


Service Appeal No. 1250/2016

07.09.2018 Appellant with counsel and Mr. Riaz Ahmad Painsdakhel, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 25.10.2018 before D.B.



(Shah Hussain)
Member

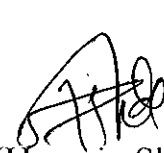

(Muhammad Amin Khan Kundi)
Member

25.10.2018 Due to retirement of Hon'ble Chairman, the tribunal is defunct. Therefore, the case is adjourned. To come up for same on 13.12.2018.


READER

13.12.2018 Learned counsel for the appellant and Mr. Zia Ullah Learned Deputy District Attorney for the respondents present. Vide our detail judgment of today in service appeal No. 1251/2016 (Jehanzeb V.S Provincial Police Officer) this appeal is also dismissed. Parties are left to bear their own costs. File be consigned to the record room.

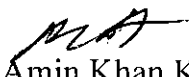

(Hamid Farooq Durrani)
Chairman


(Hussain Shah)
Member

ANNOUNCED
13.12.2018

09.04.2018

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Due to incomplete Bench, arguments could not be heard. To come up for arguments on 22.05.2018 before the D.B.


(M.Amin Khan Kundi)
Member

22.05.2018

Counsel for the appellant and Addl: AG for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 18.07.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member

18.07.2018

Counsel for the appellant present. Mr. Sardar Shoukat Hayat, Addl: AG for al respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.09.2018 before D.B.


(Ahamd Hassan)
Member


(Muhammad Hamid Mughal)
Member

14.03.2017

Clerk to counsel for the appellant and Mr. Fazal Subhan, HC
alongwith Addl. AG for respondents present. Written reply submitted.
To come up for rejoinder and arguments on 09.06.2017 before D.B.


(AHMAD HASSAN)
MEMER

09.06.2017

Clerk of the counsel for appellant present. Mr. Muhammad Adeel
Butt, Additional AG for the respondents also present. Clerk of the counsel
for appellant submitted rejoinder and requested for adjournment. Adjourned.
To come up for arguments on 05.10.2017 before D.B.


(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

05.10.2017

Counsel for the appellant and Mr. Ziaullah, DDA for
respondents present. Counsel for the appellant seeks adjournment.
Adjourned. To come up for arguments on 21.12.2017 before D.B.


(MUHAMMAD HAMID MUGHAL)
MEMBER


(AHMAD HASSAN)
MEMBER

21.12.2017

Due to Judicial Officer's Conference today, case is
adjourned to 22.02.2018 for the same before the D.B.


Reader

22.02.2018

Due to none availability of D.B the case is adjourned. To come up
on 09.04.2018 before D.B


Member

26.12.2016

Learned counsel for the appellant argued that the appellant is serving as constable and vide impugned final order dated 10.11.2016, the punishment awarded to the appellant by the competent authority in the shape of dismissal from service was converted into time scale for 3 years to the extent of three stages and intervening period from dismissal to reinstatement in service was also considered as without pay and as such the present service appeal.

That the impugned order is against facts and law and therefore liable to be set aside.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 31.01.2017 before S.B.

Appellant Deposited
Security Process Fee


Chairman

31.01.2017

and
Counsel for the appellant Mr. Rashid Ali HC, alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 14.03.2017 before S.B


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1250 /2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	20/12/2016	<p>The appeal of Mr. Fida Khan resubmitted today by Mr. Yasir Saleem Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p><i>[Signature]</i> REGISTRAR</p>
2-	21-12-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26-12-2016</u></p> <p><i>[Signature]</i> MEMBER</p>

The appeal of Mr. Fida Khan Ex-Constable No. 1100 Police Station Zaida Swabi received today i.e. on 09.12.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of application and order mentioned in para-12 of the memo appeal are not attached with the appeal which may be placed on it.
- 2- In the memo of appeal places have been left blank which may be filled up.
- 3- Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be flagged.
- 5- Appeal may be page marked according to the index.
- 6- Copy of order dated 10.11.2016 is illegible which may be replaced by legible/better one.
- 7- Five more copies/sets of the appeal along with the annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2075 /S.T,

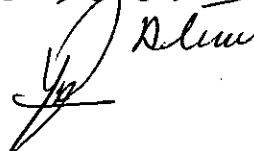
Dt. 13/12 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Yasir Saleem Adv. Pesh.

R/sir,

It is requested that you have corrected all the errors & commissions as directed.

Yasir Saleem
Adv.


BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 250 /2016

Fida Khan. Ex-Constable No.1100, Police Station Zaida Swabi.

(Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhuwa, Peshawar and others.


(Respondents)

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6	Copies of inquiry report dated 28.12.15 & statements of witnesses	D & E	13-25
7	Copies of final show Cause Notice and reply thereof	F & G	26-27
8	Copy of the dismissal order dated 13.01.2016	H	28
9	Copies of the departmental appeal dated 26.01.2016, rejection order 25.04.2016 and review dated 03.05.2016	I, J & K	29-34
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10	Copy of the order dated 23.11.16 dated <u>23.11.16</u> is attached as Annexure N <u>(30)</u>	N	43-44
11	Vakalatnama		

Appellant

Through


YASIR SLEEM
Advocate High Court

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1279

Dated 09-12-2016

Appeal No. 250/2016

Fida Khan Ex-Constable No.1100, Police Station Zaida
Swabi.

(Appellant)

VERSUS

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

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated: 10.11.2016, whereby, the departmental appeal of the appellant has been partially accepted and the appellant has been re-instated in service but, the penalty of reduction of time scale for 3 years to the extent of 03 stages has been imposed upon him and also he has been denied the salary for the intervening period.

Prayer in Appeal: -

On acceptance of this appeal impugned order dated 10.11.2016, may please be partially set-aside to the extent of reduction of time scale and denial of salaries and the appellant may please be re-instated in service with full back wages and benefits of service.

Filed to-day

Registrar

9/12/16

Re-submitted to -day
and filed.

Registrar

Respectfully Submitted:

1. That the appellant was initially appointed/ enlisted as Constable in the Police Department in the year 2012.
2. That ever since his appointment, the appellant had performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance. The appellant was lastly posted at Police station Zaida.
3. That while serving in the said capacity, on 30.11.2015 the appellant along with his fellow Constable/ rider namely Jehanzeb was on routine Gusht on Motorcycle in the local limits of Police Station Zaida. An unfortunate occurrence took place, when some unknown terrorists attacked other rider squad by opening indiscriminate firing upon them, in the area of Village Thankhoi, which resulted in the death of one Constable namely Imtiaz and injury to other Constable namely Ghulam Abbas. The appellant and his fellow Constable opened fire on the assailants and also tried hard to chase them, unfortunately they managed to flee away. A case vide FIR No. 89 dated 30.11.2015 U/S 302,324,353,404,34 PPC along with Section 7 of the ATA was also registered against the unknown persons. *(Copy of the FIR is attached as Annexure A)*
4. That due to the above mentioned incident, later the appellant was proceeded departmentally and departmental proceedings were initiated against him. He was served with a charge sheet and statement of allegations vide order dated 02.12.2015, containing the baseless allegations of cowardice and gross misconduct. *(Copy Charge Sheet and statement of allegation dated 02.12.2015 is attached as Annexure B)*
5. That the appellant duly replied the charge sheet and refuted the allegations leveled against him. *(Copy of the reply to the charge sheet is attached as Annexure C)*
6. That a partial inquiry was conducted and the inquiry officer submitted his report dated 28.12.2015, wherein quite wrongly he held the appellant guilty of the charges and recommended him for major punishment vide his report dated 28.12.2015. *(Copies of the inquiry report dated 28.12.2015 and statement of the witnesses are attached as Annexure D & E)*

7. That thereafter the appellant was served with final show cause notice which he duly replied. *(Copies of the show cause notice and reply thereof are attached as Annexure F & G)*
8. That the competent authority without considering his defence reply, quite illegally awarded the appellant awarded the major penalty of **Dismissal from Service** vide order dated 13.01.2016. *(Copy of the order dated 13.01.2016, is attached as Annexure H)*
9. That feeling aggrieved from the dismissal order, the appellant duly submitted his departmental appeal on 26.01.2016 before the respondent No. 2, however it has also been rejected vide order dated 25.04.2016. It is pertinent to mention here that the appellant had also filed an appeal/review petition dated 03.05.2016 to the Respondent No.1. *(Copies of the departmental appeal and rejection order dated 25.04.2016 and review petition dated 03.05.2016 are attached as Annexure I, J & K).*
10. That the appellant after rejection of his departmental appeal approached this Honorable Tribunal in Service Appeal No.527/2016. *(Copy of service appeal is attached as Annexure L)*
11. That during the pendency of the service appeal, the review petition of the appellant has been partially accepted vide order dated 10.11.2016 whereby though the appellant has been reinstated in service, however the penalty of dismissal from service has been converted into reduction of time scale for 3 years to the extent of 3 stages, the appellant has also been denied the salaries for the intervening period. *(Copy of the order dated 10.11.2016 is attached as Annexure M)*
12. That due to the new development/ modification of penalty, the appellant filed application for the withdrawal of his earlier appeal with the permission to file fresh appeal, the application has been accepted vide order dated 27.11.16. *(Copy of the application order dated 23/11/16 is attached as Annexure N & ~~12~~)*
13. That the penalty imposed upon the appellant is illegal unlawful against the law and facts hence liable to be set aside inter alia on the following grounds:

GROUNDS SERVICE OF APPEAL:

- A. That the appellant has not been treated in accordance with law hence his rights secured and granted under the law are badly violated.
- B. That no proper procedure has been followed before awarded the penalty to the appellant, the appellant has not been properly associated with the inquiry proceedings, the statements of the witnesses were never recorded in his presence nor he was given opportunity to cross examine those who may have deposed against him. Moreover the appellant has not been given proper opportunity of being heard. Thus the whole proceedings are thus defective in the eye of law.
- C. That the appellant has not been given the opportunity of personal hearing. Thus he has been condemned unheard.
- D. That by partially accepting the appeal/review petition dated 03.05.2016 and thereby re-instating the appellant, the respondent himself admitted the innocence of the appellant.
- E. That the charges leveled against the appellant were never proved during the inquiry, the inquiry officer gave his findings on mere surmises and conjunctures.
- F. That the whole proceedings conducted against the appellant were biased and with malafide intention, there was no evidence against the appellant, but quite illegally the charges were alleged to have been proved.
- G. That the appellant had shown extreme bravery while chasing the assailants/ terrorists. In order to facilitate the arrest of the assailants dead or alive firing was also opened at them, which fact has been admitted by the witnesses in their statements before the inquiry officer. But taking the opportunity of village population, the assailants succeeded in decamping from the spot.
- H. That the facts relating to the action taken by the appellant in relation to the attack by the terrorists have been verified by the concerned investigating officer.
- I. That the people of the locality have also witnessed the efforts made by the appellant for the arrest of the assailants at the

time of occurrence. The version of the appellant has been verified and supported by witnesses of the locality before the inquiry officer and there statements have been recorded at the time of inquiry. Even the injured constable recorded his statement wherein he admitted that the rider squad was firing at the assailants. However the inquiry officer had completely ignored the statements of the eye witnesses and had based his findings on mere surmises and conjunctures.

- J. That during the inquiry the statements of the witnesses have not been recorded in presence of the appellant nor he has been given opportunity to cross examine the witnesses, rather the inquiry officer himself cross examined the witnesses and appellant has not been given opportunity to cross examined the witnesses.
- K. That the appellant has at credit spotless service career. The penalty impose upon him is harsh and liable to be set-aside.
- L. That the appellant was jobless and he was never in a gainful employment during the intervening period i.e, period in between his illegal dismissal from service up to his re-instatement vide order dated 10.11.2016, so he is also entitled for the back benefits of the intervening period.
- M. That the appellant seeks permission to relay on additional grounds at time of hearing of the appeal.

It is, therefore, humbly prayed that on acceptance of this appeal impugned order dated 10.11.2016, may please be partially set-aside to the extent of reduction of time scale and denial of salaries the appellant may please be re-instated in service with full back wages and benefits of service.


Appellant

Through


YASIR SALEEM
Advocate High Court

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. _____ /2016

Fida Khan Ex-Constable No.1100, Police Station Zaida Swabi.

(Appellant)

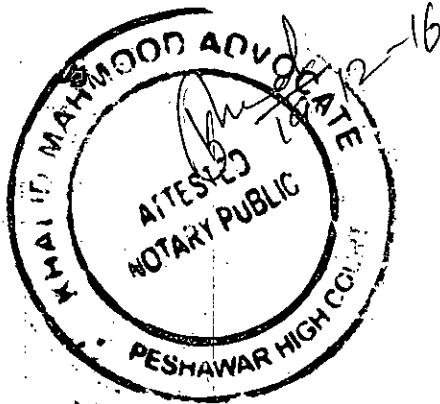
VERSUS

The Provincial Police Officer, Khyber Pakhtunkhuwa, Peshawar.

(Respondents)

AFFIDAVIT

I, **Fida Khan** Ex-Constable No.1100, Police Station Zaida Swabi, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal as well as accompanied application for condonation of delay are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.



(Handwritten Signature)
Deponent

Amplex "A"

(7)

ATTESTED

District Police Officer, Swat

MO-0343-957223

لیفٹنٹ آفیسر عدنان انیس
تاریخ نمبر ۲۳-۱۵۰

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردستی ۱۵۲ مجموعہ ضابطہ نو جداری

مردان ریجن

C.T.D

Certified to be True Copy

تاریخ وقت وقوعہ ۳۰/۱۱/۲۰۱۵ وقت ۱۵:۳۰ بجے

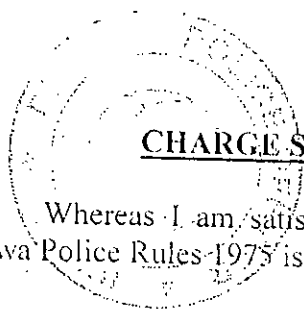
89

تاریخ وقت رپورٹ	۳۰/۱۱/۲۰۱۵ وقت ۱۶:۲۵ بجے	جا کیدگی پیر چہرہ ۳۰/۱۱/۲۰۱۵ وقت ۱۸:۲۰ بجے
نام و سکونت اطلاع دہندہ مستثنیت	غلام عباس ۱۳۵۶ ولد محمد منیر ساکن گلی باغ سردان ہال پولیس سٹیشن کمانڈ	
مقرر کیفیت جرم (موردہ) حال اگر کچھ لیا گیا ہو	ATA 34.7 404 353 324 302 P.C	
جائے وقوعہ فاصلہ تھانہ سے اور سمت	گھنٹہ گلی پورے الریز نزد مردان کا مڈبیل جانب جنوب شرقی لڑا صلہ تقریباً ۱/۲ میل	
نام و سکونت لزم		
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	پیر سردان سرا سلام حضور درج رجسٹر کیا جاتا ہے۔	
تھانہ سے روانگی کی تاریخ و وقت		بطور سیشنل رپورٹ

ابتدائی اطلاع نیچے درج کرو۔ لوقت سردان ایک غیر رسمی مہراسلہ میں باغ سردان جا
 ای بی بی سٹیشن رمضان 339 موصول ہو کر تزلزل سے۔ گذر وقت 5:40 صبح تھانہ C.T.D سردان تھانہ ح
 غلام عباس 1356 ولد محمد منیر قوم افغان، پیر قریب 34 سال ساکن گلی باغ سردان ہال
 پولیس سٹیشن کمانڈ زبردستی کا لیت چھوڑ دینا و لٹش مقنول کیشل امتیاز 250 فیسیواری کٹاری
 سرکاری جینٹال BMC لائن جا کر چھوڑ کیشل غلام عباس چونکہ دست بیوش و خواہں میں سے
 بلوچو دگی C.M.O صاحب رپورٹ کرنا چیکہ امداد میں) تھانہ سٹیشنل امتیاز 250 فیسیواری کٹاری
 سٹیشنل سرکاری علی گڑھ اور کینڈان چھانڈ بیل 72 فیسیواری 1100 فیسیواری کٹاری کٹاری
 سرکاری رائڈر کشت علاقہ پیر موجود ہے۔ جب ہند کوش کورے و تڈ لارے پیر و این آئے
 پیرے کینڈان چھانڈ بیل 72 فیسیواری 1100 فیسیواری کٹاری کٹاری پر ہم سے آگے جبکہ ہم آگے
 پیچے جا رہے تھے۔ جب تڈ مردان کا مڈبیل پیرے نو اچانک دو جوان الم کسان پیرے
 نامعلوم طریق پر دھیت گردی کے غرض سے ادارہ قتل خانہ رنگ شروع کرتے جن سے
 خانہ رنگ سے میں دیش پانوں پیرے کٹاری پیرے۔ حکم پیرے ام امتیاز 250 فیسیواری
 کی خانہ رنگ سے لگ کر موقع پیرے عا حق پیرے جبکہ دیگر پیرے مڈبیل سے خانہ رنگ پیرے مال
 مال پیرے ہم سے حق حفاظت خود احتداری کے تقاضا سے ملزمان پیرے حوالہ خانہ رنگ کی مال
 ملزمان نے جاتے وقت سٹیشنل امتیاز 250 فیسیواری کے سرکاری کٹاری کٹاری کٹاری کٹاری
 لوڈ شدہ جمع 30 عدد کارٹوس بھی سہا کو لے گئے۔ و تو بعد پیرے عا 0 پیرے ام امتیاز 250 فیسیواری
 پیرے ملزمان سے موٹر سائیکل بلا کر رنگ 70cc دوران حوالی خانہ رنگ موقع پیرے کٹاری
 میں جمع و صیت خود پیرے کٹاری امتیاز 250 فیسیواری کی قتل کرتے اور ایسے پیرے ام امتیاز
 قتل خانہ رنگ کینڈا اور سرکاری کٹاری کٹاری کٹاری کٹاری کٹاری کٹاری کٹاری کٹاری
 خانہ رنگ پیرے 10 افراد چھوڑو ملزمان دھیت گرد اسم مسکن ناخود دم چھوڑو پیرے
 الم کسان حوالی پولیس حسب کٹاری سٹیشنل رپورٹ درج بالا ہو کر پیرے کٹاری کٹاری کٹاری
 ذریت تسلیم کر کے زیر رپورٹ خود دستخط قیت کیا جسک میں نقشہ لیا کرتا ہوں۔ 150

ANNEX B

8



CHARGE SHEET

Whereas I am satisfied that formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules-1975 is necessary and expedient.

And whereas I am of the view that the allegations if established would call for Major/Minor penalty as defined in Rules 4(b) a & b of the aforesaid Rules.

Now therefore as required by Rules 6(1) of the aforesaid Rules I **Javed Iqbal PSP**, District Police Officer, Swabi charge you Constable Fida Khan No.1100 on the basis of statement of allegations attached to this charge sheet.

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and exparte action will be taken against you.

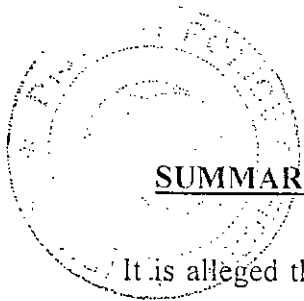
Certified to be true copy.

[Signature]
District Police Officer,
Swabi.

ATTESTED
[Signature]
District Police Officer, Swabi.

Date of Presentation of Application: 4/5/16
Copying to: _____
Received: 18
Name of Copyist: Asad the
Date of Completion of Copy: 4/5/16
Date of Delivery of Copy: 4/5/16

ATTESTED
[Signature]



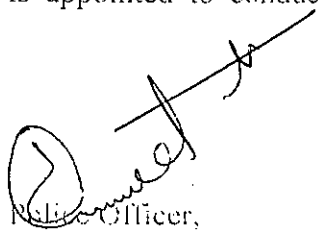
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SUMMARY OF ALLEGATIONS

It is alleged that on 30.11.2015, two rider squads were on routine gasht in the area of village Thand Koi, PS Zaida. At 15:30 hours, when they reached Poory Lar near the house of Alamzaib, 02 motocyclists opened indiscriminate fire upon them. As a result constables Imtiaz Gul No.250 was hit and died on the spot, while Ghulam Abbas No.1356/1x hit and seriously injured. While escaping the accused also took away official rifle 7.62 bore from the deceased constable. Constable Fida Khan No.1100, who was riding on the second motorcycle and was present on the spot, showed extreme cowardice in the entire episode, which resulted in safe escape of the accused from the crime scene, which is highly against the discipline and amounts to gross misconduct, hence statement of allegation.

Certified to be true copy.

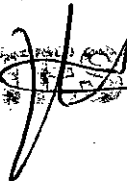
Mr. Arab Nawaz Khan, DSP, Swabi is appointed to conduct proper departmental enquiry against him.


District Police Officer,
Swabi.

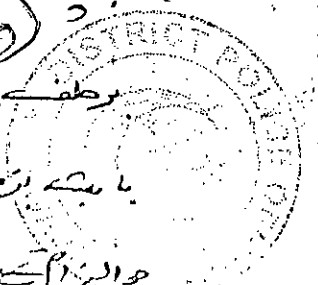
No. 178 /CC/PA.
Dated. 02/12/2015

ATTESTED

District Police Officer, Swabi.

ATTESTED


(40)



طرفے بیان کیا۔ کہ سال سے خلیفہ جاز 2 شیٹ میں مایڈ انزائم کے
 باب کے پروٹے / عدالت پر سے برہ خود عدم پورٹ شد، بحوالہ مقدمہ عد 89
 3-11-15
 جواز ایک سے - وہیہ بنیاد اور منقہ نظر سے ہے - سال در 2 قبل معروضہ عدالت پر
 کہ سال مائڈ ریڈ سے یہاں دیورم آڈر ڈیوٹے پر تصنیف سے ہے - کہ مورخہ 11-15-15 کو
 ایسے ناخوشگوار حوضہ رونما ہوا۔ جس میں سال نے اپنے ملاء ہیٹ سے ہر دور
 نظر پر کیا۔ مگر اس سے باوجود سال نے خلیفہ کے حکمانہ ڈکوائٹری کے شروع لکھی
 تو کہ من سال بطور کنسٹبل پوری ڈیپارٹمنٹ میں تقریباً 3/4 سال ملازمت کے
 درجہ - اور شوٹھے اس ڈیپارٹمنٹ میں صدقے دل سے ملازمت لکھا کی

ARRESTED
District Police Officer, S...

یہ کہ من سال سے خلیفہ جو ہے Cowardice کے الزامات کے خلاف پوری سے
 Summary of Allegations میں دکھائے ہیں۔ وہاں باکھلے بنیاد و عدالت
 کے ساتھ ساتھ پوری - اور اس کے FIR کے متن کو دیکھیں۔ کہ اس کیس
 میں مستقیمت عدم عیاسی 1356 خود لکھا ہے - کہ اس کے پورے میں سے مزید عیادت
 خود اختیار کی میں ملزمان پر مائڈ ریڈ کے ساتھ ساتھ اس کیس کے
 لفتیش اور حالات خود لکھیں۔ تو من سال نے بعد مائڈ ریڈ ملزمان / دستگرد
 کا پتہ چھانچا ہے۔ اور اپنے عملداریت کو بے استعمال کیا ہے۔ اور موقع
 کے پورے من سال کے جگہ سے 7.62 پورے کا خود قول اور مائڈ ریڈ کنسٹبل فراخان
 کی جگہ سے خود قول پر اس سے ہے۔ جو کہ من سال / ساہیلان کے ہمارے گردنی طاہر
 ساتھ ساتھ اس کیس میں لفتیش سے جاری ہے۔ اور لفتیش کے دوران اس کیس کے ہر
 موجود ہیں۔ جس سے من سال کی عدالت / Cowardice اس کیس یا کسی اور کیس
 میں ظاہر ہے ساتھ ساتھ اس کیس میں سال اپنے ساتھی فراخان کے پورے وقت
 حوضہ بیٹھا ہوا تھا۔ اور دوران مائڈ ریڈ فراخان کنسٹبل بھی دستگردوں کی
 مائڈ ریڈ سے لگے گناہا۔ اور من سال نے ڈرلوکے کا نظارہ کیا ہوا۔ تو من
 ملزمان کا پتہ نہ ہے۔ بلکہ عیادت جائے۔ اور اس سے باہر میں لفتیش اس سے کو بے لوم
 مستقیمت کنسٹبل اور شوٹھے (معیار کنسٹبل) سے لکھے ہیں۔ جو منی ہم مائڈ ریڈ شروع ہوئی
 کو ہم نے پوری حوضہ اور جاہل سے لکھا ہے دستگردوں کا مقابلہ کیا۔

Attested
DSP / S...
2011

ATTENDED



(11)

۲۰۱۵

دشت گردوں کا قتل کیا۔ سائبر سائبر دشت گردوں کا

یاد۔ شہیت بنے بہادر سپاہیوں اور ان سے دشت گردوں

مکتوبوں کا جواب، اس وقت جو سائبر سائبر دشت گردوں کا

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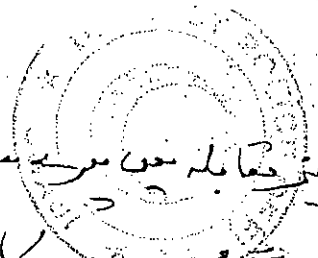
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Attested
DSP / Swat
28/11/15

ATTESTED
District Police Officer, Swat

ATTESTED

(19)



تقریباً وہی طریقہ سے ہے کہ نا تو تصدیق سے تھی۔ سب سے پہلے بال بال
 ہم نے یہ بھی دیکھا کہ اس کا یہ مطلب ہے یہی ہے کہ دیکھنا تو دونوں ہی عمارتوں کے
 نہیں دکھائے گئے۔ اس طرح اگر ہم دیکھنا تو دونوں کا معاملہ کیا۔ اور ایسا نام
 گفتار سے یہ بھی دیکھا گیا اور دیکھنا تو دونوں ہی پر محسوس ہے۔ اور اس کا
 یہ مطلب ہے یہی ہے۔ کہ تو دیکھنا تو مارے نہ تھے۔ تو ہم نے کارڈوں کے
 اسٹیشنوں کے نہیں کیے۔ اور اوپر الزام توڑنے کا بھی لکھا گیا۔

جو نکلنا معاملہ میں گفتاری ہے۔ ساتھ ساتھ دیکھنا تو دونوں ہی قسمی
 تھی۔ اور ساتھ ساتھ یہ قسمی ہے۔ کہ دیکھنا تو ہم نے کچھ۔ سب سے پہلے
 ہے۔ کہ ہم پر یا وجود غرق کے اور ایسی ہے۔ ڈروٹ کے ساتھ لکھا گیا
 جو کہ اس پر غلط اور یہ لکھا گیا ہے۔ 20 سالہ سروس میں سائل ہے
 مزید کے Adverser Remarks موجود ہیں۔

Dist. Police Officer, Sialkot
 DSP/Secy
 20/11/20

لیتے اندر میں بال اہل علاقے کے رہنے میں سائل کے خلاف اٹھو تو
 بلا مزید کارڈ کے سائل کے اہل علاقے کے ساتھ رہنے میں

ATTESTED
 District Police Officer, Sialkot

اسٹیشن فراخانی 1100 پوسٹ رائٹن سواتی

س: دونوں لائٹس کے رزے مابین فاصلہ کتنا تھا؟
 (2) تقریباً 30 فٹ

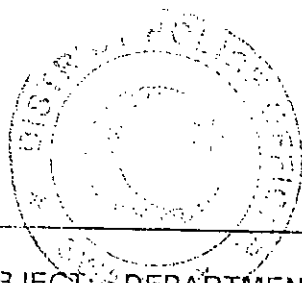
س: آگ کو کب دیکھا گیا؟
 (2) دو سہ راستہ پر جو ان میں سے ایک اور اس کا یہاں اس کے دیکھنا
 لیتے دیکھنا 30 فٹ تقریباً وہی تھا۔

[Signature]

ATTESTED

ANNEXURE D

13



DY: No. 1448/SB.
DATED: 28/12/15.

SUBJECT: DEPARTMENTAL ENQUIRY AGAINST CONSTABLE FIDA KHAN NO.1100 PS ZAIDA CONDUCTED BY MR. IZHAR SHAH KHAN.

It is submitted that a departmental enquiry against the above named constable was entrusted to the undersigned vide Endst:No.179/CC/PA dated 02.12.2015 on the following allegations:-

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ALLEGATIONS.

It is alleged that on 30.11.2015, two rider squads were on routine gasht in the area of village Thand Koi, PS Zaida. At 15:30 hours, when they reached poory Lar near the house of Alamzaib, 02 motorcyclists opened indiscriminate fire upon them. As a result constables Imtiaz Gul No 250 was hit and died on the spot, while Ghulam Abbas No 1356/Ex hit and seriously injured. While escaping the accused also took away official rifle 7.62 bore from the deceased constable. Constable Fida Khan No.1100, who was riding on the second motorcycle and was present on the spot, showed extreme cowardice in the entire episode, which resulted in safe escape of the accused from the crime scene, which is highly against the discipline and amounts to gross mis-conduct, hence statement of allegation.

PROCEEDING:-

During the course of enquiry the delinquent Police official was called for recording statement and provision of relevant record.

01. STATEMENT OF CONSTABLE FIDA KHAN NO.1100 PS ZAIDA.

He stated in his statement that on the day of occurrence he along with his fellow fought with bravery and compelled the miscreants to escape. He further added that he along with his fellow were on forward rider and approximately distance of 30ft, while reaching to spot the miscreants opened fire on them and there after he along with his fellow followed the miscreants to long distance, but not succeeded and he further stated that after a long struggle for chasing they came to know that miscreants hit the second rider squad and take away their Kalashnikov.

Further he was cross questioned and he showed the distance between both rider squad at about 30ft and showed that about 8/9 minutes after occurrence he came to know about the incident with second rider squad.

02. STATEMENT OF INJURED CONSTABLE GHULAM ABBAS No.1365/EX PS ZAIDA.

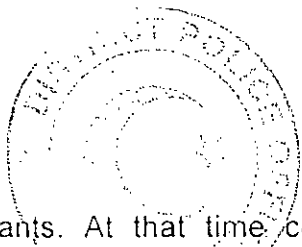
He stated in his statement that spot facts he already interned in FIR, which are true and he further added that he made his level best efforts for chasing terrorists but due to injures he didn't succeeded, while he heard fire sound from other rider squad while chasing.

03. STATEMENT OF SI QAMAR ZAMAN KHAN SHO PS ZAIDA.

He stated in his statement that on 30.11.2015 he along with DSP Circle Swabi were present on spot vide Case FIR No. 88 dated 30.11.2015 u/s 302/34-7ATA PS CTD Mardan, wherein Doctor Yaqoob was shot by

ATTESTED
District Police Officer

ATTESTED



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miscreants. At that time constable Jehanzeb rider squad informed him that unknown miscreant's opened fire on them resultantly constable Imtiaz no.250 was shot killed on the spot while constable/Ex Ghulam Abbas got injured. On that information he directed constable Jehanzeb to follow the miscreants and shoot them if possible and he was ordered to follow till police party approached, but when he along with police party rushed towards the spot immediately the miscreants were gone in hiding due to their extreme cowardice and negligence. He further stated that miscreants escaped were not possible if the defaulters timely followed the culprits and properly guide police party.

To ascertain facts of the spot statements of the eye witnesses were taken but nothing was found that showed his bravery and efforts against terrorists. (Statements enclosed)

FINDINGS OF THE ENQUIRY.


After viewing the spot facts and ground realities the undersigned reached to following points.

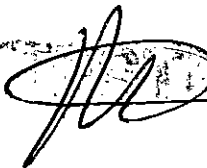
- > Four riders 02 on each equipped with SMGs formation was that defaulter was at advance rider with a distance of about 20/25 ft but he (the defaulter) not heard the incident wherein 01 Jawan lost his life while the other got serious injuries.
- > The defaulter didn't guide the approaching police party exactly where the miscreants hides because he didn't follow them in open fields in day light.
- > After approaching other police parties to spot the defaulters came to know about taking Kalashnikov from Shaheed Jawan and occurrence.

On the above points the undersigned stands him guilty and recommends him for "MAJOR PUNISHMENT" and to be set as a sample for entire police force, if agreed


(IZHAR SHAH KHAN)

Sub-Divisional Police Officer,
Lahor.

ATTESTED

District Police Officer, Swat.


ATTESTED

Approved to be True Copy

15

ARIMBA E

بیان ازالہ قمرزبان خان 840 زیدہ



نے بددیانتی بیان کیا کہ مورخہ 30¹¹ 2015 کو میں DSP صاحب سرکل صوابی

عرب نواز خان کے ساتھ حوالہ مقدمہ 88 مورخہ 30¹¹ 2015 جرم 302/34

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2015

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کتاب CTD حردان موقع واردات پر مورخہ 30¹¹ 2015 میں ڈاکٹر محمد نصیب
 قتل ہو چکا تھا اور CTD پولیس کے آمد کے انتظار میں تھے کہ اس دوران
 جہانزیب 72 رائیڈ سکوٹر جو کہ علاقہ میں گھومتی رہتی بدتر کسٹون اطلاع دی کہ
 ہم سر مقام آ رہے ہیں صند فوکی نامعلوم دھت گردوں نے فائرنگ کر کے جہانزیب
 فائرنگ سے لڑیں امتیاز 250 تک سر ہتھیار چکے جبکہ عباس خان EX آری
 رضی کے اطلاع پر فوری طور پر ہمراہ DSP صاحب و دیگر نوٹریوں کے زون پر
 کمرہ جاتے جاتے کٹل جہانزیب 72 کے ساتھ رالپہ میں تھا اور یہاں بار
 بار دھت گردوں کا پتلا چھوڑا جا رہا تھا اور فائرنگ کر رہے تھے اور
 ان کو مارا گیا اور ہم نوٹریوں میں آ کر پتلا چھوڑا گیا جو ہم نے نوٹریوں
 کے سامنے کو جوہر دو۔ جب ہم موقع پر پہنچے تو مذکورہ دھت گرد فرار ہو چکے تھے
 مذکورہ نوٹریوں میں جہانزیب 72، خدا خان 1100 نے تم ہماری اور دوسری نوٹری
 نوٹریوں کے درستی رہائی کی اور نہ ہی دھت گردوں کا صحیح پتلا چھوڑا گیا ہے
 نہایت بزدلی کے مرتکب ہیں کیونکہ دھت گرد دن بھر مارے اور کھلے
 علاقہ میں ان کی غفلت سے فرار ہوئے۔ یہی صریح بیان ہے جو کہ درج ہے

Attested
 DSP / Swabi
 28/12/15

Daman
 SHO / Zaida
 21-12-15

ATTESTED
 District Police Officer, Swabi.

ATTESTED

(18)

تاریخ 4 روزنامہ 30/15

تعداد 30

وفاقی خواتین خیرات خانہ 408 وقت 23:50 سے صبح 30/15 میں صبح
 ہریانہ خیرات خانہ روزنامہ بند شدہ واپس آئے۔ ڈاکٹر سیف و لاہور
 سکندر ڈوڈھیا کی قتل کی اطلاع دوران گفت وصول ہو کر ملتان کی تلاش و تہہ سیرا
 کولت شروع طور پر موقع وارڈز آسن پاس ویبٹ میں تلاش شروع کر کے
 موقع وارڈز سے ملنے کی سہولت مان کو گرفتار کر کے انٹارگیشن بیڈ
 مختار نہ بھوانی ہو۔ محمد ان لوہی اور ادارہ ان لوہی سے رابطہ کر کے
 سرج ملا قدر میں لگا کر سردست کوئی خاص کامیابی نصیب نہ ہوئی۔ سرج
 میں مصروف تھا۔ اطلاع ملی کہ بنام دبیر محمد کوئی ڈاکٹر سکواڈ کمانڈنگ
 ہوئی ہے۔ فوراً طور پر موقع وارڈز جا کر ڈاکٹر سکواڈ میں کمانڈنگ 250
 دو ملتان ناصحہ کی فائبرنگ سے لگا کر موقع پر جا چکا ہے۔ جگہ ہریانہ
 ریش علام عباس 1356 لگا کر زخمی ہو چکا ہے۔ اور ملتان حالت وقت شہر
 اختیار 250 کی نیگارہ رانڈ لگا کر 16127858 عدد خلیس خارج بھی ساتھ
 گئے ہیں۔ فوراً ڈاکٹر رہائشہ ساتھیوں محمد ذبیح 72، فزا 1100 اور شروع
 علام عباس 1358 نے بھی جوابی فائبرنگ کرتے ہوئے محمد ذبیح 72 نے SMC
 سرکاراں پر 21 روز فائبرنگ ہے۔ جگہ فزا 1100 نے 22 سمر SMC، علام عباس
 1356 نے 8 عدد کارٹوں میں فائبرنگ کی ہے۔ مجموعی طور پر BMC شاہ منور نے
 گراہیہ۔ ملا قدر میں سرج کر کے ملتان سے ایک موٹر سائیکل 70 نمٹ سرج خلی فارڈ
 بھی وہ جگہ پر سرج ملا قدر میں آسن پاس ویبٹ میں لگا کر (32) کمان
 شدگان گرفتار کر کے عرض انٹارگیشن خانہ بھوانی جاری ہے۔ ملتان
 جس بھی صورت ہو کارروائی ضابطہ عمل میں لائی جائے گی۔ دیگر صورت راج ہریانہ
 کو اس کے پاس دھن کی ہدایت ہوئی ہے۔

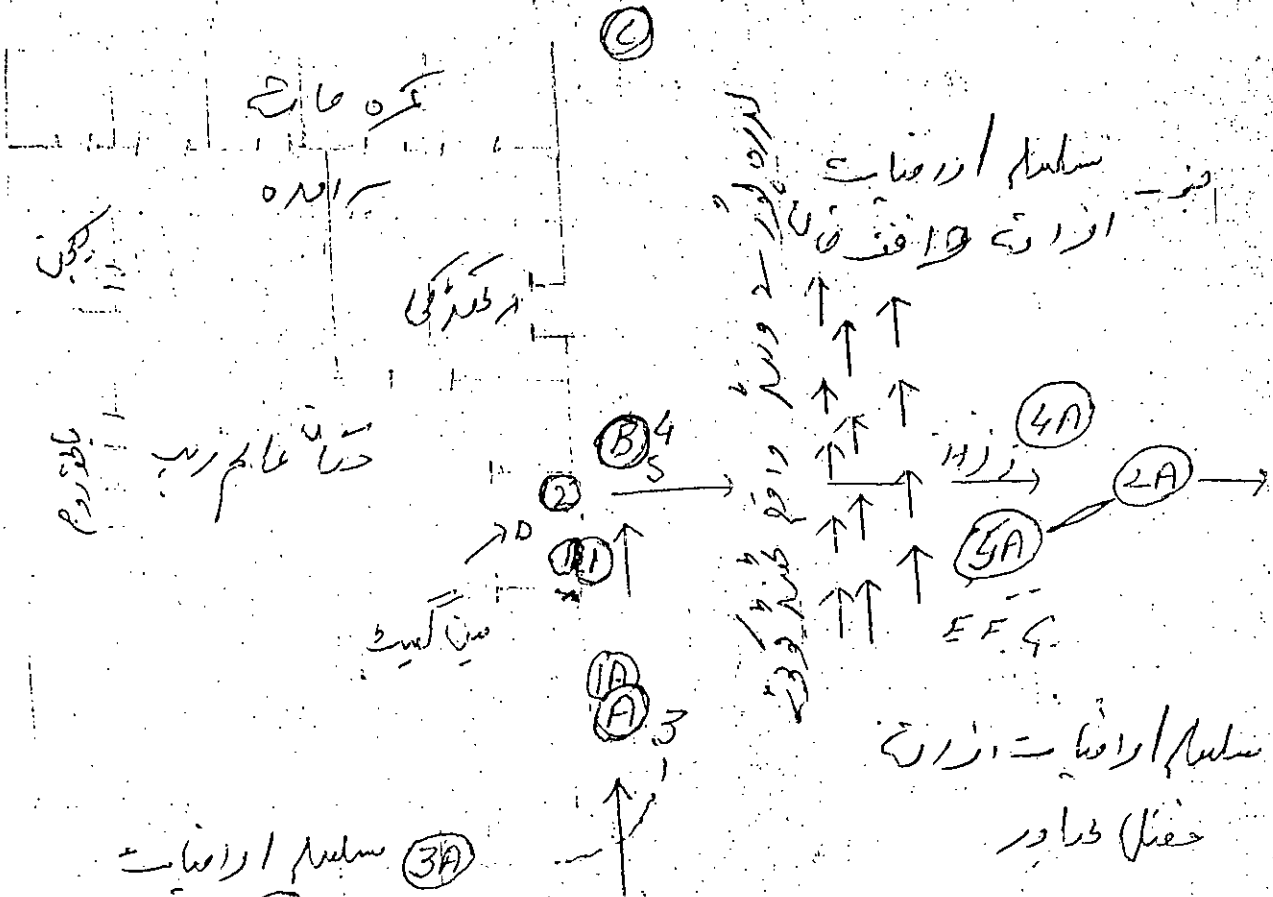
اللہ اعلم
 DSP/Sindh
 28/12

ضابطہ عمل
 قتل (ملتان) (اصلی)
 MM PS Zaidi
 14-12-15

ATTACHED

17

دفعہ 89 فورم 15/30 رقم 302-354-353
 سربراہ در فروع کتب عالم عباسیہ 1356
 سماں کے لئے دروازوں کے ساتھ داخلہ



طائیفہ وقتوں کی تفصیلاً: وقتوں حد الوتر و نیز لدر حد ٹنڈلوی، سرگند
 خیانت عالم زریب دوسرا جو حقانہ حالت و قیدی کی حالت حشر
 زریب لقیہ خیانت اذراف عالم زریب ثابت شمال و جنوب لریہ لریہ
 و نیز قریہ تا یہ ثابت مشرقاً از افق و واقعہ خان جنم و خیانت واقعہ
 خانامہ، خانامہ A سے سرکاری دفتر ساکن طائیفہ کے جس پر پورے
 وقتوں کتب عالم عباسیہ 1356 اختیار 25 سوار کے کا
 پورہ خانامہ 1 پر فروع در کتب عالم عباسیہ 1356 داخلہ کے ساتھ سے
 طائیفہ خانامہ خانامہ کتب عالم عباسیہ 1356

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ختم B سے سرکاری فونر سائیکل ٹائپر کے لیے جسے پر لوش
کنٹرول ڈیپارٹمنٹ 1100 فنانسز کے سرکار کے پورے
پے پر وجود ملزم اسم سیکرٹریٹ ناخلم کی موجودگی سے فائبر
اور کنٹرول ڈیپارٹمنٹ 1100 کا سرکاری پورے سے لکھا بیان ہوئی
ختم C سے ملزبان پیمانہ فونر سائیکل ٹائپر کے پورے سرکار
قسم یعنی فارم CD 70 رکنہ نمبر 423333-K-04-6170-6170 جس پر 05/19/28
ٹائپ کیا گیا ہے جو فونر پر بیرون کے فونر لیسائیٹی

ختم 1 پر ملزم اسم سیکرٹریٹ ناخلم کی موجودگی سے ختم A پورے سائیکل
پر فائبر کے پیمانہ سے فونر یعنی ٹیپا اور امتیاز 250 کا
نہی ٹیپا بیان ہوئی کہہ ختم A پر لکھا ہے فونر سائیکل ٹائپر کا
ملک شرف اعلیٰ ختم B پر لکھا ہے اور اس پر لکھا ہے بیان ہوئی
ختم D سے فونر کے 30 پورے حالت سے لکھا ہے اور اس پر لکھا ہے
ختم 3 پر فونر کنٹرول سیکرٹریٹ سے لکھا ہے اور اس پر لکھا ہے
3A پر لکھا ہے ختم B پر لکھا ہے سیکرٹریٹ سے فائبر کے پیمانہ
بیان ہوئی اسی ختم سے فونر کے پیمانہ پر لکھا ہے

ختم 2 پر ملزم اسم سیکرٹریٹ ناخلم کی موجودگی سے ختم B
فونر سائیکل ڈیپارٹمنٹ کنٹرول ڈیپارٹمنٹ 1100 فنانسز کے پورے
سے فائبر کے پیمانہ کا سرکاری پورے سے لکھا بیان ہوئی اسی ختم
سے ختم 2A پر لکھا ہے اور اس پر لکھا ہے بیان ہوئی
ختم 4 پر کنٹرول ڈیپارٹمنٹ 1100 فونر سائیکل سے لکھا ہے اور اس پر لکھا ہے
ختم 4A پر لکھا ہے اسی ختم سے ختم 2A پر فونر ملزم پر
فائبر کے پیمانہ کے ختم 4A سے لکھا ہے اور اس پر لکھا ہے
ڈول 762 فونر پر لکھا ہے

ختم 5 پر کنٹرول فنانسز کے پورے سے لکھا ہے اور اس پر لکھا ہے
بیان کے ختم SA پر لکھا ہے اور اس پر لکھا ہے فونر کے پیمانہ پر لکھا ہے
سے فائبر کے پیمانہ کے ختم سے لکھا ہے اور اس پر لکھا ہے
ڈول 762 پر لکھا ہے اور اس پر لکھا ہے SA 4A سے لکھا ہے اور اس پر لکھا ہے
ملک شرف اعلیٰ کے پیمانہ کے پورے سے لکھا ہے اور اس پر لکھا ہے

اردان فرد تقاضای / سندیت بارسل

شماره 89 فوراً 11/30/353 302-324-353
404-34-7ATA

سازمان امور مالیاتی

دو پرونده گواهیات در خصوص سندیت کسب و کار
در مورد کارهای عمرانی و ساختمانی
گواهیات کسب و کار در خصوص سندیت کسب و کار
در مورد کارهای عمرانی و ساختمانی
گواهیات کسب و کار در خصوص سندیت کسب و کار
در مورد کارهای عمرانی و ساختمانی

CTD-MLD

1. 12. 015

مهر و امضاء

مجازیت 72

TESTED



بیان ازل قرظان خان 840 زیدہ

نے بددیانتی بیان کیا کہ خرچہ 30 لاکھ میں DSP صاحب سرکل صوبائی

عرب نواز خان کے ساتھ حوالہ عدد 88 خرچہ 30 لاکھ 302/34 مہم 7ATA 2015

کھانہ CTD دوران وقوع واردات اور ہونے جس میں ڈاکٹر محمد مصدق
 متل ہو چکا تھا اور CTD پولیس کے آمد کے انتظار میں تھے کہ اس دوران
 جہانزیب 72 ریڈیو سکوڈ جو کہ علاقہ میں گشت کرتے ہوئے بزرگ فون اطلاع دی کہ
 ہمیں مقام آراضیات ٹھہر گئی تاکہ معلوم دھت گروں نے فائرنگ کے حین
 فائرنگ سے اس میں اسٹار 250 لگ کر شہید ہو چکا ہے جیسا کہ عباس خان EX آرمی
 رضی کے اطلاع پر فوری طور پر صوبہ DSP صاحب و دیگر پولیس کے روانہ ہو
 کر جانے جاتے کٹل جہانزیب 72 کے ساتھ رابطہ میں تھا اور یہ بات بار
 بار دہرائی گئی مذکورہ دھت گروں کا پتہ چھا جاری رکھو اور فائرنگ نہ رہے اور
 ان کو مارو۔ ہم توڑی دہری میں اس تک پہنچ جائیں گے جو ہمارے گھر اور
 ساتھیوں کو چھوڑ دو۔ جب ہم موقع پہنچ گئے تو مذکورہ دھت گروں فرار ہو چکے تھے
 مذکورہ نشین جہانزیب 72، خدا خان 1150 نے ہم ہماری اور دوسری پولیس

پولیس کے درست رہتالی کی اور نہ ہی دھت گروں کا صحیح پتہ لگایا
 نہایت بزدلی کے مرتکب ہیں کیونکہ دھت گروں دن دہاڑے اور کھلے
 علاقہ میں ان کی غفلت سے فرار ہوئے۔ یہی سبب بیان ہے جو کہ درست ہے

Daman
 540/Zaida
 21-12-15

ATTESTED
 District Police Office, District Police, District Police, District Police

ATTESTED


20


بیان ازان دکا من و سر زمانه ازیه

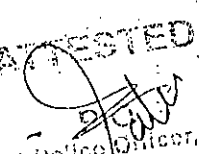
Returned to no two copy


20/12/15

کے پیرا میں بیان ہے کہ میں عیاشی و سر زمانہ نہایت تفتیان میں ہوئے موقع 30/11/15
30/11/15 کو صبح 12 بجے اور پھر 30/11/15 کو پھر ازیہ کی سونے جہانزیب 72 کو 11:50
انتظار رہے۔ غلام عباس 1336 کو وسیع ریلوں پر وقت قیدی رہے۔ صرف ازیہ
میں ہو رہی تھی۔ سائیکل کے اوپر سے غلام عباس نے پیرا میں مناسب ہوئی تھی۔ غلام
ازیہ نے ہم اسی وقت سوار ہوئے۔ تو وہ موقع ازیہ میں پیرا میں بھی ہوئی تھی، سونے
ادائیگی سے سزا دیا گیا ہے۔ یہ بیان ہے۔


MHCPS
21-12-15

Attested

DSP/Swabi
20/12/15

ATTESTED

District Police Officer, Swabi.


ATTESTED


منع ہو

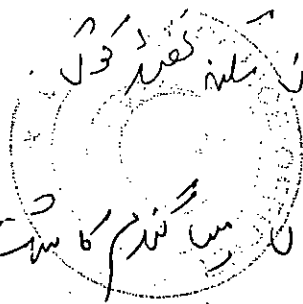
(21)

کمانڈر 12 نقلہ 12 روزنامہ 30/15

عد 12 روانگی نیم خان ASI وقت 09:00 بجے صبح 11/30 اس وقت فیلڈ کمانڈر 72، فدا 1100 اسیار 250، علام عباس 1356 بہ سیکرہ صحت وینکٹ لکھنؤ راجندر گتت مسوارہ جوڈ سائیکل بائے روزانہ علاقہ کے خدمات مناسب ہوگی۔ ضابطہ نقل و حرکت اصل ہے۔


M. H. P. S. Zaidi
30-12-15


ACCEPTED



میں ازاں عمر سید ولد محمد خان کفیلہ خوی نے بارہ ماہ کی عمر میں 30/11/2015 کو اپنے خفیوں میں گندم کا سہارا کر دیا۔ یہ سہارا

انہا خاترنڈ کی آغلہ سٹائل خوی. خاترنڈ کی لوم سے ہم سہارا کر دیا ہے۔ ہم نے دیکھا کہ کھیلے ہوئے سٹائل سوار سے خاترنڈ ہوئی۔ اس دوران یہ خاترنڈ کے بعض اہل گھر سٹائل سوار سے اہل گھر سٹائل سوار خاترنڈ کرتا ہوا کھیلے ہوئے سٹائل سوار سے اہل گھر سٹائل سوار خاترنڈ ہے۔ بعد علاقہ کے دوست اور یہاں واقعہ کو سہارا کر دیا ہے اور اس واقعہ کو سہارا کر دیا ہے۔

ہی تصدیق ہے۔ جو میں نے یہاں واقعہ کو سہارا کر دیا ہے اور اس واقعہ کو سہارا کر دیا ہے۔

Attested
DSP 1 Swabi
20/11/2015

عمر سید ولد محمد خان کفیلہ خوی

سہارا :- خاترنڈ کرتا ہوا جو اس دوران اس کے سہارا کرتا ہے اور اس کو سہارا کرتا ہے۔

سہارا :- اس سہارا واقعہ میں اس کے سہارا کرتا ہے اور اس کو سہارا کرتا ہے۔

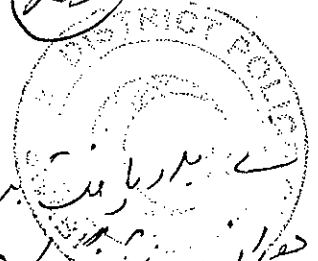
ہی تصدیق ہے۔

عمر سید ولد محمد خان کفیلہ خوی

ATTESTED
District Police Officer, Swabi

Mobile: 0313 9018256

ATTESTED



(توقع کر)

بیان الزام محمد فاضل ملا محمد خالد سنگھ گندھون

کے بعد ریاست بیان کیا کہ وہ اپنے کھیتوں میں فصل لکھنے گیا تھا اس
حصان کا ٹھکانا انٹر سٹار میں ہے۔ کچھ دنوں کے بعد اسے لوہا دارم نے اسکا
پھانسیا گیا لیکن دسپتہ درخزار ہوئے بعد میں علاقہ کا پورے لوہا دارم نے اسکا
واقعہ پر پہنچ کر یہی بیان ہے جو درج ذیل ہے۔

Devised to be true

attested

[Signature]

محمد فاضل ملا محمد خالد سنگھ گندھون

DSI / Swabi
ڈاؤن ٹاؤن

سوال: کیا اسے لوہا دارم نے اسکا پھانسیا تھا؟
جواب: 50 ستر بار اس سے ٹوڑا زیادہ۔

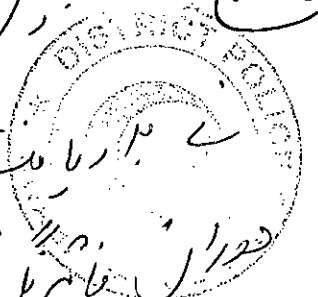
سوال: کیا لوہا دارم جو فاضل ملا محمد خالد سنگھ گندھون کا پھانسیا گیا تھا وہ اسکا
کی طرف گیا تھا اور اسے پھانسیا گیا تھا؟
جواب: لوہا دارم نے اسکا پھانسیا دیا تھا وہ پھانسیا گیا تھا اور اسکا
دوسرا زخمی ہوا تھا کی طرف گیا تھا۔ وہ دس سے ساکنہ جو پھانسیا گیا اور

محمد فاضل ملا محمد خالد سنگھ گندھون

ATTESTED
District Police Officer, Swabi.

Nic: 42 000-5755762-3
mob: 0345-9561869

ATTESTED
[Signature]



بیان ازالہ عقل شرف ولد سردار خان سکنہ قندھار ڈول (موجودہ نول)

سے بارگاہت میں کیا وہ اپنے عقیدے کی طرف سے اس کا تقاضا کر رہا ہے
پہچان اور اس کے فوٹر سائیکل سمجھوں نے اس کی رہنمائی کی ہے
شہر دور تھیں اسے معلوم نہ ہو سکا کہ وہ سائیکل کی سیٹوں کا استعمال کر رہا ہے
تعمیر کے لیے جو کچھ یہ چاہتا ہے اسے اس کے پاس دیکھا کہ سفید چادر پہنچا کر اسے
یہ بیان صحت ہے

عقل شرف

سید آصف علی
DSP Swabi
28/12/15

عقل شرف ولد سردار خان سکنہ قندھار ڈول

سوال: آیا اس کا نام کشتی ہے؟
ج: ہاں 66/67 سال

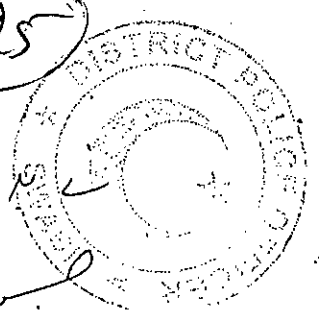
ATTESTED
District Police Officer, Swabi

سوال: کیا وہ اس دہشت گرد سفید چادر پہنے ہوئے تھا؟
ج: ہاں اس کے ہاتھ کھینچ کر لیا گیا تھا۔
سوال: کیا اس کا کوئی پتہ ہے؟
ج: ہاں اس کا پتہ ہے۔
سوال: کیا اس کا کوئی پتہ ہے؟
ج: ہاں اس کا پتہ ہے۔

عقل شرف ولد سردار خان سکنہ قندھار ڈول
1054678-16202-CA
0833427-0393

ATTESTED

بیان از ان عیال عداس نمبر 1356 تقاضی زبردہ (25)



بیان عداس تقاضی زبردہ 30/11/2015 روز وقوعہ جو گنجی دس آبار
جس کا ذکر PIR میں موجود ہے حقیقت یہ مبینی ہے

اور مزید یہ کہ میں یادوں میں بھی چونکہ بار وجود دیکھ کر میں
کا تعاقب کرنے کا کوئی سبب نہیں ہے اور صحیح طور فائبر نہیں ہے۔ لیکچر زخمی
کا مریاں حاصل نہیں ہوئی۔ یہی حقیقت ہے۔ اس وجہ سے اسے

Attest
DSP / Swabi
28/12/15

Certified to be True Copy

Aulqam
1356

علی محمد عداس / 1356 تقاضی زبردہ

محل وقوعہ وقوعہ جہاں ایڈوائس سکواڈ میر فائبر ہوئی اور اگلہ رائیڈ سکواڈ
آج سے ترقی پانچ فاصلے پر ہے۔ (2) 29/25

محل وقوعہ وقوعہ اگلہ رائیڈ سکواڈ دیکھ کر میں تعاقب کیا گیا اور اس پر فائبر
کیا گیا۔ (2)

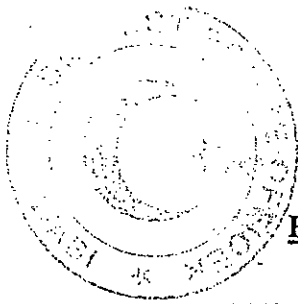
Aulqam
1385

علی محمد عداس تقاضی زبردہ
1385-82

mobile: 8343-9572 979

ATTESTED
District Police Officer, Swabi.

ATTESTED



26

ANNEX F

FINAL SHOW CAUSE NOTICE

It is alleged that on 30.11.2015, two rider squads were on routine gasht in the area of village Thand Koi, PS Zaida. At about 15:30 hours, when they reached Poory Lar near the house of Alamzaib, 02 motorcyclists opened indiscriminate fire upon them. As a result constable Imtiaz Gul No.250 was hit and died on the spot, while Ghulam Abbas No.1356/Ex hit and seriously injured. While escaping the accused also took away official rifle 7.62 bore from the deceased constable. You Constable Fida Khan No.1100, while riding on the second motorcycle and were present on the spot, showed extreme cowardice in the entire episode, which resulted in safe escape of the accused from crime scene, which is highly against the discipline and amounts to gross mis-conduct.

In this connection you were charge sheeted and served with summary of allegation and DSP, Swabi was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry and submitted his findings, wherein, he held you Constable Fida Khan No.1100 guilty for the miss-conduct.

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

Hence I Javed Iqbal PSP, District Police Officer, Swabi in exercise of power vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to show cause finally as to why the proposed punishment should not be awarded to you.

Your reply should reach to the office of the undersigned within seven days of the receipt of this notice failing which it will be presumed that you have no explanation to offer.

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

ATTACHED

District Police Officer, Swabi.

District Police Officer,
Swabi.

Date of Receipt of this notice 4/8/16

Copying 18

Total 18

Name of Copyist Arshad H

Date of Completion of Copy 4/5/16

Date of Delivery of Copy 4/5/16

ATTACHED

بیان مداحان 1100 حال پریس لندن سوال

(27)



Notified to the Govt.

سوال مداحان 1100 حال پریس لندن سوال

و صفایان ترسواں کہ جس سے سلسلے میں مسائل

۲ جاری شدہ کے ساتھ جواب دیا ہے

و یہ صبر جواب ہے

اگر تو نے لکھو جتنا اس وقت کا معاملہ

دی جا رہے

مداحان 1100 حال پریس لندن سوال

ATTESTED
District Police Officer, Sialkot.

Handwritten signature/initials

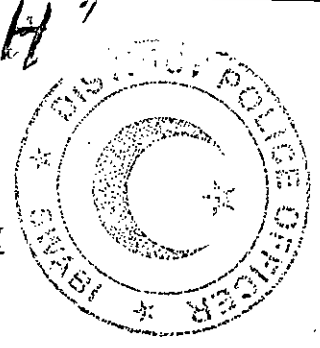
~~ATTESTED~~

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1100 ANNEX H

28



OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

ORDER

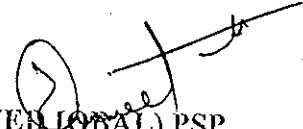
It is alleged that on 30.11.2015, two rider squads were on routine gasht in the area of village Thand Koi, PS Zaida. At about 15:30 hours, when they reached Poory Lar near the house of Alamzaib, 02 motorcyclists opened indiscriminate fire upon them. As a result constable Imtiaz Gul No.250 was hit and died on the spot, while Ghulam Abbas No.1356/Ex hit and seriously injured. While escaping the accused also took away official rifle 7.62 bore from the deceased constable. Constable Fida Khan No.1100 while riding on the second motorcycle and was present on the spot, showed extreme cowardice in the entire episode, which resulted in safe escape of the accused from crime scene, which is highly against the discipline and amounts to gross misconduct.

Carried to...

Therefore, he was served with Charge Sheet and Summary of allegations. DSP, Swabi was appointed as Enquiry Officer. The Officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. He submitted his findings wherein he found Constable Fida Khan No.1100, guilty for the mis-conduct and recommended him for major punishment. The undersigned perused the enquiry papers, findings and by agreeing with the Enquiry Officer issued him Final Show Cause Notice. His reply to the Final Show Cause Notice was received, perused and he was heard in orderly room, but was found un-satisfactory.


Therefore, I, Javed Iqbal, PSP, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award Constable Fida Khan No.1100 Major Punishment of dismissal from service, with immediate effect.

O.B No. 54
Dated 12/1/2016

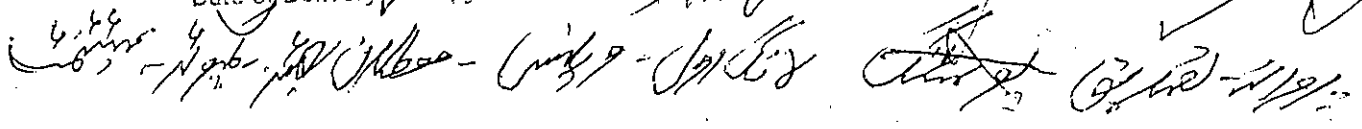

(JAVED IQBAL) PSP
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI
No. 180-84 /PA, dated Swabi, the 13/01/2016.

- Copies to the: -
1. DSP, H.Qrs, Swabi.
 2. Pay Officer.
 3. Establishment Clerk.
 4. Fauji Missal Clerk.
 5. Official concerned.

~~ATTESTED~~

District Police Officer, Swabi.

Date of Presentation of Application: 4/5/16
Copying Fee: _____
Total Page(s): 18
Name of Copying: Arshad He
Date of Completion of Copy: 4/5/16
Date of Delivery: 4/5/16



~~ATTESTED~~


Commits file
① (29) P

ANNEX I

**BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE,
MARDAN REGION, MARDAN.**

Subject: **DEPARTMENT APPEAL AGAINST THE ORDER VIDE O.B
NO.54 DATED 13/01/2016 WHEREBY THE DISTRICT
POLICE OFFICER, SWABI, AWARDED MAJOR PUNISHMENT
OF DISMISSAL FRAM SERVICE TO THE APPELLANT FIDA
KHAN NO.1100.**

Respected sir,

The appellant most humbly submits as under;

FACTS.

1. That the appellant was enrolled in police department as a constable in the year 2012 and since then was performing his official duties to the best of his abilities and to the satisfaction of the high-ups.
2. That on 30-11-2015 an unfortunate incident of terrorist attack on a police party took place in the area of village Thankoi, falling within the jurisdiction of police station Zaida, when two unknown terrorists attacked the police party as a result whereof one constable namely Imtiaz Gul No.250 was hit and died on the spot while another constable namely Ghulam Abbas sustained injuries.
3. That the appellant was proceeded against departmentally on the basis of allegations that the appellant had showed cowardice at the time of the said terrorist attack. Resultantly the appellant was dismissed from service. Hence the present appeal.

GROUND FOR APPEAL.

1. That the impugned order is against the law, facts and material available on record as well as natural justice and as such not tenable in the eyes of law.
 2. That the inquiry officer has not taken into consideration the material facts and as such recommended the appellant for major punishment. Similarly the District Police Officer, Swabi, has also ignored the material facts of the case and awarded major punishment of dismissal from service to the appellant.
 3. That the appellant has shown extreme gallantry at the time of occurrence in chasing the assailants. In order to facilitate the arrest of the assailants dead or alive, firing was also opened at them. But taking opportunity of the village population the assailants succeeded in decamping from the spot. Furthermore the appellant while apprehending the loss and injuries to the innocent people of the locality could not continue with firing at the assailants.
- [Handwritten signature]*

- 4. That the facts relating to the action taken by the appellant in retaliation of the attack by the terrorists have been verified by the concerned investigating officer, which are available on case file.
- 5. That the people of locality have witnessed efforts made by the appellant for the arrest of the assailants at the time of occurrence. The version of the appellant has been authenticated during the inquiry as some persons from the locality were summoned by the inquiry officer and there statements were recorded wherein the said persons supported the version advance by the appellant as well as the injured constable namely Ghulam Abbas.

In the light of above it is, therefore, humble requested that the impugned order may kindly be set aside and appellant maybe re-instated into service with all back benefits.

Appellant

Fida Khan

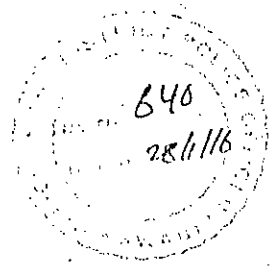
FIDA KHAN,

Ex Constable No.1100

No. 774/ES,
dt: 26-1-16

1/11/16
1/11/16
1/11/16
1/11/16

Imp. Legal
for committee
Deep
28/1/16



ATTACHED

ARABIA J
31

ORDER.

This order will dispose-off the appeal preferred by Ex-Constable Fida Khan No. 1100 of Swabi District Police against the order of District Police Officer, Swabi wherein he was awarded Major punishment of Dismissal from service vide OB: No. 54 dated 13.01.2016.

Brief facts of the case are that, on 30.11.2015, two rider squads were on routine gasht in the area of village Thand Koi, Police Station Zaida, at about 15:30 hours, when they reached Poory Lar near the house of Alamzeb, 02 Motorcyclist opened indiscriminate fire upon them. As a result Constable Imtiaz Gul No. 250 was hit and died on the spot, while Ghulam Abbas No. 1356/Ex hit and seriously injured. While escaping the accused also took away official rifle 7.62 bore from the deceased constable. The appellant namely Ex-Constable Fida Khan No. 1100 while riding on the second motorcycle and was present on the spot showed extreme cowardice in the entire episode, which resulted in safe escape of the accused from crime scene, which is highly against the discipline and amounts to gross misconduct. Therefore he was served with charge sheet and summary of allegations and Deputy Superintendent of Police, Swabi was appointed as enquiry Officer. The Officer conducted proper departmental enquiry collected the evidence and recorded statements of all concerned. He submitted his findings wherein he found the appellant guilty of misconduct and recommended him for Major punishment. The District Police Officer, Swabi perused the enquiry papers, findings and by agreeing with the enquiry Officers, issued him Final Show Cause Notice. His reply to the Final Show Cause Notice was received, perused and he was heard in orderly room, but was found unsatisfactory, therefore he was dismissed from service.

I have perused the record and also heard the appellant in Orderly Room held in this office on 20.04.2016, but he failed to justify his innocence and could not produce any cogent reason about his innocence. Therefore, I Muhammad Tahir Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed forthwith.

ORDER ANNOUNCED.

12
(Muhammad Tahir) PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan. ✓

No. 3356 /ES, Dated Mardan the 25 - 4 - /2016.

Copy to District Police Officer, Swabi for information and necessary action w/r to his office Memo: No. 94/Insp: Legal dated 08.04.2016. His service record is returned herewith for record in your office.

(*****)-

ATTACHED

(32)

ADMITTED 11/10

To

The Provincial Police Officer,
Government of KPK. Peshawar.

Subject: -

Appeal against the orders dated 13/1/16 passed by DPO Swai vide which the appellant was awarded major punishment, dismissal from the service and order dated 25/4/16 passed by DIG Police, Mardan Region-I, vide which the appeal of the appellant was rejected.

Prayer: -

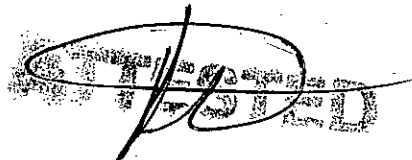
On acceptance of this appeal, the above orders passed by DPO Swabi and DIG Mardan Region-I may kindly be set-aside and the appellant may be reinstated in service.

.....

Respected Sir,

It is submitted as under: -

1. That the appellant was serving as constable in Police Department and was posted at PS. Zaida, District Swabi.
2. That some false and baseless allegations were leveled against the appellant that he did not chase the terrorists and also did not fire at terrorists.
3. That an enquiry was conducted against the appellant, in which the appellant was held guilty and the enquiry officer submitted his report against the appellant.
4. That in the light of the report of the enquiry officer, the appellant was dismissed from service vide DPO Swabi order referred to above.



5. That feeling aggrieved from the above order, the appellant preferred an appeal before the DIG Mardan Range-1, but the said appeal was rejected vide order mentioned above.

7. That now the appellant prefers this appeal before your honour on the following grounds inter-alia: -

GROUNDS.

A. That both the above orders passed by DPO Swabi and DIG Mardan Range-1 are against justice and facts on record.

B. That no weight was given to the statements given in favour of the appellant by the enquiry officer.

C. That the statements of injured constable Ghulam Abbas reveals the appellant and his companion made firing on the terrorists and also chased them and making good their escape.

D. That Fazle Sharaf and Muhammad Fazil were examined by the enquiry officer as eye witnesses to the occurrence who deposed in their statements that the terrorists were chased by the appellant and his companion constable and they also made firing at the terrorists and put their lives in danger. Moreover empty shells were also recovered from the spot of the appellant, and taken into possession, which is evident from the site plan.

A handwritten signature in black ink is written over a rectangular stamp. The stamp contains the word "RECEIVED" in a bold, sans-serif font. The signature is a cursive scribble that partially obscures the stamp.

- E. That the appellant performed his duty efficiently and there is no fault on the part of appellant.


- F. That the appellant showed extreme gallantry at the time of occurrence in chasing and making firing at the terrorists.

- G. That the appellant has 4 years spotless service into his credit.

- H. That the punishment awarded to the appellant is harsh one and liable to be set-aside.

It is, therefore, requested that on acceptance of this appeal, the appellant may kindly be re-instated in service with all back benefits.

Dated: - 3/5/16.

Appellant

Fida Khan,
Ex-Constable No. 1100
District Swabi.
Mobile No. 03138086986.

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Annexure "L"

35

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2016

Fida Khan Ex-Constable No.1100, Police Station Zaida Swabi.

(Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhuwa, Peshawar and others.

(Respondents)

INDEX

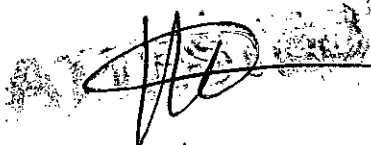
S. NO	Description of documents	Annexure	Page No
1	Memo of Appeal		1-5
2	Affidavit		6
3	Copy of FIR	A	7
4	Copies of Charge sheet & statement of allegations dated 02.12.2015	B	8-9
5	Copy of the reply to the charge sheet	C	10-12
6	Copies of inquiry report dated 28.12.15 & statements of witnesses	D & E	13-25
7	Copies of final show Cause Notice and reply thereof	F & G	26-27
8	Copy of the dismissal order dated 13.01.2016	H	28
9	Copies of the departmental appeal dated 26.01.2016 and rejection order 25.04.2016	I & J	29-31
10	Vakalatnama		32

Appellant

Through

IJAZ ANWAR
Advocate Peshawar
&

SAJID AMIN
Advocate Peshawar



36

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. _____/2016

Fida Khan Ex-Constable No.1100, Police Station Zaida Swabi.

(Appellant)

VERSUS


1. The Provincial Police Officer, Khyber Pakhtunkhuwa, Peshawar.
2. The Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. The District Police Officer, Swabi.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated: 13.01.2016, whereby the appellant has been awarded the major Punishment of dismissal from service against which the departmental appeal dated:26.01.2016 has also been rejected vide order dated: 25.04.2016.

Prayer in Appeal: -

On acceptance of this appeal impugned orders dated 13.01.2016 and 25.04.2016, may please be set-aside and the appellant may please be re-instated in service with full back wages and benefits of service.



Respectfully Submitted:

1. That the appellant was initially appointed/ enlisted as Constable in the Police Department in the year 2012.
2. That ever since his appointment, the appellant had performed his duties as assigned with zeal and devotion and there was no complaint whatsoever regarding his performance. The appellant was lastly posted at Police station Zaida.
3. That while serving in the said capacity, on 30.11.2015 the appellant along with his fellow Constable/ rider namely Jehanzeb was on routine Gusht on Motorcycle in the local limits of Police Station Zaida. An unfortunate occurrence took place, when some unknown terrorists attacked other rider squad by opening indiscriminate firing upon them, in the area of Village Thankhoi, which resulted in the death of one Constable namely Imtiaz and injury to other Constable namely Ghulam Abbas. The appellant and his fellow Constable opened fire on the assailants and also tried hard to chase them, unfortunately they managed to flee away. A case vide FIR No. 89 dated 30.11.2015 U/S 302,324,353,404,34 PPC along with Section 7 of the ATA was also registered against the unknown persons. *(Copy of the FIR is attached as Annexure A)*
4. That due to the above mentioned incident, later the appellant was proceeded departmentally and departmental proceedings were initiated against him. He was served with a charge sheet and statement of allegations vide order dated 02.12.2015, containing the baseless allegations of cowardice and gross misconduct. *(Copy Charge Sheet and statement of allegation dated 02.12.2015 is attached as Annexure B)*
5. That the appellant duly replied the charge sheet and refuted the allegations leveled against him. *(Copy of the reply to the charge sheet is attached as Annexure C)*
6. That a partial inquiry was conducted and the inquiry officer submitted his report dated 28.12.2015, wherein quite wrongly he held the appellant guilty of the charges and recommended him for major punishment vide his report dated 28.12.2015. *(Copies of the inquiry report dated 28.12.2015 and statement of the witnesses are attached as Annexure D & E)*



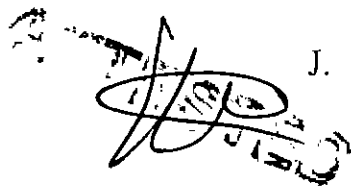
- 7. That thereafter the appellant was served with final show cause notice which he duly replied. *(Copies of the show cause notice and reply thereof are attached as Annexure F & G)*
- 8. That the competent authority without considering his defence reply, quite illegally awarded the appellant awarded the major penalty of **Dismissal from Service** vide order dated 13.01.2016. *(Copy of the order dated 13.01.2016, is attached as Annexure H)*
- 9. That feeling aggrieved from the dismissal order, the appellant duly submitted his departmental appeal on 26.01.2016 before the respondent No. 2, however it has also been rejected vide order dated 25.04.2016. *(Copies of the departmental appeal and rejection order dated 25.04.2016, are attached as Annexure I & J).*
- 10. That the penalty imposed upon the appellant is illegal unlawful against the law and facts hence liable to be set aside inter alia on the following grounds:

GROUNDS SERVICE OF APPEAL:

- A. That the appellant has not been treated in accordance with law hence his rights secured and granted under the law are badly violated.
- B. That no proper procedure has been followed before awarded the penalty to the appellant, the appellant has not been properly associated with the inquiry proceedings, the statements of the witnesses were never recorded in his presence nor he was given opportunity to cross examine those who may have deposed against him. Moreover the appellant has not been given proper opportunity of being heard. Thus the whole proceedings are thus defective in the eye of law.
- C. That the appellant has not been given the opportunity of personal hearing. Thus he has been condemned unheard.
- D. That the charges leveled against the appellant were never proved during the inquiry, the inquiry officer gave his findings on mere surmises and conjunctures.

~~ATTACHED~~

- E. That the whole proceedings conducted against the appellant were biased and with malafide intention, there was no evidence against the appellant, but quite illegally the charges were alleged to have been proved.
- F. That the appellant had shown extreme bravery while chasing the assailants/ terrorists. In order to facilitate the arrest of the assailants dead or alive firing was also opened at them, which fact has been admitted by the witnesses in their statements before the inquiry officer. But taking the opportunity of village population, the assailants succeeded in decamping from the spot.
- G. That the facts relating to the action taken by the appellant in relation to the attack by the terrorists have been verified by the concerned investigating officer.
- H. That the people of the locality have also witnessed the efforts made by the appellant for the arrest of the assailants at the time of occurrence. The version of the appellant has been verified and supported by witnesses of the locality before the inquiry officer and there statements have been recorded at the time of inquiry. Even the injured constable recorded his statement wherein he admitted that the rider squad was firing at the assailants. However the inquiry officer had completely ignored the statements of the eye witnesses and had based his findings on mere surmises and conjunctures.
- I. That during the inquiry the statements of the witnesses have not been recorded in presence of the appellant nor he has been given opportunity to cross examine the witnesses, rather the inquiry officer himself cross examined the witnesses and appellant has not been given opportunity to cross examined the witnesses.
- J. That the appellant has at credit spotless service career. The penalty impose upon him is too harsh and liable to be set-aside.
- K. That the appellant is jobless since his illegal dismissal from service.



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L. That the appellant seeks permission to rely on additional grounds at time of hearing of the appeal.

It is, therefore, humbly prayed that on acceptance of this appeal impugned orders dated 13.01.2016 and 25.04.2016, may please be set-aside and the appellant may please be re-instated in service with full back wages and benefits of service.

Appellant

Through

IJAZ ANWAR
Advocate Peshawar
&

SAJID AMIN
Advocate Peshawar

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41

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. _____/2016

Fida Khan Ex-Constable No.1100, Police Station Zaida Swabi.
(Appellant)

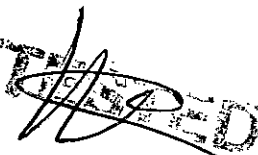
VERSUS

The Provincial Police Officer, Khyber Pakhtunkhuwa, Peshawar.
(Respondents)

AFFIDAVIT

I, **Fida Khan Ex-Constable No.1100, Police Station Zaida Swabi**, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal as well as accompanied application for condonation of delay are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

Deponent





OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI/ 7030 /16, dated Peshawar the 10/11/2016.

NAJEEB M

42

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Fida Khan No. 1100. The appellant was dismissed from service by DPO/Swabi vide OB No. 54, dated 13.01.2016 on the allegation that on 11.11.2015, two riders squads were on routine gasht in the area of village Thand Koi Police Station Swabi, at about 15:30 hours, when they reached Pooray Lar near the house of Alam Zeb. 02 motorcyclist opened indiscriminate fire upon them. As a result Constable Imtiaz Gul No. 250 was hit and died on spot, while Ghulam Abbas No. 1356 hit and seriously injured. While escaping the accused also took away official rifle 7.62 bore from the deceased Constable. The above named ex-official while riding on second motorcycle and was present on the spot showed extreme cowardice in the entire episode, which halted the safe escape of the accused from crime scene.

His appeal was filed by RPO/Mardan vide order Endst: No. 3356/ES, dated 25.04.2016.

Meeting of Appellate Board was held on 22.09.2016 wherein appellant was heard in person. Petitioner contended that he did not display cowardice and also retaliated the firing of the criminals and made all efforts for chasing the criminals. Petitioner was recruited in the year 2012, therefore, he was still inexperienced.

Therefore, the Board decided that Ex-Constable Fida Khan No. 1100 is hereby re-instated in service and the penalty of dismissal from service is converted into time scale for 03 years to the extent of 03 stages. The intervening period be considered as period in service but not on duty and he will be entitled for salary of the intervening period. He will remain under special watch for one year.

This order is issued with the approval by the Competent Authority.

Najeeb

(NAJEEB-UR-REHMAN BUGVI)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. SI/ 7030 - 87 /16.

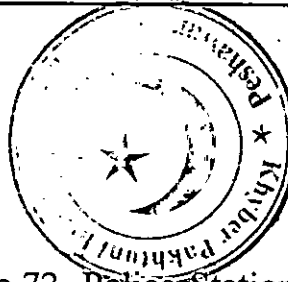
Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan.
2. District Police Officer, Swabi.
3. PSO to IGP Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl. IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG, HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supar: E-IV CPO Peshawar.
7. Central Registry Cell, CPO.

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**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 528 /2016



**S.W.P. Provincial
Service Tribunal**
Diary No 504
dated 19-5-16

Jehanzeb Ex-Constable No.72, Police Station Zaida, District Swabi.

(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhuwa, Peshawar.
2. The Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. The District Police Officer, Swabi.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated: 13.01.2016, whereby the appellant has been awarded the major Punishment of **DISMISSAL FROM SERVICE** against which the departmental appeal dated:26.01.2016 has also been rejected vide order dated: 25.04.2016.

~~Filed to-427~~
~~Signature~~
19/5/16

Prayer in Appeal: -

ATTESTED

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On acceptance of this appeal impugned orders dated 13.01.2016 and 25.04.2016, may please be set-aside and the appellant may please be re-instated in service with full back wages and benefits of service.



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Appeal No. 528/2016
Jehanraib vs Govt



23.11.2016

Counsel for the appellant present and submitted application for early hearing of the appeal. Appeal be requisitioned for today. Learned counsel for the appellant submitted before the court that since the penalty of the appellant has been converted from dismissal from service to reduction of time scale, therefore, the appellant be allowed to withdraw the instant appeal so that he could challenge the fresh order. Request accepted. The appeal in hand is hereby dismissed as withdrawn. The appellant is at liberty to challenge the fresh order as per law. File be consigned to the record room.

23/11/16

ANNOUNCEMENT
23.11.2016

(ABDU
ME

Self-
(Abdul Latif) (M. Aamir Nazir)
Member Member

Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 02-12-16
Number of Words 800
Copying Fee 600
Urgent
Total 600
Name of Copyist
Date of Completion of Copy 14-12-16
Date of Delivery of Copy 14-12-16

POWER OF ATTORNEY

In the Court of High Court of Sindh
Faisalabad } For Reshma
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

P. P. O and others } Defendant
} Respondent
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. 1250 of 2016
Fixed for _____

I/W, the undersigned, do hereby nominate and appoint

Jawad ur Rehman advocate

YASIR SALEEM ADVOCATE, my true and lawful attorney, for me in my same and on my behalf to appear at Reshma to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromise or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____

Accepted subject to the terms regarding fee _____

Accepted
Jawad ur Rehman

YASIR SALEEM
Advocate High Courts

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3- 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshavar Cantt
Ph.091-5272154 Mobile-0331-8892589

Jawad ur Rehman
Advocate

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 1250/2016.

Fida Khan Constable **Appellant**

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
& Others..... **Respondents.**

WRITTEN REPLY ON BEHALF OF RESPONDENTS.

1. **Preliminary Objections.**

1. That the appellant has got no Cause of action and locus standi to file the present appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is time barred.
4. That the appellant has not come to the Tribunal with clean hands.
5. That this Hon'ble Tribunal has got no jurisdiction to entertain the present appeal.
6. That the instant appeal is not maintainable in its present form.
7. That the appellant concealed the material facts from this Hon'ble Tribunal.
8. That the appellant has been estopped by his own conduct to file the appeal.

2. **REPLY ON FACTS.**

1. Para No. 01 of appeal pertains to record, hence need no comments.
2. Para No. 02 of appeal pertains to record, hence need no comments.
3. Para No. 03 of appeal is correct to the extent of registration of FIR No. 89/2015, however appellant and his fellow constable showed extreme cowardice in the incident which results in the safe escaped of accused from the spot.
4. Para No. 04 of appeal is correct to the extent of departmental proceedings against appellant on account of his cowardice in the incident reported in the above FIR.
5. Para No. 05 of appeal is correct to the extent of reply of appellant, however the reply of appellant was not satisfactory nor convincing.
6. Para No. 06 of appeal is incorrect. Proper departmental enquiry in accordance with rules was conducted during which appellant was found guilty and recommended for major punishment.
7. Para No. 07 of appeal is correct to the extent of service of Final Show Cause Notice, the reply of which was found unsatisfactory , however, keeping in view the principle of natural justice, appellant was provided opportunity of personal hearing and heard in Orderly Room, but he could not prove himself innocent, therefore dismissed from service vide order dated 13.01.2016.
8. Para No. 08 of appeal is incorrect. Reply already given vide para above.

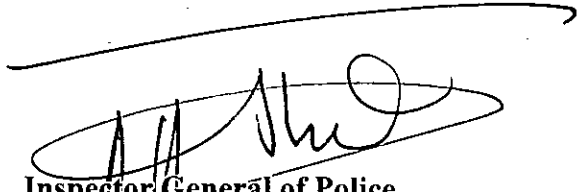
9. Para No. 09 of appeal is correct to the extent of rejection of departmental appeal and filling of review petition before the respondent No. 01, however, the review petition was properly entertained and partially allowed by converting order of dismissal into reduction in pay.
10. Para No. 10 of appeal relates to Tribunal, hence need no comments.
11. Para No. 11 of appeal is correct to the extent of partial acceptance of review petition vide order dated 10.11.2016, however the charges against appellant has already been proved in departmental proceedings, therefore the respondent No. 01 modified the major penalty of dismissal into reduction in pay i.e. time scale for 04 years upto 03 stages, while the intervening period was considered as period in service but not on duty, hence not entitled for salary on the principle of "No work no pay".
12. Para No. 12 of appeal relates to Tribunal, hence need no comments.
13. That the charges against appellant have already been proved, however respondent No. 01 by taking lenient view, partially accepted the review petition by converting major penalty of dismissal into reduction in pay vide order dated 10.11.2016 which is speaking order, hence the instant appeal may be rejected.

GROUND.

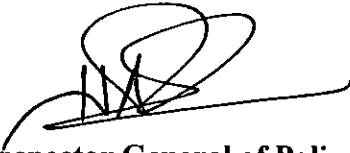
- A. Incorrect. Appellant has been treated in accordance with law & rules.
- B. Incorrect. After proper departmental enquiry in accordance with rules, appellant was awarded punishment. Moreover, all codal formalities were fulfilled before awarding punishment to appellant.
- C. Incorrect. Reply already given vide para above.
- D. Incorrect. The charges against appellant has already been proved during enquiry proceedings, however respondent No. 01 partially allowed the review petition of appellant and modified the punishment of dismissal from service into major penalty of reduction in pay.
- E. Incorrect. The charges against appellant have already been proved during enquiry.
- F. Incorrect. Reply already given vide paras above.
- G. Incorrect. The appellant and his colleague shown extreme cowardice in the incident.
- H. Incorrect. The appellant has shown cowardice due to which the terrorist decamped from the spot.
- I. Incorrect. The charges against appellant has been proved during enquiry on the basis of which he was awarded major punishment which was later on modified by the respondent No. 01, however he was not totally exonerated from the charges.
- J. Incorrect. Proper opportunity of personal hearing and defence has been provided to appellant during enquiry proceedings but he could not prove himself innocent.
- K. Incorrect. The respondent No. 01 has already taken a lenient view and partially accepted the review petition of appellant vide order dated 10.11.2016 which is quite legal and in accordance with rules.

- L. Incorrect. The appellant has not performed any duty for the department, hence not entitled for any salary on the principle of "No work no pay".
- M. The respondents also seek permission to rely on additional grounds at the time of hearing of appeal.


It is therefore prayed that the appeal of appellant may kindly be dismissed with cost being devoid of merits and without any legal substance.



**Inspector General of Police,
Khyber-Pakhtunkhwa, Peshawar
(Respondent No. 1)**



**Deputy Inspector General of Police,
Mardan Region-I Mardan.
(Respondent No. 2)**



**District Police Officer, Swabi.
(Respondent No. 3)**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 1250/2016.

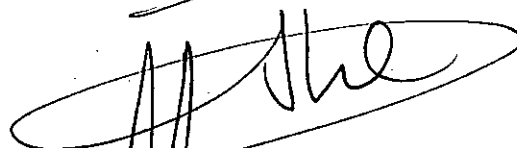
Fida Khan Constable No. 1100..... Appellant

VERSUS

1. **Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
& Others..... Respondents.**

AFFIDAVIT:-

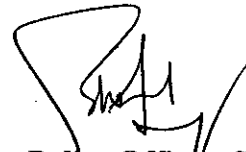
We the respondent No. 1 to 3 do hereby solemnly affirm and declare on oath that the contents of the written reply are correct/true to the best of our knowledge / belief and nothing has been concealed from the honorable Tribunal.



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



**Deputy Inspector General of Police,
Mardan Region-I Mardan.
(Respondent No. 2)**



**District Police Officer, Swabi.
(Respondent No. 3)**

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
 Appeal No. 1250/2016

Fida Khan Ex- Constable 1100 Police Station Zaida Swabi
(Appellant)

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa & Others
Respondents

<u>REJOINDER TO THE PARA WISE REPLY ON</u> <u>BEHALF OF THE APPELLANT</u>
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Respectfully submitted:

The appellant submits his rejoinder as under:

ON PRELIMINARY OBJECTIONS:

1. Contents incorrect and misleading, the appellant has illegally been awarded the penalty of reduction of time scale for three years, hence he has got the necessary cause of action and locus standi to file the instant appeal.
2. Contents incorrect and misleading, all the parties necessary for the disposal of the appeal are arrayed in the instant appeal.
3. Contents incorrect and misleading, the instant appeal is filed well within the prescribed period of limitation.
4. Contents incorrect and misleading, the appellant has come to the tribunal with clean hands.
5. Contents incorrect and misleading, the appellant is an aggrieved civil servant, and moreover the matter relates to its term and condition of his service hence only this honorable tribunal has got jurisdiction to entertain and adjudicate the instant appeal.
6. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed rule and procedure hence maintainable in its present form and also in the present circumstances of the case.
7. Contents incorrect and misleading, all facts necessary for the disposal of appeal are brought before this honorable court and nothing has been concealed.

8. Contents incorrect and misleading, no rules of estoppel is applicable to the instant case.

ON FACTS

1. Contents need no reply, however contents of Para-1 of the appeal are true and correct.
2. Contents need no reply, however contents of Para-2 of the appeal are true and correct.
3. No comments to the extent of admission, rest of the para is incorrect and misleading. Contents of para No. 3 of the appeal are true and correct.
4. No comments to the extent of admission, however rest of the para is incorrect and misleading, the allegations are baseless. Contents of para No. 4 of the appeal are true and correct.
5. No comments to the extent of admission, rest of the para is incorrect and misleading. Contents of para No. 5 of the appeal are true and correct.
6. Contents of Para-6 of the appeal are correct, the reply submitted to the Para is incorrect and misleading.
7. No comments to the extent of admission, rest of the para is incorrect and misleading. Contents of para No. 7 of the appeal are true and correct.
8. Contents need no reply, however contents of Para-8 of the appeal are true and correct.
9. No comments to the extent of admission, rest of the para is incorrect and misleading. Contents of para No. 9 of the appeal are true and correct.
- 10.No Comments.
- 11.No comments to the extent of admission, rest of the para is incorrect and misleading. Contents of para No. 11 of the appeal are true and correct.
- 12.No Comments.
- 13.Contents of Para-13 of the appeal are correct; the reply submitted to the Para is incorrect and misleading.

GROUND

The Grounds (A to M) taken in the memo of appeal are legal and will be substantiated at the time of arguments.

It is therefore humbly prayed that the appeal of the appellant may please be accepted as prayed for.

Appellant

Through


YASIR SALEEM
Advocate High Court.

AFFIDAVIT

I do, hereby solemnly affirm and declare on oath that the contents of the above rejoinder as well as titled appeal are true and correct and nothing has been kept back or concealed from this Honorable Tribunal.


.Deponer

