

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	18.11.2019	<p style="text-align: center;"><u>BEFORE THE YBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>At Camp Court, Abbottabad.</u> Service Appeal No. 238/2016</p> <p style="text-align: right;">Original Date of Institution 15.03.2016 Date of Decision 18.11.2019</p> <p>Azizullah son of Rustam Khan caste Swati, resident of Ajmera, Tehsil & District Battagram Ex-LHC Battagram.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <p>1. District Police Officer, Battagram. 2. D.I.G Hazara Range Abbottabad.</p> <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Ahmad Hassan-----Member(E)</p> <p style="text-align: center;"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Appellant</p> <p>with counsel present. Mr. Usman Ghani learned District Attorney present.</p> <p>2. The appellant (Ex-LHC) has filed the present service appeal being aggrieved against the order dated 17.10.2014 whereby he was dismissed from service. Departmental appeal filed by the appellant was rejected/filed vide order dated 30.07.2015. Vide order dated 10.08.2016, the appellate authority again upheld the punishment, by filing de-novo inquiry conducted upon the review petition by the appellant.</p> <p>3. Learned counsel for the appellant argued that the appellant</p>

18.11.2019

joined the Police Force as Constable in the year 2006; that the appellant was implicated in case FIR No.245 dated 20.08.2014 U/S 382/386/365/171/411/34-PPC Police Station Battagram; that resultantly the appellant was issued charge sheet and he submitted reply to the same; that after the inquiry the appellant was issued Final Show Cause Notice and the appellant also filed reply of the Final Show Cause Notice; that vide impugned order dated 17.10.2014 the appellant was dismissed from service; that the appellant was acquitted by the Trial Court in the above mentioned criminal case; that the departmental appeal filed by the appellant was rejected and the mercy petition filed by the appellant could not succeed. Further argued that punishment was awarded to the appellant without observing the legal requirements; that the ground which led to the dismissal of the appellant from service found groundless due to acquittal of the appellant by Trial Court.

4. As against that learned District Attorney argued that the appellant while posted at District & Sessions Courts Security, absented from duty and involved himself in case FIR (mentioned above); that proper departmental action was initiated against the appellant and upon fulfillment of all the codal formalities the punishment of dismissal from service was rightly awarded to the appellant having been involved in heinous offence.

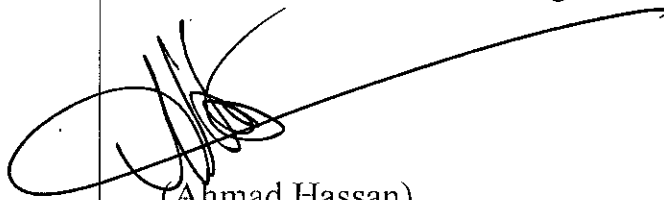
5. Arguments heard. File perused.

6. Inquiry officer recorded statements of several witnesses including private eye witness however the complainant/abductees

18.11.2019

of the criminal case were not examined by the inquiry officer. It is also not disputed that the complainant party did not prosecute the appellant before the Trial Court during trial of the appellant. There is also no dispute that the appellant had about eight years of service when the impugned major punishment was awarded.

7. In view of the above circumstances of the case, for the purpose of safe administration of justice, the major punishment of dismissal from service awarded to the appellant, is modified and converted into minor punishment of forfeiture of three (03) annual increments for a period of three (03) years. Intervening period shall be treated as leave without pay. The present service appeal is partially accepted in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member




(Muhammad Hamid Mughal)
Member
Camp Court, A/Abad

ANNOUNCED
18.11.2019

20.08.2019

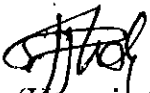
Appellant in person present. Mr. Muhammad Bilal learned Deputy District Attorney for respondents present. Appellant submitted an application for adjournment. Adjourned on payment of cost of Rs. 2000/- to be paid on behalf of the appellant to the respondents. To come up for rejoinder and arguments on 19.09.2019 before D.B at camp court Abbottabad.

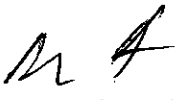

Member


Member
Camp Court A/Abad

19.09.2019

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 22.10.2019 for rejoinder and arguments before D.B at Camp Court Abbottabad.


(Hussain Shah)
Member
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

22.10.2019


Counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 18.11.2019 before D.B at Camp Court, Abbottabad.


Member


Member
Camp Court Abbottabad

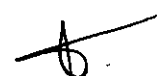
16.04.2019

Counsel for the appellant present. Mr. Muhammad Bilal, DDA alongwith Mr. Asif, Inspector for respondents present. Copy of amended memo of appeal handed over to the representative of the respondents. Case to come up for written reply/comments on amended memo of appeal on 19.06.2019 before SB at camp court Abbottabad.


(Ahmad Hassan)
Member
Camp Court A/Abad


19.06.2019

Counsel for the appellant and Mr. Muhammad Bilal, DDA alongwith Mr. Muhammad Asif, Inspector for respondent present. Written reply on behalf of respondents submitted which is placed on file. A copy of the same was also handed over to the learned counsel for the appellant. Case to come up for rejoinder and arguments on 20.08.2019 before D.B at camp court Abbottabad.


(Ahmad Hassan)
Member
Camp Court A/Abad

12.11.2018

. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 14.01.2019 at camp court Abbottabad.


A/Abad

14.01.2019


Appellant in person present. Waris Khan ASI representative of respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for further proceedings as per order sheet dated 17.09.2018 on 19.02.2019 at Camp Court Abbottabad.


Member

Camp Court Abbottabad

19.02.2019

Appellant in person present. Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mr. Muhammad Asif, Inspector for the respondents present. Appellant submitted amended appeal. The same is placed on record. Adjourned to 16.04.2019 for further proceedings before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

238/2016

17.07.2018

Counsels for the appellant, Mr. Shad Muhammad Khan, Advocate present. Mr. Waris Khan S.I (Legal) alongwith Mr. Usman Ghani, District Attorney present.

At the very start of the arguments, the learned counsel for the appellant stated that after filing of the appeal in hand by the appellant, his Mercy Petition/Review Petition has been decided on 10.08.2016 which order has not been impugned before this Tribunal. As such he wished to amend the appeal to that extent.

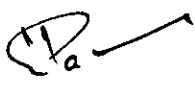
Request is not only genuine but legal as well, is allowed. Case to come up for amended appeal on 17.09.2018 before the S.B. at camp court, Abbottabad.


Member


Chairman
Camp Court, A/Abad

17.09.2018


Clerk of counsel for the appellant present. Mr. Waris Khan, S.I (Legal) for the respondents present. Amended appeal not submitted. Clerk to counsel for the appellant seeks time. To come up for amended appeal on 12.11.2018 before S.B at camp court, Abbottabad.


Member
Camp court, A/Abad

18.01.2018

Appellant in person and Mr. Muhammad Bilal, DDA
alongwith Mr. Haider Zaman, Inspector for respondents present.
Counsel for the appellant is not in attendance. Appellant seeks
Adjournment. Adjourned. To come up for arguments on
17.04.2018 before D.B at camp court Abbottabad.



Member


Chairman
Camp court, A/Abad.

17.04.2018

Counsel for the appellant and Mr. Usman Ghani,
District Attorney for the respondents present. Counsel for the
appellant seeks adjournment. Granted. To come up for
arguments on 17.07.2018 before the D.B at camp court,
Abbottabad.

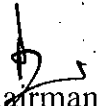

Member.


Chairman
Camp court, A/Abad

238/2016

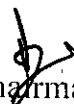
24.11.2016

Appellant in person and Mr. Muhammad Wajid Reader alongwith Mst. Bushra Bibi, Government Pleader for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 19.04.2017 at camp court, A/Abad.


Chairman
Camp Court, A/Abad

19.04.2017


Appellant with counsel and Mr. Nisar Ahmad, Inspector alongwith Mr. Muhammad Bilal, Government Pleader for the respondents present. Counsel for the appellant seeks adjournment to prepare rejoinder. D.B is also incomplete. To come up for rejoinder and final hearing before the D.B on 17.10.2017 at camp court, Abbottabad.


Chairman
Camp court, A/Abad

17.10.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. To come up for rejoinder and arguments on 18.01.2018 before D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad.

11.05.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as LHC when subjected to enquiry on the allegations of absence from duty and involvement in a criminal case registered vide FIR No. 245 dated 21.08.2014 under Sections 382/386/ 365/171/411/345-PPC P.S Batagram and dismissed from service vide impugned order dated 17.10.2014 where-against he preferred departmental appeal on 06.11.2016 which is not decided and hence the instant service appeal on 15.3.2016.

That the appellant stood acquitted of the criminal case vide judgment dated 15.3.2016. That the enquiry proceedings were not adopted in the manners prescribed by the rules and as such the impugned orders are liable to be set aside.

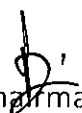
Points urged need consideration. Admit subject to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 18.08.2016 before S.B at camp court, Abbottabad.

Appellant Deposited
Security of Process Fee


Chairman
Camp court, A/Abad

18.08.2016

Appellant in person and Mr. Nisar Ahmad, Inspector (Legal) alongwith Mr. Muhammad Bilal, GP for the respondents present. Requested for adjournment. To come up for written reply/comments on 24.11.2016 before S.B at camp court, Abbottabad.


Chairman
Camp court, A/Abad.

BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR

Azizullah.....Appellant

put up to the court with
relevant appeal on the
date fixed.

Versus

District Police Officer, Battagram and
other.....Respondents

21/2/19

AMENDED APPEAL, in Appeal, No = 238/16

Leader

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Dated 09.02.2019

Azizullah

(Appellant)

Through:

SHAD MUHAMMAD KHAN

Advocate Supreme Court of
Pakistan (Mansehra)

①

BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR

Azizullah son of Rustam Khan, caste Swati, resident of Ajmera, Tehsil and District Battagram Ex-LHC. No. 14 P.S. Battagram.....**Appellant**

Khyber Pakhtukhwa
Service Tribunal

Diary No. 302

Dated 18-2-2019

Versus

- 1) District Police Officer, Battagram.
- 2) D.I.G. Hazara Range
Abbottabad.....**Respondents**

APPEAL AGAINST THE ORDER OF DPO
BATAGRAM DATED 17.10.2014 VIDE
WHICH THE APPELLANT WAS
DISMISSED FROM SERVICE.

AMENDED APPEAL in Appeal, No 238/16

Respected Sir,

The brief facts following the background of instant appeal are arrayed as follows: -

- 1) That, the appellant joined Police Force as a constable in 2006 and he was serving as LHC in PS Battagram during the days of occurrence.
- 2) That, a case was registered at PS Battagram vide FIR No. 245 dated 20.08.2014 under section 382/386/365/171/411/34PC. The appellant

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faced the trial and was acquitted by the court of ASJ Batagram on 24.03.2015.

(The copy of FIR and order are attached as Annexure "A" & "B").

- 3) That, the appellant was issued a charge sheet and appellant submitted a detailed reply.

(The copy of charge sheet and reply are attached as Annexure "C" & "D").

- 4) That, an inquiry was conducted by DSP Allai who recorded the statements of Bakt Zaman, Akhat and Muhamamad Riaz.

(The copies of statements are attached as Annexure "E", "F" & "G" respectively).

- 5) That, the appellant was issued a final show cause notice by the respondent No. 1 and the appellant submitted a reply to the show cause notice.

(The copy of show cause notice and reply are attached as Annexure "H" & "I").

- 6) That, respondent No. 1 passed an order vide which the appellant was dismissed from service.

(The copy of order is attached as Annexure "J").

- 7) That, the appellant aggrieved by the order of respondent no. 1 submitted an appeal before respondent No. 2

who also turned down the request of appellant for his re-instatement.

(The copy of appeal and order are attached as Annexure "K" & "L").

- 8) That, the appellant submitted a mercy petition before respondent No. 2, which was still pending when appeal was filed, but later-on the reply was communicated.

(The copy of mercy petition and order are attached as Annexure "M" & "N" respectively).

That, the appellant seeks the setting aside of the order of dismissal on the following amongst other grounds: -

GROUND: -

- A) That, the order of dismissal of the appellant is against the law and is not maintainable in the eye of law.
- B) That, the very grounds which led to the dismissal of appellant from service had already been found groundless as the appellant was acquitted by a competent court of law on the same allegations.
- C) That, an inquiry is required to be conducted in accordance with service laws and the constitution of Pakistan.

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- D)** That, the inquiry officer has conducted the inquiry in utter disregard of the law laid down for holding conducting such inquiry.
- E)** That, the statements of witnesses are bound to be recorded on oath and opportunity shall have to be given to the person whose fate has been put at stake. The statements were recorded without administering oath to the witnesses who deposed against the appellant.
- F)** That, the appellant was deprived of the opportunities laid down by law and therefore the order of respondents Nos. 1 & 2 are nullity in the eye of law.

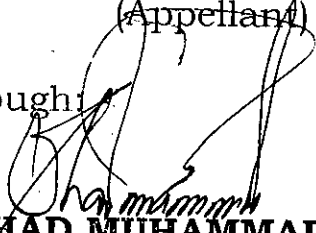
It is, therefore, requested that on acceptance of appeal the impugned order of dismissal be set aside and the appellant be re-instated in service with all back benefits.

Dated 09.02.2019

Azizullah

Azizullah
(Appellant)

Through


SHAD MUHAMMAD KHAN
Advocate Supreme Court of
Pakistan (Mansehra)

5

BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR

Azizullah.....Appellant

Versus

District Police Officer, Battagram and
other.....Respondents

AMENDED APPEAL

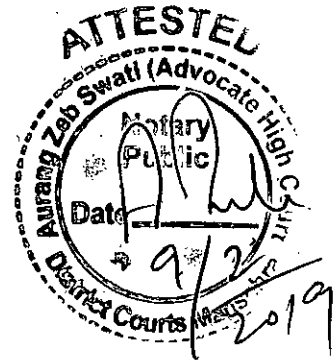
AFFIDAVIT

I, AZIZULLAH SON OF RUSTAM KHAN, CASTE SWATI, RESIDENT OF AJMERA, TEHSIL AND DISTRICT MANSEHRA EX-LHC. NO. 14 P.S. BATTAGRAM DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT NO SUCH AMENDED APPEAL HAS EVER BEEN FILED BEFORE THIS HONOURABLE TRIBUNAL NOR PENDING NOR DECIDED. THAT THE CONTENTS OF FORE-GOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.

Azizullah
AZIZULLAH
(DEPONENT)

IDENTIFIED BY:

Shad Muhammad Khan
SHAD MUHAMMAD KHAN
ADVOCATE SUPREME COURT
OF PAKISTAN (PAKISTAN)



P-6

۰۱/۰۹ DPO Pw Wazir

Appeal, NO = 238/2016


2018
2018
17-7-18.

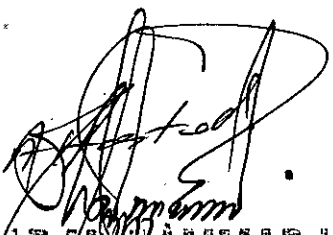
Counsel for the appellant, Mr. Shad Muhammad Khan, Advocate present. Mr. Waris Khan S.I (Legal) alongwith Mr. Usman Ghani, District Attorney present.

At the very start of the arguments, the learned counsel for the appellant stated that after filing of the appeal in hand by the appellant, his Mercy Petition/Review Petition has been decided on 10.08.2016 which order has not been impugned before this Tribunal. As such he wished to amend the appeal to that extent.

Request is not only genuine but legal as well, is allowed. Case to come up for amended appeal on 17.09.2018 before the S.B at camp court, Abbottabad.


Member


Chairman
Camp Court, A/Abad


SHAD MUHAMMAD KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN

"A p 7 Annex = A"
Annex

P-7

5400568330312
054795191133

2100 20078
245-310

20030 2128 20030 2128

382/365001
386/171

Handwritten notes in Arabic script.

Main body of handwritten text in Arabic script, appearing to be a list or detailed notes.

Handwritten signature or initials at the bottom left.

Handwritten notes at the top of the page, including "ANNEX B" and "P-9" circled in black. There are also some illegible handwritten notes in Urdu.

IN THE COURT OF GHULAM ABBAS, ADDL: SESSIONS JUDGE, BATTAGRAM
 The State Vs Azizullah etc. (Cr. Case No. 72/8 of 2014)

O 7
 24-3-2015

Handwritten notes on the left side of the page, including "Ex-LHC" and "Dro: ball".

APP for the state present. Accused Rahimdad Azizullah, Shah Rozam and Habibur Rehman on bail present with counsel. APP for the state present. Complainant party through counsel present. Statement of complainant and alleged eye witnesses earlier recorded and placed on file. Notice u/s 265-K Cr.P.C served upon APP. Arguments heard. Through instant order, this court shall dispose of the application u/s 265-K Cr.P.C. file by the accused.

Brief facts of the prosecution case are that on the day of occurrence, complainant along with his companion was stayed in Al-Fakhar Hotel in connection with his honey-business, when the accused persons appeared entered in their room and introduced them as ISI personal. Accused Shahrozam and Habib-ur-Rehman were carrying pistols. They altercated on the adulterated honey allegedly sold by the complainant etc and demanded return of the price. The accused had also wasted honey weighing 100 kg and snatched money from complainant and one Rahim-ullah. They abducted the complainant party on gun point in their vehicles. SHO, PS Battagram received spy information regarding kidnapping of complainant party. The vehicles were stopped at Thakot Check post. At Thakot, local police apprehended the accused person and recovered the abductees. On intimation of the complainant, case was registered.

Certified to be a true copy of the original filed on 19/3/15

Signature of Examiner
 Examiner
 District & Sessions Judge
 Battagram
 3.4.15

After the usual investigation complete challan was submitted against the accused on 18-11-2014 After the compliance of Section 265 (C) Cr.P.C on 24-11-2014, the formal charge was framed u/s 386/171/427/365 PPC on 17-2-15, in which the accused named above met with denial and claimed trial.

Prosecution in support of the charge examined as many as three witnesses. The crux of prosecution evidence is as following:

Signature of Ghulam Abbas
 Ghulam Abbas
 Addl. District & Sessions Judge
 Battagram

Signature of the court official at the bottom right.

- a) PW-1 is the statement of Muhammad Iqbal complainant who stated the accused being charge on suspicion and then was satisfied regarding his innocence. He submitted no objection upon acquittal of the accused in the case.
- b) PW-2 Sabir s/o Dolozay, who also pardoned the accused being innocent with the contention that a compromise affected with the accused party and has pardoned them.
- c) PW-3 Rahimullah s/o Saeed Gul who also pardoned the accused being innocent contended that he has affected compromise with accused party and pardoned them.

Application u/s 265-K Cr.PC was filed by defense counsel. Notices were served upon complainant' counsel and PP. Arguments were heard and available record perused.

From perusal of the record it reveals that the complainant had charged accused persons for extortion of money, impersonation official of Intelligence Agency wastage of their honey and their abduction. Now the complainant and the eye witnesses had categorically reiterated their satisfaction regarding the innocence of the accused and verified the conclusion of private settlement with them for non prosecution. The statement of complainant and alleged eye witnesses were recorded as PW-1, PW-2 and PW-3 wherein they categorically showed their satisfaction regarding innocence of the accused persons and did not want to prosecute them any further in captioned the case. They had shown complete dis-interest in their prosecution and submitted no objection on his acquittal from the charge. Inconsistency in prosecution version regarding culpability of the accused creates benefit of doubt.

It is observed that the Prosecution showed disinterest owing for private resolution of the matter in issue. Therefore, no second opinion exists on record that there is no probability of conviction of accused for subject charge and no better purpose shall be served by engaging the

Certified U/A 87 of the
Q-e-s order 1984

Ghulam Abbas
Additional District & Sessions Judge,
Battagram

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Annex "B" P. 11

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accused person in instant trial. The inconsistent version of the complainant party regarding culpability of the accused in the captioned offence shattered the prosecution case, which cannot be ignored. On the other hand, the prosecution cannot be compelled to hook the accused in trail, involvement of whom has been considered dubious.

Sequel to these findings, this court is of considered view that there is no probability of conviction of the accused persons in the case. Therefore, the accused persons named above are, hereby acquitted u/s 265-K Cr.P.C. Their sureties are discharged. Case property, if any be disposed of as per law. Case file be consigned to the record room after its completion.

Announced

24-3-2015

Chulam Abbas

Chulam Abbas,

Add: Sessions Judge, Battagram.

Additional Judge,
Battagram.

C.D. No.	766
Date	3.4.15
Case	<i>[Signature]</i>
Uree	
Town	
Name	<i>[Signature]</i>
Date	3.4.15
Court	
Date of Birth	3.4.15

Continuation 3
of the
Q-ees order 1584

[Signature]
Examiner
District & Sessions Judge
Battagram
3.4.15

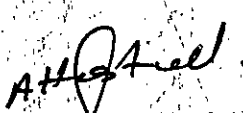
Attested
Shad Muhammad Khan
Advocate Supreme Court
Peshawar

CHARGE SHEET

Annex C P 12

- 1) I, Jehanzeb Khan, District Police Officer, Battagram as competent authority hereby charge you LHC Aziz Ullah No. 64 , as per the enclosed statement of Allegation.
- 2) By reason of the statement of allegation, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalty specified under the relevant rules.
- 3) You are therefore, required to submit your written defence within (7) seven days of the receipt of this charge sheet to the enquiry Officer.
- 4) Your written defence, if any should reach the enquiry Officer within the specified period failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall follow against you.
- 5) Intimate whether you desire to be heard in person.
- 6) Statement of Allegation is enclosed.


District Police Officer,
Battagram.


Shad Malik
Advocate Supreme Court
of Pakistan.

حکومت زمین

محمد اسحاق اور دیگر کے ساتھ زمین کے بارے میں
کاروبار سے متعلقہ چیزیں ہیں جو کہ زمین کے
تعلقہ ہیں۔

وقت اس وقت زمین کے بارے میں
تاریخ اس وقت کے بارے میں
107/702 سے متعلق ہے۔

اس وقت زمین کے بارے میں
زمین کے بارے میں زمین کے بارے میں
زمین کے بارے میں زمین کے بارے میں

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حکومت زمین

حکومت زمین کے بارے میں زمین کے بارے میں
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OFFICE OF THE DISTRICT POLICE OFFICER, BATTAGRAMFINAL SHOW CAUSE NOTICE

(Under Rule 5 (3) KPK Police Rules, 1975)

I, Jehanzeb Khan, District Police Officer, Battagram, as Competent Authority under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules-1975, Removal from Service do hereby you LHC Aziz Ullah No. 64, as follow:-

1. That you LHC Aziz Ullah NO. 64 were found absent from your duty at session guard at night on 20/21.08.2014 when Night Duty Officers (NDO) after the check reported at 21:05 pm that you were not present on your duty which ia a sensitive and important place.
2. That you LHC Aziz Ullah No. 64 of District Battagram presently posted from Police Lines Battagram at Session house guard were found involved at the same night in case vide FIR No. 245 dated 21.08.2014 U/S 382/386/365/171/411/34-PPC PS Battagram, which is heinous crime.
2. On going through the findings and recommendation of the enquiry officer, material on the record, reply of the charge sheet/summary of allegations and other connected papers, I am satisfied that you have committed the following acts/omissions specified in rule 5 (3) KPK, Police Rules-1975.
3. That consequent upon the completion of enquiry conducted against you by the enquiry officer for which you were given opportunity of hearing but you failed to defense the enquiry proceedings. The enquiry deemed it necessary to take exparte action against you.
4. As a result thereof, I as competent authority have tentatively decided to impose upon you the penalty of major punishment under the above rules.
5. You are therefore directed to Final Shaw Cause as to why the aforesaid penalty should not be imposed upon you.
6. If no reply to the notice is received with in seven days of its deliver in the normal course it shall be presumed that your have no defense to put in and in the case an exparte action shall be taken against you.

NO 524/PA

dt 01-10-2014

Received

Jehanzeb Khan

09-10-2014

Att. Stud. ID

(JEHAN ZEB KHAN,
District Police Officer,
Battagram.

(Competent Authority)

کفور رہنا۔ ڈی، پی، او ہا۔ ڈسٹرکٹ سیکرٹری

عنوان: خواہ سوگماز لوٹس

24PA
01-10-14

Annex P (19)

صبا عالی

نوڈیٹا نے گزارے بعد میں سائل جسٹس گارڈ کا ایجنڈے تھا اور 20/11/14 کو اسے، ایچ، او
ہا۔ ٹھکانے سید ام نے م عدالت روڈ سے لوٹیں تو پائل میں بیٹھا ہوا، ساتھ ساتھ تھا۔ اور بعد میں
معلوم ہوا کہ سائل کو ایک ناکہ ہوا تھا جس کے بعد سائل نے عدالت سے لوٹنے سے پہلے
علیہ السلام، ایچ، او ہا۔ ٹھکانے سید ام کے ساتھ تھا۔

اس کے سائل کا اس سے ایچ، او ہا۔ ٹھکانے سید ام سے کوئی تعلق نہیں ہے۔
بلکہ سائل کو ایک سوڈے کے بوتل سے ایچ، او ہا۔ ٹھکانے سید ام سے کوئی تعلق نہیں ہے۔
مذکورہ ایچ، او ہا۔ ٹھکانے سید ام سے کوئی تعلق نہیں ہے۔
نور کی سے لگانا چاہتے تھے۔ یہ سائل نے ابتدائی ایجنڈاری سے اس سے پہلے

اصول کے ساتھ ساتھ ایچ، او ہا۔ ٹھکانے سید ام سے کوئی تعلق نہیں ہے۔
ایچ، او ہا۔ ٹھکانے سید ام سے کوئی تعلق نہیں ہے۔
ایچ، او ہا۔ ٹھکانے سید ام سے کوئی تعلق نہیں ہے۔
ایچ، او ہا۔ ٹھکانے سید ام سے کوئی تعلق نہیں ہے۔
ایچ، او ہا۔ ٹھکانے سید ام سے کوئی تعلق نہیں ہے۔

ORDER

Annex "JP" 20

LHC Aziz Ullah No. 64 was enlisted in Police Department Battagram District on 04.05.2006. While he was posted as Incharge Session Guard found absent from duty on 20-21.08.2014 at 21:05 pm by the Night Duty Officer at the same night involved in case FIR No. 245 dated 21.08.2014 U/S 382/386/365/171/411/34-PPC PS Battagram, which is a heinous crime.

Show Cause Notice was issued to him but his reply was found not satisfactory and he was Charge Sheeted along with the summary of allegation. Mr. Bazmir Khan DSP Allai was appointed as enquiry officer vide this office Endst: No. 439-41 dated 22.08.2014.

The enquiry Officer in his findings found him guilty and recommended LHC Aziz Ullah No. 64 for the Punishment. Final Show Cause was also issued to the defaulter Constable vide this office Endst: No. 524/PA, dated 01.10.2014

After the perusal of enquiry and other relevant papers available on the record, I, Jehanzeb Khan, PSP, District Police Officer, Battagram, as competent authority, dismiss LHC Aziz Ullah No. 64 under Police Rules- 1975, with immediate effect.

Announced.

[Signature]
(JEHANZEB KHAN)PSP,
District Police Officer,
Battagram
(Competent Authority)

OB NO 51
17-10-2014

Attended

By Superintendent of Police
Battagram
5-11-14

[Signature]
Shah Moin
Advocate Supreme Court
of Pakistan.

dt 01-10-2014

CIN/...

Annex **K.P. (21)**

**BEFORE THE DIG HAZARA RANGE
ABBOTTABAD.**

**APPEAL AGAINST THE ORDER OF DPO BATTAGRAM
VIDE WHICH THE APPELLANT HAS BEEN DISMISSED
FROM SERVICE.**

PRAYER

On acceptance of the appeal, the impugned order of dismissal may kindly be set-aside & the appellant may kindly be reinstated to service.

Respected Sir,

The brief facts leading to the instant appeal as follows:

1. That the petitioner has been falsely roped in case FIR No. 245/14 under section 382/386/365/171/411/34 PPC in P.S Battagram.
2. That the petitioner is involved on basis of malice.
3. That during his service the petitioner has served with the best of his abilities and with honesty and as a result the petitioner has been awarded by the higher ups.
4. That, the petitioner has also served in numerous operations of sensitive nature and has performed brilliantly.

PA
Asst Commr
from DPO Battagram
against his entry file
with some record.

[Signature]
R.O. Hazara
6/11

[Signature]
Shad Hameed Khan
Advocate Supreme Court
of Pakistan.

5. That the petitioner has also served with V.I.P.S and with great honesty performed his duties, the petitioner has also received numerous awards which shows the character and caliber of petitioner.
6. That, the petitioner belongs to a poor family and the petitioner is the only hope for them.
7. That the petitioner has been dismissed on the order of D.P.O Battagram vide order No. 51,OB dated 17-10-2014.
8. That, the petitioner has been not given any opportunity to proof his innocence which is against principles of natural justice.
9. That the petitioner's case has not been trialed and has been dismissed.
10. That, the departmental appeal of the complainant has been dismissed and in the order of dismissal serious discrimination has been done not only with the petitioner but with his family as well.

It is therefore most humbly prayed that in the light of above discourse the petitioner may kindly be reinstated.

Dated: 06-11-2014

A. H. H. H.

Shah Mahmood H Khan
Advocate Supreme Court
of Pakistan.

LHC Azizullah No. 64 P.S Battagram

03088978828

ORDER

This is an order on the representation of *Ex-LHC Aziz Ullah No.64* of Battagram District against the order of major punishment i.e. dismissal from service awarded by the District Police Officer, Battagram vide his OB No.51 dated 17-10-2014.

Facts leading to his punishment are that he while posted as Incharge Session Guard found absented from duty on 20/21-08-2014 at 21:05 pm by the Night Duty Officer at the same night involved in case FIR No.245 dated 21-08-2014 U/S 382/386/365/171/411/34 PPC PS Battagram, which is a heinous crime.

Proper departmental enquiry was conducted by Mr. *Bazmir Khan DSP Allai*. After conducting a detailed enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer Battagram awarded him major punishment of dismissal from service.

He preferred an appeal to the undersigned upon which the comments of the DPO Battagram were obtained. He was heard in OR where he offered no plausible explanation in his defence to prove his innocence. After thorough probe into the enquiry report and the comments of the DPO Battagram, it came to light that the punishment awarded to him by the DPO Battagram i.e. dismissal from service is genuine. Therefore, appeal is *filed*.

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. *6134* /PA Dated Abbottabad the *30/7* /2015.
Copy of above is forwarded to the District Police Officer, Battagram for information and necessary action with reference to his Memo: No.18237/SRC dated 11-12-2014. The Service Roll & Fauji Missal containing enquiry file of the appellant are returned herewith.

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

*Service Roll, Fauji Missal
and Enquiry file are
received.*

*By
ASRC-AM
3/9/15*

*3376
03-8-15*

[Signature]
for record
[Signature]
[Signature]
Shah *[Signature]*
Advocate & *[Signature]*
at *[Signature]*

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de DPO Pn Wj

~~200000~~

ORDER

ANNEXIN

This is an order on the review petition of Ex-LHC Azizullah No: 64 of Battagram District against the order of major punishment i.e. *dismissed from service* awarded by the District Police Officer, Battagram vide his OB No.51 dated 17-10-2014.

P-26

Facts leading to his punishment are that he while posted as Incharge Session Guard found absent from duty on 20-21.8.2016 at 21:05 hours by the Night Duty Officer at the same night involved in case FIR No. 245 dated 21.08.2014 u/s 382/386/365/171/411/34-PPC PS Battagram.

Proper departmental enquiry was conducted by *Mr. Bazmir Khan, DSP Allai*. After conducting a detailed enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer Battagram awarded him major punishment of *dismissal from service*.

He preferred an appeal to the then W/Regional Police Officer, Hazara Region, Abbottabad which was rejected vide Endst: No. 6134/PA, dated 30.07.2015. He again submitted review petition which was marked for Denovo enquiry to Mr. Khabbir Muhammad, DSP/ADIG, RPO Office Abbottabad to unearth the facts after patient hearing in O.R. He opined in his findings that Ex-LHC Azizullah No. 64 could not prove his stance and failed to produce any witness, therefore E.O also proved him guilty.

Keeping in view the above, his Denovo enquiry is filed and the punishment of discharge from service awarded to him by the DPO Battagram is upheld.

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

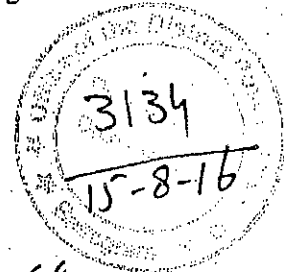
No. 3519 /PA Dated Abbottabad the 10-8-2016.

Copy of above is forwarded to the District Police Officer, Battagram for information and necessary action. The Fauji Missal containing enquiry file of the appellant are returned herewith.

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

Enquiry file w
received
12/8/2016

OTC/SRC
Pn ~ 9



AM
15/8

~~00000~~
AMHEXEM

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وکالت نامہ

بعدالت جناب چتر مین سروس گز بیٹونل P.P.K. لپٹاور

عنوان منزلیہ نام DPO وینڈ
دعوی یا جرم سروس اپیل منجانب ایڈوانٹ

باعث تحریر آنکے ایڈیٹ آباد کلاں
مندرجہ بالا عنوان میں اپنی طرف سے بیرونی وجوہات ہی بمقام

جناب شاہد محمد خان ایڈووکیٹ سپریم کورٹ آف پاکستان

بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص روز و عدالت حاضر ہوتا ہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کرنے کا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ یا ساعت ہونے پر یا بروز کچہری کے اوقات کے آگے یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پر داختمہ صاحب مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل گرانے دائر کرنے، نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کارروائی وصول کرنے اور رسید دینے اور داخل کرانے کا ہر قسم بیان دینے اور سپردداشتی و رضی نامہ و فیصلہ بر خلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کٹرنہ درخواست حکم استعفیٰ یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ بیرونی مختیار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل اور اپیل کے واسطے کسی دوسرے وکیل یا پیر مشرک بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کر دیں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختیار نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور مستحق ہے۔
المرقوم

عبد اللہ ولد رستم خان قوم سواتی سنہ احمدیہ ۱۴۴۴ھ
Azizullah

ATTESTED & ACCEPTED


SHAD MUHAMMAD KHAN,

Advocate Supreme Court,

of Pakistan.

SHAD MUHAMMAD KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN

BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR

Appeal no. 238/2016

Azizullah.....Appellant

Versus

District Police Officer, Battagram and
other.....Respondents

APPEAL

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S#	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE#
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3.	Affidavit	-	6
4.	Copy of FIR and order	"A" & "B"	7 to 11
5.	Copies of charge sheet and reply.	"C" & "D"	12, 13
6.	Copies of statements of PWs	"E", "F" & "G"	14 to 17
7.	Copy of show cause notice and reply	"H" & "I"	18 to 19
8.	Copy of order.	"J"	20
9.	Copy of appeal and order	"K" & "L"	21 to 23
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Dated 08.03.2016

Azizullah

Azizullah
(Appellant)

Through

Shad Muhammad Khan
SHAD MUHAMMAD KHAN
Advocate Supreme Court of
Pakistan (Mansehra)

03439514877

BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR

Appeal No. 238/2016

Azizullah son of Rustam Khan, caste Swati, resident of Ajmera, Tehsil and District Battagram, Ex-LHC No. 64, Police Battagram.....Appellant

A.W.F. Province
Service Tribunal
Diary No. 224
Dated 15-3-2016

Versus

- 1) District Police Officer, Battagram
 - 2) DIG Hazara Range Abbottabad
-Respondents

APPEAL AGAINST THE ORDER OF
DPO BATTAGRAM DATED 17.10.2014
VIDE WHICH THE APPELLANT WAS
DISMISSED FROM SERVICE.3

PRAYER: -

On acceptance of appeal the impugned order of dismissal may kindly be set aside and appellant be re-instated in service.

Respected Sir,

The brief facts following the back ground of the instant appeal are arrayed as followed: -

- 1) That, the appellant joined police force as a constable in 2006 where after he was serving as LHC in PS Battagram.

Filed to file
15/3/16

- 2) That, a case was registered at PS Battagram vide FIR No. 245 dated 20.08.2014 U/S 382/386/365/171/411/34PPC. The appellant faced the trial and was acquitted by the court of ASJ, Battagram on 24.03.2015.

(The copy of FIR and order are attached as Annexure "A" & "B").

- 3) That, the appellant was issued a charge sheet and the appellant submitted a detailed reply.

(The copy of charge sheet and reply are annexed as Annexure "C" & "D" respectively).

- 4) That, an inquiry was conducted by DSP Allai who recorded the statements of Bakht Zameen, Akhtar Zeb and Muhammad Riaz.

(The copies of the statements of PWs mentioned above are attached as Annexure "E", "F" & "G" respectively).

- 5) That, the appellant was issued a final show cause notice by respondent No. 1 and the appellant also submitted a reply to the show cause notice.

(The copies of show cause notice and reply are attached as Annexure "H" & "I" respectively).

- 6) That, respondent No. 1 passed an order vide which the appellant was dismissed from service.

(The copy of order is attached as Annexure "J").

- 7) That, the appellant aggrieved by the order of respondent No. 1 submitted

3

an appeal before respondent No. 2, who also turned down the request of appellant for his re-instatement.

(The copy of appeal and order are attached as Annexure "K" & "L" respectively).

- 8) That, the appellant submitted a mercy petition before respondent No. 2 which is still pending and no intimation with respect to its fate has been communicated to the appellant.

(The copy of mercy petition is attached as Annexure "M").

That, the appellant seeks the setting aside of the order of dismissal on the following amongst other grounds: -

GROUND: -

- A) That, the order of dismissal of the appellant is against the facts and law and is not maintainable in the eye of law.
- B) That, the grounds which led to the dismissal of appellant from service had already been found baseless as the appellant was acquitted by a competent court of law in respect of the same allegations.
- C) That, the inquiry is required to be conducted in accordance with service laws and the constitution of Pakistan.

4

- D) That, the inquiry officer has conducted the inquiry in utter disregard of the procedure laid down for holding/conducting such inquiry.
- E) That, the statement of the witnesses are bound to be recorded on oath and opportunity shall have to be provided to the person whose fate has been put at stake. The statements were recorded without administering oath to the witnesses who deposed against the appellant.
- F) That, all the opportunities required by law to be provided to the appellant before passing detrimental order has never been afforded and thus the order passed by respondent No. 1 and No. 2 are nullity in the eye of law.

It is, therefore, requested that on acceptance of appeal the impugned order of dismissal be set aside and the appellant be re-instated in service with all back benefit.

Dated 08.03.2016

Azizullah

Azizullah
(Appellant)

Through:-

Shad Muhammad Khan
SHAD MUHAMMAD KHAN
Advocate Supreme Court of
Pakistan (Mansehra)

5

BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR

Azizullah.....Appellant

Versus

District Police Officer, Battagram and
other.....Respondents

APPEAL

CORRECT ADDRESSES OF THE PARTIES

Respectfully Sir,

Correct addresses of the parties are
as under: -

APPELLANT

Azizullah son of Rustam Khan, caste
Swati, resident of Ajmera, Tehsil and
District Battagram, Ex-LHC No. 64,
Police Battagram

RESPONDENTS

- 1) District Police Officer, Battagram
- 2) DIG Hazara Range Abbottabad

Dated 08.03.2016

Azizullah

Azizullah
(Appellant)

Through:

Shad Muhammad Khan
SHAD MUHAMMAD KHAN
Advocate Supreme Court of
Pakistan (Mansehra)

6

BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR

Azizullah.....Appellant

Versus

District Police Officer, Battagram and
other.....Respondents

APPEAL

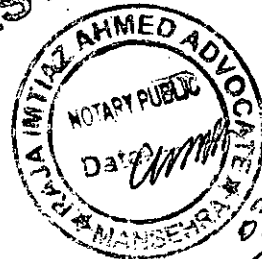
AFFIDAVIT

I, AZIZULLAH SON OF RUSTAM KHAN,
CASTE SWATI, RESIDENT OF AJMERA,
TEHSIL AND DISTRICT BATTAGRAM, EX-
LHC NO. 64, POLICE BATTAGRAM DO
HEREBY SOLEMNLY AFFIRM AND DELARE
ON OATH THAT NO SUCH SUBJECT MATTER
APPEAL HAS EVER BEEN FILED BEFORE
THIS HONOURABLE TRIBUNAL NOR
PENDING NOR DECIDED. THAT THE
CONTENTS OF FORE-GOING AFFIDAVIT ARE
TRUE AND CORRECT TO THE BEST OF MY
KNOWLEDGE AND BELIEF AND NOTHING
HAS BEEN CONCEALED OR SUPPRESSED
FROM THIS HONOURABLE TRIBUNAL.

Azizullah

AZIZULLAH
(DEPONENT)

ATTESTED



9/03/16

Handwritten notes at the top of the page, including a date "24/3/15" and a circled "9".

Annex B.P. 9

IN THE COURT OF GHULAM ABBAS, ADDL: SESSIONS JUDGE, BATTAGRAM

The State Vs Azizullah etc. (Cr. Case No. 72/8 of 2014)

O 7
24-3-2015

APP for the state present. Accused Rahimdad Azizullah, Shah Rozam and Habibur Rehman on bail present with counsel. APP for the state present. Complainant party through counsel present. Statement of complainant and alleged eye witnesses earlier recorded and placed on file. Notice u/s 265-K Cr.P.C served upon APP. Arguments heard. Through instant order, this court shall dispose of the application u/s 265-K Cr.P.C. file by the accused.

Brief facts of the prosecution case are that on the day of occurrence, complainant along with his companion was stayed in Al-Fakhar Hotel in connection with his honey-business, when the accused persons appeared entered in their room and introduced them as ISI personal. Accused Shahrozam and Habib-ur-Rehman were carrying pistols. They altercated on the adulterated honey allegedly sold by the complainant etc and demanded return of the price. The accused had also wasted honey weighing 100 kg and snatched money from complainant and one Rahim-ullah. They abducted the complainant party on gun point in their vehicles. SHO, PS Battagram received spy information regarding kidnapping of complainant party. The vehicles were stopped at Thakot Check post. At Thakot, local police apprehended the accused person and recovered the abductees. On intimation of the complainant, case was registered.

After the usual investigation complete challan was submitted against the accused on 18-11-2014 After the compliance of Section 265 (C) Cr.P.C on 24-11-2014, the formal charge was framed u/s 386/171/427/365 PPC on 17-2-15. in which the accused named above met with denial and claimed trial.

Prosecution in support of the charge examined as many as three witnesses. The crux of prosecution evidence is as following:

Signature and stamp of the Advocate General, Battagram.

Certified true copy of the
Q-e-s order 1984

Signature of the Examiner, District & Sessions Judge, Battagram.

Signature and stamp of Ghulam Abbas, Additional District & Sessions Judge, Battagram.

Handwritten notes on the left side of the page, including "Ex-LHC" and "D.P.O. Bahar".


- 0-7
could:
- a) PW-1 is the statement of Muhammad Iqbal complainant who stated the accused being charge on suspicion and then was satisfied regarding his innocence. He submitted no objection upon acquittal of the accused in the case.
- b) PW-2 Sabir s/o Dolozay, who also pardoned the accused being innocent with the contention that a compromise affected with the accused party and has pardoned them.
- c) Pw-3 Rahimullah s/o Saeed Gul who also pardoned the accused being innocent contended that he has affected compromise with accused party and pardoned them.


Application u/s 265-K Cr.PC was filed by defense counsel. Notices were served upon complainant' counsel and PP. Arguments were heard and available record perused.

From perusal of the record it reveals that the complainant had charged accused persons for extortion of money, impersonation official of Intelligence Agency wastage of their honey and their abduction. Now the complainant and the eye witnesses had categorically reiterated their satisfaction regarding the innocence of the accused and verified the conclusion of private settlement with them for non prosecution. The statement of complainant and alleged eye witnesses were recorded as PW-1, PW-2 and PW-3 wherein they categorically showed their satisfaction regarding innocence of the accused persons and did not want to prosecute them any further in captioned the case. They had shown complete dis-interest in their prosecution and submitted no objection on his acquittal from the charge. Inconsistency in prosecution version regarding culpability of the accused creates benefit of doubt.

It is observed that the Prosecution showed disinterest owing for private resolution of the matter in issue. Therefore, no second opinion exists on record that there is no probability of conviction of accused for subject charge and no better purpose shall be served by engaging the

Certified U/A 87 of the
Q-e-s order 1984


Ghulam Abbas
Additional District & Sessions Judge,
Battagram


Examiner

Additional District & Sessions Judge

7

Annex B P II

8

0-7

could.

0-7

accused person in instant trial. The inconsistent version of the complainant party regarding culpability of the accused in the captioned offence shattered the prosecution case, which cannot be ignored. On the other hand, the prosecution cannot be compelled to hook the accused in trail, involvement of whom has been considered dubious.

Sequel to these findings, this court is of considered view that there is no probability of conviction of the accused persons in the case. Therefore, the accused persons named above are, hereby acquitted u/s 265-K Cr.P.C. Their sureties are discharged. Case property, if any be disposed of as per law. Case file be consigned to the record room after its completion.

Announced

24-3-2015

Chulam Abbas
 Chulam Abbas,
 Addl: Sessions Judge, Battagram.

Addl: Sessions Judge, Battagram.

Addl: Sessions Judge, Battagram.

Section 37 of the
 Q-e-s order 1984

GA

Examiner
 District & Sessions Judge
 Battagram

3.4.15

C.D. No.	766
Date	3.4.15
Com.	<i>Amir</i>
Urge.	
To	
Name	
Date	3.4.15
Cause	
Date of Del.	3.4.15

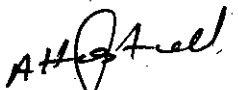
Attested
 Shad Ali Khan
 Advocate Supreme Court
MA

CHARGE SHEET

Annex ^{CP} 12

- 1) I, Jehanzeb Khan, District Police Officer, Battagram as competent authority hereby charge you LHC Aziz Ullah No. 64 , as per the enclosed statement of Allegation.
- 2) By reason of the statement of allegation, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalty specified under the relevant rules.
- 3) You are therefore, required to submit your written defence within (7) seven days of the receipt of this charge sheet to the enquiry Officer.
- 4) Your written defence, if any should reach the enquiry Officer within the specified period failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall follow against you.
- 5) Intimate whether you desire to be heard in person.
- 6) Statement of Allegation is enclosed.


District Police Officer,
Battagram.


Shad Noor Ahmad Khan
Advocate Supreme Court
of Pakistan.

41. 110-0346-9568908

200

The first part of the paper discusses the
 importance of the study and the objectives
 of the research. It also outlines the
 methodology used in the study and the
 results of the data analysis. The
 second part of the paper discusses the
 implications of the findings and the
 conclusions drawn from the study. It
 also provides recommendations for
 future research and practice.

عشر اشترک داروں میں لیے گئے جو زمین صلوع جو زمین لکھی گئی ہے
اور اس کے تہہ تہہ سے لے کر اس کے اندر جیسا تھا اور اس
وقت اس کے پاس پستول بھی تھا۔

جواب ۲
میں عالی پائی والدین ایک ملک میں عالی پائی والدین
اس کو میں گھومنا چاہتا تھا اس کا نام حبیب علی صاحب

خوش سرلا کہ عالی پائی اور سید الرحمن فقیر لکھی والے
کا لکھا گیا ہے۔ جو فریاد فریاد کا نام کرنا ہے۔

ان دونوں کے ساتھ میرا آدمی ساہ روٹم کہ اللہ کے ساتھ
میں کئی بار بازار میں دیکھا تھا۔ جو ہے اور گار ہے۔
جو ہے اللہ کے ساتھ لیا جو درست ہے۔

حکمت زمین

حکمت زمین جو کہ صاحبان کے عالی حال کو
سیریل کپور شام بازار
کوتہہ اور اقترب و دریا خان کے تمام حلقہ دکاندار بازار

(۲) فقیر صاحب
۵۵
نقیات کپور بازار کوہہ اولیہ

Handwritten text in Urdu script, appearing to be a collection of notes or a manuscript. The text is dense and covers most of the page. It includes various lines of prose and a mathematical fraction $\frac{100}{100}$ with "AM" written below it. The handwriting is somewhat cursive and difficult to read in many places due to the density and some fading.

OFFICE OF THE DISTRICT POLICE OFFICER, BATTAGRAM

FINAL SHOW CAUSE NOTICE

(Under Rule 5 (3) KPK Police Rules, 1975)

I, Jehanzeb Khan, District Police Officer, Battagram, as Competent Authority under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules-1975, Removal from Service do hereby you **LHC Aziz Ullah No. 64**, as follow:-

1. That you LHC Aziz Ullah NO. 64 were found absent from your duty at session guard at night on 20/21.08.2014 when Night Duty Officers (NDO) after the check reported at 21:05 pm that you were not present on your duty which ia a sensitive and important place.
2. That you LHC Aziz Ullah No. 64 of District Battagram presently posted from Police Lines Battagram at Session house guard were found involved at the same night in case vide FIR No. 245 dated 21.08.2014 U/S 382/386/365/171/411/34-PPC PS Battagram, which is heinous crime.
2. On going through the findings and recommendation of the enquiry officer, material on the record, reply of the charge sheet/summary of allegations and other connected papers, I am satisfied that you have committed the following acts/omissions specified in rule 5 (3) KPK, Police Rules-1975.
3. That consequent upon the completion of enquiry conducted against you by the enquiry officer for which you were given opportunity of hearing but you failed to defense the enquiry proceedings. The enquiry deemed it necessary to take exparte action against you.
4. As a result thereof, I as competent authority have tentatively decided to impose upon you the penalty of major punishment under the above rules.
5. You are therefore directed to Final Shaw Cause as to why the aforesaid penalty should not be imposed upon you.
6. If no reply to the notice is received with in seven days of its deliver in the normal course it shall be presumed that your have no defense to put in and in the case an exparte action shall be taken against you.

NO 524/PA

dt 01-10-2014

Received

[Signature]

09-10-014

Att. J. Zeb Khan

Shad Ali Khan
Advocate Supreme Court
of Pakistan.

[Signature]
(JEHAN ZEB KHAN,
District Police Officer,
Battagram.)

(Competent Authority)

گفتو رہنا۔ ڈی، پی او صاحب۔ دستخط و مہر

عنوان: جواب شوکار نوٹس
S 24 PA
01-10-14

Annex 9 P (19)

صبا عالی!

نوٹس پر جواب دینے کے لیے میں نے 20/11/14 کو اس کے لیے جواب دیا ہے۔
میں نے اس کے لیے جواب دیا ہے کہ اس کے لیے جواب دینے کے لیے میں نے
میں نے اس کے لیے جواب دیا ہے کہ اس کے لیے جواب دینے کے لیے میں نے
میں نے اس کے لیے جواب دیا ہے کہ اس کے لیے جواب دینے کے لیے میں نے

میں نے اس کے لیے جواب دیا ہے کہ اس کے لیے جواب دینے کے لیے میں نے
میں نے اس کے لیے جواب دیا ہے کہ اس کے لیے جواب دینے کے لیے میں نے
میں نے اس کے لیے جواب دیا ہے کہ اس کے لیے جواب دینے کے لیے میں نے
میں نے اس کے لیے جواب دیا ہے کہ اس کے لیے جواب دینے کے لیے میں نے

میں نے اس کے لیے جواب دیا ہے کہ اس کے لیے جواب دینے کے لیے میں نے
میں نے اس کے لیے جواب دیا ہے کہ اس کے لیے جواب دینے کے لیے میں نے
میں نے اس کے لیے جواب دیا ہے کہ اس کے لیے جواب دینے کے لیے میں نے
میں نے اس کے لیے جواب دیا ہے کہ اس کے لیے جواب دینے کے لیے میں نے

Shah Mahmood Qadri
Advocate Supreme Court of Pakistan
01-10-2014
C.H.C

ORDER

Annex ¹⁰ J.P. 20

LHC Aziz Ullah No. 64 was enlisted in Police Department Battagram District on 04.05.2006. While he was posted as Incharge Session Guard found absent from duty on 20-21.08.2014 at 21:05 pm by the Night Duty Officer at the same night involved in case FIR No. 245 dated 21.08.2014 U/S 382/386/365/171/411/34-PPC PS Battagram, which is a heinous crime.

Show Cause Notice was issued to him but his reply was found not satisfactory and he was Charge Sheeted along with the summary of allegation. Mr. Bazmir Khan DSP Allai was appointed as enquiry officer vide this office Endst: No. 439-41 dated 22.08.2014.

The enquiry Officer in his findings found him guilty and recommended LHC Aziz Ullah No. 64 for the Punishment. Final Show Cause was also issued to the defaulter Constable vide this office Endst: No. 524/PA, dated 01.10.2014

After the perusal of enquiry and other relevant papers available on the record, I, Jehanzeb Khan, PSP, District Police Officer, Battagram, as competent authority, dismiss LHC Aziz Ullah No. 64 under Police Rules- 1975, with immediate effect.

Announced.

OB NO 51
17-10-2014

~~WADAN~~
(JEHANZEB KHAN) PSP,
District Police Officer,
Battagram
(Competent Authority)

Accepted

Dy. Superintendent of Police
Battagram

5.11.14

AH...
Shad Khan
Advocate Supreme Court
of Pakistan.

At 01-10-2014

CIN...

BEFORE THE DIG HAZARA RANGE
ABBOTTABAD.

APPEAL AGAINST THE ORDER OF DPO BATTAGRAM
VIDE WHICH THE APPELLANT HAS BEEN DISMISSED
FROM SERVICE.

PRAYER

On acceptance of the appeal the impugned order of dismissal may kindly be set-aside & the appellant may kindly be reinstated to service.

Respected Sir,

The brief facts leading to the instant appeal as follows:

1. That the petitioner has been falsely roped in case FIR No. 245/14 under section 382/386/365/171/411/34 PPC in P.S Battagram.
2. That the petitioner is involved on basis of malice.
3. That during his service the petitioner has served with the best of his abilities and with honesty and as a result the petitioner has been awarded by the higher ups.
4. That, the petitioner has also served in numerous operations of sensitive nature and has performed brilliantly.

PA
Asst Commr
for DPO Battagram
alright is even done
with some record.

[Signature]
R.O. Hazara
6/11

A H A T e d
Shah Nadeem Khan
Advocate Supreme Court
of Pakistan.

5. That the petitioner has also served with V.I.P.S and with great honesty performed his duties, the petitioner has also received numerous awards which shows the character and caliber of petitioner.
6. That, the petitioner belongs to a poor family and the petitioner is the only hope for them.
7. That the petitioner has been dismissed on the order of D.P.O Battagram vide order No. 51,OB dated 17-10-2014.
8. That, the petitioner has been not given any opportunity to proof his innocence which is against principles of natural justice.
9. That the petitioner's case has not been trialed and has been dismissed.
10. That, the departmental appeal of the complainant has been dismissed and in the order of dismissal serious discrimination has been done not only with the petitioner but with his family as well.

It is therefore most humbly prayed that in the light of above discourse the petitioner may kindly be reinstated.

Dated: 06-11-2014

A. H. Khan
Shad Mahmood Khan
Advocate Supreme Court
of Pakistan.

Shad Mahmood Khan
LHC Azizullah No. 64 P.S Battagram

03088978828

ORDER

This is an order on the representation of *Ex-LHC Aziz Ullah No.64* of Battagram District against the order of major punishment i.e. dismissal from service awarded by the District Police Officer, Battagram vide his OB No.51 dated 17-10-2014.

Facts leading to his punishment are that he while posted as Incharge Session Guard found absented from duty on 20/21-08-2014 at 21:05 pm by the Night Duty Officer at the same night involved in case FIR No.245 dated 21-08-2014 U/S 382/386/365/171/411/34 PPC PS Battagram, which is a heinous crime.

Proper departmental enquiry was conducted by Mr. *Bazmir Khan DSP Allai*. After conducting a detailed enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer Battagram awarded him major punishment of dismissal from service.

He preferred an appeal to the undersigned upon which the comments of the DPO Battagram were obtained. He was heard in OR where he offered no plausible explanation in his defence to prove his innocence. After thorough probe into the enquiry report and the comments of the DPO Battagram, it came to light that the punishment awarded to him by the DPO-Battagram i.e. dismissal from service is genuine. Therefore, appeal is *filed*.

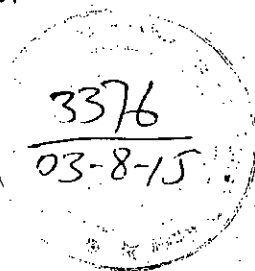
[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. *6134* /PA Dated Abbottabad the *30/7* /2015.
Copy of above is forwarded to the District Police Officer, Battagram for information and necessary action with reference to his Memo: No.18237/SRC dated 11-12-2014. The Service Roll & Fauji Missal containing enquiry file of the appellat are returned herewith.

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

*Service Roll, Fauji Missal
at Enquiry file are
received.*

*By
ASRC-BSM
3/8/15*



*SRU
For record*

[Signature]
*Shah Waliullah
Advocate & Attorney at Law
3/15*

To

The Worthy,
Deputy Inspector General of Police,
Hazara Region,
Abbottabad.

APPEAL "M" 24

Subject: MERCY APPEAL

Respectfully Sheweth; -

The appellant humbly submits as follows; -

1. That the appellant was serving as L.H.C in District Police Battagram. During the service the appellant was mala fide involved in a case registered against the appellant.
2. That learned police authorities conducted inquiry in that very FIR and without giving opportunity of personal hearing to the appellant, services of the appellant were terminated on the basis of finding of the inquiry committee. It is further to mention that there is no allegation of corruption or any other service misconduct against the appellant.
3. That the case registered against the appellant was tried by the competent court of law, after recording evidence, hearing the parties, learned court acquitted the appellant from the charges leveled against him. Copy already available on the record filed by the petitioner.
4. That after acquittal of the appellant, the appellant submitted departmental appeal/ representation which was dismissed.
5. That the appellant is innocent and has falsely been implicated in the case, thereafter the services of the appellant were also terminated.

Affidavit
Dr.

6. That the appellant is a poor person, having no other source of income to earn bread and butter for his family members. School going children of the appellant were also struck off from the roll due to non payment of school fee.
7. That the appellant had served the department with honesty and had always obeyed the orders of his superiors. The appellant had remained part of Badabair, Matni, Swat, Mardan operations and also served with Chief Minister KPK and Home Secretary KPK. Besides this the appellant was served with prizes for his bravery for the department.
8. That it is very much difficult for the appellant to bear the expenses of further litigation with the department and your goodself is the only hope for the appellant.

It is therefore, humbly requested that on acceptance of instant mercy appeal, the appellant may please be reinstated in service along with all back benefits.

Dated: 6/8 /2015

Yours Obediently,

Aziz Ullah

(AZIZ ULLAH)

Ex. L.H.C

District Police Battagram.

Attest
Shahid Ullah
AG/1000
Court
of Pension.

وکالت نامہ

بعدالت جناب جناب جسٹرس مین صاحب سروس ٹریبیونل K.P.K اپنساور

عند معدنیہ شاہ بنام DPO سٹیٹس رولز

دعویٰ یا جرم سروس ریپل منجانب Appellant

باعث تحریر آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے بیروی وجوہات ہی بمقام ایڈیٹ آباد سٹیٹس


شاہد محمد خان ایڈووکیٹ سپریم کورٹ آف پاکستان

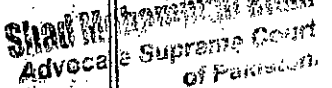
ایڈووکیٹ اور ایڈووکیٹ جنرل کے طور پر خود اپنا راجہ اختیار خاص رہا بروعدالت حاضر ہوتا رہا گا۔ اور وقت پر کار سے جانے کیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے پر یا بروز پکھری کے اوقات کے آگے یا پیچھے ہونے پر منظر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے یا اختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرداخت صاحب مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل گمرانی دائر کرنے، نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرانے کا ہر قسم بیان دینے اور سپروائٹری و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اقتناعی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا ایلی علیحدہ بیروی اختیار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل اور اپیل کے واسطے کسی دوسرے وکیل یا ایئر سٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو کسی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا اختیار نامہ لکھ دیا ہے کہ سندر ہے۔

الرقوم

عبد العبد العبد

ATTESTED & ACCEPTED


SHAD MUHAMMAD KHAN,
Advocate Supreme Court,
of Pakistan.


SHAD MUHAMMAD KHAN
Advocate Supreme Court
of Pakistan.

عند معدنیہ شاہ ولد رستم خان قوم سواتی

سنہ رجب 1440ھ

EX لکھنے والے LHC Accepted & Attested



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWER

Service Appeal No.238/2016

Aziz ullah EX-LHC No.64.....(petitioner)

Versus

District Police Officer & Other(Respondents)

Subject:- REPLY ON BEHALF OF RESPONDENTS.

Respectfully Sheweth:

Respondents very humbly submit as follows:

PRELIMINARY OBJECTION:-

- a) The appeal has not based on facts and appellant has got no cause of action or locus standi.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder of necessary and mis-joinder of unnecessary parties.
- d) The appellant is stopped by his own conduct to file the appeal.
- e) The appeal is barred by law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.
- g) That the appellant has suppressed the original facts from this Honorable Tribunal hence not entitled for any relief and appeal is liable to be dismissed with out any further proceeding.
- h) That all the proceeding have been done by the Authorities as per law and rules hence. Appeal is liable to be dismissed.

i) That the honorable tribunal has not got jurisdiction to entertain the instant appeal as the appellant belongs police force who have been dealt rightly in accordance with the concerned law, hence the appeal is liable to be dismissed.

FACTS:-

1)Pertain to record.

2.The appellant while posted at court Security has involved himself in case vide FIR No.245 dated 20.08.2014 u/s 382/386/365/371/411/34 PPC PS Battagram and was acquitted from the court after facing trial of the case on. 24.03.2015.

3. The appellant was properly proceeded against departmentally and he submitted reply to the chare sheet which was found unsatisfactory.

4. Correct.

5. The Appellant was issued with final show cause notes and reply submitted by him was not convincing due to which the competent authority did not consider the same.

6. Correct, after comprehensive the appellant was awarded punishment under the law.

7. Correct the departmental appeal of appellant was rightly filed and the order of competed authority was maintain proof.

8. Needs the appeal is not maintainable on the followings grounds:

Grounds:-


- a. Incorrect, the impugned orders are just, legal and have been passed in accordance with disciplinary law, rules and principles in natural justice.
- b. Incorrect, the appellant has been treated perfectly accordance with law and rules and judicial proceedings is totally different from departmental proceedings; the appellant was guilty during the departmental proceedings.
- c. In reply of Para of ground it is humbly submitted that regular inquiry was conducted. Proper charge sheet statements of allegations were issued to appellant. He was heard in person but he failed to advance plausible defense. After completion of the codal formalities the impugned order was passed and all proceeding against

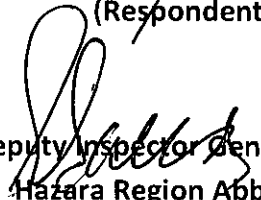
appellant has been done in accordance with law every report and orders are annexed.

- d. Incorrect, the enquiry office conducted the enquiry in accordance with law and prevalent rules.
- e. Incorrect, the appellant was given chance to defend his case. He replied the charge sheet and fully associated during the enquiry proceedings.
- f. Incorrect, the respondents acted justly and bonafidely while issuing the impugned order.

PRAYER

It is therefore requested that the instant appeal may kindly be dismissed with costs.


District Police Officer
Battagram
(Respondent No.1)


Deputy Inspector General of Police
Hazara Region Abbottabad
(Respondent No.2)

Regional Police Officer
Hazara Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No 238/2016

Aziz ullah EX-LHC No.64.....(Petitioner)

Versus

District Police Officer & Other(Respondent)

AFFIDAVIT

We, the respondents, do hereby solemnly affirm and declare that the contents of written reply are true and correct to the best of our knowledge is record and nothing has been concealed or suppressed from this Honorable Tribunal


District Police Officer

Battagram

(Respondent No.1)


Deputy Inspector General of Police

Hazara Region Abbottabad

(Respondent No.2)

**Regional Police Officer
Hazara Abbottabad**

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No. 238/2016

Aziz Ullah Ex-LHC No.64.....(Petitioner)

Versus

District Police Officer & Other.....(Respondents)

Subject: - REPLY OF AMENDMENT APPEAL ON BEHALF OF RESPONDENTS.

Respectfully Sheweth:

Respondents very humbly submit as follows:

PRELIMINARY OBJECTION: -

- a) The appeal has not based on facts and appellant has got no cause of action or locus standi.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder of necessary and mis-joinder of unnecessary parties.
- d) The appellant is stopped by his own conduct to file the appeal.
- e) The appeal is barred by law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.
- g) That the appellant has suppressed the original facts from this Honorable Tribunal hence not entitled for any relief and appeal is liable to be dismissed with out any further proceeding.
- h) That all the proceeding have been done by the Authorities as per law and rules hence, appeal is liable to be dismissed.
- i) That the honorable tribunal has not got jurisdiction to entertain the instant appeal as the appellant belongs police force who have been who have been dealt rightly in accordance with the concerned law, hence the appeal is liable to be dismissed.

FACTS: -


1. Pertain to record.
2. The appellant while posted at court security has involved himself in case vide FIR No. 245 dated 20.08.2014 u/s 382/386/365/371/411/34PPC PS Battagram and was acquitted from the court after facing trial of the case on 24.03.2015.
3. The appellant was properly proceeded against departmentally and he submitted reply to the charge sheet which was found unsatisfactory.
4. Correct.
5. The appellant was issued with final Show cause notes and reply submitted by him was not convincing due to which the competent authority did not consider the same.
6. Correct, after comprehensive the appellant was awarded punishment under the law.
7. Correct the departmental appeal of appellant was rightly filed and the order of competent authority was maintain proof.
8. The mercy petition was entertained as review petition & through order No. 3519/PA, dated: 10.08.2016. The same was filed & punishment of discharge from service awarded to him by the DPO Battagram is upheld. (Copy of Order Attached) Needes the appeal is not maintainable on the following grounds.

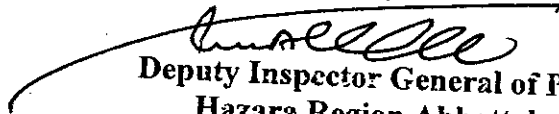
Grounds: -

- a. Incorrect, the impugned orders are just, legal and have been passed in accordance with disciplinary law, rules and principles in natural justice.
- b. Incorrect, the appellant has been treated perfectly accordance with law and rules and judicial proceedings is totally different from departmental proceedings: the appellant was guilty during the departmental proceedings.
- c. In reply of Para of ground it is humbly submitted that regular inquiry was conducted. Proper charge sheet statements of allegations were issued to appellant. He was heard in person but he failed to advance plausible defense. After completion of the codal formalities the impugned order was passed and all proceeding against appellant has been done in accordance with law every report and orders are annexed.
- d. Incorrect, the enquiry office conducted the enquiry in accordance with law and prevalent rules.
- e. Incorrect, the appellant was given chance to defend his case. He replayed the charge sheet and fully associated during the enquiry proceedings.
- f. Incorrect, the respondents acted justly and bonafidely while issuing the impugned order.

Prayer: -

It is therefore requested that the instant appeal may kindly be dismissed with costs.


District Police Officer,
Battagram
(Respondent No. 1)


Deputy Inspector General of Police
Hazara Region Abbottabad
(Respondent No.2)

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No. 238/2016


Aziz Ullah Ex-LHC No.64.....(Petitioner)

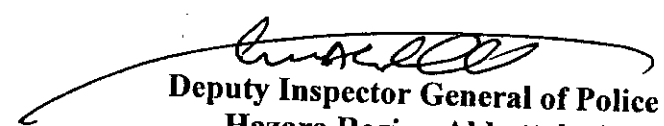
Versus

District Police Officer & Other.....(Respondents)

AFFIDAVIT

We, the respondents, do hereby solemnly affirm and declare that the contents of written reply are true and correct to the best of our knowledge is record and nothing has been concealed or suppressed from this Honorable Tribunal.


District Police Officer,
Battagram
(Respondent No. 1)


Deputy Inspector General of Police
Hazara Region Abbottabad
(Respondent No.2)

ORDER

This is an order on the review petition of Ex-LHC Azizullah No. 64 of Battagram District against the order of major punishment *dismissed from service* awarded by the District Police Officer, Battagram vide his OB No: 51 dated 17-10-2014.

Facts leading to his punishment are that he while posted as Incharge Session Guard found absent from duty on 20-21-8-2016 at 23:05 hours by the Night Duty Officer at the same night involved in case FIR No. 245 dated 21.08.2014 u/s 382/386/365/171/411/34-PPC PS Battagram.

Proper departmental enquiry was conducted by Mr. Bazmir Khan, DSP Allai. After conducting a detailed enquiry, the E.O. proved him guilty. On the recommendation of E.O, the District Police Officer, Battagram awarded him major punishment of *dismissal from service*.

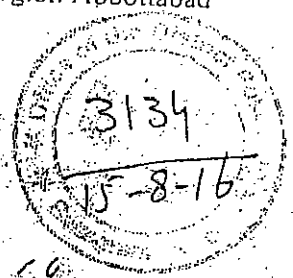
He preferred an appeal to the then W/Regional Police Officer, Hazara Region, Abbottabad which was rejected vide Endst: No. 6134/PA, dated 30.07.2015. He again submitted review petition which was marked for Denovo enquiry to Mr. Khabbir Muhammad, DSP/ADIG, RPO Office Abbottabad to unearth the facts after patient hearing in O.R. He opined in his findings that Ex-LHC Azizullah No. 64 could not prove his stance and failed to produce any witness, therefore E.O also proved him guilty.

Keeping in view the above, his Denovo enquiry is filed and the punishment of discharge from service awarded to him by the DPO Battagram is upheld.

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. 3519 /PA Dated Abbottabad the 10-8-2016.
Copy of above is forwarded to the District Police Officer, Battagram for information and necessary action. The Fauji Missal containing enquiry file of the appellant are returned herewith.

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad



Enquiry File received by [Signature] 12/8/2016

*OTC/SRC
fn u l 9*

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15/8

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No. 238/2016

Aziz Ullah Ex-LHC No.64.....(Petitioner)

Versus

District Police Officer & Other.....(Respondents)

Subject: - REPLY OF AMENDMENT APPEAL ON BEHALF OF RESPONDENTS.

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Respondents very humbly submit as follows:

PRELIMINARY OBJECTION: -

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- h) That all the proceeding have been done by the Authorities as per law and rules hence, appeal is liable to be dismissed.
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FACTS: -

1. Pertain to record.
2. The appellant while posted at court security has involved himself in case vide FIR No. 245 dated 20.08.2014 u/s 382/386/365/371/411/34PPC PS Battagram and was acquitted from the court after facing trial of the case on 24.03.2015.
3. The appellant was properly proceeded against departmentally and he submitted reply to the charge sheet which was found unsatisfactory.
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Grounds: -

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- e. Incorrect, the appellant was given chance to defend his case. He replayed the charge sheet and fully associated during the enquiry proceedings.
- f. Incorrect, the respondents acted justly and bonafidely while issuing the impugned order.

Prayer: -

It is therefore requested that the instant appeal may kindly be dismissed with costs.


District Police Officer,
Battagram
(Respondent No. 1)


Deputy Inspector General of Police
Hazara Region Abbottabad
(Respondent No. 2)

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No. 238/2016

Aziz Ullah Ex-LHC No.64.....(Petitioner)

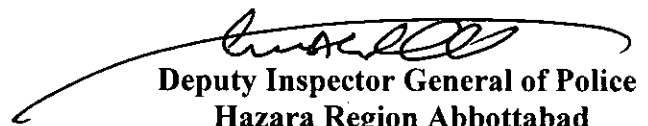
Versus

District Police Officer & Other.....(Respondents)

AFFIDAVIT

We, the respondents, do hereby solemnly affirm and declare that the contents of written reply are true and correct to the best of our knowledge is record and nothing has been concealed or suppressed from this Honorable Tribunal.


District Police Officer,
Battagram
(Respondent No. 1)


Deputy Inspector General of Police
Hazara Region Abbottabad
(Respondent No.2)

ORDER

This is an order on the review petition of Ex-LHC Azizullah No: 64 of Battagram District against the order of major punishment *dismissed from service* awarded by the District Police Officer, Battagram vide his CB No: 51 dated 17-10-2014.

Facts leading to his punishment are that he while posted as Incharge Session Guard found absent from duty on 20-8-2016 at 21:05 hours by the Night Duty Officer at the same night involved in case FIR No: 245 dated 21.08.2014 u/s 382/386/365/171/411/34-PPC PS Battagram.

Proper departmental enquiry was conducted by Mr. Bazmir Khan, DSP Allai. After conducting a detailed enquiry, the E.O proved him guilty. On the recommendation of E.O, the District Police Officer, Battagram awarded him major punishment of *dismissal from service*.

He preferred an appeal to the then W/Regional Police Officer, Hazara Region, Abbottabad which was rejected vide Endst: No: 6134/PA, dated 30.07.2015. He again submitted review petition which was marked for Denovo enquiry to Mr. Khabbir Muhammad, DSP/ADIG, RPO Office Abbottabad to unearth the facts after patient hearing in O.R. He opined in his findings that Ex-LHC Azizullah No: 64 could not prove his stance and failed to produce any witness, therefore E.O also proved him guilty.

Keeping in view the above, his Denovo enquiry is filed and the punishment of discharge from service awarded to him by the DPO Battagram is upheld.

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

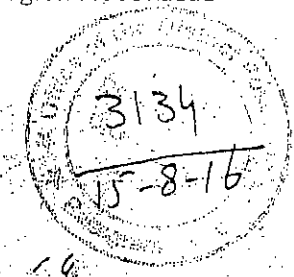
No. 3519 /PA Dated Abbottabad the 10 - 8 - 2016.

Copy of above is forwarded to the District Police Officer, Battagram for information and necessary action. The Fauji Missal containing enquiry file of the appellants are returned herewith.

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

Enquiry file w
received -
[Signature]
12/8/2016

[Signature]
PA n L 9



[Signature]
15/8

خدمت جناب عجمی صاحب کے سرورہ عزیر سے مندرجہ ذیل رقم

مقبولہ - عزیز اللہ بنام سرکار - پانچ سو روپے

جناب عالی

مقرر شدہ رقم کے لئے آج صبح 20/08 کو روپے جناب
کے پاس لے کر آیا تھا اور رقم جو صبح مکمل وصول
کے بعد امیر سنبھال دیا ہے صرف اس سے روپے کے بدلے
اسد علی نے اس رقم کا مبلغ لکھی ہے تو اس
نوٹیشن سے

الکافی

عزیز اللہ 64/14/20

~~Signature~~

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2103 /ST

Dated 2-12-2019

To


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

Subject: -

JUDGMENT IN APPEAL NO. 238/2016, MR. AZIZULLAH.

I am directed to forward herewith a certified copy of Judgement dated 18.11.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.