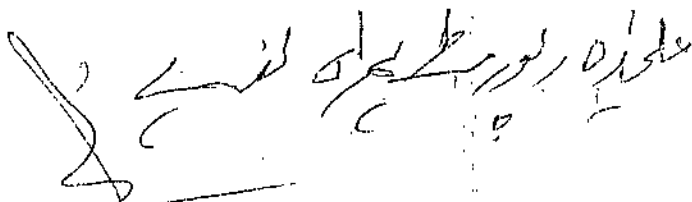
Hence, I, Capt: (R) Najmul Husnain Liaquat, PSP, District Police Officer, Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of the receipt of this notice, failing which, it will be presumed that you have no defense to offer.

You are at liberty to appear for personal hearing before the undersigned.

No. 270 /PA,
Dated 1/12 /2020.


District Police Officer,
Nowshera



سماپل شکر کارڈ نوٹس جواب

حما عالی

بھوار سماپل شکر کارڈ نوٹس مشمولہ سماپل حساب DPO صاحب
دو شکرہ خفوض خدمت ہوں۔

بھوار انڈیا امری قند - 645 خرد 09/11/2020
9D, CNSA قمار پاپور
من اس کے لئے جو سماپل عمل از من انڈیا امری آفیسر کو پیش کیا ہے۔ وہی میرا
سماپل ہے جو خصصت پر مبنی ہے۔

خرید مرض نرسس ہے کہ انڈیا امری آفیسر نے دوران انڈیا امری نوابان
حشم دید فہم HC/3۔ طاہر HC کے جو بیانات اور مراسل سوالات
جو بیانات قلمداد فرمائے ہیں۔ میرے علم جو خود کی من کل طرف انڈیا امری کے
خلاف روئے ہیں۔ یہی تمام بیانات اس خدمت ہی ناکافی۔ ملاساں اور
خبر کار امری 7495 سال خدمت کی قیمت کا راستہ سمورہ کرتے ہیں۔
LEB

دوران انڈیا امری حشم نے نوابان باکا قدم کی فرد خصوصی برائے اپنے
تہت شدہ دستخط ہائے کے بھی منحرف ہونے میں۔

آل بارہ میں عرض ہے کہ برائی بوسل اصران کے دستخط پاس ہے
فرد خصوصی سماپل نوزن نوزن ہندو اشرک آفیسر FSL معمولی جا
تاہر خصصت خفوض عام برائے

تجدد انما خواستہ امر انڈیا امری کے بھی مانا ملزجان کے وکیل کے ہاتھ آئے
تو یہ قدم تباہ اور زیاد ہو جائے گا۔ اور انہی انڈیا امری کے تمام فائدہ
ملزجان نوزن کو منل جائے گی۔ اردو دوران مسامحت عدالت میں
آل قند ان کو کوئی نقصان نہیں لگا۔ تو تمام ترو حرداری انڈیا امری آفیسر -
نوابان حشم دید بر عائد ہوئے گی۔ بیوقوف قدم کی نقش FIR کے مطابق
حل رہی ہے۔ اور انڈیا امری رپورٹ نقش کے تضاد میں دوسری طرف چلی
جاری ہے۔ خفوضی شمال در شخ نوزن ہے۔

1- نوابان حشم دید فہم HC۔ طاہر HC اور ملزم نوزن قند
مجدد اسحاق کے دوران نقش 1/0 کو لئے اپنے بیان میں حشم دید
خبر کار سے آٹھ کلور ہوسن۔ جاہر حلو جیس اور انہی ملولام آفیسر
برآمدگی کا دہرے میں جحد سے نوابان دوران انڈیا امری زیادہ اصرار
میں مشاہدات کے راہی کا دہرے میں

12 - مسلم محمد اسحاق نے بددعاں افسر کو حیدر آباد پولیس (پونجی خان) کو بھی FIR کے مطابق آٹھ کلوریشن - 4 حیا کلوریشن - اور ایک حلو افسروں کے برآمدگی کے مطابق ایسا بیان دیا ہے۔ وہی ویڈیو ریکارڈنگ ٹیبلٹ ٹیبلٹ کے تحت پیش کرنا ہوں۔

13 - مسلم محمد اسحاق نے بددعاں ایسی عدالت میں بھی شبہات کے بھی پیشی کے تعلق کوئی بیان حیدر نہیں کرنا ہے۔

14 - دوران عدالت ^{ASL} تمام کے محمد ولی الرحمان HC نے بھی قیدی افسر کو یہ بیان ملکہ کرنا ہے کہ خداداے مرشد - سال ختم یا رسل یا اتنا 16 ختم کرنا شروع محمد اسحاق مذکورہ بالا اور جو کارٹر 7445 / قسم 3 / HC / LEB کے تہاڑ پسیا پور پنجانے ہوئے وصول کے ہیں جو بددعاں افسر ہی کو ایسا ہی کارروائی سے ایشیائی ہیں۔

15 - یہ معلوم ہے جو موضع کے تو ایسا ہے یا تو مسلمان وقت کے ساتھ ختم ہو تو ایسا ہی بچانے کے کوئی بگاڑ ہوا ہے۔ اور یا انکو افسر کے ساتھ یا وہیں آکر ایسی فوری کو بچانے کے حیرت خلاف بددعاں ایسا ہی بیانات ملکہ ہو ہیں۔

من سالہ SHO کے موضع پر چندا شبہات جو کارٹہ مالک کے برآمد کے موضع ہی پر تو ایسا مالک کے ہو کر ختم یا رسل یا اتنا 16 روئے ہو ختم ہوئیں گے ہیں۔ اور موضع سے افسرانہ مالک کے نوٹس میں کوئی یہ تمام کارروائی میں اس کے ایک مذکورہ افسر ASP (SDPO) نوٹس کے لئے موجود ہی میں سر انجام دی ہے جسے بیانات کے نوٹس کا بیان کے مطابق مثل ختم لکھو و وجہ قدرت ساتھ لف ہیں۔

اسلامی ہے کہ میرے خلاف لکھنے کے الزامات غلط اور بے بنیاد ہیں۔ اندر میں سب سے انکو افسر کے ہاں ایسی خبر نہ ہو کہ انہوں نے کارروائی کے داخل و خروارج کا حکم صادر ہوا ہے۔

تحریر 12 / 07 / 2020

الحاصل

اس کے لئے محمد MR / 31 / ختم ہوئے ہیں نوٹس کے ساتھ نوٹس کے لئے محمد

POLICE DEPARTMENT

DISTRICT NOWSHERA

ORDER

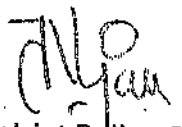
This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Inspector Muhammad Bashir, under the allegations that he while posted as SHO PS Risalpur, registered case vide FIR No. 645 dated 09.11.2020 u/s 9 D CNSA PS, Risalpur against accused Muhammad Ishaq s/o Abid Khan and Haji Khan s/o Zakir Khan residents of Qambar Khel, Bara, District Khyber, wherein he showed the contraband less than the actual quantity seized by him. Besides, the original contraband was also replaced / changed by him.

On account of which, he was suspended, closed to Police Lines and proceeded against departmentally through DSP HQrs: Nowshera, who after fulfillment of legal formalities submitted his report to undersigned vide his office. No. 445 / St dated 01.12.2020, wherein the allegations leveled against him have been proved, and was recommended for awarding major punishment.

He was served with Final Show Cause Notice, to which, he submitted his reply which was perused by the undersigned and found unsatisfactory.

He was heard in orderly room by the undersigned wherein he failed to produce any cogent reason in his defense, therefore, he is hereby awarded major punishment of reduction in rank (substantive rank of Inspector to Sub-inspector) and re-instated in service with immediate effect, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 1221
Dated 17/12/2020


District Police Officer,
Nowshera

No. 3371-75 /PA, dated Nowshera, the 17/12/2020.
Copy for information and necessary action to the:

1. Regional Police Officer, Mardan.
2. Pay Officer.
3. Establishment Clerk.
4. FMC with enquiry papers (45 pages).
5. Official concerned.

(13)

To

The Honourable, RPO/
Deputy Inspector General of
Police Mardan Region-I,
Mardan.

Subject: APPLICATION AGAINST THE ORDER OF WORTHY
DISTT: POLICE OFFICER NOWSHERA DATED
17.12.2020 VIDE WHICH THE APPELLANT
WAS AWARDED THE PUNISHMENT OF REDUCTION
IN RANK (SUBSTANTIVE RANK OF INSPECTOR
TO SUB INSPECTOR.

R/Sir,

It is submitted as under:-

FACTS.

It is alleged against the appellant that while posted as SHO in Police Station Risalpur registered case vide FIR NO. 645 dated 09.11.2020 U/S 9(D) CNSA Police Station Risalpur against accused Muhammad Ishaq s/o Abid Khan and Haji Khan resident of Qambar Khel District Khyber showed the contraband less than the actual quantity seized by the appellant besides, the original contraband was also replaced by the appellant. The appellant was charged sheeted with summary of allegation for the alleged mis-conduct. The departmental enquiry was carried out by Dy: Supdt: of Police Nowshera and after his finding the appellant was awarded the major punishment of reduction in rank (Substantive rank of Inspector to Sub Inspector) and re-instated in Service with immediate effect by honourable Distt: Police Officer, Nowshera vide CP NO. 1224 dated 17.12.2020.

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GROUND FOR APPEAL.

1. That the order of learned DFO, is against the law and facts on record.
2. That the enquiry has been carried out in haphazard manner and without following the rules and regulation.
3. That the recovery of Narcotic is actual and real . Neither the seized Narcotic was shown less than the actual recovery nor it was replaced as all the proceeding was made in presence of gazzited officer ASF, Nowshera.
4. That the factum of recovery has been proved by the statement of Iws and PSL report during the investigation of the case by the investigation wing and all act support the prosecution case. Even about this fact the video of Narcotics and the press report is available about the said recovery.
5. That the accused himself has neither denied in a statement about any less quantity of the recovered Narcotic during recording his statement before the I.O nor has pointed out before the court concerned but instead the presiding officer has verified the bulk of recovery and signed all the parcels at the time of production of accused with case property to the Court.
6. That the replacement of original Narcotic with other

...3...

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is a question of trial and it can be assessed by the concerned Court after examination of Prosecution witnesses and exhibition of the seized contraband as no one is authorised under the law to open the seal parcel before trial and tendered his opinion about the said articles.

7. That as far as the statement of witnesses recording during enquiry are concerned, has got no evidentiary value. These statements are not recorded on Oath similarly they are obtained by the enquiry officer in absence of the appellant and without providing any opportunity to the appellant to cross examine them, as such the stance of witnesses is out of consideration under the law.
8. That it is enough strange that the enquiry officer has put the cross examination itself, in place of appellant which is highly in contrary of law.
9. That the refusal of marginal witness from their signature on recovery memo is a professional departmental misconduct and these signature are to be sent to hand writing expert for comparison to ascertain the genuineness of their version.
10. That all the allegations levelled against the appellant are baseless, mala fide, frivolous and has been advanced just to malign and distort the prosecution case under

....4..

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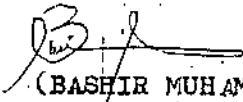
the external efforts of the accused party.

11. That punishment awarded to the appellant will adversely effect the Prosecution case and will gave an oppertunity to the accused to escape from the cluches of law.

12. Fast but not least the appellant is desired to be personally heard before desiding the appeal to remove some confusion about the said allegation.

Dated: 24.12.2020

Yours Obediently


(BASHIR MUHAMMAD)
POLICE LINES, NOWSHERA

ORDER.

This order will dispose-off the departmental appeal preferred by **Sub Inspector Muhammad Bashir** No. MR/31 of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of reduction in rank from rank of Inspector to his substantive rank of Sub-Inspector vide OB: No. 1221 dated 17.12.2020. The appellant was proceeded against departmentally on the allegations that he while posted as SHO Police Station Risalpur, registered case vide FIR No. 645 dated 09.11.2020 u/s 9D CNSA Police Station Risalpur against accused Muhammad Ishaq s/o Abid Khan and Haji Khan s/o Zakir Khan residents of Qambar Khel, District Khyber, wherein he has shown less quantity of the contraband than the actual quantity seized by him. He also changed/ replaced the original contraband.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police, Headquarter, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Nowshera, wherein he has recommended the delinquent Officer for major punishment.

He was issued Final Show Cause Notice to which his reply was received and found unsatisfactory.

He was also provided opportunity of self defense by summoning him in the Orderly Room by the District Police Officer, Nowshera, but he failed to advance any cogent reasons in his defense. Hence, he was awarded major punishment of reduction in rank from rank of Inspector to his substantive rank of Sub Inspector vide OB: No. 1221 dated 17.12.2020.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 12.01.2021.

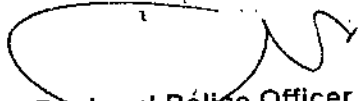
From the perusal of the enquiry file and service record of the appellant, it has been found that allegations against the appellant have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in embezzlement/replacing the original contraband is against the norms of disciplined force. As the appellant instead of fighting crime, he has himself indulged in unprofessional activities. Moreover, the appellant has already been treated leniently. Besides, during the

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course of personal hearing, he could not present any cogent justification to warrant interference in the order passed by the competent authority.

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

Order Announced.


Regional Police Officer,
Mardan.

No. 250 /ES. Dated Mardan the 15-01- /2021.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 62/PA dated 08.01.2021. His service record is returned herewith.

(*****)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'A'

To be filled by the Counsel/Applicant

Case Number					
Case Title					
Date of Institution					
Bench	SB		DB		
Case Status	Fresh		Pending		
Stage	Notice		Reply	Argument	
Urgency to clearly stated.					
Nature of the relief sought.					
Next date of hearing					
Alleged Target Date					
Counsel for	Petitioner		Respondent		In person

Signature of counsel/party

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing _____ -p/20 _____

In case No. _____ -p/20 _____

_____ Vs _____

Presented by _____ on behalf of _____ Entered
in the relevant register.

Put up alongwith main case _____

REGISTRAR

Last date fixed	
Reason(S) for last adjournment, if any by the Branch Incharge.	
Date(s) fixed in the similar matter by the Branch Incharge	
Available dates Readers/Assistant Registrar branch	

Assistant Registrar

REGISTRAR

بعدالت صاحب کسوں کے اصول (محرمین) لیسٹ

مورخہ _____ 20ء منجانب: _____
 مقدمہ بعنوان _____ لیسٹ محمد _____ نام _____
 مقدمہ نمبر _____ رجوعہ _____
 نوعیت مقدمہ _____
 مقدمہ علت نمبر _____ مورخہ _____
 جرم _____ تھانہ _____

50
روپے

باعث تحریر آنکہ



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

آن مقام _____ کیلئے _____ کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل مقررہ کو راضی نامہ کرنے و تقرر
 ی ثالث و فیصلہ برحلف دینے عرضی دعویٰ، جواب دعویٰ، اقبال دعویٰ، جواب الجواب، عذر داری، درخواست زبردفعہ (2) 12
 ض د، درخواست بمراد برآمدگی و سزہ بزرگی مقدمہ، درخواست بمراد منسوخی کاروائی و ڈگری پکطرفہ دائر کرنے جواب، جواب
 الجواب وغیرہ درخواست کاروائی اجراء دائر کرنے و وصولی چیک و رقم اور درخواست ازہر قسم کی تصدیق ذراں پر دستخط وغیرہ
 کرنے کا اختیار ہوگا۔ اپیل، اپیل ورائیل، نگرانی، نظر ثانی، رٹ و عذر داری وغیرہ دائر کرنے کا بھی اختیار ہوگا۔ اور بصورت
 ضرورت مذکورہ کے عمل یا جزوی کاروائی کے واسطے وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب
 مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برداشت منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر
 جانہ التوائے مقدمہ کے سبب سے ہوگا اسے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کا بھی اختیار ہوگا۔ اگر کوئی
 تاریخ پیشی پر وکیل موصوف مقام دورہ پر ہو یا حد سے باہر ہو یا بیمار ہو یا کوئی ضروری کام ہو۔ تو وکیل صاحب پابند نہ ہونگے کہ
 پیروی مقدمہ مذکورہ کریں لہذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم: 21-02-12

مقام _____ کے لئے منظور ہے۔

نوٹ: اس وکالت نامہ کو نوکری یا تامل قبول ہوگی۔

Advocate I.D: B6 604438

Bar Council

Mardan

Bar Association

KPK

Contact #:

03319224274

Attested
&
Accepted



لیسٹ محمد لیسٹ محمد

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 2765/2021

Bashir Muhammad Sub Inspector of Police MR-31 District Nowshera.

.....Appellant

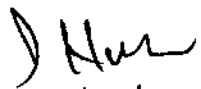
V E R S U S

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar etc

.....Respondents

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Reply of Respondent.	-	1-3
2.	Affidavit	-	04
3.	Copy of FIR	A	05-06
4.	Copy of Charge sheet and statement of allegation	B	07-08
5.	Copy of Enquiry	C	09-10
6.	Copy of Show Cause Notice	D	11
7.	Copy of reply of Show Cause Notice	E	12-13
8.	Copy of punishment order	F	14
9.	Copy of departmental appeal and order of respondent No. 02	G	15-20


Inspector Legal,
Nowshera

①

**BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 2765/2021

Bashir Muhammad Sub Inspector of Police MR-31 District Nowshera.

.....Appellant

V E R S U S

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. District Police Officer, Nowshera.

.....Respondents

REPLY BY RESPONDENTS

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action and locus standi.
2. That the appeal is badly barred by law and limitation.
3. That the appellant has been estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.
6. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

On Facts

1. Correct to the extent that appellant while posted as SHO Police Station, Risalpur registered case vide FIR No. 645 dated 09-11-2020 u/s 9(D)CNSA Police Station, Risalpur against accused Muhammad Ishaq s/o Abid Khan and Haji Khan s/o Zakir Khan residents of Qambar Khel, Bara, District Khyber (Copy of FIR is annexed as annexure "A"), wherein he showed the contraband less than the actual quantity seized by him. Besides, the original contraband was also replaced/changed by him which amounts to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa, Police Rules, 1975.
2. Correct to the extent that appellant was issued charge sheet with statement of allegation wherein DSP HQrs: Nowshera was nominated as enquiry officer. (Copy of charge sheet and statement of allegations is annexed as annexure "B").
3. Correct to the extent that after completion of enquiry (Copy of enquiry is annexed as annexure "C") charges against appellant were

(2)

established hence, he was recommended for major punishment. Appellant was issued Final Show Cause Notice (Copy of Show Cause Notice is annexed as annexure "D") to which his reply was found unsatisfactory (Copy of reply is annexed as annexure "E"), hence; he was awarded major punishment of reduction in rank from Inspector to Sub Inspector. (Copy of order of punishment is annexed as annexure "F").

4. Para already explained hence, needs no comments.
5. Correct to the extent that appellant preferred departmental appeal before the appellate authority i.e respondent No. 02, but the same was rejected with cogent reasons vide order dated 15-01-2021. (Copy of departmental appeal & order of respondent No. 02 is annexed as annexure "G").

Orders passed by the competent authority i.e respondent No. 03 and appellate authority i.e respondent No. 02 are in accordance with law and rules hence, liable to be maintained under the law inter-alia on the following grounds: -

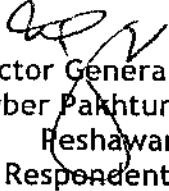
REPLY ON GROUNDS


1. Incorrect. Orders passed by the respondent No. 02 & 03 are legal, lawful and in accordance with rules.
2. Incorrect. Statements of PWs and FSL report are part of criminal proceedings which have nothing to do with the departmental proceeding as both are two different entities. Moreover, allegation of showing less quantity than the actual quantity seized by the SHO, has been proved during the enquiry proceeding.
3. Incorrect. As mentioned in the preceding para that during enquiry it was proved that 29 packets of contraband/narcotics were recovered from the secret cavities of motorcar but only 13 packets were shown. Fact of regarding recovery of 29 packets is evident from the statements of Police Officials recorded during enquiry.
4. Para already explained; hence, needs no comments.
5. Incorrect. Enquiry was conducted after fulfillment of all legal and codal formalities wherein statements of concerned Police officials were recorded.
6. Para already explained; hence, needs no comments.
7. Incorrect. All Police Officials, whose statements were recorded during enquiry proceeding were subjected to cross examination by the enquiry officer.

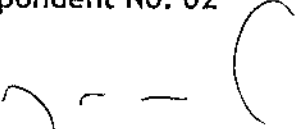
8. Already explained above.
9. Incorrect. Enquiry was conducted by DSP Hqrs: Nowshera who is high in rank then the appellant and competent officer under the rules.
10. Para already explained; hence, needs no comments.
11. Incorrect. From the statements of Police officials recorded during enquiry, it is evident that less quantity of narcotics was shown then the actual quantity seized by the appellant.
12. Incorrect. Para already explained; hence, needs no comments. Moreover, the respondents seek permission of this Honourable Tribunal to advance additional grounds at the time of arguments.

Prayers

Keeping in view the above facts, it is, most humbly prayed that on acceptance of above submissions the appeal of the appellant may very kindly be dismissed with cost, please.


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


Deputy Inspector General of Police,
Mardan Region-I, Mardan.
Respondent No. 02


District Police Officer,
Nowshera.
Respondent No.03

(4)

**BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 2765/2021

Bashir Muhammad Sub Inspector of Police MR-31 District Nowshera.

.....Appellant


V E R S U S

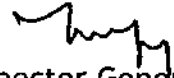
1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. District Police Officer, Nowshera.

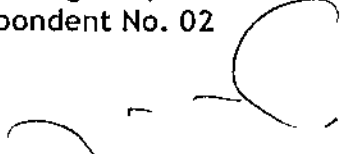
.....Respondents

AFFIDAVIT

We the respondents No. 1,2&3 do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal.


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


Deputy Inspector General of Police,
Mardan Region-I, Mardan.
Respondent No. 02


District Police Officer,
Nowshera.
Respondent No.03

ابتدائی اطلاعی رپورٹ

کفئی انٹرنیشنل جس نے
۹۳۹۰۷۶۶-۹۳۹۷-۰۳۴۷

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۳ مجموعہ ضابطہ نوعداری

رسالہ نمبر	منبع	تاریخ	وقت
۶۴۵	۱۱/۰۸/۲۰۰۵	۰۸:۱۵	۰۳:۱۵ بج
نام و سکونت اطلاع دہندہ مستفیض	۱۶۱۹-۹۳۶۴-۰۲-۰۹ ۰۳۱۴-۹۸۷۰۴۶۵	۱۱/۰۸/۲۰۰۵	۰۸:۱۵ بج
تقریر کیفیت جرم (مصدقہ) حال اگر کچھ لیا گیا ہو۔	۹ D.C.N.S.A	۱۱/۰۸/۲۰۰۵	۰۸:۱۵ بج
جائے وقوعہ قاصد قاصد سے اور دست	۱۱/۰۸/۲۰۰۵	۱۱/۰۸/۲۰۰۵	۰۸:۱۵ بج
نام و سکونت ملزم	۰۳۱۸-۹۵۵۵۵۶۹-۲۱۲۰۱-۹۸۵۳۱۸۹-۵	۱۱/۰۸/۲۰۰۵	۰۸:۱۵ بج
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں تاخیر ہو تو بیان کر		۱۱/۰۸/۲۰۰۵	۰۸:۱۵ بج

سوال نمبر ۱

قاصد سے روائی کی تاریخ و وقت

ابتدائی اطلاع نیچے درج کردہ این ڈی ٹی تحریری سر اسے حساب لکھ کر ۱۱/۰۸/۲۰۰۵ کو ارسال کیا گیا ہے۔

۱. قاصد نے اطلاع دہندہ کو ۱۱/۰۸/۲۰۰۵ کو اطلاع دی کہ وہ ایک گاڑی میں سوار ہے جس میں ایک شخص اور ایک لڑکی ہیں۔

۲. قاصد نے اطلاع دہندہ کو ۱۱/۰۸/۲۰۰۵ کو اطلاع دی کہ وہ ایک گاڑی میں سوار ہے جس میں ایک شخص اور ایک لڑکی ہیں۔

۳. قاصد نے اطلاع دہندہ کو ۱۱/۰۸/۲۰۰۵ کو اطلاع دی کہ وہ ایک گاڑی میں سوار ہے جس میں ایک شخص اور ایک لڑکی ہیں۔

۴. قاصد نے اطلاع دہندہ کو ۱۱/۰۸/۲۰۰۵ کو اطلاع دی کہ وہ ایک گاڑی میں سوار ہے جس میں ایک شخص اور ایک لڑکی ہیں۔

۵. قاصد نے اطلاع دہندہ کو ۱۱/۰۸/۲۰۰۵ کو اطلاع دی کہ وہ ایک گاڑی میں سوار ہے جس میں ایک شخص اور ایک لڑکی ہیں۔

۶. قاصد نے اطلاع دہندہ کو ۱۱/۰۸/۲۰۰۵ کو اطلاع دی کہ وہ ایک گاڑی میں سوار ہے جس میں ایک شخص اور ایک لڑکی ہیں۔

۷. قاصد نے اطلاع دہندہ کو ۱۱/۰۸/۲۰۰۵ کو اطلاع دی کہ وہ ایک گاڑی میں سوار ہے جس میں ایک شخص اور ایک لڑکی ہیں۔

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۲۰. قاصد نے اطلاع دہندہ کو ۱۱/۰۸/۲۰۰۵ کو اطلاع دی کہ وہ ایک گاڑی میں سوار ہے جس میں ایک شخص اور ایک لڑکی ہیں۔

Handwritten notes in Urdu on the left margin, including a date "11-11-2020" and other illegible scribbles.

(5)

انٹرنیٹ پر دستیاب شدہ ایک ایف ڈی آر (FIR) نمبر 09-11-2020 کے تحت درج ذیل معلومات فراہم کی گئی ہیں۔

Agri-Ps-PP
09-11-2020

دستخط
عہدہ

اطلاع کے لیے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگایا جائے گا۔ اور اسے تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الفبا یا سرخ روشنائی سے بالفاظ تام پر ایک ملزم یا مشتہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں سوزوں ہوں، لکھنا چاہئے۔

ORDER

Order will dispose of the departmental case against Inspector Muhammad Bashir, - case vide FIR No. 645 dated 09.11.2020 against Abid Khan and Haji Khan s/o Zakir Khan. The contraband less than the actual quantity seized by him.

DISCIPLINARY ACTION

I, Capt: (R) Najmul Hasnain Liaquat, PSP, District Police Officer, Nowshera as competent authority am of the opinion that Inspector Muhammad Bashir has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules, 1975.


STATEMENT OF ALLEGATIONS

Whereas, Inspector Muhammad Bashir while posted as SHO PS Risalpur, now under suspension at Police Lines, registered case vide FIR No. 645 dated 09.11.2020 w/s 9 D CNSA PS, Risalpur against accused Muhammad Ishaq s/o Abid Khan and Haji Khan s/o Zakir Khan residents of Qambar Khel, Bara, District Khyber, wherein he showed the contraband less than the actual quantity seized by him. Besides, the original contraband was also replaced / changed by him, which amounts to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa Police Rules, 1975.


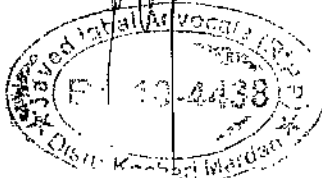
For the purpose of scrutinizing the conduct of the said accused official with reference to above allegations, DSP HQS is hereby nominated as Enquiry Officer.

The Enquiry Officer shall in accordance with the provision of Police Rules 1975, provide reasonable opportunity of hearing to the defaulter official, record his findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

Inspector Muhammad Bashir is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.


District Police Officer,
Nowshera

No. 189 /PA,
Dated 12/11 /2020.



F-10-4438

ORDEK

will dispose of for Mulla



CHARGE SHEET

1. I, Capt: (R) Najmul Hasnain Liaquat, PSP District Police Officer, Nowshera, as competent authority, hereby charge Inspector Muhammad Bashir as per Statement of Allegation enclosed.
2. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
3. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
4. Your written defense, if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case, parte action shall follow against you.
5. Intimate whether you desire to be heard in person.

No
District Police Officer,
Nowshera

درخواست کے لئے درخواست دہانہ کی طرف سے
مقررہ مدت میں جواب دینا ضروری ہے۔
مقررہ مدت کے اندر جواب نہ دیا جائے تو
مقررہ مدت کے بعد بھی جواب دینا ضروری ہے۔



OFFICE OF THE

BY: SUPERINTENDENT OF POLICE
HEADQUARTERS NOWSHERA

Tel No. 0923-9220109 & Fax No. 0923-9220103

2020

ENQUIRY CONDUCTED AGAINST INSP BASHIR KHAN THE THEN SHO PS RISALPUR.

ALLEGATIONS:

Whereas Inspector Bashir Khan MR 3-30 while posted as SHO PS Risalpur, now under suspension at police lines, registered case vide FIR No. 645 dated 09-11-2020 u/s 9DCNSA PS, Risalpur against accused Muhammad Ishaq s/o Abid Khan and Haji Khan s/o Zakir Khan resident of Qambar Khel Bara District Khyber wherein he showed the contraband less than the actual quantity seized by him besides the original contraband was also replaced /changed by him which amount to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa police Rule. 1975.

PROCEEDING:

Charge Sheet was served upon him, to which, he submitted his reply, stating therein that on 8.11.2020 he was on duty at Rashakai Interchange Nakabandi point, in the mean time, a M/Car bearing No. LEB-7495 was stopped. Driver of M/Car disclosed his name as Muhammad Ishaq s/o Abid r/o Bara Agency. During search of M/Car, recovered 8 packets Heroin weighing 8.342kg, Opium one packet weighing 1.040kg and Chars 04 packets weighing 4.114kg. Proper FIR cited above was registered against accused mentioned above. During interrogation accused disclosed the name of other accused Haji Khan s/o Zakir Khan as owner of M/Car Case properties were taken into possession as per law and procedure. Inspector Bashir denied all the allegations leveled against him. Furthermore, he added that the accused also disclosed no decrease in case property before the court. All the parcels have been sent to FSL, Peshawar, wherefrom opinion is yet to be received.

STATEMENT OF SI AKBAR RAHMAN PS RISALPUR.

He stated that on 09.11.2020, ASI Nawab Ali handed over a copy of FIR No. 645 dated 09.11.2020 u/s 9D CNSA PS Risalpur. After perusal of FIR visited the spot and on pointation of complainant Inspector Muhammad Bashir Khan site plan was prepared and placed on case file. Statement of eyewitnesses were recorded. Accused Muhammad Ishaq interrogated in the case. Request for 10 days police custody was made, upon which 3 days custody was granted by the court. MHC Risalpur handed over the parcels along with accused and produced before the court, upon that Mr. Allaudin, JMHC, Nowshera made signed and stamped. The parcels along with accused were handed over to MHC Wali Ur Rehman after court proceedings. The accused was interrogated who confessed the crime and in recorded statement u/s 161 Cr.PC and later on he was produced before the court for recording statement u/s 164/364 Cr.PC where he deviant and remanded to judicial lock up Mardan. The accused disclosed the recovered narcotics property of owner Haji Khan s/o Zakir Khan. The accused further disclosed that he pays per trip 50 thousand and has smuggled three trips before this to Lahore, Punjab via motorway. In each trip, he handed over these narcotics to different persons. Haji Khan was searched through local police on 11.11.2020 but found not present. Proclamation proceedings against accused were completed.

STATEMENT OF HC TAHIR NO. 442.

That on 08-11-2020, he along with LHC Fahim and FC Bahar Ali No. 468 were present on Nakabandi duty at Rashakai Interchange, in the mean time, a motor car was stopped regarding which information of Narcotics was received. He informed, SHO Risalpur Inspector Bashir who came to the spot and M/Car was searched and recovered 29 packets Narcotics, from secret cavities of the M/Car. The matter was brought into notice of the then SDPO Cantt by SHO. Who also came to the spot and questioned from accused and captured pictures of narcotics. After this, SHO went to PS Risalpur and took into possession the M/Car, accused and recovered narcotics.

STATEMENT OF LHC FAHIM NO. 03.

That on 08-11-2020, he along with HC Tahir 442 and FC Bahar Ali No. 468 were present on Nakabandi duty. Mean time a person came who told him that he wanted to catch a motor car of Narcotics. On his information M/Car was stopped and informed SHO Risalpur Inspector

10

Bashir who came to the spot and M/Car was searched and recovered 29 packets Narcotics from secret parts of the M/Car. The matter was brought into notice of SDPO Cantt by SHO. Who came to the spot and questioned from accused and captured pictures of narcotics. After this the SHO, took the M/Car, accused and recovered narcotics to Police Station.

STATEMENT OF FC BAHAR ALI NO.468

That on 08-11-2020, he along with HC Tahir-442 and LHC Fahim No.03 were present on Nakabandi duty in the mean time, a motor car No. LEB-7495 was stopped regarding which information of Narcotics was received. He informed SHO Risalpur Inspector Bashir who came to the spot and M/Car was searched and recovered 29 packets Narcotics from secret parts of the M/Car. The matter was brought into notice of SDPO Cantt by SHO. Who came to the spot and questioned from accused captured pictures of narcotics. After this the SHO, took the M/Car, accused and recovered narcotics to Police Station.

STATEMENT OF MHC WALI UR REHMAN NO.54.

That on the day of occurrence, he was on proper leave vide DD.No. 7 dated 08.11.2020 and arrived on 09.11.2020 vide DD.No. 09PS Risalpur. SHO Risalpur handedover the parcels of case FIR No. 645 dated 08.11.2020 u/s 9D CNSA PS Risalpur, (1 to 8 1/1 gm Heroin, parcel No.9, 8394 gm Heroin, parcel No. 10 to 13 5/5 gm chars parcel No. 14, 4094 gm chars, parcel No.15, 1 gm opium and parcel No. 16,1039 gm opium) entry of which were properly made in register No. 19 at Serial No. 481. Similarly, Parcel No. 9, 14 and 16 handed over to SI Akbar Rahman of investigation wing who produced the accused before the court along with case property. After appearing accused before the court and placed on record while other parcels were sent to FSL, Peshawar for opinion. All the relevant papers are attached.

STATEMENT OF ASI NAWAB ALI PS RISALPUR.

On 9.11.2020, at about 12:20 a.m, he was present at PS Risalpur, in the mean time HC Tahir No. 442 brought a murasla written by Inspector Bashir Khan the then SHO PS Risalpur against accused Muhammad Ishaq s/o Abid Khan r/o Shlobar Qambar Khel District Khyber, upon that a proper case vide FIR No. 645 dated 08.11.2020 u/s 9D CNSA PS Risalpur was registered and investigation of the case was entrusted to SI Akbar Rahman of Investigation Wing.

STATEMENT OF MM.HC ANWARZEB 1185 PS RISALPUR.

He performing his duties as MM at PS Risalpur. On 9.11.2020, at about 0020 am a Murasla received from SHO Inspector Bashir Muhammad Khan along with arrested accused handed over to ASI Nawab Ali Khan who registered proper case upon Murasla vide FIR No. 645 dated 08.11.2020 u/s 9D CNSA PS Risalpur and accused was put in lock up.

STATEMENT OF MM.LHC IRFAN No.918 PS RISALPUR


That he perform duties as MM at PS Risalpur. On 9.11.2020, at about 0020 AM SHO Inspector Bashir Muhammad Khan handed over a Murasla along arrested accused to mm Anwar Zeb who handed over it to ASI Nawab Ali Khan for registration of case and registered FIR No. 645 dated 08.11.2020 u/s 9D CNSA PS Risalpur and accused was put in lock up.

FINDING:

From the available record placed before the undersigned and statements recorded from all concerned associated with enquiry proceeding, the undersigned reached to the conclusion that Inspector Bashir Muhammad Khan, the then SHO PS, Risalpur is found guilty of misconduct.

RECOMMENDATION:

Keeping in view the above, the undersigned recommend the delinquent police officer Inspector Bashir Muhammad Khan the then SHO PS Risalpur for awarding "major punishment,



(SAIF ALI KHAN)
Deputy Supdt: of Police HQRS,
Nowshera.

No. 445 /St:
Dt: 01/12/2020.

Order will be...

(A)

FINAL SHOW CAUSE NOTICE

Whereas, you Inspector Muhammad Bashir, while posted as SHO Police Station, Risalpur, registered a case vide FIR No. 645 dated 09.11.2020 u / s 9 D CNSA PS, Risalpur against accused Muhammad Ishaq s / o Abid Khan and Haji Khan s / o Zakir Khan residents of Qambar Khel, Eara, District Khyber, wherein you showed the contraband less than the actual quantity seized by you. Besides, the original contraband was also replaced / changed by you.

On account of which, you were suspended, closed to Police Lines and proceeded against departmentally through DSP HQrs: Nowshera, who after fulfillment of legal formalities submitted his report to undersigned, wherein he proved the allegations leveled against you and recommended you for awarding major punishment.

Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I, Capt: (R) Najmul Husnain Liauqat, PSP, District Police Officer, Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of the receipt of this notice, failing which, it will be presumed that you have no defense to offer.

You are at liberty to appear for personal hearing before the undersigned.

No. 270 /PA,
Dated 1/12 /2020.

[Handwritten signature and notes]

[Handwritten signature]
District Police Officer,
Nowshera

[Handwritten signature]
Bc-10-4339

شماره شکر کارڈ نوٹس جواب

حاجہ عالی

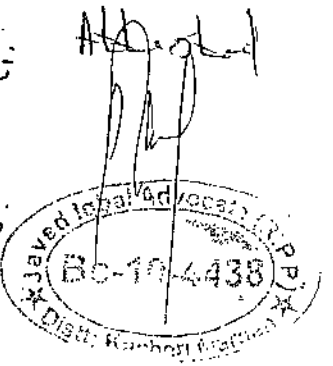
بجوار فائیل شکر کارڈ نوٹس مشورہ منجانب صاحب DPO صاحب
نوٹس نمبر 6 منظر حق خدمت ہوں۔

بجوار انڈیا ٹری فنڈ - 645 خود 11/09/2020 جم 9D, CNSA قمار پور
من اسکیٹرز جو بیان میں ازیں انڈیا ٹری آفسیر کو پیش کیا ہے۔ وی سی
بال ہے جو قصصات پر مبنی ہے۔

نفرید عرض گزار ہیں کہ انڈیا ٹری آفسیر نے دوران انڈیا ٹری نوٹس
حشم دید فیم 3/HC - ظاہر HC کے جو بیانات اور اس سوالات
جو ابیات منظر میں ہیں۔ غیر معلوم جو خود ہی میں بلطرح انڈیا ٹری
خلاف روئے ہیں۔ یہی تمام بیانات اس خدمت کی ناکافی - ملامت اور
حرم کار ٹری 7495 مال خدمت کی برکت جاریتہ سمجھ رہے ہیں۔
LFB

دوران انڈیا ٹری حشم کے نوٹس باکہ قدامت کی فرد خصوصیت پر اپنے اپنے
نہت شدہ دستخط ہائے کے بھی منظر ہوتے ہیں۔

آل بارہ میں عرض ہے کہ انہی بوسیل اصرار کے دستخط ہائے
فرد خصوصیت کے ساتھ نوٹس لودن نمر ہندرا شکر آفسیر FSL معمولی جا
نار قصصات منظر عام پر آئے۔



مخلافات کے ساتھ امر انڈیا ٹری کے یہی بیانات منظر عام پر آئے ہیں۔
نوٹس قدامت باہ اور زیادہ ہو جائے گا۔ اور انہی انڈیا ٹری کے تمام فائیل
منظر عام پر آئے تو منظر جائے گی۔ اور دوران شہادت عدالت میں
آل قدامت نوٹس لودن منع کیا۔ تو تمام ترقی داری انڈیا ٹری آفسیر -
نوٹس حشم دید فیم کے ساتھ منظر آئے گی۔ نوٹس قدامت کی نقش FIR کے مطابق
حل رہی ہے۔ اور انڈیا ٹری رپورٹ نقش تصاویر میں دوسری طرف چلی
جاری ہے۔ جسکی مثال درج ذیل ہے۔

1۔ نوٹس حشم دید فیم HC - ظاہر HC اور منظر شکر کارڈ
مخلافات کے دوران نقش 1/0 کو اپنے اپنے بیانات میں منظر پر
حرم کار کے آٹھ کلوننگس - چار کلوننگس اور ایک کلوننگ آفسیر
برآمدگی کا ذکر ہے ہیں۔ جسکی نوٹس دوران انڈیا ٹری زیادہ افسر
میں مشاہدات کے برآمدگی کا ذکر ہے ہیں۔

2: - سلمہ محمد اسحاق نے بدوران انٹرویو جیڈیاوائٹوں (پونج جان) کو بھی FIR کے مطابق آٹھ کلورینٹین - 4 جی اے جی جی جی - اور ایک کھلو اٹیوں کے برآمدگی کے مطابق انہما بیان دیا ہے۔ وہجا ویڈیو ریکارڈنگ ٹائم ٹوٹ ضرورت پیش کرنا ہیں۔

3: - سلمہ محمد اسحاق نے بدوران پیشی عدالت میں بھی مشبات کے بھی پیشی کے حعلق کوئی بیان سلمہ نہیں کرنا ہے۔

4: - دوران انٹرویو ¹⁸ تمام کے محرومی المرجان HC نے بھی پیشی اضیرو کو یہ بیان سلمہ کرنا ہے کہ سلمہ کے مراد - سال سلمہ یا رسل ہاے اتا 16 سلمہ مکرنا رشنہ محمد اسحاق سلمہ بانہ اور حور کار نہ 7495 قسم 3/ طاسر HC 423 نے تمام رسل بانہ بچانے ہو ووصول کے ہیں۔ جو بدوران انٹرویو یہی تو انہاں انہی کاروائی سے انتظار ہی ہیں۔

5: - یہ معلوم نہ ہو سکے تو انہاں نے یا تو سلمہ زمان فوقی سماج خدمہ کو فوٹو مائل بچانے کے کوئی سکاز بازر یا ہے۔ اور یا انٹرویو اضیرو کا دیا میں اہم اپنی فوری کو بچانے کے حیرت خلاف دوران انٹرویو بیانات سلمہ کرنا ہیں۔


من سائم SHO نے موقع پر جتنا مشبات حور کار باک سے برآمد کرنا موقع ہی بر تو انہاں باک کے ہو یہو سلمہ یا رسل ہاے اتا 16 روکے وود فضیلت ہوئیں کے ہیں۔ اور موقع سے اصرانہ بانہ کے نوٹس میں کو نہ یہ تمام کاروائی میں اس کے ایک نڈانڈ اضیرو ASP (SDPO) نوٹس نہت کے وجود ہی میں سر انجام دی ہے۔ جملہ بیانات کے جو وہت کا یہاں مطابق مثل سلمہ لکھ وود حور کار باک سے تھ لے ہیں۔

اسلام علیہ السلام کے خلاف لکھنے کے الزامات غلط اور بے بنیاد ہیں۔ اندر میں سلمہ انٹرویو نڈا بڈسی نر بد محکمانہ کاروائی کے داخل و حور ومانے کا حکم صادر فرمایا جائے۔

تحریر 07/12/2020

الحاصل

اس کیٹر شرف محمد MR/31 سلمہ بوس نر نر نوٹس نہت - صلح نوٹس نہت

 Lai

POLICE DEPARTMENT

DISTRICT NOWSHERA

ORDER

This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Inspector Muhammad Bashir, under the allegations that he while posted as SHO PS Risalpur, registered case vide FIR No. 645 dated 09.11.2020 u/s 9 D CNSA PS, Risalpur against accused Muhammad Ishaq s/o Abid Khan and Haji Khan s/o Zakir Khan residents of Qambar Khel, Bara, District Khyber, wherein he showed the contraband less than the actual quantity seized by him. Besides, the original contraband was also replaced / changed by him.

On account of which, he was suspended, closed to Police Lines and proceeded against departmentally through DSP HQrs: Nowshera, who after fulfillment of legal formalities submitted his report to undersigned vide his office. No. 445 / St dated 01.12.2020, wherein the allegations leveled against him have been proved and was recommended for awarding major punishment.

He was served with Final Show Cause Notice, to which, he submitted his reply which was perused by the undersigned and found unsatisfactory.

He was heard in orderly room by the undersigned wherein he failed to produce any cogent reason in his defense, therefore, he is hereby awarded major punishment of reduction in rank (substantive rank of Inspector to Sub-inspector) and re-instated in service with immediate effect, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 1221

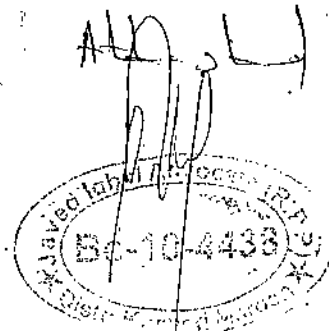
Dated 17/12 / 2020

Aliyan
District Police Officer,
Nowshera

No. 3371-75 /PA, dated Nowshera, the 17/12 /2020.

Copy for information and necessary action to the:

1. Regional Police Officer, Mardan.
2. Pay Officer.
3. Establishment Clerk.
4. FMC with enquiry papers (45 pages).
5. Official concerned.



15

13

To

The Honourable, BEO/
Deputy Inspector General of
Police Mardan Region-I,
Mardan.

Subject: APPLICATION AGAINST THE ORDER OF WORTHY
DISTT: POLICE OFFICER NOWSHERA DATED
17.12.2020 VIDE WHICH THE APPELLANT
WAS AWARDED THE PUNISHMENT OF REDUCTION
IN RANK (SUBSTANTIVE RANK OF INSPECTOR
TO SUB INSPECTOR.

R/Sir,

It is submitted as under:-

FACTS.

It is alleged against the appellant that while posted as SHO in Police Station Risalpur registered case vide FIR NO. 645, dated 09.11.2020 U/S 9(D) CNSA Police Station Risalpur against accused Muhammad Ishaq s/o Abid Khan and Haji Khan resident of Gamber Khel District Khyber showed the contraband less than the actual quantity seized by the appellant, besides, the original contraband was also replaced by the appellant. The appellant was charged sheeted with summary of allegation for the alleged mis-conduct. The departmental enquiry was carried out by Dy: Supdt: of Police Nowshera and after his finding the appellant was awarded the major punishment of reduction in rank (Substantive rank of Inspector to Sub Inspector) and re-instated in Service with immediate effect by honourable Distt: Police Officer, Nowshera vide CP NO. 1224 dated 17.12.2020.

[Handwritten signature]
[Circular stamp: District Advocate, Mardan, No. 19-4438]

...2...

GROUND FOR APPEAL.

1. That the order of learned DFO, is against the law and facts on record.
2. That the enquiry has been carried out in haphazard manner and without following the rules and regulation.
3. That the recovery of Narcotic is actual and real .
Neither the seized Narcotic was shown less than the actual recovery nor it was replaced as all the proceeding was made in presence of gazzited officer ASP, Nowshera.
4. That the factum of recovery has been proved by the statement of Fws and FSL report during the investigation of the case by the investigation wing and all act support the prosecution case. Even about this fact the video of Narcotics and the press report is available about the said recovery.
5. That the accused himself has neither denied in a statement about any less quantity of the recovered Narcotic during recording his statement before the I.O nor has pointed out before the court concerned but instead the presiding officer has verified the bulk of recovery and signed all the parcels at the time of production of accused witness property to the Court.
6. That the replacement of original Narcotic with other

...3... *15*

is a question of trial and it can be assessed by the concerned Court after examination of Prosecution witnesses and exhibition of the seized contraband as no one is authorised under the law to open the seal parcel before trial and tendered his opinion about the said articles.

- 7. That as for as the statement of witnesses recording during enquiry are concerned, has got no evidentiary value. These statements are not recorded on Oath, similarly they are obtained by the enquiry officer in absence of the appellant and without providing any opportunity to the appellant to cross examine them, as such the stance of witnesses is out of consideration under the law.
- 8. That it is enough strange that the enquiry officer has put the cross examination itself, in place of appellant which is highly in contrary of law.
- 9. That the refusal of marginal witness from their signature on recovery memo is a professional departmental misconduct and these signature are to be sent to hand writing expert for comparison to ascertain the genuineness of their version.
- 10. That all the allegations levelled against the appellant are baseless, mala fide, frivolous and has been advanced just to malign and distort the prosecution case under

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....4..


the external efforts of the accused party.

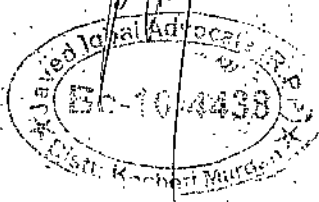
11. That punishment awarded to the appellant will adversely effect the Prosecution case and will gave an oppertunity to the accused to escape from the cluches of law.

12. Last but not least the appellant is desired to be personally heard before desiding the appeal to remove some confusion about the said allegation.

Dated: 24.12.2020

Yours Obediently


(BASHIR MUHAMMAD)
POLICE LINES, NOWSHERA



Circular stamp text: "Javed Iqbal Advocate (P.C.)", "10-10-4438", "Distt: Karachi-Mirpurkh" (partially visible)

ORDER.

This order will dispose-off the departmental appeal preferred by Sub Inspector Muhammad Bashir No. MR/31 of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of reduction in rank from rank of Inspector to his substantive rank of Sub Inspector vide OB: No. 1221 dated 17.12.2020. The appellant was proceeded against departmentally on the allegations that he while posted as SHO Police Station Risalpur, registered case vide FIR No. 645 dated 09.11.2020 u/s 9D CNSA Police Station Risalpur against accused Muhammad Ishaq s/o Abid Khan and Haji Khan s/o Zakir Khan residents of Qambar Khel, District Khyber, wherein he has shown less quantity of the contraband than the actual quantity seized by him. He also changed/ replaced the original contraband.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police, Headquarter, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to District Police Officer, Nowshera, wherein he has recommended the delinquent Officer for major punishment.

He was issued Final Show Cause Notice to which his reply was received and found unsatisfactory.

He was also provided opportunity of self defense by summoning him in the Orderly Room by the District Police Officer, Nowshera, but he failed to advance any cogent reasons in his defense. Hence, he was awarded major punishment of reduction in rank from rank of Inspector to his substantive rank of Sub Inspector vide OB: No. 1221 dated 17.12.2020.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 12.01.2021.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations against the appellant have been proved beyond any shadow of doubt. Being a member of disciplined/uniformed force, the involvement of the delinquent Officer in embezzlement/replacing the original contraband is against the norms of disciplined force. As the appellant instead of fighting crime, he has himself indulged in unprofessional activities. Moreover, the appellant has already been treated leniently. Besides, during the

Handwritten signature: H.A. J. J.


Official stamp: District Police Officer, Nowshera. No. 443813.

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course of personal hearing, he could not present any cogent justification to warrant interference in the order passed by the competent authority.

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

Order Announced.



Regional Police Officer,
Mardan.

No. 250 /ES, Dated Mardan the 15 - 01 - /2021.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No. 62/PA dated 08.01.2021. His service record is returned herewith.

(****)

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA, PESHAWAR.

DBI



In Service Appeal NO. 2765/2021

Bashir Muhammad Sub Inspector of Police Mr-31 District, Mardan.

....(Appellant).

VERSUS.

Inspector General of Police K.P, etc.

... (Respondents)

Rejoinder on behalf of appellant.

Respectfully Sheweth:-

All the preliminary objection raised by the respondents are incorrect un-necessary and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at the stage of appeal.

FACTS:-

- Para 1. requires no comments as it contains to the fact and has not denied by the respondents.
- Para 2. admitted to the extent that the enquiry was conducted in contrary to the rules and regulation.
- Para 3. needs no comments as it relates to the fact.
- Para 4. requires no comments.
- Para 5. It is incorrect. The appeal of the respondent was rejected without any reasons and without recording grounds.

Reply on rejoinder on grounds:-

1. Incorrect and it is denied.
2. Incorrect: The statements of P.Ws are not recorded

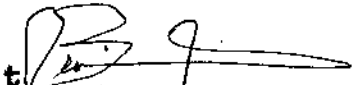

on Oath and these are contradictory with the facts and circumstances and are not worth reliable.

3. Incorrect: This factum of quantity has been not proved through un-impeachable evidence, during the enquiry proceeding.
4. Incorrect: There is no originator of the said allegations. Even the accused himself has not denied the factum of recovery at any stage or with any forum.
5. Incorrect: The statements recorded during departmental proceed has got no evidentiary value. The statement of P.Ws has been recorded at the back of the appellant and no opportunity given to cross-examine the witnesses.
6. It has been already explained in the above para and require no further comments.
7. Incorrect. According to the law the cross-examination on the witnesses is to be made by the appellant.
8. Incorrect: The para has been not properly commented upon.
9. Incorrect: The enquiry officer both were working in the basic scale 16 and the enquiry officer is not to be purported senior from the appellant.
10. Incorrect: It has been not legally explained and no plausible explanation has been provided for establishing the allegation of replacement less quantity by the applicant.
11. Incorrect: The statement so recorded are inadmissible and cannot be used as evidence against the appellant.

12. Incorrect. The allegations levelled against the respondents are false un-true and are not sustained by any evidence but just reveal to an attempt on the part of accused party to destroy the Prosecution case and get release from the clutches of law.

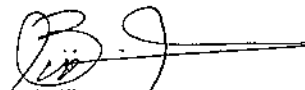
It is therefore ,prayed that on acceptance of this appeal, this honourable tribunal may graciously be pleased to set aside the impugned order and the appellant may be exonerated from the charges levelled against him with cost in greater interest of justice.

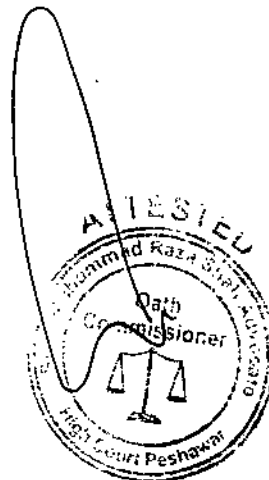
Dated: 17.09.2021.

Appellant 
(BASHIR MUHAMMAD)
Sub Inspector Distt: Mardan.
Through:- 
(JAVED IQBAL)
Advocate Distt: Courts, Mardan.

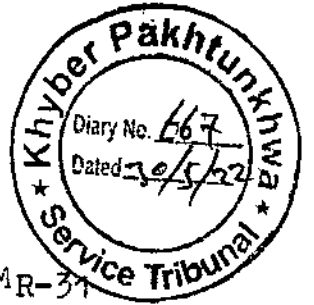
AFFIDAVIT.

I, Mr. Muhammed Bashir, the appellant state on solemnly affirm and declare that contents of the appeal and this reply to rejoinder are true and correct, while the objection raised in written statement are incorrect and false.

Appellant 
(BASHIR MUHAMMAD)
Sub Inspector Distt:
Police, Mardan.



BEFORE THE HONOURABLE CHAIRMAN SERVICE
TRIBUNAL KPK PESHAWAR.



Service appeal NO. 2765/2021

Bashir Muhammad Sub Inspector of Police MR-31
District Nowshera.Appellant.

VERSES

Inspector General of Police KPK Peshawar etc. Respondents.

Application for early hearing on behalf of appellant.

R/Sir,

It is submitted as under:-

1. That the above mentioned Service appeal is pending for the last 1½ year in the Honourable Court.
2. That the ~~date~~ was adjourned thrice for final arguments.
3. That the case was fixed previously as 12.05.2022 for vinal arguments.
4. That on the said date the argument could not be heard but no date for the arguments was fixed.
5. That the appellant is on verge of retirement and can suffer if the appeal is not decided before retirement.

In view of the above it is humbly prayed that the arguments on the said service appeal may kindly be heard on early date in the greater ininterest of justice.

Dated: 27.05.2022.

Put up to the Honorable Chairman with relevant appeal.

Registrar

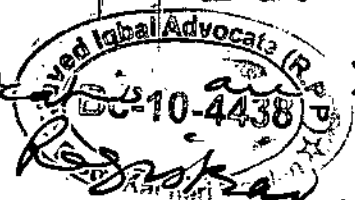
30/5/2022

(BASHIR MUHAMMAD)
Sub Inspector
NO. MR= 31.

Through Counsel:

(Iqbal Iqbal)
Advocate District Courts,
Mardan.

All early hearing applications should be dealt with by the Registrar. So he should deal it also



31/5/22

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'A'

To be filled by the Counsel/Applicant

Case Number	2765/21			
Case Title	Bashir Mohd. vs. G.P. KPIS etc			
Date of Institution	12/10/21			
Bench	SB		DB	DB
Case Status	Fresh		Pending	✓
Stage	Notice		Reply	Argument
Urgency to clearly stated.	Three adjournment was made without argument and the appellant is on verge of retirement			
Nature of the relief sought.	The service of may kindly be heard			
Next date of hearing	Not fixed yet while the previous date was 12.5.22			
Alleged Target Date				
Counsel for	Petitioner		Respondent	In person

Signature of counsel/party

D. Ghulam Mueen
Nazeer

c. call 0331-9224279

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing _____ -p/20_____

In case No. _____ -p/20_____

Deshi Mohamud vs G.P. KPK etc

Presented by _____ on behalf of _____ Entered
in the relevant register.

Put up alongwith main case _____

REGISTRAR

Last date fixed	
Reason(S) for last adjournment, if any by the Branch Incharge.	
Date(s) fixed in the similar matter by the Branch Incharge	
Available dates Readers/Assistant Registrar branch	

Assistant Registrar

REGISTRAR