

28.06.2018

Appellant in person present and submitted an application for the withdrawal of the present service appeal. Consequently the present service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.

*Faisal Khan*

ANNOUNCED

28.06.2018

*[Signature]*

Member

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A


**14.03.2018**

Clerk of the counsel for appellant present. Mr. Riaz Paindakhel, Assistant AG for the respondents present. Written reply not submitted. Learned Assistant AG requested for adjournment. Adjourned. To come up for written reply and comments on 28.03.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member


**28.03.2018**

None present on behalf of appellant and his counsel. Mr. Kabir Ullah Khattak, Addl. AG present. Representative of the respondent department is also absent. Therefore, fresh notice be issued to the appellant and his counsel as well as official respondent for attendance. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on ~~03.04.2018~~ before S.B.

  
Member

**03.05.2018**

The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on **28.06.2018** before S.B.

  
Reader

28.12.2017

Learned counsel for the appellant present.  
Preliminary arguments heard and case file perused.

Learned counsel for the appellant argued that the appellant was appointed as a Constable in Police Department vide order dated 25.07.2007. That on 15.01.2015 a complaint was filed by Khan Bahadar against the unknown person in which he alleged that two unknown person received Rs. 10,5000/- from his son. That subsequently an FIR was lodged against the appellant at PS Anti Corruption Abbottabad on 14.07.2015 u/s 161/171/419/420/468/471/477 A V (2) PPC. That the appellant was dismissed from service by respondent no. 4 vide impugned order dated 27.02.2015. That the Anti Corruption Curt has declared the appellant as innocent. That the appellant filed departmental appeal, which was rejected vide order dated 5.12.2017.

Points raised need consideration. Admitted for regular hearing subject to all legal objections including limitation. The appellant is also directed to deposit security and process fee within (10) days, whereafter notice be issued to the respondents department for written reply/comments on 20.02.2018 before S.B.

Appellant Deposited  
Security & Process Fee

  
(Gul Zeb Khan)  
Member

20.02.2018

Clerk of the counsel for appellant and Muhammad Jan, DDA for the respondents present. Written reply not submitted. Learned DDA requested for further time adjournment. Request accepted. To come up for written reply/comments on 14.03.2018 before S.B.

  
(Gul Zeb Khan)  
Member

## Form-A

## FORM OF ORDERSHEET

Court of \_\_\_\_\_

Case No. 1360/2017


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	08/12/2017	<p>The appeal of Mr. Faisal Aslam resubmitted today by Uzma Syed Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 8/12/17</p>
2-	15/12/17. <i>T.</i>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/12/17</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

The appeal of Mr. Faisal Aslam son of Muhammad Aslam Khan resident of Dhodial Nawanshehr Distt. Abbottabad received today i.e. on 05.12.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of enquiry report mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of rejection order of departmental appeal mentioned in para8 of the memo of appeal (Annexure-I) is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal

No. 2613 /S.T,

Dt. 06/12 /2017


  
REGISTRAR 6/12/17  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Khurram Saeed Hashmi Adv.  
High Court Abbottabad.

①. Objectives Remand.

2. The <sup>copy of</sup> Rejection order of Departmental Appeal was not available with the appellant. So the same may be requisite from the department.

③ Remand.



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

Service Appeal No. 1360 /2017

Faisal Aslam son of Muhammad Aslam Khan, resident of Dhodial,  
Nawanshehr, Tehsil & District Abbottabad. ....APPELLANT  
**VERSUS**

Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs,  
Khyber Pakhtunkhwa, Peshawar & others ....RESPONDENTS

**SERVICE APPEAL  
INDEX**

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 07	
2.	Stay application with affidavit	08 to 09	
3.	Copies of Service Card	10	"A"
4.	Copy of the written compliant	11	"B"
5.	Copy of compliant and FIR	12	"C&D"
6.	Copy of second FIR	13	"E"
7.	Copy of Charge sheet and <i>Statement of allegation</i>	14-15	"F&G"
8.	Copy of Dismissal Order passed by respondent NO.4.	16-17	"H"
9.	Copy of Department appeal	18-19	"I"
10.	Copy of judgments of both the courts	20-24	"J&K"
11.	Vakalatnama	25	"L"

Faisal Khan  
...APPELLANT

Through

Dated: 5/12 /2017

(Khurram Saeed Hashmi/Zafar Iqbal & Umman Ayub)  
Advocate High Court, at Abbottabad

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

Service Appeal No. 1360 /2017

Faisal Aslam son of Muhammad Aslam Khan, resident of Dhodial,  
Nawanshehr, Tehsil & District Abbottabad.

....APPELLANT

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 1384

Dated 05/12/2017

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs, Khyber Pakhtunkhwa, Peshawar.
- 2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 3. Deputy Inspector General of Police Hazara Range, Abbottabad
- 4. District Police, Officer, Abbottabad.

....RESPONDENTS

Filed to-day  
*[Signature]*  
Registrar  
5/12/17

SERVICE APPEAL UNDER SECTION 4 OF KPK  
SERVICE TRIBUNAL ACT 1974, AGAINST THE  
ORDER BEARING OR#49 DATED 27.02.2015  
PASSED BY THE RESPONDENT NO.4 IN  
WHICH APPELLANT WAS DISMISSED BY  
SERVICE WHEREBY APPELLANT FILED

Re-submitted to -day  
and filed.  
*[Signature]*  
Registrar  
8/12/17

DEPARTMENT APPEAL AGAINST THE ORDER  
OF RESPONDENT NO.4 THE SAME ORDER UP  
HELD BY THE RESPONDENT NO.3..

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**PRAYER:** ON ACCEPTANCE OF THE INSTANT  
APPEAL, THE IMPUGNED ORDER DATED  
08.09.2017 MAY GRACIOUSLY BE SET-ASIDE  
AND APPELLANT BE KINDLY BE  
REINSTATED IN SERVICE WITH ALL BACK  
BENEFITS.

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Respectfully Sheweth: -

Following are the facts, giving rise to the instant appeal;-

1. That on dated 25.07.2007 the appellant was appointed in police department as a constable (copy of service card is annexed as annexure "A")
2. That the appellant was serving in police department from last 10 years with honestly and no complain & allegation was levelled against him
3. That on dated 15-1-15 written complaint was filed by Khan Bahadur against the unknown



person in which he alleged that the two unknown person received Rs.10,500/- from his son. Copy of complaint is annexed as annexure "B".

4. That on the written complaint of Khan Bahadur the FIR was lodged against the two unknown persons at PS Bagnotar u/s 432/389/170 PPC in which the appellant was not directly charged. (copy of written complaint and FIR is annexed as annexure "C&D").
5. That after the elapse of two months second FIR was lodged against the appellant at PS Anti Corruption Abbottabad on dated 14.07.2015 u/s 161/171/419/420/468/471/477 A V(2) PPC copy of FIR. Copy of <sup>Second</sup> FIR is annexed as annexure as "E".
6. That in consequence of registration of case, the appellant was suspended & was given charge sheet where upon department inquiry was initiated against the appellant. Copy of charge sheet & ~~Statement~~ <sup>Statement</sup> of ~~appellant~~ are annexed as annexure "F&G".
7. That after the department inquiry the appellant was dismissed from service by respondent No.4 vide Order No.49 dated 27.02.2015 . Copy of dismissal order is annexed as annexure "H".

8. That the appellant feeling aggrieved preferred appeal before respondent No.03 which was turned down by respondent No.3 and the Order of respondent No.4 was upheld by respondent No.3. Copy of dismissal order passed by respondent No.3 is annexed as annexure "I".
9. That the competent courts of law acquitted the appellant from the charge levelled against him. Copies of judgments of both courts are annexed as annexure "J&K".
10. That felling aggrieved of the impugned dismissal Order the appellant approach to this Hon'ble Tribunal assailing the same being unwarranted at law and facts inter-alia on the following grounds

**GROUND:-**

- a. That the impugned order of dismissal issued by respondent No.3 is illegal, unlawful, without lawful authority, without jurisdiction, perverse, discriminatory and against the principle of natural justice, hence liable to be set-aside.
- b. That respondents are bound to act according to law. It is universally accepted principle of law that when law prescribe something to be done in a particular manner that must be done in same manner and not otherwise. A proper procedure has been prescribed in the

law on the subject which has been violated by respondent NO.3 and passed the impugned Order, which is liable to be set-aside.

- c. That a competent court of law has acquitted appellant from the charges levelled against him vide judgment dated 22.06.2017 and when the appellant has been acquitted from the charges, the respondents have no lawful justification to dismiss the appellant from service on the allegations which has been set-aside in the shape of his acquittal. Hence, the impugned Order of dismissal is harsh in nature and that too without any lawful justification.
- d. That when the complainant of criminal case is satisfied about the innocence of appellant, the respondents should have also considered his innocence before passing the impugned Order.
- e. That respondents should have treated the appellant in accordance with law but in the present cases they have acted beyond the jurisdiction thereby causing grave injustice to the appellant.


f. That the other points shall be urged at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the instant appeal, the impugned order dated 08.09.2017 may graciously be set-aside and appellant may kindly be reinstated in service with all back benefits. Any other relief which this Honourable Tribunal deems fit and proper in the circumstances of the case may also be granted to the appellant.

Faisal Khan  
...APPELLANT

Through

Dated: 5/12/2017

  
(Khurram Saeed Hashmi)  
Advocate High Court, at Abbottabad

  
(ZAFAR IQBAL)

&

  
(UMMAN AYUB)  
Advocates High Court, Abbottabad

**VERIFICATION: -**

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Faisal Khan  
...APPELLANT

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

Service Appeal No. \_\_\_\_\_/2017

Faisal Aslam son of Muhammad Aslam Khan, resident of Dhodial,  
Nawanshehr, Tehsil & District Abbottabad.

....APPELLANT

**VERSUS**

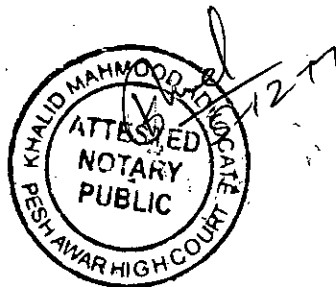
Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs,  
Khyber Pakhtunkhwa, Peshawar & others.

....RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, Faisal Aslam son of Muhammad Aslam Khan, resident of  
Dhodial, Nawanshehr, Tehsil & District Abbottabad, do hereby  
solemnly affirm and declare that the contents of forgoing appeal are true  
and correct to the best of my knowledge and belief and nothing has been  
concealed therein from this Honourable Court.



*Faisal Khan*  
**DEPONENT**

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

Service Appeal No. \_\_\_\_\_/2017

Faisal Aslam son of Muhammad Aslam Khan, resident of Dhodial,  
Nawanshehr, Tehsil & District Abbottabad.

....APPELLANT

**VERSUS**

Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs,  
Khyber Pakhtunkhwa, Peshawar & others.

....RESPONDENTS

**SERVICE APPEAL**

**APPLICATION SEEKING SUSPENSION OF OPERATION OF  
IMPUGNED OFFICE OR#49 DATED 27.02.2015 PASSED  
BY THE RESPONDENT NO.4 MAY GRACIOUSLY BE  
SUSPENDED AND APPELLANT MAY KINDLY BE ALLOWED  
TO PERFORM HIS DUTIES TILL FINAL DISPOSAL OF THE  
MAIN APPEAL.**

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Respectfully Sheweth:-

1. That the appellant has filed the accompanying appeal before this Honourable Tribunal, the contents of the same may graciously be treated as an integral part of this application.
2. That the appellant has brought a good prima facie case and is optimistic about his ultimate success before this Honourable Tribunal.
3. That balance of convenience also leans in favour of appellant.

4. That in case, the operation of impugned orders is not suspended and the appellant is not allowed to perform his duties, the appellant would suffer irreparable loss, which may also give rise to multiplicity of proceedings.

It is, therefore, humbly prayed that on acceptance of the instant appeal, operation of the impugned orders may graciously be suspended and appellant may kindly be allowed to perform his duties, till final decision of the main appeal.

Faisal Khan  
...APPELLANT

Through

Dated: 5/12 /2017



(Khurram Saeed Hashmi)  
Advocate High Court, at Abbotabad



(ZAFAR IQBAL)

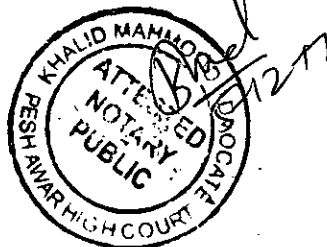
&



(UMMAN AYUB)  
Advocate High Court, Abbotabad

### AFFIDAVIT

I, Faisal Aslam son of Muhammad Aslam Khan, resident of Dhodial, Nawanshehr, Tehsil & District Abbottabad, do hereby solemnly affirm and declare that the contents of forgoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



Faisal Khan  
DEPONENT

**Annex B**

(11)

فضا بنگورہ میں جبریل جیٹر نمبر میں کارپوریٹیشن سائلز نے ایک ڈائری  
 حاکم فیسر کا کام شروع ہوا ہے اور مکان میں استعمال میں آئی ٹیکسٹ  
 پیرڈ بھی ہے جس کے مقدمات سے حاصل کیا گیا ہے جسے 1/11 کو موت شام قریب  
 ساڑھے پانچ بجے میں سے ایک بال جیٹ سے لے کر موجودہ تدابیر انتظامی جوائنڈ  
 میں لے کر داخل ہوئے جیٹ کے چھ بتلا رہے ہیں FIA کے پاس آ رہے ہیں  
 ٹیکسٹ کی شکایت سے ہم کو رہنے کے لئے یہ بھی کہا گیا ہے جو پورے علاقے  
 مکان کی تلاش شروع کر رہا ہے گھر ہو رہی ہے ستر ایک بھی ہے یہاں انہوں  
 کیا کہ ٹیکسٹ میں ایک مکان کے گھرنے سے لے کر اس کے پاس پیرڈ  
 ہے جو میں نے آڈیا پیرڈ بھی اٹکویسٹس کیا جوں سے مجھے پتا کہ یہ پیرڈ ایک سال  
 میں کا پیرڈ ہے اور ٹیکسٹ سے جلا منہ ٹیکسٹ پیرڈ اور محکم مقدمات سے حوسن  
 پیرڈ میں پیرڈ کے مقدمات کی تلاش ہی آئی ہے جس سے پتا چلا ہے میں نے  
 کنکریٹ میں بھی پتائی اس اثناء میں میرا بیٹا محمد طواز بھی آ گیا میں نے جو سے  
 کچھ پتائی نہ کون ہو گی میں حوسن اس آٹک سے پتا چلا یا ان تین انتظامی ہیں  
 ایک کو ڈیکورٹوں میں پیرڈ کے حق میں انتظامی میں سے پیرڈ کو محمد کے پاس  
 مسٹر پیرڈ کے جیٹوں سے منع ہے میرے بیٹے اختر طواز اور آٹک پیرڈ پیرڈ سے آ رہے

پیرڈ کے جیٹوں سے منع ہے میرے بیٹے اختر طواز اور آٹک پیرڈ پیرڈ سے آ رہے  
 1055 اور پیرڈ کے جیٹوں سے منع ہے میرے بیٹے اختر طواز اور آٹک پیرڈ پیرڈ سے آ رہے  
 پیرڈ کے جیٹوں سے منع ہے میرے بیٹے اختر طواز اور آٹک پیرڈ پیرڈ سے آ رہے  
 ایک شخص نے پتا چلا کہ 2212 کے پاس سے کر رہا ہے کیا یہاں سے  
 وائرس باوانے قوم سے دھکا دی ہے ٹیکسٹ کے مقدمات اور پیرڈ کے جیٹوں  
 فیسری فروری میں آٹک کے جیٹوں کو پیرڈ سے کر رہے ہارڈ کی کو چاہئے

Riaz Blank 317-3573-3345

خان پیرڈ کے جیٹوں سے منع ہے میرے بیٹے اختر طواز اور آٹک پیرڈ پیرڈ سے آ رہے

Attested By  
*(Signature)*



فارم نمبر ۲۳-۵ (۱)

### ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

اسٹیج فرسٹ اینڈ سیٹ ۱۶ مارچ

ضلع ایبٹ آباد

20 عملت نمبر کی

تاریخ وقت وقوع: 15/10/2015 وقت 17:30 بجے

پہنچائی گئی ہے	15/10/2015	14 بجے	وقت 11:30 بجے
پہنچائی گئی ہے	15/10/2015	14 بجے	وقت 11:30 بجے
نام و کنیت اطلاع دہندہ مستفیض	غیاث بیہادر ولد سرسبز قاسم ٹرالی سکینر جسٹریٹ ٹیلی ویژن		
نمبر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	A 477-471-468-420-419-171-161 D.P.C. Act		
ہائے ذمہ فاصلہ تھانہ سے اور دست خاں اور پیشہ و دفعہ	ریٹ سٹریٹ کی نامہ 18/19 گلوٹریٹ از خان		
نام و کنیت ملزم (1) مہینہ اولیٰ ولد قمر اسلام خان سکینر مکان 1841 ڈھکڑیاں لہور و مشہور خواست شہزاد ملزم (2) نامہ جیل ولد قمر اسلام سکینر صابو مشہور 1841 ڈھکڑیاں لہور و مشہور خواست شہزاد ملزم (3) نامہ جیل ولد قمر اسلام سکینر صابو مشہور 1841 ڈھکڑیاں لہور و مشہور خواست شہزاد	بھارتی پوسٹل کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو		
تھانہ سے روانگی کی تاریخ و وقت	پہنچائی گئی ہے		

**ابتدائی اطلاع نیچے درج کرو۔** مستفیض صدر جہ خاں نامہ پورے ایک گھنٹہ درجہ اولیٰ مستفیض ملزم خانہ نمبر S نامہ D.P.O صاحب ایبٹ آباد گورنمنٹ ہسپتال 15 مارچ 2015 کو اسٹیج فرسٹ اینڈ سیٹ واقع جسٹریٹ ٹیلی ویژن کے لیوٹننٹ 17:30 بجے میں ملزم خانہ لہور نے درجن میں ملزم بھی کیا کہ بی بی کے خلاف شکایت سلی بی بی کے گھر میں نا جائز رکش اور نا جائز آرا مشین ہے اور آپ لکٹر کا جائز رکش رکھ کر تھے ہیں۔ اور صدر گھر کا تھانہ مشہور کرنا۔ چونکہ میں نے اس گھر میں لکٹر کا نام مشہور کیا ہوا تھا۔ اور میں نے اسے مشہور کیا۔ جو صدر گھر میں مشہور ہوا۔ اور صدر گھر میں بھی مشہور ہوا۔ میں نے مذکورہ کی درجہ اولیٰ پر بی بی پر مشہور بھی دیکھا۔ فیکٹری کے زمینوں نے کیا ہے۔ اور آپ کے لکٹر کو مشہور کیا ہے۔ اس پر مذکورہ نے تدارک مشہور کر دیا۔ اور اس میں مشہور ہوا اور اس نے مضامین لکھنے کے طور پر ادنیٰ کرتے ہوئے آگے بڑھ کر مشہور کیا۔ دینے کے لیے کوئی بھی من اور کر لیت ہے۔ اور آپ کے ہاتھ سے مشہور کر لیا۔ گھر سے تمام لکٹر اور اسرار وغیرہ اٹھا کر لے جائیں گے۔ صدر گھر سے رقم مبلغ دس۔ ستر ہزار روپے فراہم کرنے اور ان کے ساتھ ان کے گھر کے پاس ہاتھ پائی کرنے کو تیار کرانے سے متعلق۔ لے جانے پر آمادہ کیا۔ لکٹر نے شخص رقم مبلغ 10500 روپے اور ان کے ساتھ جہا گیا۔ جو قحوظ دیر بعد والی ہی آیا۔ جس نے لکھا کہ ان کے اندر سے رقم مبلغ 10500 روپے لیکر لیا گیا ہے۔ حلیہ اپنا نام سر سبز پیرونٹ کی تعداد لکھی ہوئی ہے۔ جو صدر گھر (D.P.O) صاحب گورنمنٹ ہسپتال ہے جس میں سے اس وقت حکیم نے پورے کی وجہ سے کسی کا نام نہیں لکھا۔ لکھنے ان میں سے عمارت میں لکھا گیا ہے آپ پر پورے لکھی اور پیرونٹ کی دہلی





انگریزی میں لکھی ہوئی ایک دستخط ہے۔ اس میں "The Government of India" کے الفاظ نظر آتے ہیں، جنہوں نے اسے تاحیاتی طور پر تسلیم کیا ہے۔

اطلاق کے تحت اطلاع دے رہا ہوں کہ اس نے گوانا، اسٹریٹس اور اسی طرح کے علاقوں میں اطلاع کا رخ کیا ہے۔ اس کے ایک لاکھ پانچ سو تالیس روپے مالکان پر اس وقت سے اس علاقے کے تمام لوگوں کو آگے لے گیا ہے۔

170 Rivington  
451 West Pass

CHARGE SHEET

Anex - F

14

I, Muhammad Ali Khan District Police Officer Abbottabad, as competent authority, hereby charge you FC Faisal No 1405, as explained in the attached statement of allegations.

You appear to be guilty of misconduct under Police disciplinary rules 1975, and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet in the Enquiry Officer.

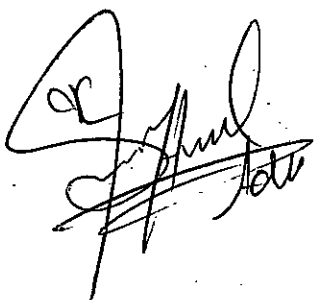
Your written defense, if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

Intimate whether you desire to be heard in person or otherwise.

A statement of allegation is enclosed.



(MUIHAMMAD ALI KHAN)  
District Police Officer  
Abbottabad



*[Handwritten signature]*

Disciplinary Rules 1975.

proceedings against the defaulter officer under provisions of the Police Officer) for initiation (Enquiry) provisions of the Police Officer under provisions of the Police Officer) for initiation  
 Copy of above is forwarded to: Mr. J. J. Gomer, DSI, Faisalabad  
 No. 258 / P.A. Dated Abbottabad the 28-1 /2015.

(MUHAMMAD ALI KHAN)  
 District Police Officer  
 Abbottabad

*[Handwritten signature]*

by the Inquiry Officer.

You should attend the proceedings on the date, time and place fixed  
 For the purpose of scrutinizing your conduct with reference to the  
 Departmental Enquiry against you FC Faisal No 1405. The Enquiry Officer shall in  
 accordance with the provision of the rules, provide reasonable opportunity of hearing to  
 you, record finding and make with thirty days of the receipt of this order  
 recommendation as to punishment or other appropriate action against you.

Your these cheap activities are source of defaming entire Police  
 force.  
 Rider  
 stopped- which subsequently was returned through the intervention of Qasim Police  
 stopped vehicle of Gul Faraz v/o Jaster, and during the search of his vehicle his NIC was  
 valid permit was also taken into possession unlawfully and defraudulently. Similarly you  
 the disguise of FIA had raided his house and extracted Rs 10000/- from his son. Wooden  
 application against you mentioning there-in that you alongwith your private comrades in  
 Bahragali, PS Dongagali. Similarly one Khan Bahadur v/o Jaster had given written  
 time and again been caught red handed, while smuggling illicit timber in the areas of  
 alleged that you while deployed as gunner with Assistant Commissioner Abbottabad have  
 Vide Daily Diary No 14 dated 23-01-2015 PS Bagnotar it has been

**STATEMENT OF THE ALLEGATION**

meaning of Police Disciplinary Rules 1975.

(competent Authority of the opinion that you FC Faisal No 1405 have rendered yourself  
 liable to be proceeded against as you committed the following act/omission within the

**DISCIPLINARY ACTION**

(15)

Annex 9

ORDER.

Annex - H

16

This order dispose of the departmental enquiry against Constable Faisal No 1405 having allegations that vide Daily Diary report No: 14, dated 23-01-2015, Police Station Bagnotar, Constable Faisal No: 1405 deployed as gunner with Assistant Commissioner, Abbottabad, indulged in the smuggling of illicit timber from Barhagali. Likewise one Khan Bahadar resident of village Juster, Police Station Bagnotar, had also submitted written complaint in the Police Station about aforementioned constable that he accompanied by two other youngsters visited / raided the house of complainant and harassed him in the disguise of FIA employees for keeping wooden material in his house inspite of the fact that he produced valid permit of the wooden martial present on the spot.

Allegedly the Constable Faisal No: 1405 alongwith his companion also extracted Rs. 10,000/- from the son of complainant and the permit of wood was also taken alongwith them.

He was issued charge sheet alongwith statement of allegations and SDPO Havelian Circle was deputed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry against the delinquent officer and recorded the statements of all concerned. He has provided ample opportunity to the delinquent officer to defend the allegations imposed upon him. After conducting proper departmental enquiry, the Enquiry Officer submitted his finding wherein he has proved the allegations. Consequently he was issued Final Show Cause Notice and was called in Orderly Room. But he failed to present any plausible defense for his unlawful act and activities.

Forgoing in view the undersigned is of considered opinion that there are no chances that Constable Faisal No 1405 shall become a good Police Officer. His further retention in service is bound to affect the discipline of the entire force. Therefore, in exercise of the powers vested in the undersigned under Rules 2(iii) of Police Disciplinary Rules-1975, I, Sher Akbar, S.St., P.S.P, District Police Officer, Abbottabad as a competent authority, am constrained to award him the punishment of dismissal from service with immediate effect.

Order announced.

District Police Officer, Abbottabad

O.B No 49

Dated 27/02/2015

Attested

SO  
For District Police Officer,  
Abbottabad

5/3/2015

*[Handwritten signature]*

ORDER.

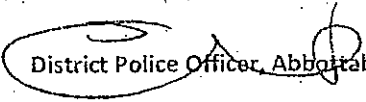
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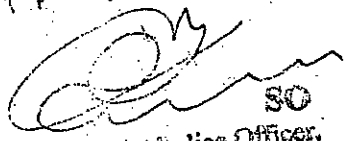
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Order announced.

  
District Police Officer, Abbottabad

O.B No 49  
Dated 27/02/2015.

Attested  
  
SO  
For District Police Officer,  
Abbottabad 5/3/2015





To: The W/Regional Police Officer,  
Hazara Region, Abbottabad.

Amex - I

18

Subject: - APPEAL AGAINST ORDER OF DISMISSAL BY THE DPO ABBOTTABAD.

Respected sir,

It is to bring into your kind notice I have been dismissed from service on the following allegation that:-

1. "Vide Daily Diary No: 14, dated 23-01-2015 PS Bagnotar, I indulged in the smuggling of illicit timber.
2. One Khan Bahadur r/o Jastur PS Bagnotar had submitted complaint against me in the Police Station that I accompanied by two youngster visited/raided the house of complainant and harassed him in the guise of FIA employees for Keeping wooden material in his house in spite of the facts that he produce valid permit of the wooden material present on the spot. Allegedly I had also extracted amount Rs. 10000/- from the son of complainant and permit of wood also taken alongwith me.

I submit my humble requests as under:-

1. I solemnly declare that I have no concern with the smuggling of the illicit timber. In case I was dealing with the same why FIR was not registered against me and entry in daily diary was not made against me and the matter was not brought into the notice of the higher officers?
2. I also declare that I had never ever entered into the house of Khan Bahadur r/o Jastur. He is habitual in submitting fake complaints against the Government Employees. He is a back mailer and about 30/35 cases of fictitious nature are under litigation between him and the innocent persons in the courts thereby harassing them in order to fetch his goals.

The case registered against me remained under trial and in the judgment of the Honorable Special Judge Anti Corruption, KPK, Peshawar (copy attached).

Vide para-9 reproduced below, the complainant failed to prove allegations against me, therefore I therefore I was acquitted from the court on 22-06-2017:-

// The record reflects that the instant case was registered on the complaint of complainant Khan Bahadhar who had alleged that his son had paid an amount of Rs. 10500/- to the accused (as illegal gratification). However while appearing as PW-1 the same complainant appears to have withdrawn from the prosecution and substantiating the allegations leveled by him against the accused. It appears from his cross examination that he is satisfied about the innocence of the accused and thus no more interested in their prosecution. In this regard the relevant part of his cross section is reproduced below:-

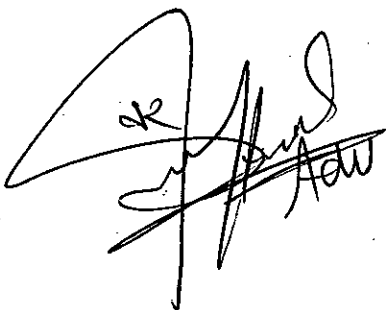
"It is correct that in my first application I have not mentioned the names of the accused and my first report is regarding unknown persons. I have not myself paid directly any amount to the accused. It is correct that accused facing trial have satisfied me regarding their innocence in the instant case. As such I am quite satisfied about their innocence and therefore do not want to prosecute them anymore, I have got no objection if this court acquits the accused facing trial in the instant case".

The applicant failed to prove allegations against me. I therefore in light of the above, requests into your kind honor to exonerate of the charges leveled against me and reinstate me in service.

I shall be obliged please.

Faisal Khan  
Yours Obediently,

(Ex- Constable Faisal No. 1405)  
Abbottabad District.

  
Faisal Khan

Anex - J

20

In the Court of Special Judge, Anti-Corruption, (Provincial), Khyber Pukhtunkhwa,  
(Camp Court Abbottabad.

15

Case No.16 of 2016.

Date of Institution. 13.04.2016.

Date of Decision. 22.06.2017.

State Versus:-

- 1) Faisal Aslam S/o Muhammad Aslam khan, R/o Dhodial Nawansher, District Abbottabad.
- 2) Aamir Jameel S/o Muhammad Aslam, R/o Javed Shaheed Road Mandian Abbottabad.
- 3) Raja Rameez S/o Raja Muhammad Nawaz, R/o Banda Phalwarnian District Abbottabad.

Case FIR No.06 dated 14.07.2015 of P.S. ACE, Abbottabad, u/s 161/170/419/420/468/471/477-A of PPC read with Section 5 (2) of Prevention of Corruption Act.

ORDER.

- 1) Vide FIR No.06 dated 14.07.2015, P.S. ACE, Abbottabad, accused 1) Faisal Aslam S/o Muhammad Aslam khan, 2) Aamir Jameel S/o Muhammad Aslam and 3) Raja Rameez S/o Raja Muhammad Nawaz were charged for the offences punishable u/s 161/170/419/420/468/471/477-A of PPC read with section 5(2) of Prevention of Corruption Act and their case was forwarded to this court for trying them for the said offences.
- 2) Briefly stated facts of the case, as per FIR, are that complainant Khan Bahadur submitted an application to the DPO Abbottabad wherein he claimed that on 15.01.2015 at 17.30 hours, the above mentioned accused entered into his house at Jastar Namli Maira, Abbottabad and introduced themselves to be the employees of FIA. They informed him about a complaint regarding the installation of an illegal saw machine in his house and his dealing in illegal timber. They searched his house, and found a carpenter at work. Complainant showed his permit to them who rejected the same by terming it as old one. The complainant argued that the timber lying in his was also old one. Upon this, they picked up a quarrel. Meanwhile the son of complainant arrived on the scene and tried to resolve the matter. The accused warned that they would call their officer who would fine him and the illegal timber and tools would also be removed from his house. Upon this, his son obtained Rs.10,500/- from him and went alongwith the accused to meet the officer. Upon his return after a while he disclosed that he had paid Rs.10,500/- to the officer who had assured him that no action would be taken against them and that they could continue their work. Since by then he did not know the accused by name therefore he did not name the accused in the application. On the basis of this application, FIR was registered in the local police station.

Anti-Corruption  
Khyber Pakhtunkhwa  
22.6.2017

ATTESTED  
3/7/2017  
Court of Special Judge

3) After obtaining the opinion from the DPP the case in hand was transferred to the ACE by the S.P. Investigation Abbottabad. An open inquiry into the matter was initiated after obtaining permission from the Director ACE. During inquiry statements of all concerned were recorded and relevant record was taken into possession. On the recommendation of field staff, the instant was registered against the accused for committing the offences punishable u/s 161/170/419/420/468/471/477-A of PPC read with section 5(2) of Prevention of Corruption Act.

4) After completing investigation the challan was submitted against the accused for trial. Provisions of section 241-A of Cr.PC were complied with and the charge was framed against the accused to which they pleaded not guilty and claimed trial.

5) In support of its case the prosecution produced and examined complainant Khan Bahadur S/o Mir Baz Khan as PW-1. This witness was cross-examined and soon thereafter an application for acquittal of accused u/s 249-A of Cr.PC was submitted by their counsel.

6) Notice of the application was given to the learned Senior Public Prosecutor. Arguments of learned counsel for accused and learned Senior Public Prosecutor heard and file perused with their assistance.

7) Learned counsel for the accused stated that it was the complainant on whose application the present proceedings had been triggered and it was he who had leveled charges on the accused of receiving illegal gratification from his son. He contended that the said complainant while appearing as PW-1 had not substantiated the charges and had rather stated in the clearest possible terms that he was satisfied about the innocence of the accused and was no more interested in their prosecution. He added that in view of these depositions there was no probability of the accused being convicted of any offence, no matter what other evidence was produced by the prosecution in this case and as such recording of remaining of evidence would be nothing more than a futile exercise and wastage of the precious time of the court. He thus requested that while invoking the provisions of section 249-A of Cr.PC the accused be out rightly acquitted.

8) Learned public prosecutor opposed the application and contented that let the remaining evidence of the prosecution be recorded and thereafter the case be decided on merits.

9) The record reflects that the instant case was registered on the complaint of complainant Khan Bahadur who had alleged that his son had paid an amount of Rs.10500/- to the accused (as illegal gratification). However while appearing as PW-1 the same complainant appears to have withdrawn from the prosecution and substantiating the allegations leveled by him against the accused. It appears from his cross examination that he is satisfied about the innocence of the accused and thus no more interested in their prosecution. In this regard the relevant part of his cross examination is reproduced below:-

"It is correct that in my first application I have not mentioned the names of the accused and my first report is regarding unknown persons. I have not myself paid directly any amount to the accused. It is correct that accused facing trial have satisfied me regarding their

SPECIAL JUDGE  
Anti Corruption  
Khyber Pakhtunkhwa Peshawar  
22.6.17

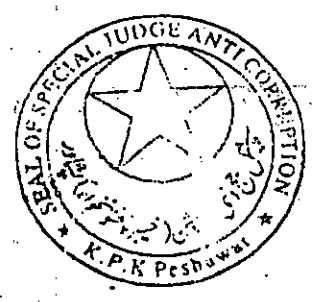
ATTESTED  
3/7/2017  
EXAMINER  
Court of Special Judge  
Anti Corruption KPK Peshawar



innocence in the instant case. As such I am quite satisfied about their innocence and therefore do not want to prosecute them anymore. I have got no objection if this court acquits the accused facing trial in the instant case".

- 10) In view of the above deposition it is quite clear that the complainant is satisfied about the innocence of the accused and therefore no longer interested in their prosecution. As such there seems to be no probability of the accused being convicted of any offence, no matter what other evidence is lying in the stock with and produced by the prosecution in this case. In the circumstances while invoking the provision of section 249-A Cr.PC, all the three accused named above are acquitted of the charges leveled against them. Being on bail they and their sureties are absolved of their liabilities under the bail bonds.
- 11) The case property, if any, should be kept intact till the expiry of the period of limitation prescribed for appeal/revision and should be disposed of according to law if no appeal is preferred.
- 12) File of the case be consigned to the record room after putting it in order in accordance with rules.

Announced.  
Abbottabad.  
22.06.2017.



*[Signature]*  
22/6/17  
(Muhammad Bashir)  
Special Judge,  
Anti-Corruption (Provincial),  
( Camp Court Abbottabad ).

Certificate.

Certified that this order consists of three pages, each of which has been signed by me.

ATTESTED  
*[Signature]*  
3/7/2017  
EXAMINER  
Court of Special Judge  
Anti Corruption KPK Peshawar

*[Signature]*  
22/6/17  
Special Judge,  
Anti-Corruption (Provincial),  
( Camp Court Abbottabad ).

*[Signature]*

حکومت پاکستان  
 ڈیپارٹمنٹ آف لاء  
 13101-0940860-1  
 1-مارچ-14  
 15/07/15  
 15/07/15  
 15/07/15

Anex - k

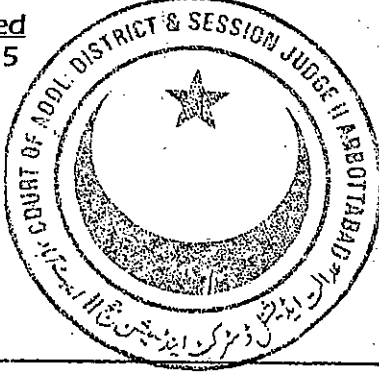
23

Form "B"

No. of Order or Proceedings	Date of Order or Proceedings	Order or other proceedings with Signature of Judge or Magistrate and that of parties or council where necessary
1	2	3
	<p>18903</p> <p>15/07/15</p>	<p>in the business of illegal timber and started search of his house. In the house of complainant a carpenter was present for the purpose of work of house. Complainant showed his permit to the said persons but they refused by saying that it was old. Complainant told them that timber lying in the house was also old, upon which a quarrel took place between the complainant and the accused. Meanwhile son of the complainant arrived who tried to resolve the matter. Accused told that they would call their officer who would fine him and the illegal timber and tools would be lifted from his house. The son of the complainant obtained Rs. 10,800/- from complainant and went along with the accused/petitioners to meet the officer and returned after a while. Upon return he disclosed that he had paid Rs. 10,500/- to the officer who told him that no matter go and keep on your work. Complainant submitted application to this effect to the SHO but at that time the names of the accused were not known thus none was nominated. On the basis of this application, FIR was registered.</p> <p>Arguments heard and record perused.</p> <p>The only allegations against the petitioners as is alleged in the FIR is that they received an amount of Rs. 10,500/- from the complainant as illegal gratification. When the complainant was having in his possession a valid permit with respect to the timber lying in his house, then what were the factors which influenced him to hand over the disputed amount as illegal gratification. Handing over any sum as illegal gratification, if not amounts to an offence is certainly an immoral act. One who seeks equity, must do equity. The non-production of record on service of successive notices would show that the proceedings against the accused are intended for ulterior motive and undue harassment which in turn entitles the petitioners to the concession of pre arrest bail.</p> <p>Resultantly, the pre arrest bail petitions of the petitioners stand accepted on the existing bail bonds. Copy of this order be sent to SHO concerned to place the same on record. File be consigned to Record Room after completion and compilation.</p> <p><b>Announced</b> 03.06.2015</p>

Accepted to be True Copy  
 15/07/15

No. of Presentation Application: 18903  
 No. of Words: \_\_\_\_\_  
 Copying Fee: \_\_\_\_\_  
 Urgent Fee: \_\_\_\_\_  
 Total: \_\_\_\_\_  
 Name of Copyist: \_\_\_\_\_  
 Date of Preparation of Copy: 15/07/15  
 Date of Delivery of Copy: 15/07/15



(Hidayatullah Khan)  
 Additional Sessions Judge-II,  
 Abbottabad.

*[Handwritten signature]*

اسٹیشن آفیسر II  
اسٹیشن آفیسر II

عامر جمیل کی طرف سے

مقدمہ نمبر  
180  
413



رجوعہ  
31/3  
15

فیصلہ اپنی  
05/04/15  
12/04  
7/06

IN THE COURT OF HADAYATULLAH KHAN ADDITIONAL SESSIONS JUDGE-II, ABBOTTABAD.

BBA Petitions No. 175/4-B, 178/4-B & 180/4-B of 2015  
Rameez Raja.....Versus....The State  
Faisal Aslam.....Versus....The state  
Amir Jameel etc.....Versus....The State

Or.....08  
03.06.2015.

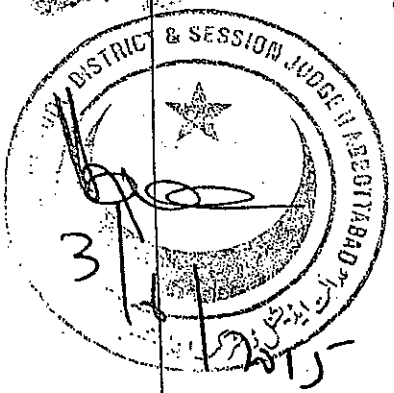
Through this single order, I intend to dispose of the subject BBA petitions as all arise out of one and the same FIR.

Accused/petitioner's Rameez Raja, Faisal Aslam and Aamir Jamil on ad interim pre arrest bail with counsel present. PP for the state present. Complainant present. Record in spite of repeated directions not submitted.

Accused/petitioners have prayed for concession of pre-arrest bail in case FIR No. 52 dated 28.03.2015. under Section 452/389/170 PPC registered at Police Station Bagnotar, Abbottabad and ad-interim bail was granted to them.

Necessary brief facts are that complainant Khan Bahadur submitted written application to the DPO Abbottabad alleging therein that on 15.01.2015 at 17:30 hours, he was present in his house at Jastar Namli Maira, Abbottabad. The accused/petitioners entered his house and told him that they were the employees of FIA and that there is complaint against the complainant that he has installed illegal saw machine in his house and deals

Attested to be True Copy  
15/07/15  
District & Session Judge  
Abbottabad



*[Handwritten signature]*

پیشکش کی درخواست

2017/12/05

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DBA number 390,302  
 BC No. 

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 Name of Advocate شمس العزیز صاحب

S.No 63989



HEAD CLERK  
District Bar Association  
Abbottabad

وکالت نامہ

بعدالت سروس ٹریبیونل  
 عنوان: فیصل اسلام بنام گورنمنٹ آف K.P.K ویزو  
 منجانب: پیشکش نوعیت مقدمہ سروس اپیل  
 باعث تحریر آنکے

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشکش یا تفسیر مقدمہ بہام شمس العزیز صاحب کے لیے اپیل کے لیے شمس العزیز صاحب نے اپیل کی ہے۔  
 کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشگی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشگی پر مظهر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ ساعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا بخاندہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ برحلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناع یا ترقی یا گرفتاری قبل از گرفتاری واجراءے ڈگری بھی صاحب موصوف کو بشرط ادا کی علیحدہ مختار پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزوی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشگی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔  
 مورخ: 2017/12/05  
 دن 05 ماہ 12 سال

Accepted by  
  
 Head Clerk

Fazim Khan



Before KPK Service Tribunal, Peshawar

Appeal no. 1360/17

Faisal Aslam Vs Police

Application for withdrawal of  
Captioned case

Pamir  
28-6-2018.

Respectfully Submitted,

1. That the above titled case is pending for adjudication first for today dated 28/6/18.
2. That appellant wants to withdraw his service appeal.

It is, therefore, most humbly requested that appeal may kindly be withdrawn in the better interest of justice.

Appellant  
Faisal Khan  
Faisal Aslam