

30.03.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. The Court time is over therefore, case is adjourned to 20.6.2016 before D.B.



Member
(Executive)



Chairman

20.06.2016

Appellant in person and Mr. Aziz Shah, HC alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard ~~due to~~ learned Member (Judicial) is on leave. To come up for arguments on 28.10.2016.



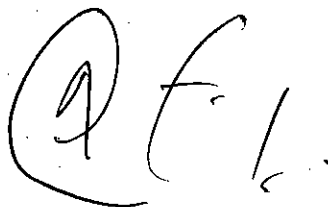
Member

28.10.2016

Counsel for the appellant and Mr. Mohammad Jan, GP for respondents present.

Vide our detailed judgment of to-day in the connected service appeal 1493/13 titled "Kaleemullah-vs- S.P Headquarter, Police Line, Peshawar and others", this appeal is also dismissed as per detailed judgment referred above. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
28.10.2016



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

12.11.2014

Appellant in person and Assistant Advocate General for respondents present. The Tribunal is incomplete. To come up for rejoinder along with connected appeals on 13.02.2015.



Reader

13.02.2015

Counsel for the appellant and Addl. A.G for respondents present. Rejoinder submitted. The case is assigned to D.B for final hearing/arguments alongwith connected appeals for 25.08.2015.



Chairman.

25.08.2015

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Learned counsel for the appellant requested for adjournment. To come up for Arguments alongwith connected appeals on 25-1-2016



Member



Member

25.01.2016

Counsel for the appellant and Addl. AG for respondents present. Due to not availability of D.B; therefore, the case is adjourned to 30/3/16 for arguments.



Chairman

3. 17.01.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. The appellant was dismissed from service under Police and Disciplinary Rules -1975 on 20.06.2013, against which he filed departmental appeal which has not been responded within the statutory period of 90 days, hence the present appeal on 24.10.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 08.04.2014.

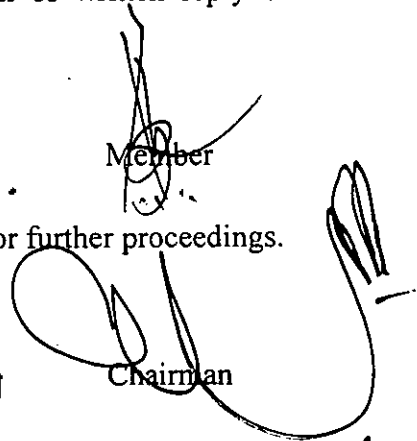
Appellant Deposited
Security & Process Fee
Rs. 1800/- Bank
Receipt is Attached with File.



Member

4. 17.01.2014

This case be put before the Final Bench I for further proceedings.



Chairman

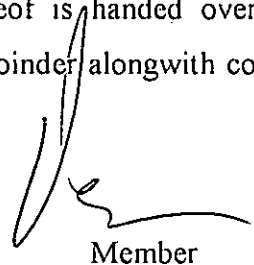
5. 8-4-14

*The Hon'ble Bench is on tour to Swat.
To come up for further proceedings 4-7-14*

Reader

04.7.2014

Appellant with counsel and Mr.Riaz Ahmad, S.I(legal) on behalf of respondents with AAG present. Written reply received on behalf of the respondents, copy whereof is handed over to the learned counsel for the appellant for rejoinder alongwith connected appeals on 12.11.2014.





Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1495/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/11/2013	<p>The appeal of Mr. Shahzad Rahim resubmitted today by Arbab Aziz Ahmad Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;">  REGISTRAR </p>
2	19-11-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>17-1-2014</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>

The appeal of Mr. Shahzad Rahim F.C No. 5175 received today i.e. on 24.10.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Addresses of respondent Nos. 1 & 2 are incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal Rules 1974.
- 2- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.
- 4- Memorandum of appeal may be got signed by the appellant.
- 5- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 6- Copies of FIR and impugned order are illegible which may be replaced by legible/better one.
- 7- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal in file cover.

No. 1514 /S.T,

Dt. 24/10 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Arbab Aziz Ahmad Khan Adv. Peshawar.

Sir

Re Submitted after completion

~~A~~ *AU*
ARBAB AZIZ AHMED
Khyber
Peshawar

21/11/2013

BEFORE THE CHAIRMAN SERVICES TRIBUNAL, K.P.K,
PESHAWAR.

Service Appeal No. 1495/2013

Shehzad Rahim(Appellant)

VERSUS

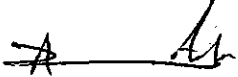
S.P. Headquarter and others.....(Respondents)

I N D E X

S.No	Description of Documents	Date	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of the parties		7
4.	Copy of F.I.R with better copy	A	8-8/A
5.	Copy of Charge Sheet and reply	B & C	9-11
6.	Copy of Final Show Cause notice and reply	D&E	12-14
7.	Copy of order dated 20/06/2013	F	15
8.	Copy of departmental appeal	G	16-18
9.	Wakalat Nama		19


Appellant
Shehzad Rahim

Through


Arbab Aziz Ahmad
Advocate High Court,
Peshawar.
Cell No. 0333-9139166

Dated: 07/11/2013

BEFORE THE CHAIRMAN SERVICES TRIBUNAL, K.P.K,
PESHAWAR.

Service Appeal No. 1495/2013

A.W.F. Peshawar
Case No. 1517
24-10-13

Shehzad Rahim FC No. 5175

S/o Rahim Ullah R/o Sardheri, Charsadda presently Forest Colony House No. E-8, Peshawar.....(Appellant)

VERSUS

1. S.P. Headquarter, *police line Peshawar*
 2. C.C.P.O, Peshawar. *police line Peshawar*
 3. Provincial Police Officer, *police line C.P.O Peshawar*
- Khyber Pakhtunkhwa, Peshawar.....(Respondents)

APPEAL UNDER SECTION 4 OF THE
SERVICE TRIBUNAL ACT, 1974, AGAINST
THE ORDER DATED 20/06/2013 PASSED BY
RESPONDENT NO. 1, WHEREBY THE
APPELLANT HAS BEEN AWARDED THE
PUNISHMENT DISMISSAL FROM SERVICE
WITH IMMEDIATE EFFECT.

Prayer:

Ac-submitted to
and filed.

On acceptance of this appeal, the impugned order dated 20/06/2013 of the respondent No. 1 may kindly be set aside, and the appellant may kindly be order to the reinstated in service with all back benefits.

Handwritten signature
11/11/13

Respectfully Sheweth:

1. That the appellant was appointed as Constable in Police Department and serviced at different places unblemished record.
2. That the appellant performance was upto the mark and no chance of complaint is ever given to his seniors.
3. That unfortunately the appellant was falsely implicated in Case F.I.R No. 1057 dated 24/10/2012 u/s 17 (3) Haraba/ 412 PPC at Police Station Pararipura, in which the appellant was arrested and was released on bail by the Hon'ble Peshawar High Court, Peshawar on 25/03/2013 and thereafter the appellant joined his service. Furthermore the case is pending trial before the learned ASJ, Peshawar. (Copy of F.I.R is attached as annexure "A").
4. That formal departmental inquiry was initiated against the appellant when he was in jail, where an inquiry proceedings major punishment was recommended vide inquiry report No. 10/C-S/R dated 10/01/2013. (Copy of Charge Sheet and reply are enclosed as annexure "B" & "C").
5. That thereafter an illegal inquiry was conducted and the appellant was thereafter issued final Show Cause notice which was duly replied. (Copy of Final Show Cause notice and reply are enclosed as annexure "D" & "E").

6. That finally the appellant was awarded the punishment of dismissal from service by respondent No.1 vide order dated 20/06/2013. (Copy of order dated 20/06/2013 is enclosed as annexure "F").
7. That feeling aggrieved from the order dated 20/06/2013, the appellant filed departmental appeal before respondent No. 2, but without any fruitful result. (Copy of departmental appeal is attached as annexure "G").
8. That the appellant has not been found guilty of any offence and have never been convicted upto till now by any Court of law, therefore, the impugned order dated 20/06/2013, is against the law, facts, principles of justice on grounds inter-alia as follows:

GROUND:

- A. That the appellant is a law abiding citizen of Islamic Republic of Pakistan and is totally innocent and implication of appellant in the offence is due to ulterior motives in order to disgrace the appellant in general public.
- B. That there is no direct or indirect/ circumstantial evidence against the appellant, which could connect the appellant in the commission of alleged offence.
- C. That the complainant and eye witnesses of the case who are alleged victims of the alleged offence, appeared before the Hon'ble Peshawar High Court and sworn affidavit regarding the innocence of the appellant, furthermore,

categorically stated before Hon'ble Peshawar High Court, that the appellant is innocent and implicated in the case due to misunderstanding.

- D. That the act of the respondents is against the settled principles of law that no person can be punished until proved guilty by the competent Court of law.
- E. That the impugned order is illegal and void ab-initio, liable to be set aside, being passed order misapplication of law.
- F. That the case of the appellant has not been decided by any competent Court of law, and is still awaiting for trial proceeding, thus the dismissal order of the appellant by the authority is illegal and without any force.
- G. That the appellant has not been treated according to law which act of the respondents is against the fundamental rights guaranteed by the Constitution.
- H. That no proper inquiry was conducted to find out the true facts.
- I. That the appellant was not provided the opportunity of personal hearing.
- J. That the appellant has 04 years of service with unblemished service record.

K. That appellant seeks permission of this august Tribunal to relay on additional grounds at the hearing of titled appeal.

It is, therefore, humbly prayed that on acceptance of this appeal, the impugned order 20/06/2013 may kindly be set aside and the appellant may kindly be reinstated in service with all back benefits.

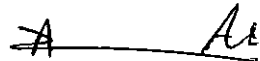
Or

Any other relief which this august Tribunal deems appropriate may kindly be awarded to meet the ends of justice.



Appellant
Shehzad Rahim

Through



Arbab Aziz Ahmad
Advocate High Court,
Peshawar.

Dated: 07/11/2013

8

BEFORE THE CHAIRMAN SERVICES TRIBUNAL, K.P.K,
PESHAWAR.

Service Appeal No. _____/2013

Shehzad Rahim(Appellant)

VERSUS

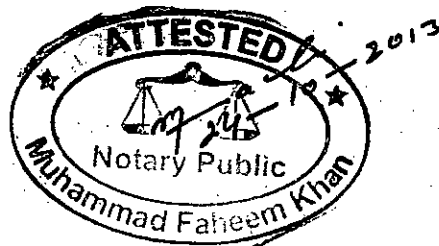
S.P. Headquarter and others.....(Respondents)

AFFIDAVIT

I, **Arbab Aziz Ahmad**, Advocate Peshawar, as per instructions of my client, do hereby solemnly affirm and declare that all the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



ADVOCATE



BEFORE THE CHAIRMAN SERVICES TRIBUNAL, K.P.K,
PESHAWAR.

Service Appeal No. _____/2013

Shehzad Rahim(Appellant)

VERSUS

S.P. Headquarter and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

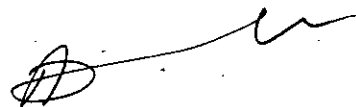
Shehzad Rahim FC No. 5175
S/o Rahim Ullah R/o Sardheri, Charsadda presently Forest
Colony House No. E-8, Peshawar.

RESPONDENTS:

1. S.P. Headquarter,
2. C.C.P.P, Peshawar.
3. Provincial Police Officer,
4. Khyber Pakhtunkhwa, Peshawar.

Appellant

Through



Dated: 24/10/2013

Arbab Aziz Ahmad
Advocate High Court,
Peshawar.

ابتدائی اطلاعی رپورٹ

ATTESTED
ACCEPTED

ضلع پشاور

تھانہ بہاری پورہ

تاریخ و وقت وقوعہ 24/10/12 وقت 15:45 بجے

عدت نمبر 1057

تاریخ و وقت رپورٹ	12-10-24 وقت 15:18 بجے
نام و سکونت دہندہ و موقعیت	ارشاد علی ولد محبتانہ حسین قوم افغان بھکر 40 سال سنہ شمسی 1390
مختصر کیفیت جرم (مہ دفعہ) حال اگر کچھ لیا گیا ہو	(3) 17 حرابہ
جائے وقوعہ فاصلہ تھانہ سے اور سمت	مولٹروے نزد رنگ روڈ بطرف پشاور
نام و سکونت ملزم	
کاراؤں جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو۔	موسیٰ آبی رپورٹ پر مقدمہ درج رجسٹر کیا جاتا ہے۔
تھانہ سے روانگی کی تاریخ و وقت	دطور سپیشل رپورٹ

ابتدائی اطلاع نیچے درج کرو

موسیٰ خانہ نبرہ بشمول تیمور ولد عبد الغفور، مازبیہ شاہ ولد امیر محمد سنہ 1390 کوراندہ - حبران بحاضری تھانہ آگر موسیٰ یوں رپورٹ کرتا ہے۔ کہ میں حبران میں منی ایکسچینج کاروبار کرتا ہوں۔ اندوز بوتل قریب 2،45 بجے دوپہر میں مولٹو کارنر IDT/7263 کنولامائل 1998، 99 برنڈ سفید میں ہمراہ بیان حاضرہ کے پشاور چوک یادگار کلبے روانہ ہوئے تاکہ وہاں پر فارن کرنسی کو پاکستانی کرنسی میں تبدیل کرنے جو یہی مولٹروے ٹول پلازہ پشاور سے باہر بطرف پشاور نکلے تو ٹھوڑا سا آگے روڈ کے کنارے آئیڈ پب اپ برنڈ سفید ٹھوڑی تھی جس میں سوار کسان پولیس کی جوینٹام اور چند سفید پارچات میں مسلح موجود تھے۔ نے رتنے کا اشارہ کیا۔ اسکو خاطر نہ لا کر آگے چلے گئے لیکن اسی پب اپ والوں نے یہاں تعاقب شروع کیا اور پیپڈ لائٹس اور اشارے رتنے کیلئے کرتے رہے جو یہی ہتمام وقوعہ بوتل وقوعہ پہنچے تو انہوں نے ہمیں قابو کر کے بتایا کہ اب لوگوں نے اشارے کی تعمیل کیوں نہ کی اور ٹوڑا گاڑی سے اتار کر اپنی گاڑی کے اندر بٹھایا اور ہمارا گاڑی انہیں کے آئیڈ اپنی نے روانہ کی۔

ہمیں آئی او ڈی پر نظر قانون شہزادہ وائیڈ اگالونی کے اندر نے جاکر ویران جگہ
 پر باری باری ہم تینوں کی تلاش کر چھو سے مارم کر نسس سعودی ریاست
 (3) ڈاکو اور پاکستان کر نسس ایک ڈاکو روپے موبائل نوکیہ سم نمبر 03005958076 اور
 اور تیمور سے سعودی ریاست ستر ہزار مٹمہ عربیہ امالات درہم/7250 قطر ریاست 500 اور
 موبائل سم نمبر 8028181-0312 اور زبیر شاہ سے موبائل فون نوکیہ سم نمبر
 0301-8303324 پیکر ہمیں سر کرنے دیکھنے کا کہا اور جملہ تیسرا اپنی گاڑی
 میں ارفو چکر ہو گئے۔ ہنزا اپنے آپ سے رقم متذکرہ بالا موبائل سیٹ اور
 پیکر تیسرا سے رقم بالا اور موبائل سیٹ بالا اور موٹر کار نمبر IDJ/7563
 جس میں میرا لائسنس اور پستول 30 بور مجھے لائسنس کا پی جھینے کا ذکر ہے
 کسان پک اب سرور سات کسان جن میں سے چاد کسان پولیس یونٹوں
 اور تین سفید پارچہ میں ملبوس تھے جنکو سامنے آنے پر تفتیش کر سکتے ہیں
 دلوں پر ہوں، کاروائی ہوتے، العبد تیمور ولد عبد العفور سائن کس کو اس
 مردان نے رپورٹ بالا کی تائیدی، العبد زبیر شاہ ولد امیر محمد سکنہ سن کرانہ
 مردان نے رپورٹ بالا کی تائیدی، کاروائی حسب نفاذ سائیلان کے رپورٹ درج بالا
 ہوئی، پڑھ کر درستی کے العبدات ثبت کر کے جسی میں تفتیش کرنا ہوں
 مضمون رپورٹ سے سردست بصورت جرح بالا ہال جا کر پرحہ بحرام درج رپورٹ
 جناب SHO صاحب اور انسپران بالا کو بطور سپیشل رپورٹ اطلاع دی گئی،
 نقول پرحہ جات بغرض تفتیش کے حوالہ زبیر عالم خان (Zir) محمد
 نیراتے جاتے ہیں، پرحہ بطور سپیشل رپورٹ گزارش ہے۔

MASIPs Para

24-10-2012

CHARGE SHEET

(9)

Annexure "B"

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that S/ASI Noor Islam No.1436, DFC Waseem No.3757, FC Shehzad No.5175, & FC Kaleem No. 5174 of Capital City Police Peshawar with the following irregularities.

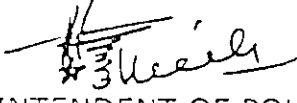
"It has been reported that you S/ASI Noor Islam No.1436, DFC Waseem No.3757, FC Shehzad No.5175, & FC Kaleem No. 5174 while posted at Police Lines, Peshawar along with Inspector Yousaf Raza of IB department have been looted three laces Saudi Riyals from one Arshid Ali s/o Mumtaz Ali r/o Kas Koroona Shamsi Road Mardan at Ring Road near Motor Way Enter Change PS Phari Pura. A case to this effect was registered against you vide FIR No.1057 dated 24.10.2012 u/s 17(3) Haraba/412 PPC/13-AO/7 ATA PS Phari Pura. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case exparte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

ATTESTED
A S A
ACCEPTED

DISCIPLINARY ACTION

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that S/ASI Noor Islam No.1436, DFC Waseem No.3757, FC Shehzad No.5175, & FC Kaleem No. 5174 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

STATEMENT OF ALLEGATION


"It has been reported that S/ASI Noor Islam No.1436, DFC Waseem No.3757, FC Shehzad No.5175, & FC Kaleem No. 5174 while posted at Police Lines, Peshawar along with Inspector Yousaf Raza of IB department have been looted three laces Saudi Riyals from one Arshid Ali s/o Mumtaz Ali r/o Kas Koroona Shamsi Road Mardan at Ring Road near Motor Way Enter Change PS Phari Pura. A case to this effect was registered against them vice FIR No.1057 dated 24.10.2012 u/s 17(3) Haraba/412 PPC/13-AO/7 ATA PS Phari Pura. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations, an enquiry is ordered and DSP-Civil Sect & Ri is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

ATTESTED
A. S. H.
ACCEPTED


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 1020 /E/PA, dated Peshawar the 13/11 /2012

- 1 DSP/Civil Sect / Ri is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.
- 2. Official concerned

حوالہ چارج ٹیسٹ 1020 مورخہ 13/11/12 E/PA

سرود بانڈ ٹرانزیشن کے لیے ایف آئی آر نمبر 1057 تھا کہ سیارہ کی پورہ

مورخہ 24/10/12 سے اس کے خلاف ایک سو چالیس سو چالیس سیارہ کے خلاف

انتظامی کارروائی کے تحت 17 جمادی الثانی 1435ھ میں نامزدہ جرم میں

ناجائز طور پر ملکوں میں لایا گیا ہے جس سے اس کو حقیقت میں ہمارا

کوئی واسطہ تعلق یا توئی عمل دخل نہیں تھا اور اس میں

میں بالواسطہ یا بلاواسطہ حصہ لیا ہے اور اس وقت

میں کوئی بلا مقدمہ عدالت مجاز زیر سماعت ہے جس سے عینہ

کو سائل کی گناہگاری اور بے گناہی کا ثبوت سامنے آئے گا

اور بعد از عینہ عدالت انجمن سائل کی متعلق جو بھی حکم صادر

ہو گا اس کے لیے سائل کو بے گناہ منظر و قبول ہے جبکہ

تو عینہ عدالت انجمن سائل کے خلاف حکم صادر ہو گا

جس سے عدالت عینہ تک سائل کو موقع صفائی دیوں

ATTESTED
A. S. A.
ACCEPTED

مستزاد حسنی (FC) وادارہ حسنی ساکن پونہور سی ایس ایس (پ.ف.ا) اور (P.F.A)

FINAL SHOW CAUSE NOTICE

I Superintendent of Police, Headquarters, Capital City Police, Peshawar as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve you S/ASI Noor Islam No.1436, DFC Waseem No.3757, FC Shehzad No.5175, & FC Kaleem No. 5174 of Capital City Police, Peshawar as follows.

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

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

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

"It has been reported that you S/ASI Noor Islam No.1436, DFC Waseem No.3757, FC Shehzad No.5175, & FC Kaleem No. 5174 while posted at Police Lines, Peshawar along with Inspector Yousaf Raza of IB department have been looted three laces Saudi Riyals from one Arshid Ali s/o Mumtaz Ali r/o Kas Koroona Shamsi Road Mardan at Ring Road near Motor Way Enter Change PS Phari Pura. A case to this effect was registered against you vide FIR No.1057 dated 24.10.2012 u/s 17(3) Haraba/412 PPC/13-AO/7 ATA PS Phari Pura. This amounts to gross misconduct on your part and is against the discipline of the force."

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Disciplinary Rules 1975 for absence willfully performing duty away from place of posting.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 7 days of its delivery, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parate action be taken against you.

5. The copy of the finding of the enquiry officer is enclosed.

SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. _____/PA, SP/HQrs: dated Peshawar the _____/2013.

Copy to official concerned

ATTESTED
A S An
ACCEPTED

(13)

Annexure "E"

The Superintendent of Police
Headquarter, Peshawar

Subject: FINAL SHOW CAUSE NOTICE

In response of Final Show Cause Notice issued vide No. 1020/PA, SP/Hqrs; Dated Peshawar the 14/01.2013 served upon me on dated 22.01.2013;

Detail reply on part of undersigned is as under;

1) Preliminary objection:

1. That being confined in Judicial lock-up no opportunity has been given to me to appear before the enquiry officer and to depend myself / clarify my position which is against article 10-A of the Constitution of Islamic Republic of Pakistan and Article 10 of Universal Declaration of Human Rights.
2. That any finding of enquiry officer, which too not delivered to me will fall within the ambient of "Audi Alter am Partem", hence, any such findings vitiate ab-initio in the eye of law.

ATTESTED
A & A
ACCEPTED

2) Explanation:

1. That as evident from FIR NO. 1057 no person including me was charged by name, rather my nomination among the other is the result of deliberation and consolation after a fatal and un explained delay.
2. That neither I committed any such like crime, nor have any sort of nexus in the alleged transaction.

(14)

3. That the only iota of evidence against me is the so-called identification Parade, which was conducted after a delay and that too; after the sou-moto action of the learned Judge ATC Peshawar which was held as null and void by the Honorable Chief Justice of the August Peshawar High Court vide Judgment dated 17.01.2013 in Writ Petition No. 3181-P/2012 and section 7 ATA has been deleted vide the above mentioned order, copy of which annexed.

4. That the so-called identification parade is null and void in law because the identification had seen me five (05) times in police station prior the ID-Parade and the same fact has also been mentioned by the learned Judicial Magistrate, who conducted Identification parade.

5. That challan has already been put in the competent court and the trial has been commenced and will be concluded in the near future, hence any negative findings will prejudice my case.

ATTESTED
A. G. M.
ACCEPTED

It is therefore humbly prayed that:

1. -Charge sheet against me may graciously be withdrawn.

Or

2. This enquiry be postponed till the decision of the trial.

Yours Obedient

Shahzad Rahim (F.C.)

No. 5175

ORDER

(14) (15)

Annexure 2

This office order relates to the disposal of formal compartmental enquiry against S/ASI Noor Islam No.1436, DFC Waseem No.3757, FC Shehzad No.5175 & FC Kaleem No.5174 of CCP, Peshawar on the allegations/charges of involvement in a criminal case that:

"On 24.10.2012 they along with Inspector Yousaf Raza of IS Department have been looted three laces Saudi Riyals from one Arshid Ali s/o Mumtaz Ali r/o kas koroona Shamsi Road Mardan at Ring Road near Motor Way Enter Change PS Phari Pura. A case to this effect was registered against them vide FIR No.1057 dated 24.10.2012 u/s 17 (3) Haraba/412 PPC/13-AO/7 ATA PS Phari Pura."


In this connection, they were placed under suspension vide O.B No.4088 dated 14.11.2012. Formal departmental enquiry was initiated. DSP Civil Secretariat & RI Police Lines Peshawar was appointed as Enquiry Officer. They conducted the enquiry proceedings & submitted reports/finding that the accused officials found guilty of the misconduct and tarnished the image of the whole Police Force in the eyes of general public. The E.Os further recommended that major punishment may be awarded to all accused officials vides Enquiry Report No.10/C-S/R dated 10.01.2013.

Upon the finding of E.Os, they were issued final show cause notice and served upon the accused officials through Jail authorities vide letter No.210 dated 15.01.2013 to which they received & replied.

Upon which the opinion of DSP Legal was sought. He opined that the accused officials have committed gross misconduct by looting/snatching a huge amount from innocent citizen. Their act has brought bad name to the Police Department their departmental enquiry if concluded in light of recommendation of Enquiry committee may be disposed off by awarding them major punishment from the date when they committed offence.

In the light of recommendations of E.Os & DSP Legal opinion and other material available on record, it has been proved beyond any shadow of doubt that they are guilty of the charges and not deserve an iota of leniency, as he defaming the image of Police Department in the eyes of general public. Therefore, S/ASI Noor Islam No.1436, DFC Waseem No.3757, FC Shehzad No.5175 & FC Kaleem No.5174 are hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect.

ATTESTED
ACCEPTED


SR: SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

O.B No. 2216 dated 30-6- /2013
No. 2256-64/PA, dated Peshawar, the 31/6/2013

Copy forwarded for information & n/action to:

1. The Capital City Police Officer, Peshawar.
3. The SSP/Operation Peshawar.
5. DSP/Hqrs, Peshawar.
6. Pay Officer/R.I Police Lines Peshawar.
7. OASI, CRC & FMC along-with complete departmental file.
8. Official concerned.

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Annexure 'G'

BEFORE THE CHIEF CAPITAL CITY POLICE OFFICER,
PESHAWAR.

Departmental Appeal No. 2999 of 2013

Shehzad Rahim FC No. 5175 Son of Rahim Ullah R/o
Sardhary Charsadda presently Forest Colony House No.E-8
Peshawar.

..... Appellant

VERSUS

SR. Superintendent of Police, Head Quarters, Peshawar.
..... Respondents

DEPARTMENTAL APPEAL AGAINST THE
ORDER DATED 20/06/2013 PASSED BY THE
SR. SUPERINTENDENT OF POLICE, HEAD
QUARTERS, PESHAWAR, WHEREBY I HAVE
BEEN DISMISSED FROM SERVICE.

ATTESTED
As An
ACCEPTED

Respected Sir,

The appellant submits as under:

- 1) That appellant was appointed as constable in Police Department dated December 2009 served at different places with unblemished record.
- 2) That the appellant performance was upto the mark and no chance of complaint is ever given to his

3000 in field
Department Appeal
NO-3000-08-2013

(17) (4)

3) That unfortunately the appellant was falsely implicated in Case FIR No.1057 dated 24/10/2012 U/S 17 (3) Harab/412 PPC at Police Station Paharipura, in which the appellant was arrested and was released on bail by the Hon'ble Peshawar High Court, Peshawar on 25/03/2013 and thereafter the appellant joined his service.

4) That the appellant has not been found guilty of any offence and have never ^{been} convicted up till now by any Court of law, therefore, the impugned order dated 20/06/2013, is against the law, facts, principle of justice on grounds inter-alia as follows:

APPESTED
As
ACCEPTED

Grounds:

- a) That the appellant is a law abiding citizen of Islamic Republic of Pakistan and is totally innocent and implication of appellant in the offence is due to ulterior motives in order to disgrace ^{the} appellant in general public.
- b) That there is no direct or indirect/circumstantial evidence against the appellant, which could connect the appellant in the commission of alleged offence.
- c) That the complainant and eye witnesses of the case who are also alleged victims of the allege

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offence, appeared before the Hon'ble Peshawar High Court and sworn affidavit regarding the innocence of the appellant, ~~and~~ furthermore, categorically stated before Hon'ble Peshawar High Court, that the appellant is innocent and implicated in the case due to misunderstanding.

d) That the impugned order is illegal and void ab-initio.

e) That the case of the appellant has not been decided by any competent Court of law, and is still awaiting for trial proceeding, thus the dismissal order of the appellant by the authority is illegal and without any force.

It is, therefore, humbly prayed that on acceptance of this departmental appeal the impugned order may kindly be set aside and the appellant may kindly be reinstated in service with all back benefits.

Dated 26/06/2013

Yours Sincerely,



Shehzad Rahim
FC No. 5175

0332 9082510

ATTESTED
~~A A~~
ACCEPTED

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**

Service Appeal No.1495/2013.

Shehzad Rahim Ex-Constable No. 5175.....Appellant.

VERSUS.

- 1- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2- Capital City Police Officer, Peshawar.
- 3- Superintendent of Police Head quarter,
Peshawar.....Respondents.

Reply for behalf of Respondents 1, 2 and 3.

PRELIMINARY OBJECTIONS.

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi .
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant concealed the material facts from Honorable Tribunal.

FACTS:-

- 1- Para No. 1 pertains to record, hence needs no comments.
- 2- Para No. 2 is for the appellant to prove.
- 3- Para No.3 pertain to honorable court, hence needs no comments.
- 4- Pertains to record. However the department initiated departmental enquiry. The enquiry officer fulfilled all the codal formalities and was awarded the major punishment. (Enquiry report is annexed as annexure A).
- 5- Para No. 5 is totally incorrect and baseless. A proper departmental enquiry was conducted by SP Headquarter. The appellant was properly served with show cause notices which were duly replied by the appellant. As the reply of the appellant was not satisfactory, hence, he was awarded major punishment.
- 6- Para No. 6 pertains to record, hence needs no comments.

- 7- Para No 7 correct to the extent that departmental appeal was filed by the appellant but was rejected\filed after due consideration because the punishment order passed by the competent authority, as per the law and rules. (order annexed as B).
- 8- Para No. 8 is incorrect and baseless. The appellant was found guilty of snatching\looting a huge amount from innocent citizens. A case vide FIR No 1057 dated 24.10.2012 U\S 17(3) Haraba 412 PPC, 13-AO, 7ATA PS Phari Pura was registered against him. A proper enquiry was conducted by SP Headquarter. The enquiry officer concluded that the appellant tarnished the image of the police department, thus he was not deserve any leniency. Hence he was awarded major punishment as per the law and rules.

GROUND:-

- A- Incorrect. The appellant was found guilty of looting three lac Saudi Riyals and an amount of one lac Pakistani rupees from one Mr. Arshad ali s/o Mumtaz ali R/o Kas Koroona Shamsi road Mardan. Hence the punishment awarded was legal and according to law/rules.
- B- Incorrect. Proper enquiry was conducted against the appellant. A case vide FIR No 1057 dated 14.10.2012 U/S 17 (3) Haraba 412 PPC, 13-AO, 7ATA was registered against him. In departmental enquiry appellant was found guilty.
- C- Incorrect. The appellant committed a gross misconduct and he defamed the image of police department in the eyes of general public.
- D- Incorrect. The appellant was proved guilty after conducting a proper enquiry against him.
- E- Incorrect. The order of major punishment was passed by the competent authority after conclusion of a denove enquiry. Hence the order passed by the competent authority is legal and liable to be up held.
- F- Incorrect. Para already replied in preceding paras. However criminal proceedings in court of law and departmental proceedings are different and can go side by side.
- G- Incorrect. The appellant was treated as per the law/rules. No injustice was done to him.

- H- Incorrect. Proper enquiry was conducted by the enquiry officer. After conclusion of the enquiry, he was found guilty and thus was awarded major punishment.
- I- Incorrect. The appellant was served with show cause notice from time to time which he replied. But his reply was not satisfactory, hence he was awarded major punishment.
- J- Para not related. No comments.
- K- That the respondents also seek permission of this honorable tribunal to raise additional grounds at the time of arguments.

PRAYER.

Keeping in view the above facts, it is therefore prayed that the subject appeal may kindly be dismissed.



**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**



**Capital City Police Officer,
Peshawar.**



**Superintendent of Police,
HQrs:, Peshawar.**

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

Service Appeal No.1495/2013.

Shehzad Rahim Ex-Constable No.5175.....Appellant.

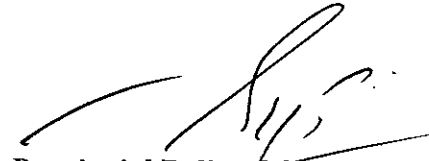
VERSUS.


1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police H/Q, Peshawar.

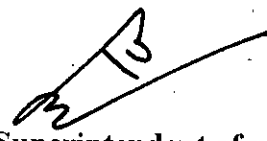
.....Respondents.

AFFIDAVIT.

We respondents 1 to 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.


Capital City Police Officer,
Peshawar.


Superintendent of police,H/Q
Peshawar.

(5)

ENQUIRY REPORT AGAINST

1-S/ASI NOOR ISLAM NO.1436, 2) DFC WASEEM NO. 3757, 3)
KALEEMULLAH5174 AND 4) SHEHZAD NO.5175.

Sir,

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Facts leading to the instant departmental enquiry against the police officers/officials named above are that on 24.10.2012, complainant Arshad Ali s/o Mumtaz Hussain r/o Mardan in accompany with Taimur s/o Abdul Ghafoor and Zubair Shah s/o Amir Mohammad r/o Kass Koroona Mardan came to Police Station Pahari Pura and reported that they deal in money Exchanger. They left Mardan for Peshawar in their Motor Car bearing No.7583/IDJ Corolla Model 1998-99 white colour in order to Change Foreigner Currency into Pakistani Currency, as they crossed Motorway Toll Plaza, they saw a Pick up white colour standing on road side at motor way wherein 07 persons out of some were in Police uniform and some were in plain clothes, signaled them to stop, but they ignored the signal and continued crossing their way to Peshawar. They chased us and signaled us with lights and at last we were intercepted by them near Ring Road in the limits of Police Station Paharipura. They in aggressive mode asked us why they did not comply with the signal to stop and pull down us from our vehicle and took us towards Wapda colony at Nowshera. They searched us and snatched 03 lacs Saudi Riyal, One Lac Pakistani rupees and one Nokia SIM No.0300-5958076 from his (Complainant), 70,000 Saudi Riyal, 7250 UAE Darham, 509 Qatar Riyal and mobile Cell No.0312-8028181 from Taimur and one Mobile Cell No.0301-8303324 from Zubair Shah. Beside they also snatched Motor Car No.7583/IDJ, 30 bore pistol along-with license copy lying in motor car. They threatened us of dire consequences in case of reporting the matter to any and went away. The complainant added that they can identify the accused on appearance. As such on the report of complainant a criminal case vide FIR No.1057 dated 24.10.2012 u/s 17(3)/412/13-AO/ 7-ATA was registered in Police Station Paharipura against unknown accused.

As the case was of serious nature and recovery of stolen property and arrest of accused was a serious challenge for the local police Peshawar, therefore an Investigation Team comprising of the following Police Officers was constituted to trace the real culprits and recover the stolen property:-

- 1-Shafeeullah Khan DSP/Investigation City-II Peshawar
- 2-Sub-Inspector Zahid Alam O.I./PS Paharipura.
- 3-Sub Inspector Zakir Khan I.O PS Paripura.

The Investigation Team was assigned the task of recovery of stolen property and arrest of real accused by the high ups. The Investigation Team started their sincere efforts to work out the task assigned to them. Subsequently after taking painstaking step the Investigation Team succeeded in digging out the

real position of the case and traced the Govt. vehicle bearing No.A-1103 Peshawar which was used in the commission of offence. The Team also arrested accused Shahzad Raheem, Waseem Javaid, Kaleemullah, Noor Islam and Syed Yousaf Raza being suspected in the above criminal case. 02 days Police Custody was granted by the Court of Law for their interrogation. During the course of interrogation the above named accused were disclosed as member of the Police Force. During the course of interrogation following stolen property recovered from the accused as noted against each their name:-

- 1- S/ASI Noor Islam = Rs.747000/- Pakistani currency, 4800 Saudi Riyal, one Kalashnikov No.386564103236 along-with 15 cartridges of 7.62 bore & one 9-MM Pistol No.1193280 along-with 28 cartridges.
- 2-Driver Wasim Javed = 5,50,000/- Pakistani Currency
- 3-FC Kaleemullah = 4,78,000/- Pakistani Currency.
- 4-FC Shehzad Raheem = 19,500 Saudi Riyal and
- 5-IB Insp: Yousaf Raza = 10,000/- Saudi Riyal, 500 Qatar Riyal, 260 Darham UAE, & Rs.29500/-

All the accused were remanded to Central Jail Peshawar on expiry of their custody. The accused during identification parade at Central Jail Peshawar were identified by the complainant to be the same by whom they were intercepted and their amount was looted. All the recovered articles were taken into possession by Police under the law.

As the accused were reported to be members of the Discipline Force and their act was amounted to a gross misconduct on their part, therefore, Summary of Allegation and Charge Sheet were issued to them and an Enquiry Committee consisting of the under-signed was constituted for conducting proper enquiry into the allegation against the defaulters.

To ascertain the factual position of the case, copy of the Charge Sheet & Summary of Allegation was served upon the defaulter officials through Jail Authorities as they were behind the bars at Central Prisons Peshawar with the directions to submit their written reply of the charge sheet within stipulated period.

S/ASI Noor Islam submitted his written reply stating therein that he has falsely been charged in the afore-said mentioned criminal case. He added that the case registered against him is false and concocted one. He denied the allegations leveled against him and requested that the criminal case registered against him is subjudice before the Court therefore, the instant departmental enquiry may be kept pending till the final decision of the court.

Reply of the constable Shehzad Raheem s/o Rahimullah r/o University Town Peshawar was also received. He deposed that he has been falsely

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charged in the above case. He further added that the case registered is frivolous and concocted one. He also requested for keep pending the departmental enquiry till the final order of the court as the case is pending in the court and has not yet been decided.

Similarly reply of the defaulter constable Kaleemullah was also received, which was thoroughly perused. He also narrated that same story as mentioned in the statement of his co-accused mentioned above.

Reply of the defaulter driver constable Waseem No.3757 has not yet been received inspite of the service of charge sheet upon him through Jail Authorities which speaks that he is deliberately avoiding to join proceeding of the departmental enquiry and reluctant to defend himself.

S.I Zahid Alam O.I.I PS Paharipura was summoned and his statement was recorded who in his statement deposed that he was present in Police Station when the matter was reported by the complainant in Police Station. He added that during the course of investigation he arrested the above suspects and on their pointation, stolen property as mentioned above were recovered from their possession. He added that the defaulter officials mentioned above are the real culprits as they were denitrified by the complainant during identification parade.

Similarly S.I Zakir Khan I.O was also summoned and his statement was recorded he also supported the statement of the S.I Zahid Alam Khan. He added all the recovery of stolen property was made in his presence which were taken into custody as per law and he has affixed his signature over the recovery memo.

The under-signed also summoned complainant Arshad Ali and his companion i.e. Taimur and Zubair Shah and their statements were recorded. They in their statements narrated the same story as explained in the above brief back ground of the case. The complainant & Taimur added that they identified the accused, Driver FC Waseem Javaid, FC Kaleemullah, Noor Islam S/ASI & Shahzad Raheem, and Syed Yousaf Raza while Zubair only identified Noor Islam and Shahzad Raheem during identification parade.

The complainant, eye witnesses and other relevant persons were called, they all along-with the under-signed went to the Jail. The accused were given full

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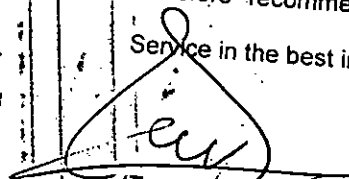
opportunity to cross examine. The procedure was completed in the presence of Jail Authorities.

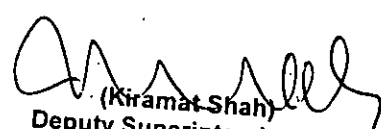
NO 20-E-CB
6-2-2013

To sum up the enquiry proceedings, the under-signed after going through the material available on record have found the defaulter officials guilty of the misconduct. Being member of Discipline Force they, by committing such heinous offence/gross misconduct have tarnished the image of the whole Police Force in the eyes of general public.

encl. (56)

In view of the above, it is suggested that retention of such black sheep in the Discipline Force would definitely be pre-judicial to the public safety. They are therefore recommended for award of major punishment of Dismissal from Service in the best interest general public.


(Tayyab Jan)
R.I
Police Lines, Peshawar.
10-1-2013


(Kiramat Shah)
Deputy Superintendent of Police,
Civil Secretariat Peshawar.
10-1-2013

W/SP-404

It approved They may issue

Issue final show cause notice. final show cause notice or otherwise. PA 11/1/13

S. allegation

(25)

CHARGE SHEET

I, Superintendent of Police, ~~Headquarters~~, Capital City Police Peshawar, as a competent authority hereby, charge that S/ASI Noor Islam No.1436, DFC Waseem No.3757, FC Shehzad No.5175, & FC Kaleem No. 5174 of Capital City Police Peshawar with the following irregularities.

"It has been reported that you S/ASI Noor Islam No.1436, DFC Waseem No.3757, FC Shehzad No.5175, & FC Kaleem No. 5174 while posted at Police Lines, Peshawar along with Inspector Yousaf Raza of IB department have been looted three ~~hundred~~ Saudi Riyals from one Arshid Ali s/o Mumtaz Ali r/o Kas Korona Shamsi Road Mardan at Ring Road near Motor Way Enter Change ~~PS Pari Pura~~. A case to this effect was registered against you vide FIR No. 1057 dated 24.10.2012 u/s 17(3) Haraba/412 PPC/13-AO/7 ATA ~~PS Pari Pura~~. This amounts to gross misconduct on your part and is ~~against~~ the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, ~~shall~~ reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex parte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

[Signature]
SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

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FINAL SHOW CAUSE NOTICE

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I Superintendent of Police, Headquarters, Capital City Police, Peshawar as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve you S/ASI Noor Islam No.1436, DFC Waseem No.3757, FC Shehzad No.5175, & FC Kaleem No. 5174 of Capital City Police, Peshawar as follows.

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

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

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

"It has been reported that you S/ASI Noor Islam No.1436, DFC Waseem No.3757, FC Shehzad No.5175, & FC Kaleem No. 5174 while posted at Police Lines, Peshawar along with Inspector Yousaf Raza of IB department have been looted three laces Saudi Riyals from one Arshid Ali s/o Mumtaz Ali r/o Kas Koroona Shamsi Road Mardan at Ring Road near Motor Way Enter Change PS Phari Pura. A case to this effect was registered against you vide FIR No.1057 dated 24.10.2012 u/s 17(3) Haraba/412 PPC/13-AO/7 ATA PS Phari Pura. This amounts to gross misconduct on your part and is against the discipline of the force."

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Disciplinary Rules 1975 for absence willfully performing duty away from place of posting.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 7 days of its delivery, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parate action be taken against you.

5. The copy of the finding of the enquiry officer is enclosed.

SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 1020/PA, SP/HQrs: dated Peshawar the 14/11/2013.

Copy to official concerned

To

The Superintendent of Police
Headquarter, Peshawar

78

Subject: FINAL SHOW CAUSE NOTICE

In response of Final Show Cause Notice issued vide No. 1020/PA,
SP/Hqrs; Dated Peshawar the 14/01.2013 served upon me on dated
22.01.2013;

Detail reply on part of undersigned is as under;

1) Preliminary objection:

1. That being confined in Judicial lock-up no opportunity has been given to me to appear before the enquiry officer and to depend myself / clarify my position which is against article 10-A of the Constitution of Islamic Republic of Pakistan and Article 10 of Universal Declaration of Human Rights.
2. That any finding of enquiry officer, which too not delivered to me will fall within the ambient of "**Audi Alter am Partem**", hence, any such findings vitiate **ab-initio** in the eye of law.

2) Explanation:

1. That as evident from FIR NO. 1057 no person including me was charged by name, rather my nomination among the other is the result of deliberation and consolation after a fatal and un explained delay.
2. That neither I committed any such like crime, nor have any sort of nexus in the alleged transaction.

- 3. That the only iota of evidence against me is the so-called identification Parade, which was conducted after a delay and that too; after the ~~sou-moto~~ action of the learned Judge ATC Peshawar which was held as null and void by the Honorable Chief Justice of the August Peshawar High Court vide Judgment dated 17.01.2013 in Writ Petition No. 3181-P/2012 and section 7 ATA has been deleted vide the above mentioned order, copy of which annexed.
- 4. That the so-called identification parade is null and void in law because the identification had seen me five (05) times in police station prior the ID-Parade and the same fact has also been mentioned by the learned Judicial Magistrate, who conducted Identification parade.
- 5. That challan has already been put in the competent court and the trial has been commenced and will be concluded in the near future, hence any negative findings will prejudice my case.




It is therefore humbly prayed that:

- 1. Charge sheet against me may graciously be withdrawn.
- Or
- 2. This enquiry be postponed till the decision of the trial.

Yours obedient

Shahzad Rahim (F.C.)

No. 5175




 Central Jail, Peshawar

ORDER

This office order relates to the disposal of formal departmental enquiry against S/ASI Noor Islam No.1436, DFC Waseem No.3757, FC Shehzad No.5175 & FC Kaleem No.5174 of CCP, Peshawar on the allegations/charges of involvement in a criminal case that:

"On 24.10.2012 they along with Inspector Yousaf Raza of IB Department have been looted three laces Saudi Riyals from one Arshid Ali s/o Mumtaz Ali r/o kas koroona Shamsi Road Mardan at Ring Road near Motor Way Enter Change PS Phari Pura. A case to this effect was registered against them vide FIR No.1057 dated 24.10.2012 u/s 17 (3) Haraba/412 PPC/13-AO/7 ATA PS Phari Pura."

In this connection, they were placed under suspension vide O.B No.4088 dated 14.11.2012. Formal departmental enquiry was initiated. DSP Civil Secretariat & RI Police Lines Peshawar was appointed as Enquiry Officer. They conducted the enquiry proceedings & submitted reports/finding that the accused officials found guilty of the misconduct and tarnished the image of the whole Police Force in the eyes of general public. The E.Os further recommended that major punishment may be awarded to all accused officials vides Enquiry Report No.10/C-S/R dated 10.01.2013.

Upon the finding of E.Os, they were issued final show cause notice and served upon the accused officials through Jail authorities vide letter No.210 dated 15.01.2013 to which they received & replied.

Upon which the opinion of DSP Legal was sought. He opined that the accused officials have committed gross misconduct by looting/snatching a huge amount from innocent citizen. Their act has brought bad name to the Police Department their departmental enquiry if concluded in light of recommendation of Enquiry committee may be disposed off by awarding them major punishment from the date when they committed offence.

In the light of recommendations of E.Os & DSP Legal opinion and other material available on record, it has been proved beyond any shadow of doubt that they are guilty of the charges and not deserve an iota of leniency, as he defaming the image of Police Department in the eyes of general public. Therefore, S/ASI Noor Islam No.1436, DFC Waseem No.3757, FC Shehzad No.5175 & FC Kaleem No.5174 are hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect.

E.C.
(98)

P. J. W.
SR: SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

O.B No. 2216 /dated 20-6- /2013
No. 2256-64/PA, dated Peshawar, the 20/6/2013

- Copy forwarded for information & n/action to:
1. The Capital City Police Officer, Peshawar.
 3. The SSP/Operation Peshawar.
 5. DSP/Hqrs, Peshawar.
 6. Pay Officer/R.I Police Lines Peshawar.
 7. OASI, CRC & FMC along-with complete departmental file.
 8. Official concerned.

SPHQ in Peshawar Order/Disposal order

1436 Shehzad No.5175 & FC Kaleem No.5174
5/1/13

قیمت 10 روپے



48542

ایڈووکیٹ / دستخط:
 بارکول اباد ایسوسی ایشن
 رابطہ نمبر: 0333-8144489

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سر سید محمد نسیم

منجانب: مسٹر / ایڈووکیٹ	دعویٰ:
شہزاد بنام	علت نمبر:
	موردہ نمبر:
	جرم:
	تھانہ:

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ ان مقام کے لئے آ رہا ہے۔ سر سید محمد نسیم کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر کاٹ و فیصلہ برطن دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں بند و دستخط کرنے کا اختیار ہوگا۔ نیز یہ صورت عدم پیروی یا تاخیر کرنی یا کیلڈ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر جانی و پیروی کرنے کا مختار ہوگا اور یہ صورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا سامنے پر داختم منظور قبول ہوگا اور ان مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے حساب سے ہوگا وہ وکیل موصوف وکیل کے لئے کا مختار ہوگا کوئی خارج پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی یا تاخیر کرنی، لہذا وکیل صاحب کے لئے

المرقوم: 30/3/2016

بیت گواہ شد

نسیم

Handwritten signature

Handwritten notes on the right margin: "بابت تحریر آنکہ" and "سر سید محمد نسیم"