

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

Service Appeal No 241/2015

Date of Institution... 03.03.2015

Date of decision... 06.11.2017

Fakhr Alam Shah son of Nisar Bacha R/O village Gaddar Tehsil and District,
Mardan. ... (Appellant)

Versus

1. District Police Officer, District Buner and 2 others. ... (Respondents)

MR. ASHFAQ HUSSAIN,
Advocate

... For appellant.

MIAN AMIR QADAR,
District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD HAMID MUGHAL,

... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant was dismissed from service by the District Police Officer on 11.08.2014 on the basis of a complaint filed by one Sher Zaman alleging attempt to commit unnatural offence with his nephew namely Bilal Khan. Against this order, the appellant filed departmental appeal which was rejected by the Regional Police Officer on 06.11.2014. On the file there are two copies of order of appellate authority. In one order, the appellate authority while upholding the order of District Police Officer converted the major punishment into compulsory

retirement whereas in the second copy, the order of dismissal was upheld.

Thereafter, the appellant filed the present service appeal on 03.03.2015.

ARGUMENTS

3. The learned counsel for the appellant argued that the appellant is innocent. That the appellant was never served with any notice regarding enquiry. That the appellant never appeared before the enquiry officer. That the statement of complainant Sher Zaman and Bilal Khan are not genuine. That signatures of Sher Zaman and Bilal Khan are different from one which have been made on the statements of preliminary enquiry. That no show cause notice was issued to the appellant. That no right of cross examination was afforded to the appellant nor any right of defence was afforded to him.

4. On the other hand the learned District Attorney argued that the case was proved against the appellant. That no one imputes such a disgrace to his nephew if no reality is there. That the penalty was rightly imposed.

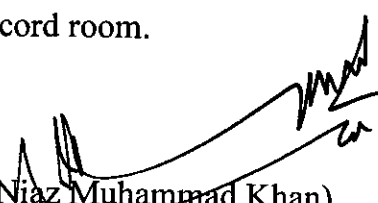
CONCLUSION

5. The enquiry officer has not afforded opportunity to the appellant to cross examine the witnesses. Such statements have therefore, got no legal value. Though it is mentioned in the original order of the District Police Officer that final show cause notice was issued to the appellant but the representative of the department today checked his file and stated that there is no copy of show cause notice on the file. It is also not apparent from the findings that any right of defence was afforded to the appellant.

6. In the light of the above discussion, this appeal is accepted and the department is directed to hold de novo enquiry in the light of the above observations within a period of four months from the date of receipt of this judgment, failing which the appellant shall be reinstated in service. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)
Member



(Niaz Muhammad Khan)
Chairman
Camp Court, Swat

ANNOUNCED

06.11.2017

241/15

06.11.2017

Counsel for the appellant and Mian Amir Qadar, District Attorney alongwith Nosherawan, S.I(Legal) for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.



Member


Chairman
Camp Court, Swat

ANNOUNCED
06.11.2017

11- 06.12.2016


Appellant with counsel and Mr. Nosherawan, S.I (Legal) alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. The bench is incomplete and rejoinder also not submitted, therefore, case is adjourned to 08.03.2017 for submission of rejoinder and final hearing before D.B at camp court, Swat.


Chairman
Camp court, Swat.

12- 08.03.2017


Counsel for the appellant and Mr. Muhammad Zubair, Sr.GP for the respondents present. Counsel for the appellant requested for adjournment. To come up for rejoinder and final hearing on 03.07.2017 at camp court, Swat.

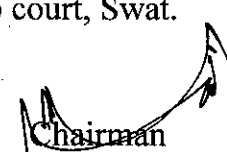

Member


Chairman
Camp court, Swat

13- 03.07.2017

Counsel for the appellant and Mr. Muhammad Zubair, District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for final hearing on 06.11.2017 before the D.B at camp court, Swat.


Member


Chairman
Camp court, Swat


7. 27.10.2015

Appellant in person and Mr. Pervaiz, Inspector alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 13.01.2016 before S.B at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division.


Chairman

8. 13.01.2016

Appellant in person and Mian Amir Qadir, G.P for respondents present. Representatives are not in attendance. Learned G.P requested for adjournment. To come up for written reply/comments on 9.3.2016 before S.B at Camp Court Swat.


Chairman
Camp Court Swat

9. 09.03.2016

Appellant in person and Mr. Afsar, S.I(legal) alongwith Mr. Farooq Ahmad, AGP for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 5.9.2016 at Camp Court Swat.


Chairman

Camp Court Swat

10. 05.09.2016

Appellant in person and Mr. Javed Akhtar, Inspector (Legal) alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Appellant seeks adjournment. Adjourned for rejoinder and final hearing to 06.12.2016 before the D.B at camp court, Swat.



Member


Chairman
Camp Court, Swat

4

27.04.2015

None present for appellant. Notice to counsel for the appellant be issued for preliminary hearing for 11.5.2015 before S.B.


Chairman

5. 11.05.2015

Counsel for the appellant present. Learned counsel for the appellant argued that vide impugned order dated 06.11.2014 passed by the appellate authority the appellant was compulsorily retried from service on the allegations of committing un-natural offence with a student which allegations were never substantiated in any enquiry and which are false and unfounded. That the appellant preferred the service appeal against the impugned order on 03.03.2015 i.e within 30 days from the date of knowledge

That no enquiry was ever conducted in the allegations.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 30.07.2015 before S.B.


Chairman

6. 30.07.2015

Appellant in person present. Security and process fee not deposited. The same be deposited within a week, where-after notices be issued to the respondents for written reply/comments for 27.10.2015 before S.B.


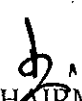


Chairman

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 241/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	20.03.2015	<p>The appeal of Mr. Fakhr Alam Shah resubmitted today by Mr. Ashfaq Hussain Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	26-3-15	<p>This case is entrusted to Bench <u>I</u> for preliminary hearing to be put up thereon <u>07-4-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	01.04.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing for 27.4.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Fakhr Alam Shah son of Nisar Bacha r/o Village Gaddar Tehsil and Distt. received to-day i.e. on 03.03.2015 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Law under which appeal is filed is not mentioned.
- 2- Copy of first departmental appeal is not attached with the appeal which may be placed on it.
- 3- 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.
- 4- Copy of order dated 6.11.2014 is illegible which may be replaced by legible/better one.

No. 270 /S.T.


Dt. 03/03 /2015


REGISTRAR
for SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ashfaq Hussain Adv. Mardan.

Respected Sir!

Completed the above mentioned deficiencies on serial no. 1 and 4 while applied for ~~the~~ the attested copies of the documents required vide S.No. 2 and 3 but in vain. So, the respondents may please provide the same.


Advocate

Registrar S.T.

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

Appeal No. 241 /2015

Fakhr Alam Shahpetitioners

VERSUS

D.P.O & othersRespondents

S.No.	Descriptions	Annex:	Pages	
			From	To
1	Appeal along with Affidavit		1	2
2	Suspension application		3	
3	Copy of the police I.D Card	"A"	4	
4	Copy of the order of dismissal by D.P.O dated 11/08/2014	"B"	5	
5	Copy of the order of respondent No.2 dated 06/11/2014	"C"	6	
6	Copy of the mercy petition	"D"	7	
7	Copies of the receipts of TCS.dated 26/11/2014.	"E"	8	
8	Wakalat Nama		9	

INDEX

Dated 03/03/2015

Appellant فکر آلام شاہ

Through Ashfaq Hussain

Ashfaq Hussain Advocate
High Court at Distt: courts Mardan.

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

Appeal No. 241 /2015K.W.P. Province
Service TribunalDiary No. 175Dated 3-3-2015

1. Fakhr. Alam Shah S/o Nisar Bacha R/o Vilalge Gaddar
Tehsil & District MardanAppellant

VERSUS

1. Distt: Police Officer Distt: Bunir
2. Regional Police Officer, Malaknand, Saidu Sharief, Swat
3. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

Appeal U/S-4 of the Service Tribunal Act against the order of respondent No.1 & 2 vide which the respondent No.1 illegally dismissed the appellant from service and later on the respondent No.2 altered the order of respondent No.1 from dismissal to compulsory retirement but not re-instate the innocent appellant. The mercy petition of the appellant is still not decided by respondent No.3 since 26/11/2014, hence the instant appeal.

Respectfully Sheweth:-

1. That the appellant has been appointed as constable in the respondent's department on 09/03/2009. (Copies of police IDC is hereby attached as "A").
2. That the appellant was a hard worker and dutiful constable during his service since date of appointment till date of removal from service i.e 11/08/2014 and prior to the complaint vide which the appellant removed from service, there is no complaint such like or otherwise against the appellant.
3. That one of the political influential person namely Sher Zaman S/o Shah Rasan resident of Torwarsak complaint against the appellant that the appellant have called the nephew of the complainant for un natural offence without any material and solid proof and medical evidence before respondent No.1.
4. That the respondent No.1 conducted a partial inquiry through D.S.P who is very close to the complainant and without adopting the legal procedure and giving show cause notice and recording statements of the defence witnesses etc, convict the appellant in the instant offence.
5. That the respondent No.1 considered the complaint as well as the inquiry report, true and correct without giving an opportunity of self defence to the appellant, dismissed the appellant from service vide order dated 11/08/2014. (Copy of the order is hereby attached as Annex: "B").

Filed to the

3/3/15

re-submitted to the
and filed.

20/3/15

6. That the appellant preferred an application to respondent No.2 that an impartial decision be made in the case of the appellant but the respondent No.2 also extended the order of respondent No.1 with the amendment in punishment from dismissal to compulsory retirement. *(Copy of the order dated 06/11/2014 is attached as Annex: "C")*.
7. That the appellant forwarded a mercy petition to respondent No.3 against both the orders of respondents No.1 & 2 on 26/11/2014 which is still pending, fruitless and in vain. *(Copy of the mercy petition is Annex: "D" while the receipt of TCS is Annex: "E")*.
8. That the appellant is innocent and there is no material impartial evidence against the appellant to connect the appellant with the commission of the offence, Moreover, no FIR etc has been lodged against the appellant .
9. That the appellant is belonging to a very poor family and is the only source of income of his family as well as having old age parents, suffering from different disease. Moreover the appellant forearmed duty for more than five years in the militant state i.e Bunir/Swat.
10. That the orders of both the respondents No.1 & 2 are based on presumption and malafide and are liable to be set aside, Moreover, the appellant is entitle to be re-instate along with all back benefits and seniority on the same post.
11. That other grounds, if any, will be forwarded at the time of arguments, with the permission of this Hon'able Court/ Tribunal.

PRAYER,

It is, therefore, most humbly requested/ prayed that on acceptance of this appeal, the appellant may please be re-instate on his post along with all back benefits and seniority etc. Moreover, the remedy this Hon'able Court/ Tribunal deems fit, may also be graciously awarded to the appellant.

Dated 03/03/2015

Appellant

قرنم شاه

Through

Ashfaq Hussain

Ashfaq Hussain Advocate
High Court at Distt: courts Mardan.

Affidavit

I do hereby solemnly affirm and declare that contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able court.



Deponent

قرنم شاه

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

Appeal No. _____/2015

Fakhr Alam Shahpetitioners

VERSUS

D.P.O & othersRespondents

RESPECTFULLY SHEWETH:-

APPLICATION FOR THE SUSPENSION OF THE
ORDERS DATED 11/08/2014 & 06/11/2014 OF THE
RESPONDENTS No.1 & 2 DURING THE
PENDENCY OF THE APPEAL TILL THE FINAL
DECISION OF THE INSTANT APPEAL

- I. That the above mentioned appeal is going to be filed before this Hon'able Tribunal.
- II. That the appellant is hopeful for the success of the appeal in hand.
- III. That in the meanwhile the orders of the respondents No. 1 & 2 learned lower courts may be suspended during the pendency of the revision in hand, otherwise the revision would become infructuous.
- IV. That there is no loss due to the suspension of the learned lower courts orders to the respondents.
- V. That the contents and record of the revision petition would also be considered for the decision of the application in hand.

So, it is, hereby requested that during pendency of the instant appeal, the orders of respondents No.1 & 2 may kindly be suspended.

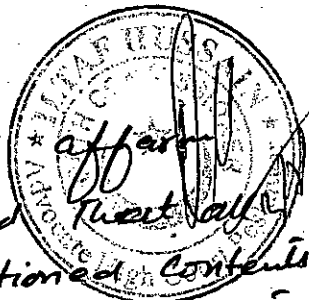
Dated. 03/03/2015

ATTESTED

Affidavit

It is solemnly affirmed and declared that the above mentioned contents are true and correct to the best of my knowledge.

فکر عالم شاہ



Appellant فکر عالم شاہ

Through

Ashfaq Hussain

Ashfaq Hussain Advocate
High Court at Distt: courts Mardan.

ORDER

5

Annex B


This order will be disposed of departmental enquiry conducted by DSP HQrs: against the constable Fakhri Alam No.247 while posted Police Post Torwarsak regarding the complaint against the defaulter constable Fakhri Alam by one Sher Zaman s/o Shah Rasan r/o Tor Warsak, that on 07.04.2014 that the constable Fakhri Alam No.247 was came to his house and called his nephew, namely Bilal Khan age about 13/14 years on cell phone No.03109563106, when he was come out from his house the defaulter constable Fakhri Alam No.247 took him to the field for un-natural offence, vide this office No.198-99/EC, dated 14.05.2014.

On 27.06.2014 the EO submitted findings with the conclusion that during the course of enquiry the defaulter constable Fakhri Alam No.247 disclosed that he was duty in plain cloth but according to the statement of Incharge Police Post Torwarsak, that statement of defaulter constable Fakhri Alam No.247 regarding on duty in plain cloth is baseless and thus the EO declared the defaulter constable is found guilty and thus the EO recommended his name for appropriate punishment.

He was issued with final show cause notice vide this office No.191/E, dated 10.07.2014 and called in orderly room on 06.08.2014 for personal hearing, but he failed to appeared before the undersigned.

I Asif Iqbal Mohmand, DPO Buner as competent authority see no reason to believe that the defaulter constable Fakhri Alam No.247 will improve his attitude, therefore I agree with the recommendation of EO and award major punishment i.e. dismissal from service on account of his inefficiency and irresponsibility as well as bad character under para (4) (b) (iv) of Police Rules 1975 with immediate effect.

Order announced.

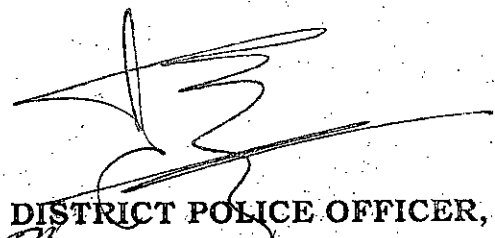

DISTRICT POLICE OFFICER,
BUNER

OB 78

Dated 11/8 /2014

No: 161 EO-22/EC, dated 13-8-14

1. The District Accounts Officer Buner.
2. The Pay Officer.
3. The OASI.


DISTRICT POLICE OFFICER,
BUNER

Attested
To Be True Copy



Ashfaq Hussain
Advocate High Court
Distt Courts Mardan

OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND
REGIONAL SAIDU SHARIEF SWAT

Order:

This order will dispose off appeal of Ex-constable Fakhri alam No.247 of Bunir District for re-instatement in service.

Brief facts are that the above named Ex-constable while posted to police post Torwarsak one sher zaman S/o Shah Rasan R/o Torwarsak complaint against the Ex-constable, that on 07/04/2014 the above named Ex-constable came to his house and called his nephw namely Bilal Khan age about 13/14 years on cell No.0310-9563106 when his nephew come out from his house the defaulter constable took him to the filled for un natural offence, he was proceeded against departmentally and DSP/Hqrs bunier was appointed as inquiry officer. The inquiry officer in his findings reported submitted that during the inquiry the defaulter constable disclosed that he was on duty in plain cloth but according to the statement of incharge police post Torwarsak the defaulter constable guilty was on duty in plain is nestles these the inquiry officer declared the defaulter constable guilty and recommended for appropriate punishment. He was issued final show cause notice and called in orderly room by the District Police Officer, Bunir but he failed to appear before the District police officer bunir, therefore the District Police officer Bunir on the recommendation of inquiry officer, dismissed him from service on account of his inefficiency and irresponsibility as well as bad character under para (4) b (iv) of police Rules 1975.

The appellant was called in orderly Room on 31/10/2014 and heard him in person but he did not produce any sustentative materials in his defense. Therefore I uphold the order of District Police officer Bunir, whereby the appellant has been awarded major punishment of compulsory retirement from service. His appeal is filed.

Order is announced.

(ABDULLAH KHAN) PSP
District Police Officer
Malakand Saidu Sharief Swat

No. 9093/E
Dated 6/11/201

Copy of District Police Officer Bunir for information and necessary action with order and memo 19544/E da 15/09/2014

6

Annex C

6/5/14
7/11/14

OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND REGION, AT SAIDU SHARIF SWAT

ORDER:

This order will dispose of appeal of Ex-Constable Fakhri Alam No. 247 of District for reinstatement in service.

Brief facts are that the above named Ex-Constable while posted to Police Post Torwarsak, the Sher Zaman S/o Shah Rasan R/o Torwarsak complaint against the Ex-Constable, that on 07/04/2014 the above named Ex-Constable came to his house and called his nephew namely Bilal Khan age about 13/14 years on Cell No. 03109563106, when his nephew come out from his house the defaulter Constable took him to the field for unnatural offence. He was proceeded against departmentally and DSSyHqrs: Buner was appointed as Enquiry Officer. The Enquiry Officer in his findings report submitted that during the enquiry the defaulter Constable disclosed that he was on duty in plain cloth but according to the statement of Incharge Police Post Torwarsak, the defaulter Constable was on duty in plain cloth is baseless, thus the Enquiry officer declared the defaulter Constable guilty and recommended for appropriate punishment. He was issued Final Show Cause Notice and called in orderly room by the District Police Officer, Buner but he failed to appear before the District Police Officer, Buner. Therefore the District Police Officer, Buner on the recommendation of Enquiry Officer, dismissed him from service on account of his inefficiency and irresponsibility as well as bad character under Para (4) (b) (iv) of Police Rules 1975.

The appellant was called in Orderly Room on 31/10/2014 and heard him in person; but he did not produce any substantive materials in his defense. Therefore I uphold the order of District Police Officer, Buner, whereby the appellant has been awarded major punishment of compulsory retirement from service. His appeal is filed.

Order announced.

(Signature)
(ABOULLAH KHAN) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat
Naqi

No. 9073 /E,

Dated 6/11/2014

Copy District Police Officer, Buner for information and necessary action with reference to his Office Memo: No. 19544/E, dated 15/09/2014.

Attested
To Be True Copy
(Signature)
Ashfaq Hussain
Advocate High Court
Distt Courts Malakand

(Handwritten notes)
26/10/14
11/3
9/11/14

(7)

Annex D

To,

The Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.

Through Proper Channel.

Subject: MERCY PETITION.

Sir,

With due respect it is stated that in compliance of the order of high ups I was on duty in plain clothes at PP Torwarsak, PS Daggar on 7.4.2014. During the duty a complaint was lodged against me by one Sher Zaman S/O Shah Rasan R/O Torwarsak without any substance, reason. After initial inquiry I was dismissed from service by DPO Buner. I made appeal to the W/ DIG Malakand Region in this regard who upheld the order of DPO Buner vide his office order No.9093/E, dated 6.11.2014.

In view of the above, it is, therefore requested that I may kindly be re-instated in service on humanitarian ground please.

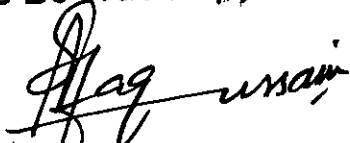
Copies of the disposal order of W/DPO Buner and order passed by RPO Malakand on my appeal are submitted herewith for ready reference.

Yours Obediently,

فخر عالم

Fakhre Alam No.247 Ex-Constable
District Buner.

Attested
To Be True Copy


Ashfaq Hussain
Advocate High Court
Distt Courts Mardan

8

E

		Sales Tax Invoice		
Acct / Coupon	470	Consignee's Note No.	5789797	Dest. MDN
Mode of Payment <input type="checkbox"/> Cash <input type="checkbox"/> POC <input type="checkbox"/> COD <input type="checkbox"/> Account <input type="checkbox"/> Check	Insured	Dimension		Wt. (Kgs)
	<input type="checkbox"/> Yes <input type="checkbox"/> No	L (cm)	W (cm)	H (cm)
Value	125			Pcs. 1
From (Shipper)	To (Consignee)			Service Type
Fateh...	DPO			<input type="checkbox"/> Overnight <input type="checkbox"/> Holiday
	KUMAR			<input type="checkbox"/> Extra Sp. <input type="checkbox"/> Same Day
				<input type="checkbox"/> Second Day
Phone	Phone MDN			Service Charges
	E-mail			Weight
	Description			Handling
	PICKUP INFORMATION			Other
	Courier Code	Date	Time	GST
	111	11/11	11:11	Insurance Premium
Shipper's Signature				TOTAL 1100
<small> I warrant that I have read the terms and conditions on the reverse of this document and that of the other goods shown on this and parcel further declare that the contents of this document are not under any letter. The consignor is the responsibility for any loss, damage or delay attributable to either business shippers & TCS (PVT) LTD. </small>				

Attested
To Be True Copy

Ashfaq Hussain
Ashfaq Hussain
 Advocate High Court
 Distt Courts Mardan

کورٹ فیس

مورخہ:

03 مارچ

2015ء منجانب ابدلانہ

مقدمہ:

فخر عالم شاہ

D.P.O وغیرہ

دعویٰ:

(سرورس اپیل)

جرم:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کے لئے اشفاق حسین/ خدا اسلام ایڈووکیٹس 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 و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجراء اور وصولی چیک روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرفہ یا اپیل کی برآمد ہوگی اور منسوخ دائر کرنے کی اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مذکور کے عمل یا جزوی کاروائی کے واسطے اور 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 اسکا ساختہ برداشتہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور الہذا اوکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 03 مارچ 2015ء

بد گواہ شدہ الع بد

پشاور کے لئے منظور ہے۔

Ashfaq Hussain
Advocate

ASHFAQ HUSSAIN
Advocate High Court
District Courts Mardan

Muhammad Islam
Advocate High Court
Distt: Courts Mardan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 241/2015.

Fakhre Alam Shah s/o Nisar r/o village Gaddar Tehsi District Mardan

.....Appellant.

VERSUS

The District Police Officer, Buner Respondents.

Para Wise Comments On Behalf Of Respondents

Respectfully Sheweth

Preliminary Objections:

1. That the service appeal is time barred
2. That he appellant has got no cause of action and locus standi

ON FACTS:

1. Admitted or decide.
2. Para No. 2 is incorrect. There have been several bad entries recorded in the service book of the appellant. (List attached as Annexure-A)
3. Para No. 3 is incorrect. Facts finding and departmental enquiries were being conducted against the appellant, wherein he had been proved guilty in line with allegations leveled against him. (Complete enquiry file containing 32 Pages attached as Annexure-B)
4. Incorrect. Proper impartial enquiry was conducted against the appellant. He was properly served with charge sheet and statement of allegations. (copies already attached)
5. Incorrect. The appellant was given opportunity to defend himself, but he couldn't present cogent reasons in his defense.
6. Incorrect. The appellant before the No. 2 was examined by the competent authority and he was heard in person. But the Appellant couldn't present any solid reason in his defense before the dismissal order of appellant was upheld and his appeal was filed
7. Mercy petition has no legal sanctity; therefore this para is not admitted.
8. Incorrect. The appellant has been proved guilty during the course of Enquiry against him.
9. Needs no comments
10. Incorrect. The orders of the competent and appellate authorities are legal, justified and based solid materiel's.

11. *The respondents also seek the permission of his honorable tribunal to adduce more points at the time of arguments*

Prayer:-

In view of the above it is requested that appeal of the appellant may be dismissed with costs.


**REGIONAL POLICE OFFICER,
MALAKAND REGION SWAT**

**Regional Police Officer,
Malakand, at Saidu Sharif Swat.**


**PROVINCIAL POLICE OFFICER,
KHYBER PUKHTUNKHWA PESHAWAR**


**DISTRICT POLICE OFFICER,
BUNER**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 241/2015.

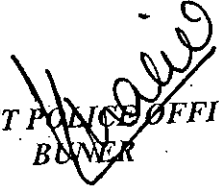
Fakhre Alam Shah s/o Nisar r/o village Gaddar Tehsi District Mardan
.....Appellant:

VERSUS

The District Police Officer, Buner Respondents.

Affidavit:-

I, District Police Officer, Buner do hereby solemnly affirm on oath that parawise comments to the Service Appeal as cited above are correct to the best of our knowledge and belief and nothing has been concealed from the Honorable Service Tribunal.


DISTRICT POLICE OFFICER,
BUNER

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 241/2015.

Fakhre Alam s/o Nisar r/o Village Gaddar District MardanAppellant.

VERSUS

The District Police Officer Buner Respondent.

AUTHORITY LETTER

We the above respondents do hereby authorize Mr. Afsan SI Legal as representative of Police Department to appear in the court on our behalf and do what ever is needed in the court.



**DISTRICT POLICE OFFICER,
BUNER**

6099
7/11/2014

**OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND
REGION, AT SAIDU SHARIF SWAT**

ORDER:

This order will dispose of appeal of Ex-Constable Fakhri Alam No. 247 of Buner District for reinstatement in service.

Brief facts are that the above named Ex-Constable while posted to Police Post Torwarsak, one Sher Zaman S/o Shah Rasan R/o Torwarsak complaint against the Ex-Constable, that on 07/04/2014 the above named Ex-Constable came to his house and called his nephew namely Bilal Khan age about 13/14 years on Cell No. 03109563106, when his nephew come out from his house the defaulter Constable took him to the field for unnatural offence. He was proceeded against departmentally and DSP/Hqs: Buner was appointed as Enquiry Officer. The Enquiry Officer in his findings report submitted that during the enquiry the defaulter Constable disclosed that he was on duty in plain cloth but according to the statement of Incharge Police Post Torwarsak, the defaulter Constable was on duty in plain cloth is baseless, thus the Enquiry officer declared the defaulter Constable guilty and recommended for appropriate punishment. He was issued Final Show Cause Notice and called in orderly room by the District Police Officer, Buner but he failed to appear before the District Police Officer, Buner. Therefore the District Police Officer, Buner on the recommendation of Enquiry Officer, dismissed him from service on account of his inefficiency and irresponsibility as well as bad character under Para (4) (b) (iv) of Police Rules 1973.

The appellant was called in Orderly Room on 31/10/2014 and heard him in person, but he did not produce any substantive materials in his defense. Therefore I uphold the order of District Police Officer, Buner, whereby the appellant has been awarded major punishment of compulsory retirement from service. His appeal is filed.

Order announced.

EC
[Signature]
DPO/BUNER.

[Signature]
(ABDULLAH KHAN) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat
Naqi

No. 9093 E.

Dated 6-11 2014.

Copy to District Police Officer, Buner for information and necessary action with reference to his office Memo: No. 19544/E, dated 15/09/2014.

سید فخر علی
947
10-11-2014

صبا علی

گزارش ہے کہ صبا رحمتی و سہیل احمد نے سائنس

دوسرے سال کی درخواست کراچی اردو سے ۹۵۹۳/۳

بجورف ۱۱/۲۰۱۶ کا فائل کیا ہے

بجورف ۱۱/۲۰۱۶ درخواست اشتراک ہے کم سائنس کو فراہم

بالا اردو کے فونڈ کا یہ دینے کے لئے درخواست مار

فرمائیں جس پر مبنی ہے کہ

انعام

247

سائنس کونسل خیر عالم

بجورف ۱۱/۲۰۱۶

۱۱/۲۰۱۶ کو سائنس کونسل

بجورف

۱۱/۲۰۱۶

بجورف

OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND
REGION, AT SAIDU SHARIF SWAT

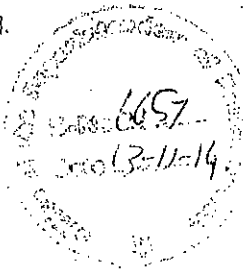
ORDER:

This order will dispose off appeal of Ex-Constable Fakhri Alam No. 247 of Buner District for reinstatement in service.

Brief facts are that the above named Ex-Constable while posted to Police Post Torwarsak, one Sher Zaman S/o Shah Rasan R/o Torwarsak complaint against the Ex-Constable, that on 07/04/2014 the above named Ex-Constable came to his house and called his nephew namely Bilal Khan age about 13/14 years on Cell No. 03109563106, when his nephew come out from his house the defaulter Constable took him to the field for unnatural offence. He was proceeded against departmentally and DSP/Hqs. Buner was appointed as Enquiry Officer. The Enquiry Officer in his findings report submitted that during the enquiry the defaulter Constable disclosed that he was on duty in plain cloth but according to the statement of Incharge Police Post Torwarsak, the defaulter Constable was on duty in plain cloth is baseless, thus the Enquiry officer declared the defaulter Constable guilty and recommended for appropriate punishment. He was issued Final Show Cause Notice and called in orderly room by the District Police Officer, Buner but he failed to appear before the District Police Officer, Buner. Therefore the District Police Officer, Buner on the recommendation of Enquiry Officer, dismissed him from service on account of his inefficiency and irresponsibility as well as bad character under Para (4) (b) (iv) of Police Rules 1975.

The appellant was called in Orderly Room on 31/10/2014 and heard him in person, but he did not produce any substantive materials in his defense. Therefore I uphold the order of District Police Officer, Buner, whereby the appellant has been awarded major punishment of ~~dismissal~~ from service. His appeal is filed.

Order announced.



Abdul Ah Khan
(ABDUL AH KHAN) PSP
Regional Police Officer,
Malakand, Saidu Sharif SWAT
"Naq"

No. 9093 E.

Dated 8-11 /2014.

Copy to District Police Officer, Buner for information and necessary action with reference to his office Memo: No. 19544/E, dated 15/09/2014.

Copy of file received with you

as under referred as returned herewith for record

(28) pages.

EC

DPD Buner

اسنادی و اسرار الیہ میر صدری قصبہ نمبر 247

نمبر	تفصیل و اسرار	نمبر اسرار	کسبت
1	اسناد نمبر 1 خانہ نشانی	3	
2	نقل میر اسرار نمبر 20 مذکورہ 27 $\frac{4}{14}$	1	
3	نقل نمبر 10 اور نام 27 $\frac{4}{14}$ حوالی اسرار	1	
4	سارن قصبہ نمبر 247	1	
5	سارن سارن	1	
6	سارن شیر زمین	1	
7	سارن احسان الہی	1	
8	سارن حامد علی	1	

10 صفحات

تو

Office of the SDPO Daggur.

No. 42 / Rd dated 30.04.2014

Subject: Preliminary enquiry against constable Fakhar Alam No.247

R/sir

With reference to the attached report received vide No.202/R dated 28.04.2014 from the office of the W/DPO Buner to the undersigned for the subject noted above.

It is submitted that during the enquiry, statements of the alleged constable Fakhar Alam No.247, Ihsan Ullah Khan I/C PP Toorwarsak, Hamid Ali MHC and the victim party Sher Zamin, Bilal R/o Toorwarsak were got recorded. (statements attached)

The alleged constable Fakhar Alam No.247 denied all the allegations leveled against him. He stated that he was performing duty in plain clothes for obtaining information of the criminals.

Ihsan Ullah Khan I/C and MHC Hamid Ali PP Toorwarsak in their statements clarified that constable Fakhar Alam No.247 was marked absent vide DD No.10 PP Toorwarsak and the alleged constable was not performing duty in plain clothes in PP. He was not given permission for going to village Toorwarsak for obtaining any information of the criminals. He does not take interest in his lawful duty. (statements attached)

Bilal aged 13/14 years stated that he was present in his fields (Mulatangai) about ½ kilometer away from his house. After the Asar time an unknown man came to him. He gave him his mobile No.03109563106 and constabulary No.247 and also wrote these numbers on his arm and told that later on he will call him. At about 20:30hrs the person called him through his mobile No.03109563106 for coming out of the house. When he came out from the house he took him to the nearby fields and tried his best to commit un-natural offence with him, but on his refusal he was left. He returned to his house and narrated all the story to his uncle namely Sher Zamin. He came out from the house and asked the person that what he was doing duly armed with pistol near their house and for what aim he had taken his nephew namely Bilal away from the house to the fields. Then he informed DSP Daggur and handed over the person (later on known as constable Fakhar Alam No.247) to him. DSP Daggur called SHO Daggur and handed over constable Fakhar Alam No.247 PP Toorwarsak to him for legal action. Sher Zamin uncle of the victim also supported the statement of Bilal. (statements attached)

His service record was checked and found that he was recruited on 10.03.2009 as a regular constable. He has 05 bad entries, while the good entries are nil.

Keeping in view of above, I have come to the conclusion that he was not performing duty in plain clothes on the permission of the I/C PP Toorwarsak and at 20:30hrs his presence and roaming in the village of Toorwarsak, s street seems doubtful. He has not produced any solid proof of presence in village Toorwarsak at 20:30hrs for his innocence.

It is therefore, requested that if agreed a proper departmental action may be taken against him for digging out the facts and reality.

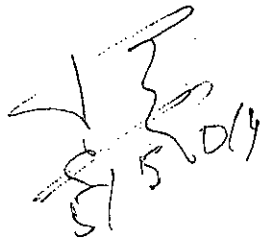
Preliminary enquiry report is submitted for your kind order.


SDPO.CIRCLE/DAGGAR,

BUNER.

EC

Issue change sheet -
Summary of enquiry


5/5/04

حکومتی نوٹس بورڈ

تاریخ: 20/08/2014
رقم: 4/14
2014/28/19/07

تقریباً 20 والی ریلوے روٹ پر واقعہ ایک ایجنسی کے ساتھ

علاقہ 4/14 میں حج خیراتوں کے لیے رقم جمع کرنے کے لیے ایک ایجنسی کے ذریعے

علاقہ 4/14 کو کھانا پھر باہر سے حج کی خیراتیں جمع کرنا شروع کیے۔ مذکورہ

کمپنی حج کی = باہر سے ایجنسیوں کے ذریعے حج کی خیراتیں جمع کرنے کے لیے

مذکورہ خیال خلیفہ صاحب سے ہے۔ آج کل کے روزوں میں کھانا پھر باہر سے حج کی

خیراتیں جمع کرنے کے لیے ایک ایجنسی کے ذریعے حج کی خیراتیں جمع کرنے کے لیے

مذکورہ ایجنسی کے ذریعے حج کی خیراتیں جمع کرنے کے لیے ایک ایجنسی کے ذریعے

مذکورہ ایجنسی کے ذریعے حج کی خیراتیں جمع کرنے کے لیے ایک ایجنسی کے ذریعے

مذکورہ ایجنسی کے ذریعے حج کی خیراتیں جمع کرنے کے لیے ایک ایجنسی کے ذریعے

مذکورہ ایجنسی کے ذریعے حج کی خیراتیں جمع کرنے کے لیے ایک ایجنسی کے ذریعے

مذکورہ ایجنسی کے ذریعے حج کی خیراتیں جمع کرنے کے لیے ایک ایجنسی کے ذریعے

مذکورہ ایجنسی کے ذریعے حج کی خیراتیں جمع کرنے کے لیے ایک ایجنسی کے ذریعے

مذکورہ ایجنسی کے ذریعے حج کی خیراتیں جمع کرنے کے لیے ایک ایجنسی کے ذریعے

90
6

2014/28/19/07

Presented for 28/08/14
Departmental order
2014

2014

شکر و روزنامہ 27/4/54

شکر و روزنامہ

شکر و روزنامہ غیر خاضری 27/4/54
کنٹرول قسطنطنیہ عالم کوئی کاروبار و کاروباری ایسٹاڈ غلبہ کیا گیا۔ عذرا رہے

شکر و روزنامہ غیر خاضری 27/4/54

شکر و روزنامہ غیر خاضری 27/4/54

شکر و روزنامہ

شکر و روزنامہ

Forwarded
28/4/54

شکر و روزنامہ
28-4-54

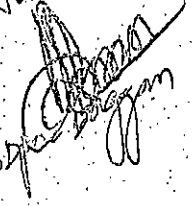
Sir Forwarded

Sho. D. D. D.
28/4/54

27-18-2003

بیانِ تحریر عالم 247 عتقہ چولا توڈورسکا

بیان کیا کہ میں چوک توڈورسکا میں $17 \frac{4}{14}$ سے تینتالیس
فرخ $27 \frac{4}{14}$ اصدان درہ خانہ کی گاہے تھے تفسیر پارہات
میں پیراگرس عتبات واسلم اعلیٰ کیلئے چوک سے بھجوا دیا۔ میں
توڈورسکا کے ٹیوں میں پھیرتا رہا۔ غسی ہلال کیا تھا میرا ہلال
دن کو پھوٹتا۔ اُس وقت اس کی تھوڑی سی کھون پھیلتا تھا۔ میں
اس کو اپنا بندہ دیدیا۔ اس نے جو بڑا بھلا تھا میں رات کے وقت تم
کو تون کروٹا۔ ہوت تھوڑا سا 2000 غسی ہلال نے تھوڑے
کرتے ہمارے گلے میں آ جاوے۔ جب میں اس کے گلے میں دیکھا تو
وہاں پر پہلے سے موجود پانچ تھانے اس میں نامعلوم سے تھوڑے
کے قریب ہزار اور پندرہ گاڑی میں بیٹھا تھا۔ میں نے اس کے
لے لیا۔ اور پندرہ ڈر گا کو اسے گاڑی میں شکم آکر ان ہالا
مندی کیا۔

Attested


عالم 247
عالم 247

1. تم پندرہ نام ہے کہ تم نے ہلال درہ خانہ میں پندرہ $13/14$ سال تک توڈورسکا
کو ہلال دھتھوڑی کیلئے چوک کر رہے تھے۔ کیا تم جانتے ہو۔

2. تم پندرہ نام ہے کہ جوتنا $20-30$ نام ہارہ کپڑوں میں خلم شیرزین دیکھو
کہ گاہ میں خلم ہتھوڑی ہو رہے تھے۔ تم چوک میں پندرہ لاونے کیا ہوا ہے
چوک نے تم کے ہلال غلط دیکھتے رہا ہے۔

3. تم ہاں اچھا جانتے غلط پندرہ لاونے لکیرے کہیں تم سے ہاں ہوتا۔
عالم 247
عالم 247

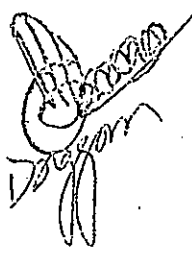
بیل ولد سہ ماہ زمین پورویہ 13/12 سال ساکن ٹوررہ

بیان کیا کہ عرض 4/7 کے درمیں اپنے گھیتہ واقعہ
موجود تھا کہ اسی دوران ایک شخص آیا جو اسی وقت میں
ہیں پہنچتا تھا۔ مجھے اپنا ذاتی فو بائیل خون بردے کر اور سرے
ماتھ پر تھوڑا کر کیا اور کہا کہ عمار کے وقت میں مجھے خون رکے
اور مجھے جگہ بتا کر اسی جگہ آئیگا۔ اسکے بعد تقریباً 20:30
خون رکے لو میں اپنے گھوڑے نکل آیا اور مجھے ہاتھ سے پکڑ کر
لجڑھا بدھنی کرنے جانب ٹھامیہ روانہ کیا اور اسکے ہاتھ میں
لیٹول تھا جو مجھے حوالہ کرے کہا کہ تم جو بھی ٹوٹ کرنا چاہتے
میں ٹوٹ کر میں خود آجھاگ کر اپنے گھرا کر چھا پیر میں
کو سا واقعہ سنایا۔ چھا پیر میں خود آگے نکل کر فد کورہ
تخص سے لو چھا کہ تم یہاں تیار کرتے ہو تو اسکے بعد سرے چھا
نے کہ کہ خون رکے لہذا خون سرے چھانے فد کورہ تخص کو
کرہ کر کاٹی میں چھایا اندھنیل ڈالے آیا۔ وہاں چھو پور
اندر کو سا واقعہ سنایا اسکے بعد میں چھا چھ کی ٹوررہ میں
جا کر وہاں پور لو۔ طے در چھ کی اسی وقت مجھے صلوم
دھا کہ یہ چھ کی ٹوررہ میں سے لہذا چھ کی چھ کی چھ کی
خبر عالم ہے

Attest

BILAL

بیل ولد سہ ماہ زمین پوررہ



8000-12000

بیان میرزا میں ولد سہیل خان سائن فورورسٹ

بیان میرزا مورخ 27/4/2014 کو سہیل کے وقت پچھلے اے بھائی نے لیا کہ اے سکو کھیت واقعہ خلافت میں کسی شخص نے عورت کو دیا ہے۔ اور کہا ہے کہ میں تم کو سہیل کے وقت فون کر کے جانا میں جا رہا ہوں تم آئیے۔ دیر کے اے بھائی کو سہیل کے وہ فون کر کے تو تم باہر نکلو اور بعد میں پچھلے سہیل نے 08:30 بجے میرے بھائی بلال کے فون پر فون آیا۔ عینے بلال کو باہر کھینچا اور میں گھر میں موجود رہا۔ فون پر بلال دوڑ کر گھر آیا۔ کہ اس شخص کے ہاتھ میں لیٹول ہے اور اے سکو نیمہ تھلی کرنا چاہتا ہے۔ میں فوراً نکل کر وہاں پر موجود کنیل خیر عالم سے پوچھا کہ تم یہاں کیا کر رہے ہو۔ وہ خاموش کھڑا رہا۔ عینے فوراً صبا کے Dep صاحب سرنل ڈاٹر کو فون کر کے سارا قصہ سنایا۔ صبا کے Dep صاحب نے سہیل کے کہہ کر سہیل کو اور اس کنیل خیر عالم کو سہیل کو لے کر یہاں اجاڑ میں فوراً کنیل خیر عالم کے پاس گئی میں جیسا کہ کنیل ڈاٹر آیا۔ Dep صاحب نے 8:10 ڈی ٹی طلب کر کے کہ مذکورہ کنیل کے خلاف قانونی کارروائی کرے۔ ہم حکام ڈاٹر کے بیچھے احسان خان نے اچھی کی فورورسٹ میں آیا تھا ہم اے سکو کو چھٹی فورورسٹ حاکم حاکم ہند بخلائی کنیل خیر عالم رپورٹ درج کی۔

بیان میرزا میں ولد سہیل خان

Attested
Sopu Basem

بیان احسان اللہ خان ایچ ۱/۲ پورورسک

بیان کیا کہ جوڑ 27 4/14 میں گنت تیسب علاج میں موجود تھا کہ کیا
 صاحب خیرل ڈگرے خون کرتے کیا کہ کنیل خیر عالم 247 کیا ہے۔ میں نے پورا
 کیا کہ یہ کرنا ہوں میں نے ضرورت سے کرتے کیا کہ مذکورہ کنیل خیر عالم 247 کیا
 عد 10 رونا چ 27 4/14 بوقت 5:50 بجے سے غیر حاضر ہے۔ ایک بعد میں سبب لیس
 247 تھا کہ ڈگرے خانہ آروہاں پر کنیل خیر عالم 247 کو اسٹریٹ کارڈ میں بند تھا۔
 کیا کہ خیر میں، بلال لکھنؤ پورورسک تھے جو ہم کرتے ہدایت کی کہ اس کا
 پورے چوکی پورورسک میں درج ہے۔ میں نے خیر میں، بلال تو چوکی پورورسک
 لے گیا کہ چوکی میں خیر میں نے پورے کی کہ کنیل خیر عالم 247 میرے بھتیجے
 کے رکھے خیر سے آیا تھا کیا کہ پورے پر میں نے کنیل خیر عالم 247 کے
 خلاصہ حجام عد 10 رونا چ 27 4/14 پورے درج روز تا چ کی۔

میں نے کنیل خیر عالم 247 کو سید پارچا میں ڈیوٹی کے لئے پس کھوایا
 تھا کہ وہ اسی روز حجام عد 10 رونا چ 27 4/14 بوقت 5:50 بجے سے غیر حاضر تھا
 کنیل خیر عالم 247 ایک پوزیشن اور تھورس پورے حجام کی یہ
 میٹرو میں سے معلوم ہوا کہ یہ یا زائد غنیات کا عادی ہے۔ حایات
 کے لپی نظر فلانہ گتے میں ہدایات دیا ہوں، مگر مذکورہ اپنے نکات
 سے باز نہیں آتا۔ مذکورہ کنیل ڈیوٹی میں کوچ دلچسپی میں لیا اور
 حکم لے لیں کے لئے بدنامہ ای حکم میں رہنے کا قابل نہیں ہے۔

ال
 احسان اللہ خان ایچ
 ۱/۲ پورورسک

Ahmed
 Sdpo - Daggan

بین حاضر علی علیہ السلام و غیرہ

201

بین کنیا میں ہونے والے فوجی واقعات کی ایک سیریز میں 27 اور 28
میں کنیا میں ہونے والے فوجی واقعات کی ایک سیریز میں 27 اور 28
میں کنیا میں ہونے والے فوجی واقعات کی ایک سیریز میں 27 اور 28
میں کنیا میں ہونے والے فوجی واقعات کی ایک سیریز میں 27 اور 28

Handwritten signature or mark

Handwritten text below signature

Attested

Handwritten signature and stamp

ژدی الین پی ۱۱۵

مکتب انکوائری

①

والدہ جامعہ سب سے ۱۹۹-۱۹۹۰ و ۱۹۹۰-۱۹۹۱ و ۱۹۹۱-۱۹۹۲ و ۱۹۹۲-۱۹۹۳ و ۱۹۹۳-۱۹۹۴ و ۱۹۹۴-۱۹۹۵

نمبر	تفصیل معاملات	تاریخ	گفت
۱	مکتب انکوائری	۵۱	
۲	ٹاکنڈ ٹیچر رپورٹ	۵۲	
۳	آرڈر انکوائری	۵۲	
۴	اعلامیاتی نقل صدر	۵۱	
۵	نقل صدر جامعہ، حاضری ۲۷.۴.۱۶	۵۲	
۶	سیان آذان بلال احمد سرگرمی	۵۱	
۷	سیان آذان سرگرمی و پورسٹاؤں	۵۱	
۸	سیان شہنائی ۲۴۶	۵۱	
۹	تعمیرات اعلامیاتی	۵۲	
۱۰	سیان شہنائی علی احمد	۵۱	
۱۱	سیان شہنائی احمد علی	۵۱	
۱۲	سیان شہنائی احمد علی	۵۱	
۱۳	سیان شہنائی احمد علی	۵۱	
۱۴	سیان شہنائی احمد علی	۵۱	
۱۷	تعمیرات	۱۷	

حوالہ جاریہ شیٹ برقی 693-198-198-198 جاریہ دفتر صاحب - 690 طبع کوئٹہ
نام اکٹیل قمر عالم 247 جو کہ ریسٹ

خاطرات

میرا والد متھولہ شہر کا رہنے والا تھا جس میں 198-693-198-198 جاریہ دفتر صاحب 690
یونیورسٹی کے ایک شخص شہد زین ولد شاہ رسن خان ساکن ٹورسٹ
نے شکایت کی کہ کینل مذکورہ اکثریت کی تاریکی میں اپنے گلی کو بچے ہیں یہاں
پر مورخہ 27/2 کو وقت 20:30 بجے ایسے گلی میں موجود پانچ ایسے معلوم ہوا کہ وہ ایسے
تیسرے بلال کے قریب 13 سال سے بھی آگیا ہوا تھا اور اس کے ہاتھ پر ایسا سیاہیل ٹون
نمبر 03109563106 نمبر پر کرتے جہاں وہ چلے آئے گلی میں مشکوک حالت میں
یا کر جو کی ٹورسٹ میں آئے علاقہ کو 20 روزانہ 27/2 کو ریسٹ درج ہوئی لہذا
انکو امری دفتر خدامتوں پر کر کے انکو امری کرتے پر جانور ہوا ہے۔

انکو امری کے خاطر بلال ولد شاہ رسن کے قریب 13 سال ساکن ٹورسٹ
کو حسب طلبہ بیان طلب کر کے یہاں چھکے وہ مورخہ 24/2 کو اپنے گھست واقع
ملائیے جو خور خاک ایسی اتنا ایک شخص تو اس کے ہتھیانا میں ایسا زنی نوا میں
بزدے کر انکو کما کہ عشاء کے وقت میں آئے جو وقت کو وقت اور جو جگہ میں ہوا
وہاں پر آئے کو وقت قریباً 20:30 بجے رات میں شخص نے اس میں ٹون کر کے جب
وہ اسے گھر سے باہر نکلا تو اس نے ہاتھ سے پکڑا اور بد فعلی کی نیت سے طعنا کرنا
روا کر کیا اس شخص کے ہاتھ میں کینل تھا لہذا انکو حوالہ کر کے کہا کہ آپ جو
کہے کرنا چاہتے ہو کرتے وہ خور خور سے جاگ کر اپنے گھر آیا اور سال واقعہ اپنے چچا
کو بتایا چچا شہد زین مورخہ 27/2 کو ریسٹ تکل کر کے کینل ایسکا قمر عالم کو جانو کا اور ان
سے پوچھا کہ تم یہاں کیا کر رہے ہو؟ لہذا کہہ کر کہ ساتھ ٹون پر رابطہ کر کے چچا آشر نے
مذکورہ کولین ایسکا کو گاڑی میں بیٹھا کر لپٹ کر لے کر واپس لے کر

شہد زین ولد شاہ رسن خان کے قریب 13 سال ساکن ٹورسٹ کو
لہذا قلمند ی بیان پیش کرتے ہوئے تیسرے بلال ولد شاہ رسن کے بیان کی تلمیح
تصدیق کرتے اور سال واقعہ صاحب 690-198-198-198 کو ریسٹ میں لاکر 690
ڈاکٹر کے ہدایت پر اس کے کینل قمر عالم 247 کو گاڑی میں بیٹھا کر ڈاکٹر بھیجا
کینل قمر عالم 247 کو خدشہ تیسرے بلال طلب کر کے بیان کیا کہ وہ سال
2009 کا گھڑی شدہ کینل ہے دوران ملازمت مختلف خانہ جات، قریبات
میں احسن طریقے سے فرائض منصبی انجام دی ہے یہ سہ ماہہ قریباً 12/3 سال سے
جو کی ٹورسٹ کینل تھا مورخہ 27/2 کو احسان اللہ خان ایڈ ایجریٹری کے دفتر
پر سفید پارچات ہیں پراگرس ایسٹ ایونیٹی کے خاطر ٹورسٹ کے چچا ایڈ ایجریٹری
سے گھروں میں چھڑا گیا ایک ریسٹ ایک ٹرکاجن کا نام بلال ولد نامعلوم کا
سے وقت اس کے ساتھ میل طلب ہوئے اور ایسا سیاہیل ٹون پر آئے دیکر کہ اگر انکو

کوئی سنی شخص کلمہ آگے تو فوراً انہیں مطلع کرے جو 27/11/14 بمطابق ہو گیا ہے
اگر بلاک سے انہیں فون کرتے کیا کہہ گئے تھے میں ایک شخص جس کی پہلے آگ
گفتا کہ جب وہ آگے تیلی بیجا تو وہاں پر لپٹے سے موجود پانچ ک ان اسم سکون
نے انکو مکر کر خراب مارا اور بندہ بندہ سے تالی نہیں بیجا کر سہرا جابا جیدہ کا
سے پاس لگے DSP ڈگریٹ ماہی کا ڈگر کو طوت کرے انہیں تانہ ڈگر کی حالات
بند کیا اپنے اہل سگائے سے لگائے کہ میں گجرات اور بے بنیاد ظالم کر کے انڈیا کی فائز
کرنے کی استعدائی ہے

S/O ڈگر جاوہر دھاف رنارے، اخیانہ جو کی توہر سگت احسان اللہ خان ایڈ
اور شہر جو کی ٹی بی ایچ کریمہ قورہ قینہ کی بیان طلب کرتے جسکے بیانات
جو کر شامل انڈیا کی ہے

دوران انڈیا کی کئی شہر 247 سے ایسہ بیان میں ایسہ آگے سفید
یا حیات ڈگریٹ پر ظاہر کیا ہے، دوسرے جانب احسان اللہ خان ایڈ جو کی توہر سگت
نے مذکورہ سے بیان کو سن لیا ہے، قید روز تیاروا کے ایک ڈگر کیسٹا ظالم کیسٹ
سے جندوم ہوتا ہے کہ کئی شہر 247 گیتا ہے اور لوگس کی حالات نا یا شہزادہ
اٹھا آیا ایک ڈگر لڑے سے، بلاک ملکہ شازین سے ساتھ بد نظری کے نیت سے
قتلات استوار کرے کی کوشش میں رہتا ہوا مذکورہ لڑے سے زینہ سے ہر سگت
سے فزیشن میں لا کر کئی شہر 247 کا ہر جہ چاکٹ کیا ہے

لھذا اگر اتقان ہو تو کئی شہر 247 کو منظور / مناسب
سزا سے کی سفارش کی جاتی ہے

DSP/HQ
27-06-14

Issue final
Show cause
notice

[Signature]

D.P.O. Bena

Discussed in
a/c

[Signature]
7/6/14

(19)

NO-346210

No 198-99/EC,
Dated 14-5-2013


CHARGE SHEET 17.05.2014

P. IQBAL KHAN District Police Officer, as competent authority do hereby charge you Constable in Alarm no 247 while posted V.P. Tees waran as follows.

It has been reported against you that you while posted as Constable Police Post Tees waran committed the following act/ acts:
on 07-04-2014 some other person in the name of the person who was posted to this police post and lodge complaint against you that you have come to his house and was called to his nephew named P. Ashu in your cell phone no 9876543210 for coming out of his house when he come out from his house, you were seen and carry a packet for an unauthorised person/section 144 D.P. Report No 20 dt 07-04-2014.

Which is / are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules, 1975.

2. By reason of above, you appear to be guilty of mis-conduct and have rendered your-self liable to all or any of the penalties specified in Rule-4 of the Disciplinary Rules, 1975.
3. You are therefore, required to submit your written reply within 7 days of the receipt of this charge sheet to the enquiry Officer.
4. Your written reply, if any, should reach to the Enquiry Officer within the specified period. In case failing, it shall be presumed that you have no defense to put-in and an ex-parte action will be followed against you.
5. Intimate, as to whether you desire to be heard in person or not?
6. Statement of allegation is enclosed.


DISTRICT POLICE OFFICER,
BUNER

DISCIPLINARY ACTION

1. I, ASIF SOBAL MUHAMMAD District Police Officer, Buner as competent authority, is of the opinion that you Mr. Const. P. P. Tass ^{no. 247} while posted as Police Post Tora... have rendered yourself liable to be proceeded against departmentally as you have committed the following acts / omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

That it has been reported against you that you while posted as Const. P.P. Tora... committed the following act/acts on 27-04-2014 at the girls' school, Karam, Karam S/O Shah Raza Khan, T/O Tora... was come to the school Police posted and complain against you that you have come to his house and called his nephew namely Bilal on your mobile phone no. 03109563106, to come with you when he come and from his house you took him to the police for an un-justified offence under D.D. Report No. 20 of 27-04-2014

Which is / are gross misconduct on your part as defined in Rule 2 (iii) of Police Rules 1975.

2. For the purpose of scrutinizing the conduct of said officer with reference to the above allegations Mr. Shahin Media... is appointed as enquiry officer.
3. The Enquiry officer shall conduct proceedings in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record his findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.
4. The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry officer.

DISTRICT POLICE OFFICER,
BUNER

No. 198-99 /EC,

Dated 14-5-2014

1. Enquiry officer for initiating proceeding against the accused officer namely under Police Rules 1957.
2. Defaulter concerned.

DISTRICT POLICE OFFICER,
BUNER

پیشگی کو اور اسکا

نمبر ۵ روزنامہ ۲۲/۵/۵۱

(۵)

نمبر ۵ اطلاع خون ریڈر ماسیا صاب DSP ماسیا ریڈر کو اور اس وقت
 بج ۵/۵/۵۱ درج ہے۔ صحیح و سادہ وقت ریڈر صاب DSP ماسیا
 ریڈر کو اور اس وقت خون اطلاع ماسیا ریڈر ماسیا ریڈر
 رقم عالم ۵/۵/۵۱ چار شیشے ۹۹-۱۹۳ درج ۵/۵/۵۱ دفتر
 صاب DSP ماسیا ریڈر ماسیا ریڈر ماسیا ریڈر ماسیا ریڈر ماسیا
 ٹیکسٹری بیان کل درج ۵/۵/۵۱ ماسیا ریڈر ماسیا DSP ماسیا
 ریڈر کو اور اس وقت ماسیا ریڈر ماسیا ریڈر ماسیا ریڈر ماسیا
 کرتے دفتر ریڈر ماسیا ریڈر ماسیا ریڈر ماسیا ریڈر ماسیا
 کی جائیگی۔

Forwaded to

27/5/51
 51/5/51
 25 5 514

صاحب عالی

نمایندگان

mpptorussell

22-5-51

سرفی لہوری

نکل عدد ۱۵ روزنامہ ۲۷/۱۴

صنایع لہوری

(7)

عد ۱۵ رپورٹ میرٹھ صریا ۱۱:۵۵ بجے ۲۷/۱۴

کسیل فرام ۲۴۶ کسٹم ہاؤس کنگز کنگز

میرٹھ کنگز کنگز کنگز کنگز

رپورٹ میرٹھ صریا ۱۱:۵۵ بجے ۲۷/۱۴

کی عدوت میں سرسری

صنایع لہوری

نکل عدوت میں سرسری

۱۱:۵۵ بجے ۲۷/۱۴

۲۴-۵۵-۵۱۶

۱۱:۵۵ بجے ۲۷/۱۴

۲۴-۵۵-۵۱۶

جوتی گورکھ

نمبر 20 روزنامہ 27/4/2014

(8)

نمبر 20 / اردو / ایڈیٹر / افسانہ / افسانہ خان / وقت 30 / 27/4/2014

میں سے ہم بیان و فنم جوالم عد 19 بالبعد از مویشیل گنتت علامت سے دلی

ایا۔ غزیدہ دوخ ہے جسے کینٹن فخر عالم 247 جوتی بد اعورم 27/4/14 کو

فناخ ہم بابا سے جوتی رینا شرد علی موکر خاتم ایسا ہے۔ مذکورہ کینٹن جوتی

سے ہام ہم کینٹن کسروں میں رینا شرد پند ہے۔ کینٹن عتکری یال جیلن کماہانک

سے آج کینٹن میں طرہ کسروں میں رینا شرد پند ہے۔ کینٹن عتکری یال جیلن کماہانک

علامت جوتی آکر شایبہ کی تم کینٹن فخر عالم 247: اکثر رات سے نارنگیوں

سول کینٹن میں اسٹج ہ پتوں چٹا پتوں سے آج کینٹن 20130 ایسے ایسے

گلی میں مزید پاکر مسلم میرا گتت ہے اسکی گتتے ہلال ہم تقریب 14 سال

کے لیے آیا میرا گتت۔ چونکہ وہ ہے باز مسلم میرا گتت ہے۔ لیدہ کینٹن مذکورہ کو

کینٹن میں غفوکا حالت میرا پاسر کینٹن رینا شرد پند خاتم ایسا ہے۔ کینٹن

فخر عالم 247 جوالم عد 19 بالبعد از مویشیل گنتت علامت سے دلی

الورٹ دہم روزنامہ موکر مذکورہ کینٹن کینٹن کینٹن کینٹن کینٹن کینٹن

کے ہیں ہم بد خادغ کا سبب ہیں کینٹن کینٹن کینٹن کینٹن کینٹن کینٹن

پورٹ م اس کاروائی نزد عشر ان بالا ارسال ہوگی۔ انٹرنان بالا کو افلا سے دی گئی آہدہ

کسان کو بندرتی دفت کے گتتے۔ کینٹن رپورٹ بلائی درشتی میں خاتم کینٹن

چھانک ہو گتتے انٹرنان بالا کینٹن کینٹن کینٹن کینٹن کینٹن کینٹن

جانکے۔ پورٹ دوم روزنامہ ہے۔ میں سے ہم بیان دوبارہ ہم نے مویشیل گنتت

روایت علامت میری۔

Permanently
27/4/2014


جان عالی
نمبر 20 روزنامہ

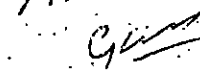
2014-5-22

(19)

32/3 سال 5/14/8661 R 15707 NIC

دوران انگریزی صبا ظاہر ہونے لگا اور وہ اس وقت تک رہا
 تھے بلال دلہن شاہہ نے تیار کیا اس کو کس طرح تلاش میں
 کسی شخص نے وہاں پہنچا ہے۔ اور کہا ہے کہ وہ اس وقت ہی
 کرتے ہیں میں چاہوں گا کہ تم آج آج ہی آئے ہو گئے ہو یہ تو
 کتنا خوش خبری ہے اور یہ خبر سننے سے اس وقت تقریباً 1985ء
 میں تھے بلال نے فریاد کیا۔ اس کے بعد اس کو ماہر چھا اور میں نے خریدنا تو
 ہوئی وہ یہ بلال دور چلے آیا۔ اس شخص نے پانچویں سال میں اور
 اس کے بعد وہ بھی چلا گیا۔ یہ تو اس کے بعد اس کو خریدنا
 کے بعد اس کو خریدنا ہوں۔ وہ اس وقت کے دوران میں اس کو
 کے ساتھ ساتھ بلال۔ اس کے بعد اس کو خریدنا اور اس
 کس کو ساتھ کرتے ہیں اس کے بعد اس کو خریدنا اور اس
 نہیں گوارا کرتا۔ اس کے بعد اس کو خریدنا اور اس
 ہاؤس کاروائی کے بعد اس کے بعد اس کو خریدنا اور اس
 ہاؤس کاروائی کے بعد اس کے بعد اس کو خریدنا اور اس


 سربراہ دفتر سول سروس لاہور

Attested

 DSP HQ

NIC 15707-8661 R 15707-5
 0333 2898188

عقود الحرج
رقم 4/14
(13)

مدونة المدع في رهن عقار
تحت مرقم 4/14
رقم 287
رقم 4/14

تاريخ
رقم 4/14
رقم 4/14

Accepted
Lot B
4/14/2014

وکیلین

۳۹ شماره

(۱۲۱)

مدرسه ۳۹ اطلاع نمودن از پروتکول ما در تاریخ ۱۵/۱۰/۳۹. محترم حضور پذیرد از این جهت
ریکورد شماره ۵۳۴۱۱۱۱۱ صاحب و در تاریخ ۱۵/۱۰/۳۹ (۱) که در شهر عالم خان
۱۳۳۱. تشکیل دادی در شهر عالم خان در تاریخ ۱۵/۱۰/۳۹. که در تاریخ ۱۵/۱۰/۳۹
که در تاریخ ۱۵/۱۰/۳۹ که در تاریخ ۱۵/۱۰/۳۹ که در تاریخ ۱۵/۱۰/۳۹ که در تاریخ ۱۵/۱۰/۳۹
که در تاریخ ۱۵/۱۰/۳۹ که در تاریخ ۱۵/۱۰/۳۹ که در تاریخ ۱۵/۱۰/۳۹ که در تاریخ ۱۵/۱۰/۳۹
که در تاریخ ۱۵/۱۰/۳۹ که در تاریخ ۱۵/۱۰/۳۹ که در تاریخ ۱۵/۱۰/۳۹ که در تاریخ ۱۵/۱۰/۳۹
که در تاریخ ۱۵/۱۰/۳۹ که در تاریخ ۱۵/۱۰/۳۹ که در تاریخ ۱۵/۱۰/۳۹ که در تاریخ ۱۵/۱۰/۳۹
که در تاریخ ۱۵/۱۰/۳۹ که در تاریخ ۱۵/۱۰/۳۹ که در تاریخ ۱۵/۱۰/۳۹ که در تاریخ ۱۵/۱۰/۳۹

حاجای عالی

کفل کجا کجا اهل

DBA

mm pl Daggas

04-06-1939

Attested
Lol B...
...

بیان آڈن فیڈرل ڈیپارٹمنٹ آف ریورس

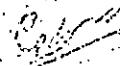
201

(74)

بیان کیا کہ میں خدمت میں کئی سال 2002ء تک کام کیا اور اس میں جی پی سی
 جوں دوران ملازمت ملاف تھا۔ مگر جو کام میں اس طرح
 سے فراغت ہوئی انعام دیا گیا۔ مگر میرا یہ کام نہ تھا۔
 میں کئی دفعہ 2007ء میں اس کا رجوع کیا اور اس میں اس کا انعام دیا گیا۔
 جو 17/4 پر کئی دفعہ 2007ء میں اس کا رجوع کیا اور اس میں اس کا انعام دیا گیا۔
 کہ اس میں وہ اس کے لئے اس کا رجوع کیا اور اس میں اس کا انعام دیا گیا۔
 وہ اس میں اس کے لئے اس کا رجوع کیا اور اس میں اس کا انعام دیا گیا۔
 کہ اس میں وہ اس کے لئے اس کا رجوع کیا اور اس میں اس کا انعام دیا گیا۔

محمد علی عمرانی
 201
 2007

Attested:


 DSP HQ Buns.

بیانِ احوالِ سرکاری (15)

بیان کیا کہ درج ذیل 2714 میٹریں شیشے کی لکڑی تیار ہوئی ہے۔
 تقاضا ہے کہ DSP کی طرف سے 14 کلوگرام تیار ہونے کے بعد، یہاں سے کینسل
 فرمایا جائے۔
 2714 پورے 200000 = عام کام کے لئے کینسل فرمایا جائے۔
 845 تمام ڈگر خانہ آگے میں لے کر کینسل فرمایا جائے۔
 تقاضا ہے کہ شیشے کی لکڑی کے ساتھ ساتھ اور بھی کچھ شیشے کی
 لکڑی لایا جائے۔ چونکہ کینسل فرمایا گیا ہے۔ یہاں سے شیشے کی لکڑی
 کو کینسل فرمایا گیا ہے۔
 247 کچھ شیشے کے لئے کینسل فرمایا گیا ہے۔
 یہاں سے کینسل فرمایا گیا ہے۔
 یہاں سے کینسل فرمایا گیا ہے۔
 یہاں سے کینسل فرمایا گیا ہے۔
 یہاں سے کینسل فرمایا گیا ہے۔
 یہاں سے کینسل فرمایا گیا ہے۔
 یہاں سے کینسل فرمایا گیا ہے۔
 یہاں سے کینسل فرمایا گیا ہے۔
 یہاں سے کینسل فرمایا گیا ہے۔
 یہاں سے کینسل فرمایا گیا ہے۔
 یہاں سے کینسل فرمایا گیا ہے۔

یہاں سے کینسل فرمایا گیا ہے۔

یہاں سے کینسل فرمایا گیا ہے۔

کاغذ نمبر

پاکستان کے لیے سلامتی کے لیے

کی طرف سے جاری کیے گئے ہیں

کی سلامتی کے لیے = 2

- 1. سرکاری
- 2. سرکاری
- 3. سرکاری
- 4. سرکاری
- 5. سرکاری
- 6. سرکاری
- 7. سرکاری
- 8. سرکاری
- 9. سرکاری
- 10. سرکاری

تحقیق کے لیے جاری کیے گئے ہیں

EC/CH/2/8/100

Asset EC

22/05/2013

DISCIPLINARY ACTION

1. I, ASIF IQBAL MAHMANS District Police Officer, Buner
competent authority, is of the opinion that you Const. Pakistan Balochistan No. 267 while posted as
Police Post Tors near sur have rendered yourself liable to be proceeded
against departmentally as you have committed the following acts / omission as defined in Rule
2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

That it has been reported against you that you while posted as Const.
P.P. Tors near sur committed the following act/acts:
on 27-01-2014 you have issued a writ to the Khan B/o Shah Raza Khan R/O
Tors near sur area Buner District Police Post and Complainant
has filed a writ that you have issued a writ to his house and called his nephew
namely Ghulam Nabi P.O. No. 23104563106, for coming out of his house
and he came over from his house to the police post for an irregular
detention and P.P. Tors No. 20. 01. 2014

- Which is / are gross misconduct on your part as defined in Rule 2 (iii) of Police Rules 1975.
2. For the purpose of settling the conduct of said officer with reference to the above allegations Mr. Ghulam Mahmood S.P. 4248 is appointed as enquiry officer.
 3. The Enquiry officer shall conduct proceedings in accordance with provision of Police Rules 1975 and shall provide you a reasonable opportunity of defense and hearing to the accused officer, record its findings and report within forty five (45) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.
 4. The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry officer.

DISTRICT POLICE OFFICER,
BUNER
No. 198-99 /EC Date 14-5-2014

1. Enquiry officer for initiating proceeding against the accused officer namely under Police Rules 1975.
2. Defuncted. Cerned.

DISTRICT POLICE OFFICER,
BUNER

No. 198-99/MC,
Dated 14-5-2013

CHARGE SHEET

MAST P. GOBAL MOHANDAS District Police Officer, as competent authority do hereby charge you Const. Exha. Alarm No 247 while posted V. P. Teor. Wersion as follows:

It has been reported against you that you while posted as Const. Police Post: Teor. Wersion committed the following act/acts:
on 27-01-2014 at 2:30 PM. I was on duty at the station. I was called to his nephew's house to attend to a case. I was called to his nephew's house to attend to a case. I was called to his nephew's house to attend to a case. I was called to his nephew's house to attend to a case.

Which is / are gross misconduct in your job as defined in Rules 2 (iii) of Police Disciplinary Rules, 1975.

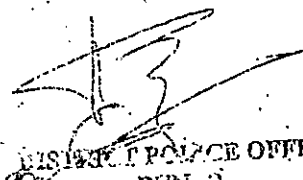
2. By reason of above, you appear to be guilty of mis-conduct and have rendered your-self liable to all or any of the penalties specified in Rule 4 of the Disciplinary Rules, 1975.

3. You are therefore, required to submit your written reply within 7 days of the receipt of this charge sheet to the authority Officer.

4. You written reply, if any, should reach to the authority Officer within the specified period. In the absence of reply, it shall be presumed that you have no defense to put-in and an explanation will be taken against you.

5. Intimate us to whether you desire to be heard in person or not?

6. Statement of allegation is enclosed.


DISTRICT POLICE OFFICER,
BUNLE

ENCLOSURE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 241/2015.

Fakhre Alam Shah s/o Nisar r/o village Gaddar Tehsi District Mardan

.....Appellant.

VERSUS

The District Police Officer, Buner Respondents.

Affidavit:-

I, District Police Officer, Buner do hereby solemnly affirm on oath that parawise comments to the Service Appeal as cited above are correct to the best of our knowledge and belief and nothing has been concealed from the Honorable Service Tribunal.

[Handwritten Signature]
DISTRICT POLICE OFFICER,
BUNER

Before the Service Tribunal KPK Peshawar at Mingora

Appeal No _____ of

Fakhre Alam ShahAppellant

VERSUS

The D.P.O Bunir etcRespondents

Subject:- *Para wise comments/ Rejoinder of the comments of respondents are as under.*

Respected Sir

Preliminary Objections:-

1. That appeal is within time and not time barred as the appellant have applied for attested copies of the relevant record but the respondents intentionally not provided the same, even till yet.
2. That the appellant has a good cause of action and locus standie as without any reality and proof just on the basis of presumptions, without any material and impartial witness.
The appellant has been compulsory retired from service.

FACTS:

1. Para no.1 of the appeal is admitted.
2. That para No.2 of the comments is wrong and incorrect, there is no proof, no FIR, no complaint and nothing to

note against the appellant hence para No.2 of the comments is baseless and denied.

3. That para No.3 of the comments is wrong, baseless and

without any solid roof and based on malafidy because:

- (i) No FIR has been lodged against the appellant.
- (ii) That there is no medico legal report to support the allegation leveled against the appellant.
- (iii) That there is no confession on behalf of the appellant regarding the allegation hence, the allegation is baseless and no impartial inquiry has been conducted therefore, para No.3 of the comments is wrong.

4 Para No.4 of the comments is incorrect, no show cause notice has been given to the appellant, even no single defence witness has been examined, however, no incriminating elements have been recovered from the appellant, hence para No.4 of the comments is wrong and baseless.

5 That para No.5 of the comments is wrong, incorrect and baseless as no opportunity has been given to the appellant to defend himself, even his statement has not been recorded and convicted the appellant.

6 That para No.6 of the comments is wrong, incorrect and based on malafidy, the order of the respondent NO.2 by itself contradictory as attendance of the appellant has not been noted nor his statement recorded. Moreover, no CDR regarding the calls by the appellant was produced.

7 That para No.7 is legal, hence no comments.

8 That para No.8 of the comments is incorrect, wrong and based on malafidy and illegality as for the proof of

allegation there should be FIR , medical report, CDR report etc so, para No.8 is wrong and baseless.

9 That para No.9 of the comments needs no reply however it is admitted that the appellant have performed duties for more than 5 years in the militant state i-e Swat and Bunir during crises.

10 That para No.10 of the comments as wrong, based on malafidy and presumptions because no legal procedure for inquiry i-e giving show cause notice, recording of the statements of impartial witness, to give defense opportunity to the accused and to prove the allegations, needs strong evidence i-e lodging FIR , medical report, CDR etc which are not available therefore, the inquiry and orders of both the respondents are illegal, based on malafidy and presumption, hence liable to be set aside and appellant is entitled for re-instatement along with all back benefits.

11 That para No.11 of the comments needs no reply.

It is, therefore most humbly prayed that the instant appeal may please be accepted as prayed for.

Dated 20/06/2017

Appellant _____

Through:

Ashfaq Hussain
20/6/17
Ashfaq Hussain Advocate
High Court Distt: Bar
Mardan.

Before the Service Tribunal KPK Peshawar at Mingora

Fakhre Alam ShahAppellant

VERSUS

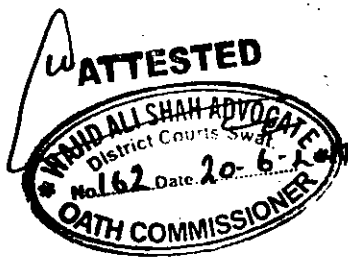
The D.P.O Bunir etcRespondents

AFFIDAVIT

I, do hereby solemnly affirm and declare that the contents of the above mentioned rejoinder are true and correct to the best of my knowledge and nothing has been concealed from this Hon'able Tribunal.

Deponent _____

FLC-3



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 2433/ST

Dated 14/11/2017


To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Bunir.

Subject: **JUDGEMENT IN APPEAL NO. 241/15, MR.FAKHAR ALAM SHAH.**

I am directed to forward herewith a certified copy of Judgment dated 06/11/2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

Before the Service Tribunal KPK Peshawar at Mingora

Appeal No _____ of

Fakhre Alam ShahAppellant

VERSUS

The D.P.O Bunir etcRespondents

Subject:- *Para wise comments/ Rejoinder of the comments of respondents are as under.*

Respected Sir

Preliminary Objections:-

1. That appeal is within time and not time barred as the appellant have applied for attested copies of the relevant record but the respondents intentionally not provided the same, even till yet.
2. That the appellant has a good cause of action and locus standie as without any reality and proof just on the basis of presumptions, without any material and impartial witness. The appellant has been compulsory retired from service.

FACTS:

1. Para no.1 of the appeal is admitted.
2. That para No.2 of the comments is wrong and incorrect, there is no proof, no FIR, no complaint and nothing to

note against the appellant hence para No.2 of the comments is baseless and denied.

3. That para No.3 of the comments is wrong, baseless and without any solid roof and based on malafidy because:

- (i) No FIR has been lodged against the appellant.
- (ii) That there is no medico legal report to support the allegation leveled against the appellant.
- (iii) That there is no confession on behalf of the appellant regarding the allegation hence, the allegation is baseless and no impartial inquiry has been conducted therefore, para No.3 of the comments is wrong.

4. Para No.4 of the comments is incorrect, no show cause notice has been given to the appellant, even no single defence witness has been examined, however, no incriminating elements have been recovered from the appellant, hence para No.4 of the comments is wrong and baseless.

5. That para No.5 of the comments is wrong, incorrect and baseless as no opportunity has been given to the appellant to defend himself, even his statement has not been recorded and convicted the appellant.

6. That para No.6 of the comments is wrong, incorrect and based on malafidy, the order of the respondent NO.2 by itself contradictory as attendance of the appellant has not been noted nor his statement recorded. Moreover, no CDR regarding the calls by the appellant was produced.

7. That para No.7 is legal, hence no comments.

8. That para No.8 of the comments is incorrect, wrong and based on malafidy and illegality as for the proof of

allegation there should be FIR , medical report, CDR report etc so, para No.8 is wrong and baseless.

9 . That para No.9 of the comments needs no reply however it is admitted that the appellant have performed duties for more than 5 years in the militant state i-e Swat and Bunir during crises.

10 That para No.10 of the comments as wrong, based on malafidy and presumptions because no legal procedure for inquiry i-e giving show cause notice, recording of the statements of impartial witness, to give defense opportunity to the accused and to prove the allegations, needs strong evidence i-e lodging FIR , medical report, CDR etc which are not available therefore, the inquiry and orders of both the respondents are illegal, based on malafidy and presumption, hence liable to be set aside and appellant is entitled for re-instatement along with all back benefits.

11 That para No.11 of the comments needs no reply.

It is, therefore most humbly prayed that the instant appeal may please be accepted as prayed for.

Dated 20/06/2017

Appellant

[Handwritten signature]

Through:

[Handwritten signature]

Ashfaq Hussain Advocate
High Court Distt: Bar
Mardan.

20/6/17

Before the Service Tribunal KPK Peshawar at Mingora

Fakhre Alam ShahAppellant

VERSUS

The D.P.O Bunir etcRespondents

AFFIDAVIT

I, do hereby solemnly affirm and declare that the contents of the above mentioned rejoinder are true and correct to the best of my knowledge and nothing has been concealed from this Hon'able Tribunal.

Deponent _____

Handwritten signature/initials

