28.12.2017

Appellant in person and Addl: AG alongwith Mr. Safeerullah, S.I and Javed Iqbal, Inspector for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 12.02.2018 before D.B.

12.02.2018

Clerk of the counsel for appellant present. Mr. Muhammad Jan, DDA for the respondent present. Counsel for the appellant is not in attendance due to general strike of the bar. To come up for arguments on 16.04.2018 before D.B.

hairman

16.04.2018

Counsel for the appellant and Mr. Ziaullah, DDA alongwith Mr. Javed Ígbal, Inspector and Mr. Safeerullah, S.I for respondents present. Arguments heard and record perused.

This appeal is also accepted as per detailed judgment of today placed on file in connected service appeal No. 497/2014 titled "Imran Khan-vs- Additional I.G.P/Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar and 2 others". Parties are left to bear their own cost. File be consigned to the record room.

Announced: 16.04.2018

(AHMAD HASSAN)

Member

I KHAN KUNDI)

Member



17. 04.07.2017 Counsel for the appellant and Mr. Zia Ullah, Deputy District Attorney alongwith Mr. Safeer Ullah, H.C for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 14.09.2017 before D.B.

(Gul Zeb Khan) Member (Muhammad Hamid Mughal) Member

14.09.2017

Appellant present. Learned Additional Advocate General alongwith Mr. Zafar Ullah, ASI for the respondents present. Appellant seeks adjournment. Adjourned. To come up for arguments on 20.10.2017 before D.B.

Member (Executive)

Member (Judicial)

20.10.2017

Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Mr. Muhammad Iqbal, Inspector and Mr., Safeer ullah, H.C for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 28.12.2017 before D.B.

Member (Executive)

Member (Judicial) 31,01.2017

Counsel for the appellant and Mr. Ziaullah, GP alongwith Mr. Safeerullah, H.C for respondents present. Learned GP submitted before the court that since the enquiry report is not available on file, hence adjournment be granted to requisition the same. Respondents are directed to produce the entire record on the next date. To come up for arguments on 07.04.2017 before D.B.

(MUHAMMAT) AAMIR NAZIR)

ASHFAQUE TAJ) MEMBER

07,04,2017

Counsel for the appellant and Addl. AG alongwith Mr. Ihsanullah, H.C for the respondents present, Enquiry report submitted. Learned Addl. AG requested for adjournment to submit enquiry report in identical appeal of Mr. Habibullah. Adjourned for final hearing to 4.7,2017 before the D.B.

Member

Charman

25.04.2016

Counsel for the appellant and Ayub Khan, SI legal Lukki Marwat alongwith Mr. Adeel But, GP for official respondents present. The learned Judicial Members is on official tour to D.I. Khan, therefore, case is adjourned to 27.7.2016 before D.B.

27.07.2016

Junior to counsel(Arbab Saif-ul-Kamal, Advocate) and Mr. Farman Ullah, Inspector alongwith Mr. Ziaullah, GP for respondents present. Junior to counsel for the appellant seeks adjournment as learned senior counsel is indisposed. To come up for arguments on 26.09.2016

Member

26.09.2016

None present for appellant and Addl. AG for the respondents present. Notice be issued to appellant and his counsel. To come up for arguments on 31.1.2017 before the D.B.

men



Appellant with counsel and Mr. Asmatullah, Head Constable for respondents alongwith Muhammad Jan, G.P present. Requested for adjournment. Adjourned for written reply to 30.6.2015.

MENIBER

30.06.2015

Counsel for the appellant and Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 12.10.2015 before S.B.

Charman

12.10.2015

Counsel for the appellant, M/S Ihsanullah, ASI (legal) and Younas Khan, ASI alongwith Addl: A.G for respondents present. Parawise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 27.01.2016.

Chailman

27.1.2016

Counsel for the appellant and Mr. Younas Khan, ASI alongwith Mr. Ziaullah, GP for respondents present. Rejoinder submitted. To come up for arguments on 25.4.2016 before D.B.

Member

Chairman

Appeal No. 495/2014 Mr. Aldel Oneformi

02.06.2014

Counsel for the appellant present. Preliminary argments

heard and case file perused. Counsel for the appellant contended hat the appellant has not been treated in accordance with law/rul Against the original order dated 06.01.2014, he filed departmental appeal on 15.01.2014, which has been rejected on 10.02.2014, received to the appellant on 10.04.2014, hence the present appeal on 08.04.2014. He further contended that the impugned order dated 10.02.2014, has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules 1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 19.08.2014.

Appellant Deposited Security & Process FeeBank Receipt is Attached with File.

02.06.2014

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

19.8.2014

The Hon'ble Bench is on tour to Abbottabad, therefore, case adjourned to 23.12.14

Reader

23.12.2014

Ms. Uzma Bibi, Advocate on behalf of counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 20.03.2015.

Reader.

Form- A FORM OF ORDER SHEET

Court of	_	
4 		
Case No		495/2014

	Case No				
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate			
1	2	3			
1	08/04/2014	The appeal of Mr. Abdul Qayoum presented today by			
1		Mr. Saadullah Khan Marwat Advocate may be entered in the			
** . *.		Institution register and put up to the Worthy Chairman for			
		preliminary hearing.			
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		RECEIPAR			
2 .	15-4-2014	This case is entrusted to Primary Bench for preliminary			
	13 1 2019				
:	•	hearing to be put up there on 2 - 2019.			
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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 495 /2014

Abdul Qayoum

Versus

Commandant & others

INDEX

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Through

Dated. 8 .04.2014

Appellant

Saad Ullah Khan Marwat Advocate.

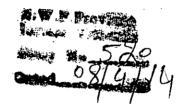
21-A Nasir Mension, Shoba Bazar, Peshawar. Ph:0300-5872676

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 495/2014

Abdul Qayoum S/o Babar Khan, R/o
Gandi Khan Khel, Kotka Muhammad
Ameen, Sirai Naurang, Lakki Marwat,
Ex.C. No. 6532, P.S Sirai Naurang, Lakki Marwat Appellant
Versus

Additional I.G.P / Commandant,
 Frontier Reserve Police, KP,
 Peshawar.



- 2. Provincial Police Officer, KP, Peshawar
- 3. Superintendent of Police, FRP,

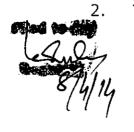
⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT,
AGAINST ORDER NO. 1145-46
DATED 10.02.2014 OF R.NO.1 WHEREBY
DEPARTMENTAL APPEAL AGAINST OB No. 13,
DATED 06.01.2014 DISMISSING APPELLANT
FROM SERVICE, WAS REJECTED FOR NO
LEGAL REASON.

⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That appellant was appointed as Constable on 20.08.2009 and since then he was performing his official duties to the best of the ability and to the entire satisfaction of the superiors.



That finally appellant was posted at Police Post, Sur Pul, situated in the suburb of Sirai Naurang. On 04.11.2013, 10/12 miscreants attacked the said post at 23:15 hours and indiscriminate / fierce firing took place between the miscreants and police officials. The miscreants decamp away from the spot by taking advantage of the night and bushes. After combat and

- checking the place Sher Nawaz, Constable was lying injured in serious condition. He was rushed to hospital for treatment but there he succumbed to the injuries. (Copy of F.I.R as annex "A")
- 3. That on 11.11.2013, appellant was served with Charge Sheet and statement of allegation without assigning any specific reason to him. The charge sheet was replied on 11.11.2013. (Copies as annex "B" & "C")
- 4. That perhaps inquiry in to the matter was initiated by the authority but as is evident from the same, neither any statement of any witness (s) was recorded in presence of appellant nor he was afforded opportunity of cross examination what to speak of providing him opportunity of defence and personal hearing. All such requirements are mandatory in the law.
- 5. That thereafter, appellant was served with final show cause notice which was replied by denying the allegations. (Copies as annex "D" & "E")
- 6. That on 06.01.2014, appellant was dismissed from service. (Copy as annex "F")
- 7. That on 15.01.2014, appellant submitted representation before R. No. 2 which was rejected on 10.02.2014. Copy of the order was dispatched to appellant through postal service which was received by him on 10.04.2014. (Copies as annex "G" & "H")

Hence this appeal, inter alia, on the following grounds:-

GROUNDS:

- a. That it was an admitted fact and also confirmed by the Inquiry Officer that on the eventful night, appellant was on duty at the post.
- b. That legal procedure was not adhered to by the respondents as no regular inquiry was ever conducted nor appellant was afforded opportunity of personal hearing, cross examination, being mandatory.
- c. That the enactment under which appellant was dealt with, was never specified in the charge sheet. Formal inquiry was made

basis for the proceedings which has no legal value in the eyes of law.

- That neither any coverdice was ever shown nor appellant was d. negligent in performance of his official duties. In combat with 10/12 miscreants, loaded with sophisticated weapons, 2 police officials cannot prevent them from terrorist activities.
- That from the aforesaid stated legal point when appellant was e. neither associated with inquiry nor the same was conducted as per the mandate of law nor any statement of any one was recorded nor he was given opportunity of cross examination and self defence, so the impugned orders are then based on malafide and are ab-initio void.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 10.02.2014 of R.No.1 or order dated 06.01.2014 of R.No.3 be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

&

Through

Dated. & .04.2014

Appellant

Saad Ullah Khan Marwat

Arbab Saiful Kamal

Advocates.

وأبيغه بنزل بوليس صوبه سرعدفاره أنبرات فارم تم را ۲۴ ۵ (۱) ئى ئىنىر **غا**لىش ابتدائي اطلاعي ريورسه ا ابتدائی اطال عنسبت جرم تغیلی دست اندازی بع 17329-35 1ATA/404 ۲۔ کاروائی جوتنتیش کے متعلق کی گئی اگراطلاع درج کرنے میں تو قف ہوا ہوتو وجہ بیان کرو مرازور تمانه ــــروا گی کی تاریخ و وقت 15 4 1 200 cul prove 216, Sp will will 21. 2 100 (00 1 0) 10 1 6412 July 0 with 2 4 100 ے اطاب انعظ دھنے مائے ارزیس فوزا دیکوری Shely horas de con contrator por porte besting in which is the will the star of the Nows bourses bloke of bourse com 6,6/16 (min) bliv (m colo Birin 6412 119/16/10) (19/16) se 30/12 wife dies 260 99229 il with فالنب كالماس كل وسراسترى كانباع عران 77 دى مي بمركادي كالنونكوف لمر 1815 44 مع الكرولير (3) عدد ملكوين معولم (3) عدد فالول)

عی وجود سے زغی ماندل جربورز در 40 کونیں کے عاط مورسوں کا وی من سولم من ل فورن في ال و المعرال فورن في الريست المرابع المرس المعرال المرابع المرس المرس المرس المرس المرس الم اور مرا انسان ۱۷ و مراکی و سراس طلع کے وقع مرافی افار ح الله الله والمرا مرا من المرا in UFUT Wie City institutes In 165 مامان مي في عرف الديم المام ال كل وزكوره كذار عران من مرتسي الماكاري زع الجول من -عسرس عائدًا من لعبر إلى المرس المراكم وين كوفورى طور مرس ے فاطرانوروں ما وں سر فاری سرا ماں لازمی دور نز کے اصلی فا الله وكرات الرسيدة أو توالي سيال الحد اور العشر قرار ما فرين إنيا 16 (160 1 329-353 ispense on 260 10 Who Chill الراسل داورت للرعن فاعى مدرور نقول المالم نترفان والمرادي فالإيران عمام R- wittings portion MHC/PS/11/ Allser 05-11-13

اطلاع كي فيج اطايع د بنده كاد يتخد موكاياس كى مهريانشان اكاياب عدى داورافرتر يركنده ابندائي اطلاع كاد يتنظ الطورت في موكا حروف الف ياب مرخ روشائى ب بالقائل نام ي

CHARGE SHEET.

WHEREAS, I'm satisfied that a Formal Enquiry as contemplated in the KPK. Police Rules (975 is necessary and expedient.

AND WHEREAS, I am of the view that the allegations if established would call for a major penalty as defined in Rules-4 (b) of the aforesaid Rule.

NOW, THEREFORE, as required in 6-1 (a) of the aforesaid Rule, 1, Bashar Khan, District Police Officer, Lakki Marwai as Competent Authority hereby charge you Const. abdu Qayuum No. 6532 PP Surkh Pull the allegations are attached with this Charge Sheet.

AND I direct you further under rules 6-1 (b) of the aforesaid Rules to put in written defence within 07 days of the receipt of this Charge Sheet as to whether major or miner punishment as defined in Rules 4-1 (a) - (b) should no be imposed upon you also state at the same time whether you desire to be board in person.

In case, your reply is not received within supulated period without sufficient reason, it would be presumed that you have nothing to say in your defence and the undersigned would be at liberty to take ex-parte action straight away against you.

> (Bashar Khan) District Police Officer. Lakki Marwat.

No. 3049-50-/ SRC. Dated Lakki Marwat the

Copy to :

1. Mr. Syed Elaqui Shah DSP Nauran@ Enquiry Officer for initiating enquiry proceeding against the definition police of licer/ offigial moder the Rules.

2. Conability Oayuum No. 6532FRP Surkh Pull is directed to appear before the imquiry Officer/ Committee on due date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceedings and also to put in a written statement/ defense with in a period of 27 days.

> District Police Officer, Lakki Marwat.

SUMMARY OF ALLEGATION

On the night between 4/5-11-2013 the terrorists ambushed Police Post Surkh Pull and opened indiscriminate firing upon Constables Sher Nawaz No. 6412 Constable Imran Khan No. 6577, as a result thereof. Constable Sher Nawaz sustained severe injuries and later expired in the Hospital, while Constable Imran Khan No. 6577 became senseless. The accused/ terrorists also took away Govt: Rifles No. 26099229 alongwith fitted magazine containing 30 rounds and KK-Rifle No. 44815 alongwith bandolier containing three (3) magazines loaded 90 rounds of the same bore from the possession of the above noted officials and case FIR No. 592 dated: 05.11.2013 u/s 302/324/353/404 PPC/7-ATA PS Naurang was registered.

- That you being member of Police force of the said Police Post Surkh Pull in spite of repeated directions from the undersigned regarding vigilance and alert in the discharge of duties in the present prevailing Law & Order situation and wave of terrorism, failed to combat the above noted situation and showed great cowardice.
- 2. That being negligent and casual attitude in performance of your duty badly failed to combat the terrorists who ambushed the Police official who were on Sentary duty, which resulted in the death of constable Sher Nawaz No. 6412 and great loss caused to the Police Department.
- That the above negligence in the performance of your duty as Police Constable speaks of inefficiency and suggest your unbecoming of good Police Officer and all this amount to gross misconduct on your part and liable to be punished under the Rules-1975.

District Police Officer,
Lakki Marwat.

IN RESPONSE TO THE CHARGE SHEET
ISSUED VIDE NO: 8049-50 DATED: 11-112013.

IT IS SUBMITTED AS BELOW.

1. That I joined the Police Department in the year 2009 and remained posted at various place, performing my duties with great zeal and devotion to the entire satisfaction of my seniors.

2. That I was posted at "Surkh Pool" and for the last 6/7 months performed my duty to the

best of my abilities.

3. That on the night of 04-11-2013, I was present in police post Surkh Pool along with ncharage Naqib Ullah and the other colleague constable.

4. That constable Imran and "Late" Sher Nawaz were on Sentry duty. While I along with incharage Naqib Ullah and Constable Rafi Ullah were inside the police post when at about 23:00 Hrs heard discriminate firing shoots, we became alert, rushed out and took our arms and ammunitions.

5. That as soon as we came out, we saw that late Sher Nawaz was injured and started firing in retaliation and self defence but it was pitch darkness and abundance of grasses and bushes were present around the

post, therefore the terrorists accused could not be detected.

- 6. That I along with constable Rafi Ullah arranged the transport for taking the injured Sher Nawaz to the Hospital and left the only incharage in the police post.
- 7. The neither I have ex-passed cowardice nor committed any negligence in performance of my duties because the sentry duty was assigned to contrastable Sher Nawaz and Imran while we were on the next and remained inside the packet, however when heard the firing immediately came out and starting firing towards the terrorists but they could not detected because of the abundance of grasses around the scene of occurrence which became safe shelter for them.
- 8. That after exchange of firing I and Constable Rafi Ullah arranges for vehicle and brought Sher Nawaz to Civil hospital Serai Naurang and then onward proceeded to DHQ Bannu, where he remained I live for about 10-50 mints.
- 9. That terrorism has became an open challenge and spreading like a wild fire though out the country, causing human and property losses at the high level but ways could not be sought out to keep pause upon this front.

- 10. That the police post- packet established at "Surkh Pull" is away from the High Way and situated in an area which is covered with Sugar cane and other crops and as such the terrorists could not be seen at night time unless they reach the target and that is why they succeeded to achieve their goals and escaped.
- 11. That a criminal case to this effect has also been registered at PS S. Naurang where in it is coming to the surface of investigation, that it was a terrorist attack like other terrorist activities which cannot be controlled being organized and planned crime with high skill with a view to prevail upon the Govt. Keeping in view the prevailing situation of terrorist activities and day to day causalities,

It is requested that I may please be expherated from the charges and the charge sheet may be filed please.

I wish to appear before your good self for personal hearing.

Your's Faithfully

F.C Abdul Qayyum Khan No.6532 NB Surkh Pull

Alined

FINAL SHOW CAUSE NOTICE

On the night between 4/5 -11-2013 the militants attacked on police post Surakh pull and made firing upon constables on duty as a result constable Sher Nawaz No. 6412 was injured ad expired in the hospital while other constable Imran Khan No. 6577 became senseless. The terrorists also snatched government rifle No. 26099229 and rifle No. 44815 with fitted magazine and rounds from the possession of both the constables. A case FIR No.592 dated 05/11/13 u/s 302/324/353/404 PPC/7ATA has been registered at PS Naurang.

You constable Abdul Qayum No.6532 were charged for negligent and casual attitude in performance of your duty badly failed to combat the terrorist who ambushed the police officials who were on duty, which resulted in the death of the constable Sher Nawaz No.6412 and great loss caused to the police department in spite of repeated instructions from the senior officers regarding vigilance and alertness in the discharge of duties in the present prevailing wave of terrorism. Furthermore, you showed great cowardice and inefficiency and failed to combat the situation.

The DSP Syed Liaqat Shah Sarai-e-Naurang was appointed as inquiry officer and he conducted the inquiry and proved the charges. His findings received in this office was sent to the commandant FRP Headquarter Peshawar for guidance and the same received back in the office for awarding major punishment on the basis of the findings of the inquiry officer.

Therefore, I, Zarwali Khan SP FRP Range Bannu direct you through this final show cause notice to put in written statement/defense within seven days of receipt of this notice as to why the major punishment including dismissal should not be imposed upon you and also state at the same time whether you want to be heard in person. If your reply is not received within stipulated period it shall be presumed that you have no defense to offer and ex-parte action will be taken against you.

(Zar wali Khan) Superintendent of Police FRP Range Bannu

Supan, mille filliande

A STATE OF STATE

جناب عالى!

بحوالہ شمولہ فائل شوکا زمعروض ہوں کہ میرا پہلا بیان مفصل ہے، جملہ الوّا مات میر سے خلاف بے بنیا داور فلط بھی پیٹی ہیں، میں نے اپنی ڈیوٹی میں کو تھی کی فلت اور ہر دلی کا مظاہرہ نہیں کیا ہے، بلکہ یہ ایک دہشت گردی کا وقعہ اچا تک دونما ہوا، جبیبا کہ دیگر دہشت گردی کے دا تعات بہلے اور آئے دن ہوتے رہتے ہیں، اگریہ دہشت گردی کا وقعہ نہ ہوتا ، تو دور این تقیش وہشت گردی کے دفعہ کا اطلاق نہ کیا جا تا، مزید انکوائری ہم اور آئے دن ہوتے رہتے ہیں، اگریہ دہشت گردی کا وقعہ نہ ہوتا ، تو دور این تقیش طی ہے، جس ہمری ہردی کی شہادت کے جھے مور دِ الزام شہرایا ہے، نہ تو تفقیش آفر نہ ہرکل آفر کومیر سے خلاف کوئی شہادت دور این تقیش طی ہے، جس سے میری ہردی یاغفلت ثابت ہو سکے۔

محض قیاں پر جھے پرالزام ِ غفلت اور ہز دلی کالگایا ہے، انکوائزی آفسر نے بھی جھے بلاشہادت غفلت اور ہز دلی کا ذمددارتشہرایا ہے۔

جن آفسران کے بیانات اُس نے قلم بند کئے ہیں، اُن کے بیانات بھی تحض خانہ پری ہے، کیونکہ بلاشہادت وہ کیونگر جھے مور دالزام تشہرا تا ہے

جب وہ دورانِ وقو عدمو جود ہی نہیں تھے، دہشت گردی کے جنتے بھی واقعات ہو بچلے ہیں، یا ہوتے رہتے ہیں، وہ ایک منظم مصوبہ بندی پر جب وہ دورانِ وقو عدمو جود ہی نہیں تھے، دہشت گردی کے جاتے بھی دہشت گردی کا وقوعہ ہے جس میں میراکوئی قصور یا غفلت ہنو دلی میں میں میراکوئی قصور یا غفلت ہنو دلی میں میں میں اور ایک تصور یا غفلت ہنو دلی میں ہیں۔

لبذا بجھے الزام سے بری الزمد قرار دیا جاوے اور شوکا زنوٹس داخل دفتر فرامائی جاوے۔

العارض

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تا كەبىندى مورىل _

ORDER

On the night between 4/5/11-2013 the terrorists ambushed Police Post Surkh Pull and started indiscriminate firing upon on the Constables Sher Nawaz No.6412 and Constable Imran Khan 6577, as a result of which, FC Sher Nawaz was seriously injured white FC Imran Khan became senseless. FC Sher Nawaz No.6412 succumbed to his injuries in the hospital. The militants succeeded also in snatching away Govt Rifle No.26099229 along with fitted magazine containing 30 rounds and K.K Rifle No.44815 along with bandolier consisting of 03 magazines of 90 rounds from the possession of both the aforesaid mentioned constables. SI/SHO Police Station Naurang reached the spot and register case FIR No.592 dated 05-11-2013 u/s 302/324/393/404 PPC read with 7 ATA police station Naruang District Lakki Marwat against the unknown terrorists. The District Police Officer Lakki Marwat suspended SI/PC Naqib Ullah In-charge Police Post Surkh Pull, Constable Imran Khan No.6577, Ismail No.6508, Abdul Qayyum No.6532 and Constable Rafi Ullah No.6407 for badly failing to combat with the accused and showed great cowardice vide order OB No.552 dated 08/11/2013.

The DPO as competent authority Lakkki Marwat charged Constable Abdul Qayyum No.6532 for the following misconduct.

- 1. That you being member of Police Force of the said police post Surkh pull in spite of repeated directions from the undersigned regarding vigilance and alert in the discharge of duties in the present prevailing law and order situation and wave of terrorism.
- 2. That being negligent and casual attitude in performance of your duty badly failed to combat the terrorists who ambushed the Police officials who were on sentry duty, which resulted in the death of Constable Sher Nawaz No.6412 and great loss caused to the Police Department.
- 3. That the above negligence in performance of your duty as police Constable speaks of inefficacy and suggest your unbecoming of good police officer and all this amount to gross misconduct on his part and liable to be punished under the Police Rules 1975.

Mr. Syed Liaqat Ali Shah DSP Serai Naruang was appointed as enquiry officer for initiating enquiry proceedings. He conducted the formal enquiry properly and submitted his findings on 28-11-2013 with the conclusion that all the charges /

allegations framed on Constable Abdul Qayyum No.6532 stands proved. The same findings along with enquiry papers were received in this office to proceed further under the rules. The same enquiry file was forwarded to Addl: IGP/Commandant FRP K.P.K Peshawar for information and the same departmental enquiry of Constable Abdul Qayyum No.6532 received back vide this office diary No.1826 dated 23-12-2013 for awarding Major punishment on the basis of findings of Enquiry officer.

Final Show Cause Notice of Major Punishment including dismissal was given to Constable Abdul Qayyum No.6532 on 27/12/2013 and similarly the findings of the enquiry officer was also handed over to him. He was asked in the Show Cause Notice to put in his written statement/defense within 07 days of the receipt of Final Show Cause Notice as to why Major Punishment including dismissal could not be imposed upon him and also stating at the same time whether wants to be heard in person or otherwise.

He has replied to the Final Show Cause Notice within stipulated period which was studied and perused a length. He was also personally heard but his explanation to the Final Show Cause Notice and personal hearing was not found convincible and satisfactory. He was recruited as Constable on 20-08-2009.

Therefore, I Zar Wali Khan SP/FRP Bannu as competent authority award him the punishment of Dismissal from service with immediate effect defined in rule 4-B (ii) KPK Police Rules 1975 on the basis of proven charges.

OB No. <u>13</u>

Dated: 06-01-2014

Superintendent of Police FRP Bannu

بِهُنُور مِنَابِ كَمَانَذُنتُ صاحبِ FRP خيبر پَخْتَونَفُواه بِشَاور

عوان: ۔ اپیل برخلاف عم برخانگی من سائل عبدالقیوم 6532/spl مجارید ایس بی FRP بنول بحواله آرڈریک نبر 13 مورخہ: 2014-01-06

جناب عالى!

يەكەمن سائل ذىل ئرض كرتا ہوں۔

1۔ یک من سائل سال 2009ء میں محکمہ پولیس FRP میں بحسین کے تعلیم بھرتی ہوا، اور بعد کمسل کرنے ٹرینگ سائل نے واپسی پر

ڈیوٹی کرنے کی رپورٹ کی سائل نے مختلف اوقات کار میں مختلف مقامات پرڈیوٹی کی ، اور سائل نے اپنی ڈیوٹی اسلوبی سے

سرانجام دیا ہے کہ کی بھی آ ضریا پرائیوٹ لوگوں کوسائل کی ڈیوٹی میں کوئی شکایت نہیں رہی جس کی جوت میں سائل کاریکارڈموجود ہے

یہ کہ مقدمہ 592 مورخہ: 2013-11-20 جرم 302/324/353/404/7 مقانید منافق سے ابوا کی وقوعہ سے تقریباً کی ماہ ہوتا ہے ، اور اس پولیس

چوکی کی نا گفتہ ہوالات کے بارے میں وقوعہ کے فور آلجد کرزیر اوشاہ اوکوائر کی آفر کرک نے بحوالہ مدھ

مورند : 2013-12-10روز نامچه FRP نورنگ میں مفصل ذکر کیا ہے، جس کی فوٹو کا پی ہمراہ لف ہے جو کہ من سائل اور دیگر پولیس اہلکاران معدید پولیس چوکی هذا کی بے گناہی اور جرات کا مظاہرہ کرنے کیلئے کافی ہے ۔ لیکن جینے بھی انکوائری آفسران نے وقوعہ هذا کے بارے میں انکوائریاں کی ہے اُنہوں نے هیقتِ حال کو چھپایا ہے، اگران انکوائریوں کا بغور مطالعہ کیا جائے تو پولیس اہلگاران کی کوئی برد کی یا ذریو کی سامنے ہیں آتی۔

ے۔ خالیہ وقت میں تخریب کار ماؤرن اسلحہ وآلات سے لیس ہیں ، اور پچھلے 6،6 سال سے تخریب کاری سارے ملک میں جنگ کی شکل اختیار کر چکی ہے ، اور آئے وان سینکٹروں جانی و مالی نقصانات ہو چکے ہیں کیونکہ یہ کاروائی ایک منظم عظیم کی طرف سے ہورہی ہے اسلئے حکومت کا اس پر حاوی ہونا مجی مشکل ہے ، اس تم کے واقعات جس میں پولیس کنسٹیبلان کوٹارگٹ کیا جا کرفل کئے گئے ہیں اور اسلح بھی نیوسبزی منڈی تھا ندمنڈ ان بنوں۔2: مقدمہ نمبر 523 جرم 302/404/7ATA/148/149 مورخہ: 08/10/2012 چوکی نیوسبزی منڈی تھا ندمنڈ ان بنوں، 3: مقدمہ نمبر 407 جرم

302/324/395/404/353/7ATA/34 مورخه 302/07/2012 بين گيث نمبر DHQ.No. 1 ميتال بنون تفانه صدر ، جس FIR بمراه لف ہے ليکن بعج تخريب کاری کسی کومز انہيں دی گئی گئے ۔

ایک طرف ۱۹۷۶ تخریب کاری کاروائی

ایک طرف ۱۹۷۶ تخریب کاری کاروائی

اوروه بھی شب درمیانی کونظر انداز کیاجا تا ہے، کیا 3/4 کنٹٹیلا ن ہمدونت چوگی میں چوکس رمینگے یا اُن کی صحت کیلئے پچھ نیندگی بھی فیندگی بھی ضرورت ہوتی ہے اور شب وقوعہ کے وقت 3 کنٹٹیلا ن کے غیر محفوظ چوگی کے اندرسوئے ہوئے تھے جبکہ 2 کنٹٹیلا ن ڈیوٹی پر مضرورت ہوتی ہے اور شب وقوعہ کے وقت 3 کنٹٹیلا ن کے غیر محفوظ چوگی کے اندرسوئے ہوئے تھے جبکہ 2 کنٹٹیلا ن ڈیوٹی پر مامور تھے، اور ایسے میں اچا تک حملے کی صورت میں اوسان خطاء ہونے میں کوئی گئوائش نتھی لیکن انکوائری آفر اور SP/FRP نے ان حقائق کوتشلیم ند کیا بلکہ قصد اروگر دانی کی۔

5۔ اکوائری آفسر کی انکوائری رپورٹ حقیقتِ حال ہے بالکل برعکس ہے، کیونکہ اُنہوں نے اپنے انکوائری میں حقائق کوتو ژمروژ کر بیان کیا ہےاور حقیقت کو چھپایا ہے، مزید جن اہلکاران کا بیان ریکار ڈ کئے گئے ہیں اُن بیا ناہت کی روشی میں سائل پر کسی متم کا الزام ٹابت نہیں ہے۔

اکوائری آفسر نے Finding بھیجے وقت ریکارڈ پرلائے گئے مواد سے بالکل مند موڈ کراپی طرف سے چارج شیٹ کی تا تدمیں بغیر شیوت کے ایسے الفاظ کھود سے ہیں جن کا حقیقت ہے کوئی تعلق نہیں ہے ، انگوائری طریقہ کار کے مطابق انگوائری آفسراس بات کا پابند ہوتا ہے کہ وہ چارج شیٹ کے الزامات کے ثبوت میں % 100 سیج شہادت ریکارڈ پرلائے گا، بصورت دیگر المکارگوائر امات سے بری قرار دیگا اور یہی قانون وقت اور انگوائری طریقہ کارکا مقصد ہوتا ہے لیکن انگوائری آفسر اور SP/FRP صاحب نے اصل حالات کو پس پشت رکھ کرکاروائی کی ہے جوانصاف کے نقاضوں کے برخلاف ہے۔

7۔ انگوائری کے طریقہ کار کے مطابق جوآ فسر چارج شیٹ دے گااورانگوائری آفسر تقرر کرے گاوہی آفسر انگوائری کی Fiding وصول کرنے پرمزید کاروائی کرے، گالیکن یہاں پر چارج شیٹ DPO لکی دیتا۔، مانگوائری آفسر مقرر کرتا ہے اور سزا کیلئے SP/FRP کو کاغذات بیسے جاتے ہیں، جوقانون کے برخلاف ہے، کیونگہ میرے چارج شیٹ کے جواب دہی میں جو نکات اُٹھائے گئے ہیں اُن کو قبول کرنے اور رد کرنے کیلئے اُس اتھار ٹی کو اختیار ہے جو جاڑن شیٹ دیتا ہے ، کین ریکارڈ پرالی کوئی بات نہیں کہ میرے چارج شیٹ کے جواب کو آ ضران نے قبول کیا یارد کیا۔

8۔ انگوائری آفسر کے Finding جیجنے کے بعدیہ SP/FRP صاحب پر مخصرتھا کہ وہ انگوائری آفسر Finding کوانگوائری کے مواد کی روشن میں پر کشنے اور بعد میں اپنا تھم سناتے ہیں لیکن SP/FRP ساجب کی Finding اور انگوائری آفسر کی Finding کا ملاحظہ کیا جائے تو دونوں میں کافی فرق اور تضاویے اور جارج شیٹ کے الزامات سے بالکل مختلف ہیں۔

مروجة قوانين كے مطابق جب كى المكاركو بنوى سزادتى ہوتو أن كوا ہے دفاع كيلي كمل موقع ديا جائے گاليكن مير الكوائرى ميں نہ الكوائرى آفر نے اور نہ SP/FRP صاحب نے علم صادر كرتے وقت ان حالات كا باغور جائزہ ليا ہوكدر يكار ڈپراليى شہادت لا كى جائے كہ مور دِالزام كى گردان ميں راى كمل طور پرف آجائے كئين يہاں پر زنجيركى ايك ئزى بھى اليى نہيں كدوسرى كڑى كے ساتھ با ندھاجائے كئين پھر بھى بلا نبورت ومواد كے مجھے مور دِالزام تھر ايا گيا ہے۔ اكوائرى آفسر Finding كے مطابق أس نے مرادعلى انبيئر، غلام محمد SHO كرمير اجان OASI، اور گل محمد ريد لير DSP/FRP كيانات ريكار ذكتے ہيں ليكن انبى بيانات كو انبوں نے سليم نہيں كے ہيں، پھر بھى مجھے مور دِالزام تھر ايا گيا ہے۔

10 ۔ سائل ایک غریب آ دی اور خاندان کا واحد خود کفیل ہے اس مہنگائی کے دور میں بشکل ہے اپنی نخو اوسے اپنی اور خاندانی ضروریات پوری

کرتے تھے۔ گرسائل کونہ کردہ گناہ پر بغیر کی شہادت کے نوکری سے برخاست کیا گیا، جو کہ سراسرظم اور تا انصافی ہے۔ لہذا استدعا ہے کہ درجی بالاحقائق کی روشن میں تھم SP/FRP صاحب بنوں آرڈی بکٹ نمبر 13 مورخہ: 06/01/2014 کومنسوخ کر کے سائل کونوکری پر بحال کیا جا کر سائل پر رحم کیا جاوے۔ سائل اور اُس کا خاندان ساری عمر دعا کئیں دینگے ت نوٹ:۔ سائل جناب کے روبر دخود پیش ہونا چا ہتا ہے تا کہ تھائق مزیدز اِنی واضح طور پر بیان کر سکے لہذا بیشی کی اجازت دی جاوے۔

موری: 15/01/2014

العارض

سائل ائيس كنسلمبل عبدالقيوم ا6532/spl ليف آر لي بنول رينجن بنول -

Alish

ORDER.

This order shall dispose off on the appeal of Ex-Constable Abdul Qayyum No. 6532 of FRP Bannu Range against the order of SP FRP Bannu Range.

Police Post Surkh Pull, started indiscriminate firing upon on duty Constables Sher Nawaz No. 6412, Imran Khan No. 6577 as a result of which FC Sher Nawaz was seriously injured while FC Imran Khan became senseless. FC Sher Nawaz No. 6412 succumbed to his injuries in the Hospital. The militants succeeded also in snatching away Govt: Rifle No. 26099229 alongwith fitted magazine containing 30 rounds and KK Rifle No. 44815 along with bandolier consisting of 03 magazines of 90 rounds from the possession of both the aforesaid mentioned. SI/SHO Ps: Naurang reached the spot and register case FIR No. 592 dated 05.11.2013 u/s 302/324/393/404 PPC read with 7 ATA Police station Naurang District Lakki against the un-known terrorist. He failed to combat with accused and showed great cowardice. The DPO charged him as under:-

- 1. That being a member of Police Force, in spite of repeated directions regarding vigilance and alert while discharge of duties in the present prevailing law and order situation and wave of terrorism.
- 2. That being negligence and casual artifude in performance of duty badly failed to combat the terrorist who ambushed the Police officials who were on sentry duty, which resulted the death of constable Sher Nawaz 6412 and great loss casued to the Police Department.
- 3. That the above negligence in performance of duty as Police constable speaks of in efficiency seems his un-becoming of a good Police Officer and this amount to gross misconduct on part of the above named as-constable, liable to be punished under the Police Rules 1975.

In this connection Mr. Syed Liaqut Ali Shah DSP Serai Naruang was appointed as Enquiry officer. After enquiry he recommend the defaulter ex-constable for Major Punishment. He was issued Final Show Cause Notice and also heard in person, but neither explanation nor personal hearing were found convincible and satisfactory, therefore he was dismissed from service under Police Rules 1475 by SP FRP Bannu Range vide his OB No. 13 dated 06.01.2014.

However from the perusal of record and recommendation of Enquiry officer there are no cogent reason to interfere in the order of SP FRP Bannu Range. Therefore his appeal is rejected.

by

! /EC dated Peshawa had

Addl: IGP/Commandant Frontier Reserve Police Khaber Pakhtunkliwa Peshawar

/2014.

No. 1195-46

Copy of above is sent to the Superintendent of Police FRP Bannu Range Bannu for information and necessary action w/r to his beams: No. 331 dated 28.01.2014. His Service record and departmental Enquiry file are returned herewith.

7. Ex. Be About 1204944 Sto Bayer House Rts Muhammad Amily PS. Naway Best Lakki

منجانب بسلان - 51 Gos مة بدمند معنوان بالامين ابنى طرفسية واسط بروي وحوار، دميي دكل كاروا كى متعلقة كل مقام لبناور كييك سقد المان مون اليوكيك إلى كورك كوفيل مقررك إقرارك والمامة وكالمامة تموضوف كومقد مي كل كاروائي كاكابل اختيار مركا نيز وكبل صاحب كوكرند راعني المروتقر زالت وقيصار بملف يف جواب دسي اوراقبال دعوى أوربعت والرئري كرفي اجراد اور ومعولى جيك وروبيه أورغرضي دعوى اور درخواسيت رقیس کی تقدیق اوران میروشخط کرانے کا اختیار میگا نیز لیفرز و عدم پیروی یا طاگری مکیطرفیریا ایل کی برامدگی اور نسخی نیز طرکرنے اپنی نگرانی و نظرانی و میروی کرنے کا اختیار ہوگا اور بھورتہ فنرور نے مقدم مذکور اور نسخی نیز طرکرنے اپنی نگرانی و نظرانی و میروی کرنے کا اختیار ہوگا اور بھورتہ فنرور نے مقدم مذکور كَ مَنْ يَا جُزُونِي كَارِدِالِّي شِيرِ واستظم اور وَميل يَا مُنَّارِ قَالُونِي كُو الْبِي بِمَا أُن بِجَالَح يَا ابْنِي بِجَالَ يَا ابْنِي بِحَالَ الْمُنْ الْمُؤْكِدِ الْمُؤْكِدِ الْمُنْ الْمُؤْكِدِ اللَّهِ عَلَيْ الْمُؤْكِدِ الْمُنْ الْمُؤْكِدِ اللَّهِ الللَّهِ اللَّالِي الللَّهِ اللَّالِي الللَّهِ الللَّهِ اللَّهِ اللَّهِ اللَّهِ اللللَّهِ الللّ ا ورصاصيم فريش ه كويرى وسبى جمار مذكوره بالا اختيال ما ما حد بروا خد منظور قبول بركاه دوران مقدم ب حرضر حيد و برجانه التوار مقدم كي سيب سيوكا ال مستحق وكميل ها حب مَرْفِيُونَ مِينَ كُلُّ مِيزِ لِفَايَا وِفُرِحِيْرِي وَصُولِي مُرِونِ الْمُعَى اَخْتَيَارِ مِي كَا أَكْرِكُونِي تَارِيخِ بِيشَى مَقَامِ روره ير بهو يا مدس امر بهو لتروكيل صاحب يا بند نه بول كے كه بيروى مذكور كري. لہٰذا وکالت نامہ کھھ دیا کہ سندسے۔ . ولقت د ستعدالترفان مرقت عربه المؤرم ط الدُوسِ على الدُولِي الذَالِي الدُولِي الْمُولِي الْمُولِ

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR

APPEAL NO. 495/2014

Abdul Qayoum s/o Babar Khan, R/o, Gandi Khan Khel, Kotka Muhammad Ameen, Serai Naurang Lakki Marwat. Ex-Constable No. 6532, P.S Serai Naurang, Lakki Marwat.

(APPEALLANT)

VERSUS

- Addl: I.G.P / Commandant Frontier Reserve Police, Khyber PakhtunKhwa Peshawar.
- 2. Provincial Police Officer, KPK, Peshawar.
- 3. Superintendent of Police FRP Bannu Range Bannu.

(RESPONDENTS)

Respectfully sheweth

Para wise Comments on behalf of the respondents:-

Preliminary Objections

- 1) That this appeal is badly time barred.
- 2) That the appellant has got no cause of action.
- 3) That the appeal is also bad due to non joinder of necessary parties.
- 4) That the appellant has approached, to the honorable Service Tribunal, with unclean hands.

OBJECTIONS ON FACTS:-

- 1) First Para is correct to the extent that the appellant was inducted in the Police Department on 20-08-2009 but the later improvement is clear from the Service Record of the appellant, what to talk about his tall claims regarding devotion and abilities towards his service, thus this Para has got no force.
- 2) Correct to the extent that appellant was posted at Police Post Sur Pul, situated in the suburb of Serai Naurang, however, as per report of RPEO dated 06-11-2013, approximately one or two terrorists ambushed the Police Post Surkh Pulp and being negligent and casual attitude in performance of duty, appellant badly failed to combat the terrorists who ambushed the Police officials who were on sentry duty, which resulted in the death of Constable Sher Nawaz No.6412 and great loss caused to the Police Department. (Copy of RPEO repot as annex "A")
- 3) Correct to the extent that appellant was served with charge sheet on 11-11-2013. In fact, after the commission of offence, the terrorists took away Govt: Rifle

No.26099229 along with fitted magazine containing 30 rounds and K. K-Rifle No.44815 along with bandolier containing 03 magazines loaded 90 rounds of the same bore from the possession of the appellant and others, as a result of which appellant was placed under suspension due to badly fail to compete with the accused terrorists and showed a great cowardice act on his part vide DPO Lakki Marwat office OB No.552 on 08-11-2013 & copy of the same to SP/FRP Bannu for information over Endst: No.8055-58 dated 11-11-2013. (Copy of suspension order as annex "B")

- 4) Incorrect: Appellant was afforded full opportunity of self-defense as well cross examination, but he was willfully not interested to make cross examination on the witness, as evident from the short written statement of the appellant bearing his signature and NIC number, placed on enquiry file. Similarly full fledge inquiry was conducted by the Enquiry Officer DSP Syed Liaqat Ali Shah under the supervision / close watch of District Police Officer Lakki Marwat and submitted his findings cated 28-11-2013 with the conclusion that all the charges / allegations framed on the appellant stands proved.
 - 5) Pertains to record.
 - **6)** Correct after conducting a discreet inquiry regarding the allegations and observing all legal/codal formalities, the appellant was dismissed from service on 06-01-2014.
 - 7) Correct: After dismissal from service appellant approached to the high ups and submitted appeal / representation for re-instatement in service before the Honorable Commandant FRP Khyber Pakhtunkhwa, Peshawar, which was perused at length by the high ups, finally the same appeal was rejected with the remarks which are reproduced below. (copy of rejection order as annex "C"

"However from the perusal of record and recommendation of enquiry officer there are no cogent reasons to interfere in the order of SP/FRP Bannu Range, therefore his appeal is rejected".

OBJECTION OVER GROUNDS

a) Correct: In the appeal appellant admitted that on the eventful night, he was on duty, but in his reply to the charge sheet he acknowledged that he along with in-charge Naqib Ullah and Constable Rafi Ullah were inside the police post at the time of attack of terrorists. However on the eventful night Appellant showed high negligence and cowardice act in performance of duty badly failed to combat the

terrorists who ambushed the Police officials who were on sentry duty, which caused great loss to the Police Department. (copy of reply as annex "D")

- b) Incorrect:, discreet enquiry was conducted with the conclusion that all the charges / allegations framed on the appellant stands proved. The appellant was properly charge sheeted, based upon summary of allegation & Enquiry Officer was nominated to make proper probe. After observing all legal / codal formalities, personal hearing the appellant was dismissed from Service which is according to the rules and regulations. Besides that appellant was afforded full opportunity of self-defense as well cross examination, but as early stated he was willfully not interested to put cross examination on the witnesses. (Copy of statement as Annex "E")
- 1975, as such on the eventful night appellant was on duty and in-spite of repeated directions from the superiors circulated time and again regarding vigilance / cautions and alert in the discharge of duties, but on the spot of occurrence appellant showed great cowardice act & badly failed to combat the miscreants who ambushed the police officials who were on sentry duty which caused great loss to the Police Department. Similarly the above high negligence in performance of duty as Police Force member speaks of in efficiency and unbecoming of good Police officer and after observing all legal / codal formalities, personal hearing he was accordingly dismissed from service vide OB No.13 on 06-01-2014.
- d) Incorrect. Appellant showed great negligence and cowardice act badly failed to combat the terrorists who ambushed the police post. Besides terrorists easily escaped from the spot, also snatched away 02 Govt: Rifles along with ammunition and bandolier as stated in early para. As per report of RPEO dated 06-11-2013, approximately (one) or (two) terrorists ambushed the Police Post Surkh Pul and being negligent and casual attitude in performance of duty, appellant badly failed to combat the terrorists who ambushed the Police officials who were on sentry duty, which resulted in the death of Constable Sher Nawaz No.6412 and great loss caused to the Police Department.
- e) In Correct, in fact the appellant was afforded full opportunity of self-defense, personal hearing as well cross examination, but he was willfully not interested to put cross examination on the witness. Enquiry officer recorded the statement of all relevant Police Officers and after fulfilling all legal formalities came to conclusion that the allegation leveled against the appellant stands proved, thus dismissal order vide OB No. 13 dated 06-01-2014 passed by the competent authority.

PRAYER

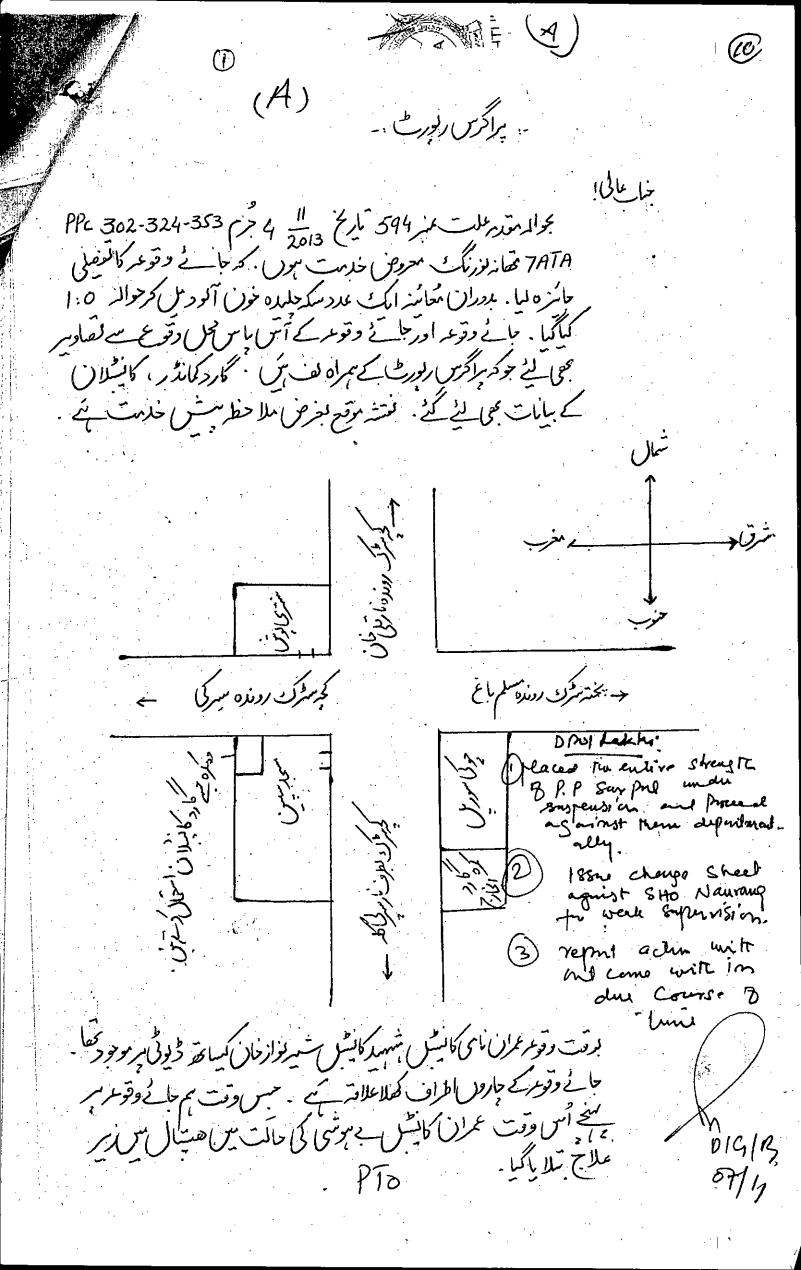
In the light of above said facts it is numbly prayed that the appeal being with short of legal weight age, may kindly be rejected/dismissed with costs please.

1. Commandant FRP Khyber Pakhtunkhwa, Peshawar

2. Provincial Police Officer, Khyber Palehankhwa, Peshawar

3. Superintended Police, FRP, Bannu.

D



کارد کانڈر جو کی سوری is نقب الند کا بیان لیا جس کے اب بیان میں اللہ کا بان میں کا اور کی بروٹ کی مورس کا اور کی دورٹ کی دورٹ کی ماریک ما رات کی آمری کو تجواز سانے کی کوشش کررہائھا . مالانکرسنتری کوشل اور كاردكاندرآور كاردك كرے كے درمان صرف جندندم كا فاصلے والحرفائرناك ئسائة وه الرط موجات تونیتی محلف موتا . کانشلان کے سیانات می لیے گئے . تنہوں نے گارد کمانڈر کے بیان کی تائید کی ۔ اُن کے بیانات سے می معلوم منوا کم کانشلان نے گارد کمانڈر کے بیان کی تائید کی ۔ اُن کے بیانات سے می معلوم منوا کم کانشلان س سے حب اللہ 630 اور رضع اللہ 6407 حوکم سخد (عربی سائیڈ) تے ساتھ ملحركر عس سوئ مونة عقى الخروه مروقت الرك برت اورمازمان كاتات سے نوارمونا اور اسی صورت میں معی ملزمان کو اِس طرح اُسانی سے فرارمونا اور سرکاری کلاشیکون لیجانا آنا آسان میں ہرتا . نیکن سے سب شردلی کے شرکب سرئے بی . گارڈ کمانڈراور کانٹلان کے سانات سمراہ لف سرائے ملاحظہیں۔ مب گارد كاندر سي ستر را رياكي گني . كه كانس عران جر كه بوقت وقو مر عبال كما تقا . أس كا آپ كوكس طرح بية جلا كروه كدهر بي ، تراس نے تبلا ما كرأس كى حادر كانى دورجانب شمال خالى اراصات سي ملى . اور وه مكان مستى شار ولدساك سكنة بارسلطان محمودس بناه بے حجاتها . مُستى تأر ف لعدازال ميں مطلع كرديا -كراسي اور سرده هوندس . مر جرى سورلى كاردكره دات كم شمال شرقى سائد بربالكل المحترابك عطر خست ہے جس تے مزدوران سے درمافت کی در ماقت پر معلوم مراکر رات کو غلام فرند ولدكل مرن شاه كمنه مصوري مميل والخامز والخي مميض لحقيل وصلح مون ا در سرومز ولداطلس خان كدر سوريل علانة عقائه لورناك كى فعير خست مِين أَكُ الله لِي كُولِ في محى - حواد المردوران سے تنصل سانات ليے جو *کہ ہمراہ لف مابل ملاحظہ ہی - ہر خوہز دوران نے لیے بیا* مات سی تبلاما كمايك دمير (مُرك مَا) كَارِّى جواسِنوْ رِ سے موڈ شدہ تحق حاب شمال روڈ سے آئی اور جو کی کیسام موڑ کا نے فائر نگ لینی برسٹ ہوتی ، برسٹ کے معددور ما تین سال فائر بربد می سرنے . سم درے مارے تھی خست س يناه لى أس كالعرنا لرناك كاسلىد عي رُكا . اور وقوم كارس ناقی بولس والول کے زمانی معلوم سوا .

PTO

8

اس کے معد سار ولدسال خان سکنہ مارسلطان محود حسی کے مال کانسس عرار عمار كريناه ي في كا في تعفيل بيان سال ميا حس في النبي سايل مين الله ما محركات س كوس موجود تما كه دروار بر دسك موتى . دروازه كو لي سر معلو ممرا عران نای کا نشل کے اور وہ کھ تو لئے کے قابل نسی تھا۔ مزمد حب اسلی کے بارسيس درمافت كميا بحرأس على ملاسنكوف سيكارى موحود مقا ماميس ؟ توأس في تما يا كرون بالكو جالى بالمقومقا . شارك عبا في عبدالصد سے معى تنفيل بيان بيا . حركم مراه لف قابل الاخطر في اس کے معد وقت وقوء کو موز ظر رکھتے ہوئے جانب شمال روڈ سرحبلہ بھٹر ختب سے دریانت شروع کی دریانت مرسلوم سواکرسم عصر نست واقع شاخ ملى خان مور سے فرمبر در شرک مو د شدہ با بخوس فر اسور مقدر شاہ سکنہ نامعلی ربانر) مرانز) من 664 484, 0300-566484 مرانز) من الم المنظمة المان المنظمة المان المنظمة المان المنظمة المان المنظمة المان المنظمة ا مطرت سلماع نظی کے ۔ فرانٹورمذکورہ سے من مومائل مردقوعرے ما س درمادت کی ۔ تو اُس نے بتایا ، کھروہ شمال کسطوف سے حوکی کسا کھ مور کا گئے مطرف منرق رود جوبنی مند گرنے فاصلے سرائے گیا . نوس نے فائرنگ کی آوازشی اورس وقت مس مور کاط را مقالتو سنتری نوط تے نستہ کھک كررما تقاملك درو استرى سنترى دور استرى البرق سابتر كوا عقا- اس فيرمد مر بھی وزن ہر شلا یا کر بولس سب بھی جھے سان باکسی سم کی تعاون کملے طلب کرنا جاہے توس حاصر آ مار ہولاگا اس لعد عران كادير كاله يوك هواب هسال سه دُسيارج برحا تعا أسى بنا ما كد دسر كارى أنى اورس سنترى بوش كسامن كمواتها بحر

اس نیا که دسرگاری آئی اورس ستری بوش کسامن کوانها که اس نیا که دسرگاری آئی اورس ستری بوش کسامن کوانها که کافی اندادسلے نقاب بوش تھ عزلی سائیڈ سے آجاناک ہم ہر دھاوالول کر محصے دھکا دیا . اور فائر ، کسی ہوئی . میں کھاک گیا ۔ جھے سرکاری والفل کافعی کے مترس جلا اور ۔ جھے یہ عی ستہ سی جلا کر میں کس طرح اور کہاں مزید بیر عی کہا ۔ کر میں برگی (دورا مٹرے کا مرفعی ہوں) ، مزید بیر عی کہا ۔ کر میں برگی (دورا مٹرے کا مرفعی ہوں)

نسید کانش ادر کانش عران کے موائل فرن قدمندس امکر حوالہ 1:0 عنایت ال تعانه افرزاك كو كالم ادراك ماس مرات دى كر دولون مومائل مؤن مبالت كاستعلقة عالحاه ا منے والست مطابق محلرکاردعمعہ کارد کمانڈرے اُس وقت مک حرتی سے مار نظیمی سس جرب مکل جامرشی جھاگئی ہے . تو وہ گارد کرہ حات سے باہر نظاش جو کہ شکن سردلی ہے . کانٹر عران جو کہ سسر كالسر كيائة ولوي روحود عقا - وقوع كالمستم دما كوات ميل <u> حان تر ہے کر تنشی سے تعادن سی کرما . اُسے د تو بر کا مکو علم ہے ۔</u> مرك رائ كرمطانق وقور الك ما دو ملزمان في كما ي - الرداست گرد سنظم نرتی توسرے نیال س کارد کرہ مات سی سرنے سرنے ملازس ار من الماني من نشام ننا سكتے تع · اگر كانس عران كو سمح الماروكسط كيا جائے توميرے خيال ميں ملزم/ملزمان تك برى آساتى سے پہل مربيخ سكترس مزمدر هي آب صاحبان مزمن من لاما جاسما مون محركار در حمل حمل كماكما معلی سوا کر حرو (مورخر 2012 - 7-00) سے تا مال کارد/ملازسی کو علر مرونزری آفسرز فی موف در مرتبر حمک کئے ہی . رحمر کے مطابق عرب 13 -6-20 کولائن آنسر اور مورخر 13 -9- 7 کو 10 نوزنگ <u>نے جوکی گارد حمک کرے ملازس اوس حوکی سوریل کو صروری مدا</u>مات رمنيس القائسي في حوى كمطرف أن محى زخت گواره بسي كى كى م حركم عفلت اور لاسرواسى كى . سنترى لوش منر محفظ اورلوسده ، کل کای دورسے بھی اس کو طری أسانى سے نشانہ ساما حاسكيائے۔ رمائشي كره دات تعی عمر محفوظ ميل . اور حسته حال من . آئيده کسي نعقان سے بحنے کی خاطر اِس کی شامب تعمیر/مرست از دومزوری کے عمد حالات عسی نظر نزی كى تعداد كم سے . مزيد اگر سر تعالى جا دے تو كار مركار كملے سور PTO

مرمد سر كرم كى سورىل سى كل أكاف مروف جمك مشر المحق . نوفت وقرع بستريال في كم مستم كالله في للط سروف ممكث بني المن تق . أور شرى اس المرد كانزر الفرائع الحام دي شي الحام دي الله يسول رم كارد كاندان سردل، لامرواسي اور والفي معقلت كي سادر فكانه كاراني كالترعاكاتي في ١٠٥٠ على ليت فرانس صح طراقے سے ایمام دینے کی کوئسش بس کی ہونگہ نہ اسی نے مرمائي وزن قرمن لي عق . نربي موقع كسائق مزد مك معد منت كيدارس سے اور جمال عوان كافيو را برہوائے . اس مالك مكان سے معى بايات علم الك بنى . كارد كاندلان) کارد کانڈرکے سامات مفروض ار آسی با اہلی کو قصائے كلك مترسركوعلط رُح د ساحاسي بين. اصل اُسْنَ مَاكُ مُسْحَدُ لَسَلْتُ كَانْدُول عَرَانَ اور رَّحْ مِرْخُراسُور مقرشاه سار نامعلوم برمائل منر کانگارگرد ما کانگارگرد کانگارگرد کانگارگرد کا از در مزرکا از در مزرکا کا از در مزرکا لهذا إس مات ڈی فی او مکروت اور حای الوشکیش مکردت كرساسب بلامات دى حاوس ربورٹ س سرفرلزاری ہے AM RPEO 6.11.2013

ORDER.

On the night between 4/5-11-2013 the terrorists ambushed Police Post Surkh Pull and opened indiscriminate tiring upon Constables Sher Nawaz No. 6412 Constable Imran Khan No. 6577, as a result thereof. Constable Sher Nawaz sustained severe injuries and later expired in the Hospital, while Constable Imran Khan No. 6577 became senseless. The accused/ terrorists also took away Govt: Rifles No. 26099229 along with fitted magazine containing 30 rounds and KK-Rifle No. 44815 along with bandolier containing three (3) magazines loaded 90 rounds of the same bore from the possession of the above noted officials and case FIR No. 592 dated 05.11.2013 u/s 302/324/353/404 PPC/7-ATA PS Naurang was registered. The Incharge Police Post Surkh Pull and the strength deployed over there badly failed to combat with the accused/ terrorists and displayed and showed great cowardice on their part, hence forth, the following police officials are hereby suspended with immediate effect:-

- 1. SI/PC Nagibullah FRP.
- 2. Const: Imran Khan No. 6577/FRP.
- 3: Const: Abdul Qayyum No. 6532/FRP.
- 4. Const: Rafiullah No. 6493/FRP.
- 5. Const: Mohammad Ismail No. 6508/FRP.
- 6. Const: Habibullah No. 630.

OB No. 5:52/

Dated. 08/11/2013.

District Police Officer, Lakki Marwat.

No. 8 oss-5 Dated Lakki Marwat

Copy to:-

1. SP/ FRP Bannu Range for information.

2. OHC/PO and SRC for necessary action.

1,00 2636 peter 8 11-013

District Police Officer, Lakki Marwat.

1871 Canau



<u>O R∙D E R.</u>

This order shall dispose off on the appeal of Ex-Constable Abdul Qayyum No. 6532 of FRP Bannu Range against the order of SP FRP Bannu Range.

Brief facts of the case are that on 4/5 11-2013 the Terrorists ambushed Police Post Surkh Pull; started indiscriminate firing upon on duty Constables Sher Nawaz No. 6412, Imran Khan No. 6577 as a result of which FC Sher Nawaz was seriously injured while FC Imran Khan became senseless. FC Sher Nawaz No. 6412 succumbed to his injuries in the Hospital. The militants succeeded also in snatching away Govt: Ritle No. 26099229 alongwith fitted magazine containing 30 rounds and KK Rifle No. 44815 along with bandolier consisting of 03 magazines of 90 rounds from the possession of both the aforesaid mentioned. SI/SHO Ps: Naurang reached the spot and register case FIR No. 592 dated 05.11.2013 u/s 302/324/393/404 PPC read with 7 ATA Police station Naurang District Lakki against the un-known terrorist. He failed to combat with accused and showed great cowardice. The DPO charged him as under:-

- 1. That being a member of Police Force, in spite of repeated directions regarding vigilance and alert while discharge of duties in the present prevailing law and order situation and wave of terrorism.
- 2. That being negligence and casual attitude in performance of duty badly failed to combat the terrorist who ambushed the Police officials who were on sentry duty, which resulted the death of constable Sher Nawaz 6412 and great loss casued to the Police Department.
- 3. That the above negligence in performance of duty as Police constable speaks of in efficiency seems his un-becoming of a good Police Officer and this amount to gross misconduct on part of the above named ex-constable highle to be punished under the Police Rules 1975.

In this connection Mr. Syed Liaqut Ali Shah DSP Serai Naruang was appointed as Enquiry officer. After enquiry be recommend the defaulter ex-constable for Major Punishment. He was issued Final Show Carase Notice and also heard in person, but neither explanation nor personal hearing were. fonos, convincible and satisfactory, therefore he was dismissed from service under Police Rules 1975 by SP FRP Bannu Range vide his OB No. 13 dated 06.01.2014.

However from the perusal of record and recommendation of Enquiry officer there are no cogent reason to interfere in the order of SP FRP Bannu Range. Therefore his appeal is rejected.

Addl: IGP/Commandant Frontier Reserve Police Khyber Pakhtunkliwa Peshawar

30,14,14

No. 1145-46 / EC dated Peshawa his

/2014.

Copy of above is sent to the Superintendent of Police FRP Bannu Range Bannu for information and necessary action wir to his begins No. 331 dated 28 01.2014. His Service record and departmental Enquiry file are returned herewith.

Sir.

IN RESPONSE TO THE CHARGE SHEET ISSUED VIDE NO: 8049-50 DATED: 11-112013.

IT IS SUBMITTED AS BELOW.

- 1. That I joined the Police Department in the year 2009 and remained posted at various place, performing my duties with great zeal and devotion to the entire satisfaction of my seniors.
 - 2. That I was posted at "Surkh Pool" and for the last 6/7 months performed my duty to the best of my abilities.
 - 3. That on the night of 04-11-2013, I was present in police post Surkh Pool along with incharage Naqib Ullah and the other colleague constable.
 - 4. That constable Imran and "Late" Sher Nawaz were on Sentry duty. While I along with incharage Naqib Ullah and Constable Rafi Ullah were inside the police post when at about 23:00 Hrs heard discriminate firing shoots, we became alert, rushed out and took our arms and ammunitions.
 - 5. That as soon as we came out, we saw that late Sher Nawaz was injured and started firing in retaliation and self defence but it was pitch darkness and abundance of grasses and bushes were present around the

(16)

- post, therefore the terrorists accused could not be detected.
- 6. That I along with constable Rafi Ullah arranged the transport for taking the injured Sher Nawaz to the Hospital and left the only incharage in the police post.
- 7. The neither I have ex-passed cowardice nor committed any negligence in performance of my duties because the sentry duty was assigned to contrastable Sher Nawaz and Imran while we were on the next and remained inside the packet, however when heard the firing immediately came out and starting firing towards the terrorists but they could not detected because of the abundance of grasses around the scene of occurrence which became safe shelter for them.
 - 8. That after exchange of firing I and Constable Rafi Ullah arranges for vehicle and brought Sher Nawaz to Civil hospital Serai Naurang and then onward proceeded to DHQ Bannu, where he remained I live for about 10-50 mints.
 - 9. That terrorism has became an open challenge and spreading like a wild fire though out the country, causing human and property losses at the high level but ways could not be sought out to keep pause upon this front.

- 10. That the police post- packet established at "Surkh Pull" is away from the High Way and situated in an area which is covered with Sugar cane and other crops and as such the terrorists could not be seen at night time unless they reach the target and that is why they succeeded to achieve their goals and escaped.
- 11. That a criminal case to this effect has also been registered at PS S. Naurang where in it is coming to the surface of investigation, that it was a terrorist attack like other terrorist activities which cannot be controlled being organized and planned crime with high skill with a view to prevail upon the Govt. Keeping in view the prevailing situation of terrorist activities and day to day causalities,

It is requested that I may please be exonerated from the charges and the charge sheet may be filed please.

I wish to appear before your good self for personal hearing.

Your's Faithfully

F.C Abdul Qayyum Khan No.6532

NB Surkh Pull.

Mested Mountains

3/1/2 (E) will will be with the will be with the series of Ju 1/26/36 3/1/2840 0623 prie 1/20 Uh i 192175 SNIGHTE DE 302-324353 7 5-11 813 592 10 موار مہا میں زبر لفت ہے ۔ اسی مفتم می کمیل لفت (رہا ہول) آ, مرامان مراس کرے میں مگن موں ۔ کبدن مقیم کورکل سے نا در مازمان در سر کاری مدانتون مع به مدر میگرین کو در شر 5/1/6 6 6412 - 120 Ch C E 1 1 1 1 1 1 1 1 1 1 1 1 20 سے سی از کے راہ فرار احتمار کی . و نام مداول ماندر لفت الله عالم الله عال 6532 عبد الفتو 6532 رفيع الله Silp سالله (John N. C (/1) 1 6508 Jula 1630 mi-mo. مرفان کورلات می مزدی کا فظاہرہ کے عفاہے کو تاہی کے وہی ہوتے ہے . اندالی ارد لنبتی کار رہ لنبتی کاری کے E [11) 3 WO E UN /10 CM, Allesteel 20-11-013 6532 Calline رمزام عمر کو دو اور کارا ، می کوان می اور کارا جو مخفی نود کراس کرنائیس کارا کی سے . NIC, 11201-7878075-9

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 495/2014

Abdul Qayoum

Versus

Commandant & others

REJOINDER

Respectfully Sheweth,

Preliminary Objections:-

All the 06 preliminary objection are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is barred by laws/time, appellant has concealed the actual facts, he has come with unclean hands, estopped to file the appeal due to his own conduct, he has no cause of action and appeal is bad for mis & non joinder of necessary parties.

ONFACTS

- 1. Not correct. The para of the reply is without proof regarding unsatisfactory service.
- 2. In response to this para of reply, it is submitted that nothing against the para of the appeal as brought on surface but the para of the appeal further explained by the respondent. Neither any cowardice or negligence was shown by the appellant but the police party indulged to shift the injured to hospital.
- 3. Admitted correct to the extent of service of charge sheet and reply thereto. Appellant along with others was quite alert in the discharge of duties but in meager number 5 personal could not combat with large number of miscreants. The recent incident of Army Public School in the heart of the city as well as Bacha Khan University where hundred and thousand police personals, FC and

Army Personal etc, were present but could not overcome the situation.

- 4. Not correct. The para of the appeal is correct regarding recording of statements in presence of appellant as well as cross examination over the witness(s).
- 5. As above. But here it would be not out of place to mention that similarly placed FRP Constable, namely Muhammad Ismail was reinstated in service by the respondent.
- 6. No codal formalities were ever observed. The final show cause notice was not supported by enquiry proceedings/report. The enquiry report it was admitted by the Inquiry Officer in the findings that appellant has never displayed any cowardice.
- 7. Not correct. The rejection order was not served direct by the appellant but the same was dispatched through postal service which was received by him on 10.04.2014.

GROUNDS:

- a. Not correct. Such fact of presence on duty was admitted by the respondents in this ground of the reply. He was quite alert and no negligence was shown by him.
- b. Not correct. Reply regarding conduct of enquiry has been given in the preceding paras of facts.
- Not correct. Law should have been mentioned in the charge sheet as well as the final show cause notice under which appellant was dealt with.

If cowardice was shown by the deceased police official namely, Sher Nawaz Khan then he should have not awarded with compensation of shaheed package of Rs. 30,00,000 etc.

- d. Not correct. The live examples were the incidents of Army Public School as well as Bacha Khan University.
 - e. Not correct. The ground of the appeal is correct.

It is, therefore, most humbly requested that the appeal be accepted as prayed for.

(*၇)* / Appellant

Through

9''

Saadullah Khan Marwat

Dated: .01.2016

Arbab Saif Ul Kamal

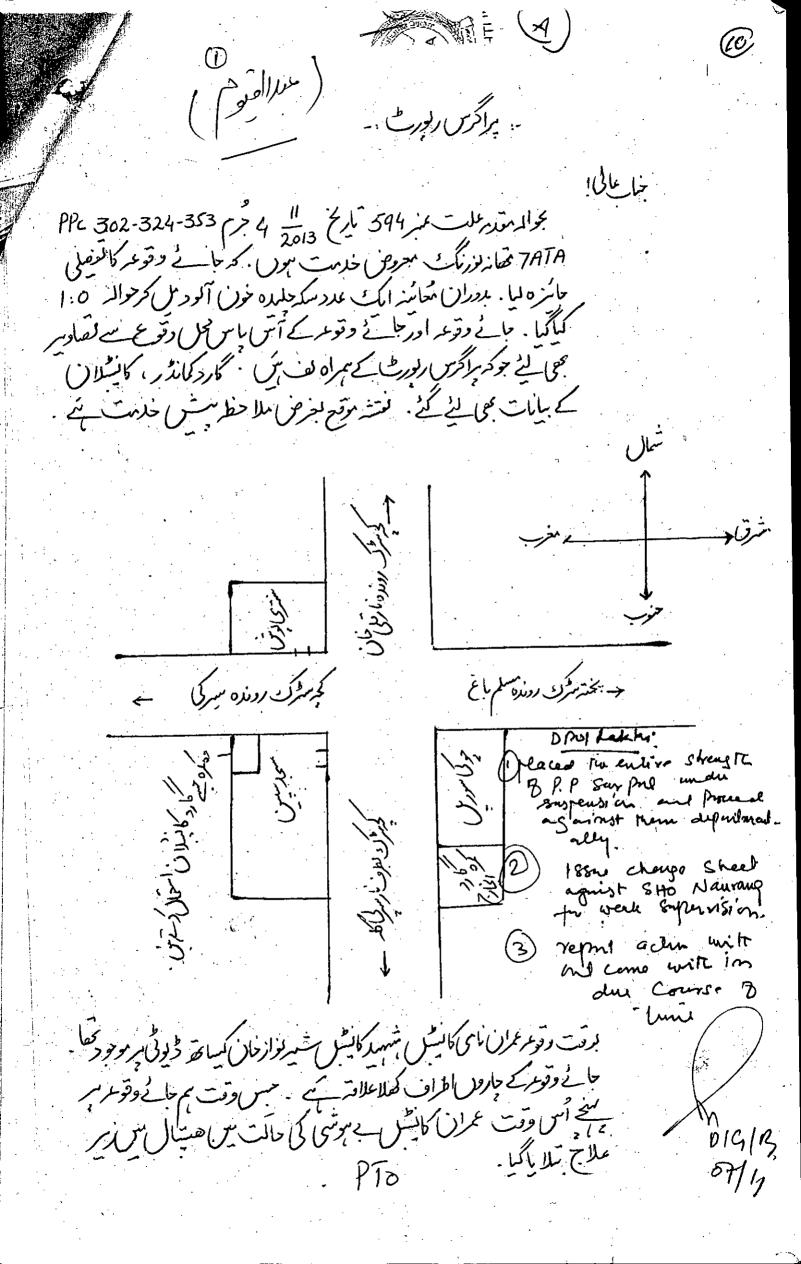
Miss Rubina Naz Advocate,

AFFIDAVIT

I, Abdul Qayoum S/o Babar Khan, Appellant, do hereby solemnly affirm and declare that contents of **Rejoinder** are true and correct to the best of my knowledge and belief. While that of the reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

DEPONENT



الله كاندر حوى سريل is سب الله كاسان الما حسل لي سان س الله كاسان الما حسل الله سان س كالإرط كي ماسدكي. طرمان عمار عين أس كو عي معلوم منس كفا. اور رات کی آری کو جواز سانے کی کوشش کررہائھا . حالانکے سنتری کوشل اور کارد کمانڈر آور گاردے کرے کے درمیان صرف جندتدم کا فاصلہ سے ، اگرفائرناک سیائے وہ الرط ہو جاتے تو پنتی محملت ہو تا ، کانشلان سے سیانات محی لیے گئے۔ جنوں نے گارد کانڈرے بیان کی تائد کی ۔ اُن کے بیانات سے می معلوم ہواتھ کانٹلان ميس سے حب اللہ 63 اور رفيع اللہ 407 جو کرسخد (عزبی سائمہ) کے ساتھ مل كريس سون مون عقر أكروه مروقت الرك موت اورملزمان كاتمات ئیلے نو آئے. تواسی صورت میں عی ملزمان کو اِس طرح آسانی سے فرار ہونا اور سرکاری کلاشیکوب لیجاما آنا اَسان بنین برتا بنین سے مب تردلی کے ترکب مرخي . كارد كاندرادر كانسلان ترامات مراه لف مرائ ملاحظين -جب گارد كاندر سيسترراري كاكني محد كانش عران جركد بوقت وقوم عبال كما تقا. اُس کا آپ کوکس طرح بیتہ جلا کروہ کدھر نے ؟ قراس نے تبلا یا کھراُس کی جادر كانى دورجانب شمال خالى اراصات سرم على . اور وه مكان مستى شار ولدسان سكنة نارسلطان محروس بناه بے حکاتھا . مُستى نثار نے بعدازال سيس مُطلع كردما -كراسي كس اور شرط هوزوس . مر جوى سوريل كاردكره دات منال شقى سائد برياكم المحتراك عطر خشت کے جس تے مردوران سے درمافت کی در ماقت پر معلوم ہوا کھرات کو غلام فرمد ولدكل مدن شاه كمنه مصوري منسل والخامز والخي ممرض محصل وصلح مبزل ا در سروسر ولداطلس خان كندسوريل علانة تقانه نورماك كى لفيه خست مِينَ أَكُ وَلِيكِي وَلِينَ عَلَى - دولون مزدوران سے تنصیل سانات لئے ر جو کرسمراه لف مابل ملاحظری - سرخو مزدوران نے اپنے بیا نات س تبلاما كمايك دمير (شرك ما) كارسى جوامينون سے دول شدہ تقی حابب شمال رواد سے آئی اور حوکی کیسا کو موڑ کا کنے فامر نگ لینی مرسٹ موتی . مرسٹ کے معددو ماسن سال فائر بربد بھی سرنے سے درے مارے تھے دخشت سی ساه لى. أس كىد ما لزيك كاسيد عي ركا. اور وقوم كارس نباقی پولس والول کے زمانی معلوم سوا PTO

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اسے معد سار ولدمیاں خان سکنہ فارسلطان محود حس کے ہاں کانسٹو عراد عمار کر بناه بی بھی، کا بھی تعضلی بیان بیا . حس نے اپنے بیای سر اثلاما ، کھیکا س كوس موجود تما كدروار بررسك موتي. دروازه كو لي سرمعلوم مراكم عان نای کا سٹر کے اور وہ کھ لو لے کے قابل سس تھا۔ مزمد حب اسلحہ کے ماريس درمافت كما بكرأس عاس كلاشنكوت سكاري موحود مقاما من ؟ توأس في بنا ياكرون مالكو جالى م فقعقا . شارك عبا في عبرالصد سے محاتفلى بيان بياً . حوكم مراه لف قابل الانطراب اس کے بعد وقت وقوم کومد ذخر رکھتے ہوئے جانب شمال روڈ سرحبلہ بھٹرخشت سے دریانت شروع کی وریانت مرمعلوم ہوا کرمنرم عصر خست واقع شاخ مَلِي خَانِ مُورِّ بِهِ وُمِهِ رَمْرُكَ) لودُ شَدِه بالحريل دُرامُور مُعَدَرَشِاه سكنه مَامعلى مطرت سلماع نعلی کے . وراسورمذکورہ سے من مومائل) مرد قوعرے مار س درمانت کی . لوائس في ساميا . که ده شمال کسطوف سے جو کی کسائھ مور کا رطرف مشرق رود جربنی جند گرے فاصلے براگے گیا . نوس نے فائرنگ کی أدارَ شَي وأورس وقت مس مور كاط ربائقا توسترى بوط تح مستم يُفك عربا تعامل در راستری مستری برش سے بارکھ اعقا ۔ اس فرمر مر مع وزن برسلاماً . كربوس مع في مجمع سان ماكسي تسم كى تعاون كملة طلب کرنا جاہے توس حاصر آ تار ہولاگا . اس لعد عران كادير ك كوكة حواب هسال سے و سجارج موحكا عقا أسى تناما كحر دسر كارى أي اورس سنترى بوش كسامن كه اتحقا بحر كافئ توادسلخ نقاب بوش تق عربي سائر سے أجانك مم بردهاواتول كر و اور فائر، ک می سوی سی عمال گیا ۔ و سرکاری رائفل العی کھے متبریش جلا اور بے تھے میری ستہ بنیں چلا کھر میں کس طرح اور کہاں تك تعالم كياس - سراب سرسي موحكاتفا - مستال سي سوش أيا -مزمدسر عی کہا ۔ کرمین مرکی (دوراسرے کامرلض موں)

تسید کانٹل ادر کانٹل عران کے مومائل فول قرمنہ س امکر حوالہ 1:0 عبایت تعانه الزرنگ كي ادراً سے مالت دى كردولوں مومائل مؤن عبرات كاستعلقة عالحاه ا مر مح دانست عمطالق تحلركار دعمه كارد كماندُّر نے أس وقت ما حرتی سے مار نظر سی اس اللہ ماموسی الا کا موسی الا کا کی ہے . تو وہ کاردکم ۹ حات سے ماسر نظیش جو کرسکس سردلی ہے . کانس عمال جو کم سسدكانس كيائة دُوَى مرحود عقا - وقوع كالبشم دمد الراهاه ك بيكن جان بر ھو كرنىشى ئىم سے تعادن سى كرما . أسے وتو بركا مكو علم ہے . مركه رائ حرمطان وقوعرانك ما دو ملزمان نه كما ي - الروسنت گرد تنظم نرتی قرمرے نیال س کارد کرہ جات سی سرنے مونے ملاڈس توعي أساني س نَشَاه بِهَا سِكَةَ عَنْ الْحُرِكَالِيسِ عَزَان كُوضِح الْمَا ووكسط ئما جائے تومیرے خیال میں ملزم/ملزمال تک شری آساتی سے جھا مزمدر هي آب صاحبان مزئس من لاما جاسما بون محركار در مرفر حمك كماكما معلی سوا کروسو (مورخر 2012-7-09) سے تا مال کارد/ملازسی کو عمل سبرونزری آفسرز فی مرف در مرشر حمک کئے سی . رسٹرے مطابق عرز داه 2-6- ای کولائن آنسر اور مورخه 13-9- 7 کوه ۱۷ نوزنگ نے جرکی گارد حمک کرے ملازس اوس حرکی سوریل کو صروری ملامات رمنے شرک باقی کسی فعی جوکی کمیطرف آئے تھی زخمت گوارہ سی كى كى مور عفلت اور لاسرواسى كى . سنتری بوس سرمحوظ اور نوسده ، کل کابی دورسے بعی اس کومٹری أسانى سے نشانه نیاما جاسکیآئے۔ رہائشی کرہ جات تھی عمیر فحفوظ سک . اورخسترحال من اكيره كسي نعقان سے بحنے في خاطر إس كي مناسب تعمیر/مرمت از در مرری کے عمر حالات کے سٹی نظر لنری کی تعدد کر مرکار کملے سور

بزمد سر کہ جو کی سور بل سی کل اکٹو ملط مروب جمکٹ سڑے تھے. توقت وقوع منتريال نے كھے مسم كالك لك الرف مردف مكٹ اس كنے عقے . اور شرى اس مات كارد كانزر النه زالف الحام ديم ش كارد كانزر يسول ديك كارد كانسان مردل، لامرواسي اور والفي معفلت كا سادر محکا نرکاردانی کی استاعاکی کی ہے۔ 0: ان معی لینے فرائفی صح طراق سے الحام دینے کی کوسش شس کی ہے۔ کیونگر شرائس مرمائل وزن قرمنرس لئ تق . نربی موقع کسائق زرگ معیر مشت كسارس سے اور جمال عزان كافسول رأموسوائے . اس مانك مكان سے معى بايات علمالك عنى . كارد كانبلان كارد نا ندرك سانات مفروض اراسي با اهلي كوقفات كلام مقدم كرعلط رُح دينا حاسمة سي اصل المذي مك مسخف للك كانسو على اور دمر داشور لهذا إس مات دی فی او مکروت اور عای الوشکین، مکردت كرساسب بلامات دى حاوس راور ط سرس سر در کنزاری سے A RPEO 6.11.2013

On the night between 4/5-11-2013 the terrorists ambushed Police Post Surkh Pull and opened indiscriminate tiring upon Constables Sher Nawaz No. 6412 Constable Imran Khan No. 6577, as a result thereof, Constable Sher Nawaz sustained severe injuries and later expired in the Hospital, while Constable Imran Khan No. 6577 became senseless. The accused/ terrorists also took away Govt: Rifles No. 26099229 alongwith fitted magazine containing 30 rounds and KK-Rifle No. 44815 along with bandolier containing three (3) magazines loaded 90 rounds of the same bore from the possession of the above noted officials and case FIR No. 592 dated 05.11.2013 u/s 302/324/353/404 PPC/7-ATA PS Naurang was registered. The Incharge Police Post Surkh Pull and the strength deployed over there badly failed to combat with the accused/ terrorists and displayed and showed great cowardiee on their part, hence forth, the following police officials are hereby suspended with immediate effect:-

1. SI/PC Nagibullah FRP.

2. Const: Imran Khan No. 6577/FRP.

3: Const: Abdul Qayyum No. 6532/FRP.

4. Const: Rafiullah No. 6493/FRP.

5. Const: Mohammad Ismail No. 6508/FRP.

6. Const: Habibullah No. 630. v

OB No. 5:52/

Dated. 08/11/2013.

District Police Officer, Lakki Marwat.

No. 8 oss-58 Dated Lakki Marwat __

Copy to:-

1. SP/ FRP Bannu Range for information.

2. OHC/PO and SRC for necessary action.

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District Police Officer, Lakki Marwat.

inut of police

IN RESPONSE TO THE CHARGE SHEET ISSUED VIDE NO: 8049-50 DATED: 11-112013.

IT IS SUBMITTED AS BELOW.

- 1. That I joined the Police Department in the year 2009 and remained posted at various place, performing my duties with great zeal and devotion to the entire satisfaction of my seniors.
 - 2. That I was posted at "Surkh Pool" and for the last 6/7 months performed my duty to the best of my abilities.
 - 3. That on the night of 04-11-2013, I was present in police post Surkh Pool along with incharage Naqib Ullah and the other colleague constable.
 - 4. That constable Imran and "Late" Sher Nawaz were on Sentry duty. While I along with incharage Naqib Ullah and Constable Rafi Ullah were inside the police post when at about 23:00 Hrs heard discriminate firing shoots, we became alert, rushed out and took our arms and ammunitions.
 - 5. That as soon as we came out, we saw that late Sher Nawaz was injured and started firing in retaliation and self defence but it was pitch darkness and abundance of grasses and bushes were present around the

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post, therefore the terrorists accused could not be detected.

6. That I along with constable Rafi Ullah arranged the transport for taking the injured Sher Nawaz to the Hospital and left the only incharage in the police post.

- 7. The neither I have ex-passed cowardice nor committed any negligence in performance of my duties because the sentry duty was assigned to contrastable Sher Nawaz and Imran while we were on the next and remained inside the packet, however when heard the firing immediately came out and starting firing towards the terrorists but they could not detected because of the abundance of grasses around the scene of occurrence which became safe shelter for them.
 - 8. That after exchange of firing I and Constable Rafi Ullah arranges for vehicle and brought Sher Nawaz to Civil hospital Serai Naurang and then onward proceeded to DHQ Bannu, where he remained I live for about 10-50 mints.
 - 9. That terrorism has became an open challenge and spreading like a wild fire though out the country, causing human and property losses at the high level but ways could not be sought out to keep pause upon this front.

- 10. That the police post- packet established at "Surkh Pull" is away from the High Way and situated in an area which is covered with Sugar cane and other crops and as such the terrorists could not be seen at night time unless they reach the target and that is why they succeeded to achieve their goals and escaped.
- 11. That a criminal case to this effect has also been registered at PS S. Naurang where in it is coming to the surface of investigation, that it was a terrorist attack like other terrorist activities which cannot be controlled being organized and planned crime with high skill with a view to prevail upon the Govt. Keeping in view the prevailing situation of terrorist activities and day to day causalities,

It is requested that I may please be exonerated from the charges and the charge sheet may be filed please.

I wish to appear before your good self for personal hearing.

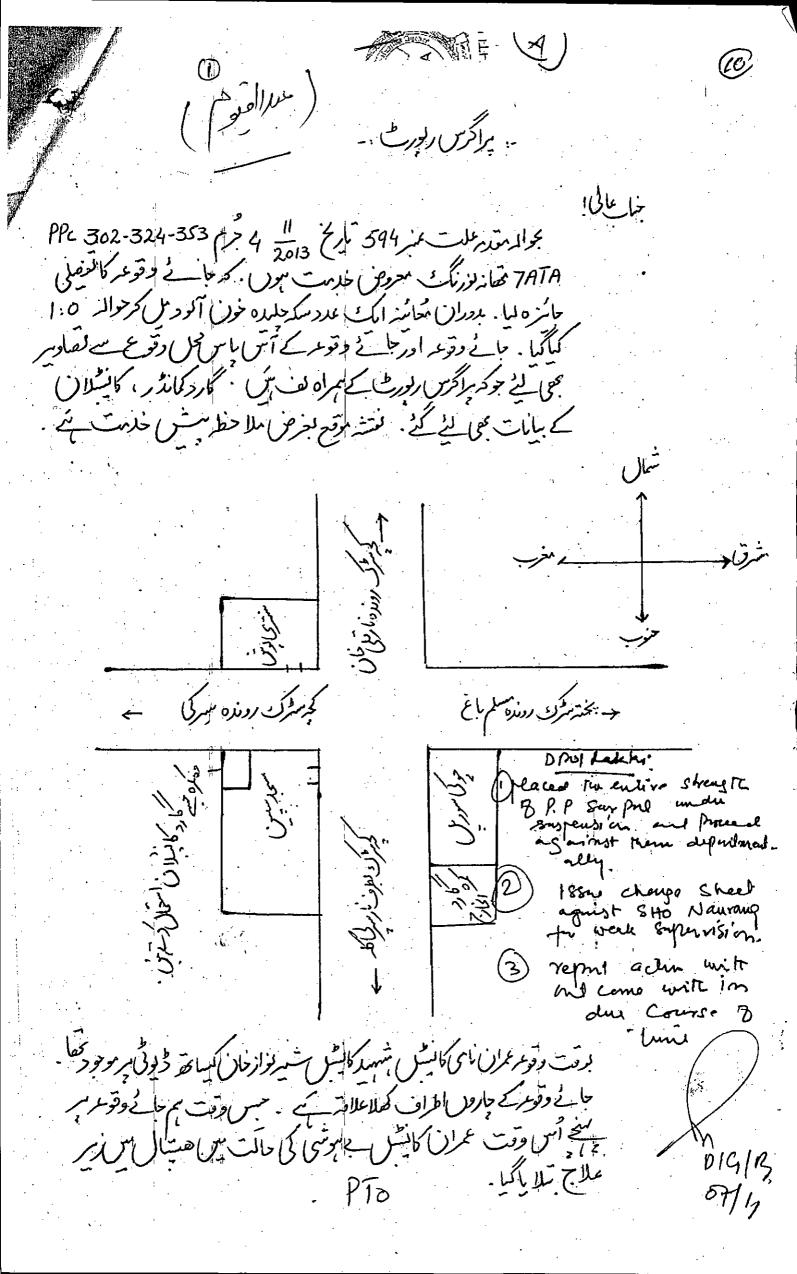
Your's Faithfully عرب کی الف

F.C Abdul Qayyum Khan No.6532

NB Surkh Pull.

Mested Month Rang

مان اذال روس من المعرب المعرب المان المان المان المان المان المعرب المعر 192175 SNIGHTE DE 302-324353 175-11 813 592 120 موار مہم مای زیر لفت کے سے ۔ اسی مفتم می میل لنسٹ ارتعام ل ا وروان الرس كرات من اللن مول - كبدن منهم كوركى سى ما درم وارُعان وسر كارى مارشكوف عم 4 مدر فيكرس كود شر 5/1/6 6412 - 120 Ch (20) 1 1 1 1 20 6 1 1 20 سے سیر کے راہ فرار اصاری . ونام مداون مانڈر 6493 July 6532 (6577 (1) 8 - 81/2 WI Let Unin N. C (/1) n 6508 Jula 1630 Cm - mo مرفان کورک می مزدی کا فظام و کے تفاہے کو تامی کے ورک ہوتے ہے . اندائل مارہ لعبی کاری کے ر کی مہرا سال ہے سال و دراسک سے Allesteel C/O Manyang , chille x x x /2011-013 20-11-013 6532 Calline روزه عمر کو و فور کا ما ری کواه می حرام که جو خوش نور کراس گرانس کا کا سے



الله كاسريل أي نعب الله كابيان بيا حبق البي بان سي الله كابيان بيا حبق الله كابيان بيا جبي الله كابيان بيا الله كابيان بيا كى دورك كى ماسدكى . طنيان كے مار سى أسے كھو تھى معلوم منسى تھا . اور رات کی آری کو تجاز بنانے کی کوشش کررمائقا . حالالکرسنتر کی کوشل اور کارد کانڈر آور گاردے کرے کے درمیان صرف جند قدم کا فاصلہ سے ، اگرفائرات مساعة وہ ادر شہر حاتے تو پنتی محملف ہوتا ، کانشلان کے بسیانات بھی لیے گئے ، جنور نے گارد کانڈر کے بیان کی تامید کی ۔ اُن کے بیانات کیے معدم ہوا کھر کانسلان سي سے جب الله 30 اور رضع الله 6407 جو کے سجد (عربی سائمہ) کے ساتھ ر ملحر كريس سوخ بوغة. الخروه بروقت الرف بوت اورملزمان كالمات كيلة نكل أتة. توإسى صورت مين معى ملزمان كواس المرح أسانى بسے فرار موفا ادر سركارى كلاشيكوب ليحانا آسان بني برما و مكن سي مب تزدلى كيمركك مرخ بن . گار د کماندراور کانیلان تے سانات مراه لف سرائے ملاحظین . جب گارد کماندر سے بیتہ سراری کی گئی . کد کانیش عران کر کد بوقت وقو بر عجاگ گیا تھا۔ اُس کا آپ کوکس طرح پیتر جلا کروه کدهر نے ؟ تواس نے تبلایا کمراس کی جادر كاني دورجان شمال خالي اراضات سي ملي . اور وه مكان مسمى شار ولرسان سكنة نارسلطان محودس بناه بے حافقا . سُتى تأريف لعدازان ميں مطلع كرديا -كراسيكس اور شرخ هوندين . مر جرى سرريل كاردكره حات كم شمال شقى سائد شربالكول المحترامك عصر خست کے میں کے مزدوران سے دریافت کی دریافت کی دریافت کوغلام فرمد ولد على مدن شاه سكنه مصورى مميل والخامه والجي مميس محصل وصلح بزن اور سروير ولداطلس خان كنه سوريل علامة تقانه لزرماك كي لعيه خست میں آگ اللے کی ورق تھی ۔ دولوں سردوران سے تفصلی سانات کئے ر جو که مهراه لف قابل ملافظرش - سردومزدوران نے لیے بیانات س تبلاما كمامك كرمير (مرك ما) كار عي حراسوس سي مود شاره عقى قانب شمال رود سے آئی اور جو کی کیسام موڑ کا ننے فائر نگ لینی مراس مرق ، مرسف مبدرو ماشن سال فائر بزرجی البرت بنم ورک مارے معافر خست میں مناه کی اس کے بعد قالم باک کا سیسہ می وکا، اور وقو مرک آرسی نباقی اولی والوں کے زمانی معلوم سوا

اس عد سار ولدمیاں خان سکنه نارسلطان فحود حس کے ہاں کانسر اعراد عباكريناه ي عي كا عي تعفي بيان سار حبس نه النه سان اس ساليا سي اللها . حي ال س كوس موجود تما كد درواز بروسك بوتى . دروازه كمو لي مراسك عان نای کا نشل کے اور وہ کھو لیے آج قابل سی تھا۔ مزمد سالھ کے توأس في بتا يا كدوه بالكل خاليها مُقرِقِقًا أَمَّا ركمها في عبد الصدس معي تنفوا بيان تيا . حو كم ممراه كف قاس الاخطر به -اس كادروت وتومر كومو لظر ركعته الرفع حاسب شمال رود مرجمله معشرختت م دریانت شروع کی . دریانت مرمطوم موا کرمنم محصر نست واقع شاخ سے دریانت شروع کی . دریانت مرمطوم الحویل ڈرامور مقدرشاہ سکنہ نامعلی ملی خان مرڑ سے ڈمیر رسرک کی لوڈ شدہ مالحویل ڈرامور مقدرشاہ سکنہ نامعلی رمائل منر 664 484, 0300-566484 مرمائل منر 66484 484, 0300-566484 مطرت سلماع نفل ہے۔ وراسورمذکورہ سے جب ہولائل سرد قوعرے ما س درماندات کی . تراس في تبایا . که ده شمال کيطوف سے حوکی کيا تقور کا مِون مَنْرِق رَدِدْ جِرِنِي مِند كُرْكَ فَاصْلِ رِلْكُ كُمّا . تُوسِ نَ فَامْرِنَكُ كَا آوازشي وأورس وقت س موركاط راعقا توسنتري بوط تحسين عك كررما تقا ملكردر السنترى مسترى المرتب سي ماركورا عما - أس فرمر مر معي وزن برسلاما . كربوس جب معي جھے بيان ماكسواسم كى تعاون كميلة طلب کرفاحا ہے توس حاصر آ مار ہونگا اس لدر عران كادر كالمراح كالد حوار هسال اس في سيارج سرحا تما أسى تاما كر دسر كارى أئي ارس سنترى بوش كيسا من كه الحقا بحر كافئ لتوادسلي نقاب يوس عقى عزى سائر سے أجانك سم برد هاوالول كر محمد ده ما دیا . اور فائر ای مجامری سی عباک گیا . فی سرکاری رانفل) ما می کورتیس دلا اور نے سرعی ستہ سس جلا کرس کس طرح اور کہاں مك تعالم السراب سراب برسي موجهاتها - مستال س مولى أيا -مزمدس عی کہا ۔ کرسی مرگی (دور الرے کامرنعی مول)

نسید کانش ادر کانش عران کے مومائی فون قرمندس امکر حوالہ 1:0 عبایت الما تعانہ افررنگ کئے کے اور اُسے مہات دی کر دولول موبائل فون عبرات کالمتعلقة حقام سے تنفل ڈیٹا مامل اکریں ا۔ عالحاه ا مزے دانست کے مطالق تحلرکارد محمد کارد کمانڈرنے اُس وقت مک حِلَى سِمَا سِنْظِينَ سَنَ جَدِ مُكُولِ خَامِسَى هِالْمُنْ سَعَ فَوَوهُ كَارِدِكُمُ ٥ ت سے ماہر تکاش جو کرسنگن سردلی ہے ، کالسر عال حرکم سسركانس كسائة ولوي سروود عقا . وتوع كالبسم دمر كواه سم اللي حان تر ه خرکنشی شم سے تعادن س کرہا . اُسے و توبر کاملا علم ہے ۔ مری مان کرمطابق وقوعرامک ما دو ملزمان نے کیا ہے ۔ اگر دست گرد منظم نبرتی توسرے نیال س گارد کرہ مات سی سرنے برنے ملازس نوعي أساني س نَسَام بِنَا سِكَتِ عَنْ الْحُرِكَانِيْنِ عِزْن كُورِ عَلَى الْمُأْوِرُنْكُ كيا حارج تومير و خيال من ملزم/ملزمان تك طرى أساقى سي مل مزمدر بھی آب صاحبان مونس س لاما جاسما ہوں کھ گارد رسم فرحمك كماكما معلوم سوا كر رحر (مورخر 2012 - 20) سع ما حال كارد/ملازس كو علر سروبرنری آنسرن صرف در سرتم حمک کئے بی ، رہم آکے مطابق مرز 13 م - 6- ای کولائن آنس اور مورخ 13 - 9 - 7 کو ۱۵ لازنگ نے جو کی گارد چیک کرے ملازس اونس جوکی سوریل کو صروری بدامات رنے سُن ا فی کسی فعی حرکی کمطرف آنے کی زخت گوارہ سی کی کیے ۔ حوکہ عفلت اور لاسرواسی کے ۔ سنتری نوش منر محفظ اورنوسده ، کا کانی دورس بعی اس کوشری آسانی سے نشانہ ساماحاسکہ آئے۔ ریائشہی کرہ جات تھی عمل محفوظ سول ۔ اورحسترحال من . آئردہ کسی نوقیان سے محنے فی خاطر اِس کی مناہب تحمیر/برمت ازدومزوری کے - جاکہ حالات عیش نظر نوای كاندادكم ك . بزيداكر برهاى دا د كارمركار كمك سود . PTO

برمدس كرموكي سوريل س كل أكو ملط موت جمك سرمه محق. وقوعرستريال ن كي مسم كالله المع المع المع المراب مكث الر شهی ایس بات گارد کانڈرے اینے زائفی انام دینے بی اگرد کانڈر يسول ديك كارد كانسلان سردلى، لاسواسى اور فرائض معقلت كى سادر محكانه كاردائي كي إسرعاكي في انت فرائفي صح طراق سے الحام د نے کی کوئسٹی سس کی ہے کو مکر نہ اُس نے مرمائل وزن قرمنرس لئ كق . نربى موقع كسا كقرر مك معدر مشت كيمارس سے اور جمال عون كافئو) رأموسوائے . أس ما مك مكان سے معى با نات علمان كئے بكى . كارد كاندلان كارد كاندرك مانات معزو ضوا اوراسي) نا اهلى كو قصائ كمائح مقدم كرعلط رُح دينا حاسم سي اصل است مك مست كمان كافير عان اور دمر دار را مقدرشاه سكرنا معلوم نرمالل منر 0331-5664484 -0331-5664484، 03005664484 لهذا إس مات دی او کروت اور ۱۵ الزنگشن مکردت كوشاسب برامات دى حاوي . ربورك سرس برخرگذارى RPEO 6.11.2013

On the night between 4/5-11-2013 the terrorists ambushed Police Post Surkh Pull and opened indiscriminate tiring thon Constables Sher Nawaz No. 6412 Constable Imran Khan No. 6577, as a result thereof, Constable Sher Nawaz sustained severe injuries and later expired in the Hospital, while Constable Imran Khan No. 6577 became senseless. The accused/ terrorists also took away Govt: Rifles No. 26099229 alongwith fitted magazine containing 30 rounds and KK-Rifle No. 44815 along with bandolier containing three (3) magazines loaded 90 rounds of the same bore from the possession of the above noted officials and case FIR No. 592 dated 05.11.2013 u/s 302/324/353/404 PPC/7-ATA PS Naurang was registered. The Incharge Police Post Surkh Pull and the strength deployed over there badly failed to combat with the accused/ terrorists and displayed and showed great cowardice on their part, hence forth, the following police officials are hereby suspended with immediate effect:-

1. SI/PC Nadibullah FRP.

2. Const: Imran Khan No. 6577/FRP.

3. Const. Abdul Qayyum No. 6532/FRP.

4. Const: Raffullah No. 6493/FRP.

5. Const: Moljammad Ismail No. 6508/FRP.

6. Const: Hablbullah No. 630. 🗸

OB No. 5:52-1 Dated. <u>58/1/</u>/ 2013.

No. 8 oss-58 Dated Lakki Marwat

Copy to:-SP/ FRP Bannu Range for information.

2. OHC/PO and SRC for necessary action.

Lakki Marwat.

120 2635 obs District Police Officer. Lakki Marwat.

Sir,

IN RESPONSE TO THE CHARGE SHEET ISSUED VIDE NO: 8049-50 DATED: 11-112013.

IT IS SUBMITTED AS BELOW.

1. That I joined the Police Department in the year 2009 and remained posted at various place, performing my duties with great zeal and devotion to the entire satisfaction of my seniors.

2. That I was posted at "Surkh Pool" and for the last 6/7 months performed my duty to the best of my abilities.

3. That on the night of 04-11-2013, I was present in police post Surkh Pool along with incharage Naqib Ullah and the other colleague constable.

4. That constable Imran and "Late" Sher Nawaz were on Sentry duty. While I along with incharage Naqib Ullah and Constable Rafi Ullah were inside the police post when at about 23:00 Hrs heard discriminate firing shoots, we became alert, rushed out and took our arms and ammunitions.

5. That as soon as we came out, we saw that late Sher Nawaz was injured and started firing in retaliation and self defence but it was pitch darkness and abundance of grasses and bushes were present around the

post, therefore the terrorists accused could not be detected.

6. That I along with constable Rafi Ullah arranged the transport for taking the injured Sher Nawaz to the Hospital and left the only

incharage in the police post.

- 7. The neither I have ex-passed cowardice nor committed any negligence in performance of my duties because the sentry duty was assigned to contrastable Sher Nawaz and Imran while we were on the next and remained inside the packet, however when heard the firing immediately came out and starting firing towards the terrorists but they could not detected because of the abundance of grasses around the scene of occurrence which became safe shelter for them.
 - 8. That after exchange of firing I and Constable Rafi Ullah arranges for vehicle and brought Sher Nawaz to Civil hospital Serai Naurang and then onward proceeded to DHQ Bannu, where he remained I live for about 10-50 mints.
 - 9. That terrorism has became an open challenge and spreading like a wild fire though out the country, causing human and property losses at the high level but ways could not be sought out to keep pause upon this front.

- 10. That the police post- packet established at "Surkh Pull" is away from the High Way and situated in an area which is covered with Sugar cane and other crops and as such the terrorists could not be seen at night time unless they reach the target and that is why they succeeded to achieve their goals and escaped.
- 11. That a criminal case to this effect has also been registered at PS S. Naurang where in it is coming to the surface of investigation, that it was a terrorist attack like other terrorist activities which cannot be controlled being organized and planned crime with high skill with a view to prevail upon the Govt. Keeping in view the prevailing situation of terrorist activities and day to day causalities,

It is requested that I may please be exonerated from the charges and the charge sheet may be filed please.

I wish to appear before your good self for personal hearing.

550 1N54 Rang 550 111/2013 Your's Faithfully حمال في ميالة F.C Abdul Qayyum Khan No.6532 NB Surkh Pull.

مان ازال روس من المعرب المان الله Ju 1/26/36 3/1/2 SHO CION3 prie 2/20 CIU 192175 SNIGHTE DE 302-324353 175-11 813 592 10 عور دہر میں زیر لفت ہے ۔ اسی مذم می تعبل لیس روحاموا ا ورامان الراس كراس من الله مول . كرامان منونم المورك ما درم وارمان وسر ماری مدانکوف مع به عدد میگرین مودشره سے سیر کے راہ فزار اصار کی . ونام مدلون ماندر 6993 مرانة عمر الفنو 6532 أونيع الله Silp Cul Usis N. C Mily 6508 July 1630 Cm -mo مرفان توراط من مردی کا وظاہرہ رک عفات کوتامی کے ورک ہوتے ہے ۔ اندری مارہ لعبتی ماری سے E 401 300 E (10 /200) Allesteel ~ C/1 -60 X X X /2011-073 20-11-013 6532 (Jeline رمزد عسر کو دو فورگارا ، کواه و و و ایم کا جو مختری کور کراس گرن نیس کانی سے .