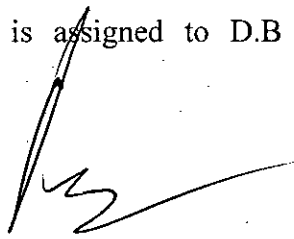


24.08.2016

Clerk to counsel for the appellant and Mr. Faheem Khan, Inspector (Legal) alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 5.12.2016.

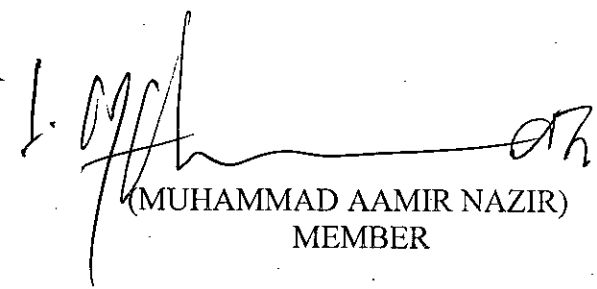



Member

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 The appeal in hand is hereby dismissed as withdrawn.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.

ANNOUNCED  
23.11.2016



(ABDUL LATIF)  
MEMBER

(MUHAMMAD AAMIR NAZIR)  
MEMBER

  
23

  
23/11/16

23.5.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as Constable when subjected to enquiry on the allegations of showing extreme cowardice and dismissed from service vide impugned order dated 13.1.2016 where-against he preferred departmental appeal on 26.1.2016 which was rejected on 25.4.2016 and hence the instant service appeal on 19.05.2016.

That the allegations were not substantiated in the enquiry but despite the same major punishment in the shape of dismissal from service imposed which is not tenable in the eyes of law.

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 27.07.2016 before S.B.

Appellant Deposited  
Security & Process Fee

Chairman

27.07.2016

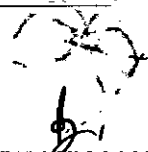
Appellant in person and Mr. Muhammad Ghani, Addl. AG for the respondents present. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 24.08.2016 before S.B.

Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 527/2016

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1     | 19/05/2016                | <p>The appeal of Mr. Fida Khan presented today by Mr. Ijaz Anwar Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>Case</i><br/>REGISTRAR 19/5/16</p> |
| 2     | 23-5-2016                 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23.5.16</u></p> <p style="text-align: right;"><br/>CHAIRMAN</p>               |

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

Appeal No. S27/2016

**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

20.7.2011, was hopelessly time-barred. The learned counsel stated that there are three ingredients namely (i) prima-facie case, (ii) balance of convenience and (iii) irreparable loss, for granting stay, which are not existing in the instant execution petition and requested that the status quo granted on 30.3.2012 may be vacated.

14

The petitioner/appellant stated that he was appointed in the year, 1975 while the applicants were appointed in the year, 1978 and he is senior to the applicants. In case the judgment of the Tribunal is implemented in letter and spirit, he will become senior from the applicants in the rank of DSP and if the promotion orders of the applicants issued then he will suffer. He requested that status quo may be continued till final implementation of the judgment in letter and spirit.

The Tribunal observes that the applicants have been recommended for promotion to the rank of Superintendent of Police. Since the department completed all the promotion process and only issuance of final notification is remaining; hence status quo granted on 30.3.2012 is vacated. The petitioner/appellant will also be considered for promotion to the rank of Superintendent of Police after due process, from due date. In case he was found senior he will be given his due seniority and on his promotion, junior to him will be reverted back in case no clear vacancy existed and there will be no irreparable loss to him. On the other hand one of the applicants is retiring on 12.5.2010; in case of his promotion if delayed it will cause irreparable loss to him. The case of petitioner as informed by the departmental representative is under active process and will be considered by the DPC on its turn. To come up for proper implementation report on 24.5.2012.

Certificate  
K. J. ...  
Service Tribunal  
...

*[Signature]*  
MEMBER

*[Signature]*  
MEMBER

Date of Presentation: 4.5.2012  
Number of Pages: 16  
Charges Fee: 600  
Up to: ...  
Total: ...

Fida Khan

DFA

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 <sup>is</sup> allowed to withdraw the instant appeal ~~and~~ <sup>in order so that he can</sup> to 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 <sup>as per law</sup>. File be consigned to the record room.

ANNOUNCED

23.11.2016

(ABDUL LATIF)  
MEMBER

(MUHAMMAD AAMIR NAZIR)  
MEMBER

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 527/2016

**K.W.P. Provincial  
Service Tribunal**

Diary No. 505  
dated 19-5-2016

**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: 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.

**Filed to the  
Registrar  
19/5/16**

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:

**GROUND 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.

- 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.

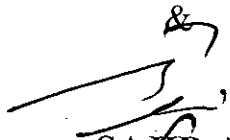
L. That the appellant seeks permission to rely on additional grounds at time of hearing of the appeal.

*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

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_/2016

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

(Appellant)

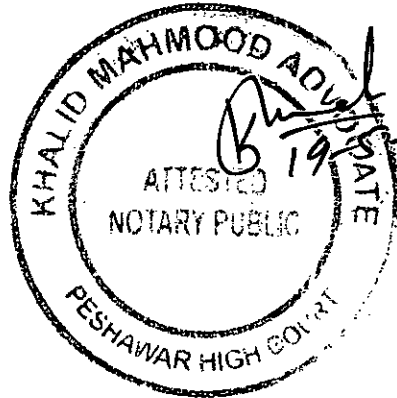
**VERSUS**

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

(7)

ATTESTED  
District Police Officer, Swabi

MO. 0343 957223



تفیش آفسر عدو خان انکپٹ  
تاریخ نمبر ۲۳-۱۵

### ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردستہ ۱۵۲ مجموعہ ضابطہ فوجداری

Certified to be True Copy

میردادان بکین ضلع

CTD

تاریخ وقت دوپہر ۱۱ ۳۰ وقت ۱۵:۳۰ بجے

89

|   |   |                                       |
|---|---|---------------------------------------|
| تاریخ وقت رپورٹ   | 30/15 وقت 16:25 بجے   | جاگہ گئی پیر چہرہ 30/15 وقت 18:20 بجے |
| ۱- نام و سکونت اطلاع دہندہ مستفیث   | غلام عباس 1356 ولد محمد قریب ساکن گلی باغ سردان حال پولیس بلڈم ٹاؤن               |                                       |
| ۲- مختصر کیفیت جرم (موردفہ) حال اگر کچھ لیا گیا ہو۔                                 | 404 34 7 ATA 353 324 302 APC  |                                       |
| ۳- جائے وقوعہ فاصلہ تھانہ سے اور سمت  | گھنڈا کوٹ پورے الرہ نزد سردان کا مغرب جانب جنوب مشرق لہذا اولہ تقریباً 5 میلہ اتر |                                       |
| ۴- نام و سکونت لزم  |   |                                       |
| ۵- کارروائی جو تفتیش کے حلقے کی گئی اگر اطلاع درج کرنے میں توقف ہو اور وجہ بیان کرو | پرسیدگی میں اسلحہ محفوظ درج رہے گا جاننا ہے۔                                      |                                       |
| ۶- تھانہ سے روانگی کی تاریخ و وقت   | بطور پیشگی رپورٹ  |                                       |

ابتدائی اطلاع نیچے درج کرو۔ جو وقت صدر آفیس غزیری میں اسلحہ معائنہ ہو گیا  
ایک ہیڈ کوارٹر کپٹن رمضان 339 موصول ہو کر رات 11 بجے۔ خدمت SHD صاحب تھانہ CTD سردان تھانہ  
غلام عباس 1356 ولد محمد قریب قوم افغان پیر قریب 34 سال ساکن گلی باغ سردان حال  
پولیس بلڈم ٹاؤن پیر چہرہ 30/15 وقت 18:20 بجے۔ مختصر کیفیت جرم (موردفہ) حال اگر کچھ لیا گیا ہو۔  
۴۰۴ ۳۴ ۷ آٹا ۳۵۳ ۳۲۴ ۳۰۲ APC  
۳- جائے وقوعہ فاصلہ تھانہ سے اور سمت گھنڈا کوٹ پورے الرہ نزد سردان کا مغرب جانب جنوب مشرق لہذا اولہ تقریباً ۵ میلہ اتر  
۴- نام و سکونت لزم  
۵- کارروائی جو تفتیش کے حلقے کی گئی اگر اطلاع درج کرنے میں توقف ہو اور وجہ بیان کرو پرسیدگی میں اسلحہ محفوظ درج رہے گا جاننا ہے۔  
۶- تھانہ سے روانگی کی تاریخ و وقت بطور پیشگی رپورٹ

ابتدائی اطلاع نیچے درج کرو۔ جو وقت صدر آفیس غزیری میں اسلحہ معائنہ ہو گیا  
ایک ہیڈ کوارٹر کپٹن رمضان 339 موصول ہو کر رات 11 بجے۔ خدمت SHD صاحب تھانہ CTD سردان تھانہ  
غلام عباس 1356 ولد محمد قریب قوم افغان پیر قریب 34 سال ساکن گلی باغ سردان حال  
پولیس بلڈم ٹاؤن پیر چہرہ 30/15 وقت 18:20 بجے۔ مختصر کیفیت جرم (موردفہ) حال اگر کچھ لیا گیا ہو۔  
۴۰۴ ۳۴ ۷ آٹا ۳۵۳ ۳۲۴ ۳۰۲ APC  
۳- جائے وقوعہ فاصلہ تھانہ سے اور سمت گھنڈا کوٹ پورے الرہ نزد سردان کا مغرب جانب جنوب مشرق لہذا اولہ تقریباً ۵ میلہ اتر  
۴- نام و سکونت لزم  
۵- کارروائی جو تفتیش کے حلقے کی گئی اگر اطلاع درج کرنے میں توقف ہو اور وجہ بیان کرو پرسیدگی میں اسلحہ محفوظ درج رہے گا جاننا ہے۔  
۶- تھانہ سے روانگی کی تاریخ و وقت بطور پیشگی رپورٹ

ابتدائی اطلاع نیچے درج کرو۔ جو وقت صدر آفیس غزیری میں اسلحہ معائنہ ہو گیا  
ایک ہیڈ کوارٹر کپٹن رمضان 339 موصول ہو کر رات 11 بجے۔ خدمت SHD صاحب تھانہ CTD سردان تھانہ  
غلام عباس 1356 ولد محمد قریب قوم افغان پیر قریب 34 سال ساکن گلی باغ سردان حال  
پولیس بلڈم ٹاؤن پیر چہرہ 30/15 وقت 18:20 بجے۔ مختصر کیفیت جرم (موردفہ) حال اگر کچھ لیا گیا ہو۔  
۴۰۴ ۳۴ ۷ آٹا ۳۵۳ ۳۲۴ ۳۰۲ APC  
۳- جائے وقوعہ فاصلہ تھانہ سے اور سمت گھنڈا کوٹ پورے الرہ نزد سردان کا مغرب جانب جنوب مشرق لہذا اولہ تقریباً ۵ میلہ اتر  
۴- نام و سکونت لزم  
۵- کارروائی جو تفتیش کے حلقے کی گئی اگر اطلاع درج کرنے میں توقف ہو اور وجہ بیان کرو پرسیدگی میں اسلحہ محفوظ درج رہے گا جاننا ہے۔  
۶- تھانہ سے روانگی کی تاریخ و وقت بطور پیشگی رپورٹ

NIC =  
No. 0313-831933

30

30

30

30

30

30

30

30

30

30

30

30

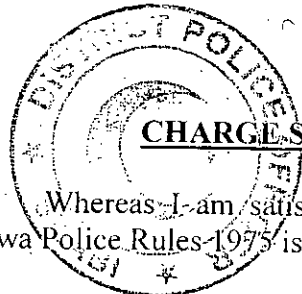
حضور استوار کا دور صورت حال و گفتگو ضروری ہے۔ جرم کے خلاف کارروائی کے لیے  
لیفٹیننٹ ایس ڈی کے ساتھ ساتھ دیگر افسران کی موجودگی ضروری ہے۔  
حوالہ ڈاکٹر صاحب کی کیا گیا۔ مضمون رپورٹ سے صورت جرم بالا بیان کیا گیا ہے۔  
رپورٹ پیش کی گئی ہے۔  
حضور ڈاکٹر نے فرمایا ای۔ ایچ۔ بی۔ سی۔ 339 اور سال 2015ء کے  
کا کوئی کوئی نہیں آ رہا ہے۔ اس کے ساتھ ساتھ دیگر افسران کی موجودگی ضروری ہے۔  
توقیہ مہر صاحب سے ملنے والا FIR نمبر 100/2015ء کے تحت درج ہے۔  
مستعد افسران کے پاس ہے۔ پیرچھ اطور پیش کی گئی ہے۔

si R.C.D  
30-11-2015

Certified to the owner party.

اطلاع کے لیے اطلاع دہندہ کا دستخط ہو گا یا اس کی سربراہان لکھا جائے گا۔ اگر سرخبر کنندہ ہوتا ہے تو اطلاع کا دستخط بطور تصدیق ہو گا۔ حروف الفبا یا سرخ روشنائی سے ہونا  
ایک طرز یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں سوزوں ہوں، لکھا جائے۔

ANNEX B 3



**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.

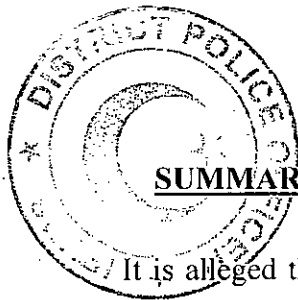
In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and exparte action will be taken against you.

*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 Fee: \_\_\_\_\_  
Total Pages: 18  
Name of Copying: Asker the  
Date of Completion of Copy: 4/5/16  
Date of Delivery of Copy: 4/5/16



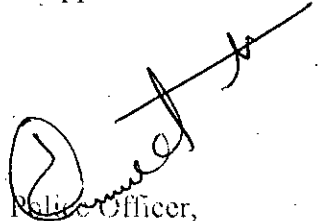
9

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 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 misconduct, hence statement of allegation.

Certified to be a True Copy.

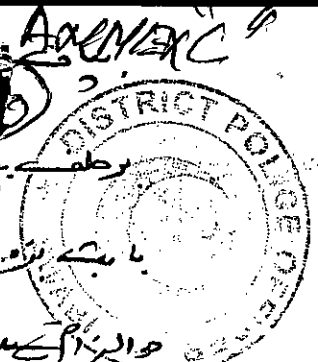
Mr. Arab Nawaz Khan, DSP, Swabi is appointed to conduct proper departmental enquiry against him.

  
District Police Officer,  
Swabi.

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

ATTESTED  
  
District Police Officer, Swabi.





پس عدالت میں پیش کیا گیا ہے۔

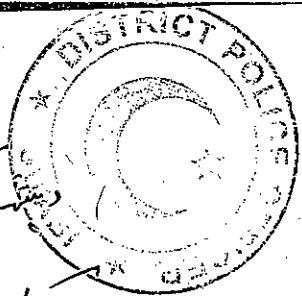
حکم بیان کیا کہ سال کے خلیفے جاز 2 ٹیسٹ میں مایڈ انزائم کے  
باب کے نوٹس / غفلت برتنے پر جو عدالت میں پورٹ شدہ بحوالہ مقدمہ نمبر 89  
2011.11.15  
جو الزام ہے - وہ یہ بنیاد اور نئی گھنٹہ ہے - سال درجہ ذیل معروفہ عرفہ ہے  
کہ سال کا زیادہ سے زیادہ ڈیوٹی پر تھکا ہوا ہے - کہ مزید 11/15 کو  
ایک ماہ نوٹس اور جو عدالت میں پیش کیا گیا ہے - جس میں سال کے اچھے معیاریت سے پور  
نفاذ کیا گیا ہے مگر اس کے باوجود سال کے خلیفے حکمانہ آگیا تھی کہ شروع لگتی  
تو کہ سال کے پورے کنٹریول میں ڈیپارٹمنٹ میں گھنٹہ 374 سال فلور میں لگتی  
درجہ ذیل اور نوٹس میں ڈیپارٹمنٹ میں مدد کے دل سے ملزومہ لگتی

ARRESTED  
District Police Officer, Swat

یہ کہ سال کے خلیفے جو عدالت میں پیش کیا گیا ہے انزائم کے میں  
دستور میں Summary of Allegations میں لگتی ہے - وہ کہ سال کے خلیفے  
کہ سال کے پورے میں - انہوں نے کہا کہ FIR کے متن کو دیکھیں - کہ اس کیس  
میں معیاریت معلوم عیاشی 1356 ہو لگتی ہے - کہ سال کے پورے میں معیاریت  
جو ماہ معیاری میں ملزومہ پر ماہ معیاریت کے ساتھ ساتھ اس کیس کے  
لغزش اور صلاح کے کو دیکھیں - تو میں سال کے پورے میں ملزومہ / درجہ ذیل  
کا پورا پورا کیا گیا ہے - اور اچھے عملہ میں جو ماہ معیاریت ہے - اور پورے  
کہ سال کے پورے میں سال کے خلیفے سے 7.62 پورے 6 جو خول اور ماہ معیاریت کنٹریول فراہان  
کی جگہ سے ہاؤس خولے پر اس میں ہے - جو کہ میں سال / ماہ معیاریت کے پورے میں  
ماہ معیاریت اس کیس میں لغزش ہے جاری ہے اور لغزش کے دوران میں اس کیس کے  
موجود ہیں - میں میں سال کے خلیفے / Cowardice اس کیس یا کسی اور کیس  
میں ماہ معیاریت کے ساتھ ساتھ اس کیس میں میں سال کے پورے میں فراہان کے پورے وقت  
جو عدالت میں پورا تھا - اور پورے ماہ معیاریت فراہان کنٹریول میں دست برداری کی  
ماہ معیاریت سے پورے گیا تھا - اور میں / میں سال کے پورے میں کا پورا پورا ہے - تو میں  
ملزومہ کا پورا پورا ہے - بلکہ پورا ہے - اور میں پورا میں لغزش اس کیس کے پورے میں  
معیاریت کنٹریول اور پورے (معیاریت کنٹریول) میں ہے - جو میں ماہ معیاریت شروع ہوئی  
کہ میں نے پورے کو اور جا بلدی میں کیا ہے دست برداری کا معاہدہ کیا ہے -

Certified to be true

Attested  
DSP / Swat  
2011



11

20

دست بردن کا قلعہ کیا۔ سائڈ سائڈ دیکھتے ہوئے  
 گیا۔ شہیت کے ہمارے پاس سے حملہ آور اس سے دست بردن  
 مکمل شدت کیا گیا، اس وقت کوٹہ سائڈ سائڈ کلیر کیا گیا اور اس  
 سائڈ امتیاز کے لئے ہمیں یہاں آنا پڑا۔ اور یہ سب سے دست بردن  
 ان بڑے فائرنگ کیا گیا۔ اس سے سائل کو دست بردن  
 کے دیگر سائڈ سائڈ، بارے میں معلومات نہ ہو سکی۔ سائڈ سائڈ کوئی  
 کسی اور جگہ سے خار بند نہ کرنا پڑا، تو اس کا اور کیا دنیا  
 سگرے بالائی۔ سائڈ سائڈ مکمل شدت جو دست بردن میں  
 حاصل ہوئی امتیاز نیشنل کے لئے میں اس وقت شہیت نیشنل قلعہ  
 پورے سروس فراہم کیا اور سائڈ سائڈ سائڈ مکمل شدت میں  
 تمام کوئی، سائڈ سے مکمل شدت کے جاننا سگرے بالائی  
 اور اس حالت میں اس سے کوئی شہید نہیں ہوا اور اس میں  
 سیکرٹس سائل اور سائل سائڈ سائڈ انہماں چاہتے تھے اور  
 پولیس رولز کے مطابق دست بردن کا قلعہ کیا گیا  
 اور اس میں جگہ وقوع پر فوراً سیکرٹس ہی گراہ  
 ہیں۔ اگر سائل کا ہوسا سائل کی طرف سے تکلیف

Certified to be True Copy.

Attested  
 Dated  
 DSP / Swabi  
 28/11/15

ATTESTED  
 District Police Officer, Swabi.



12

تقریباً 100 سے زائد کے لئے نا اہل ثابت ہوئے۔ تعلق نام بال بال  
میں سے پہلے ایک ایک طلبہ ہیں، کہ پیشہ نوردون اور کار نوردون  
میں رکھائے۔ اس طرح ڈیڑھ لاکھ روپے کا معاملہ کیا۔ اور ایسا نام  
گنت اسٹریٹنگ رکھائے اور پیشہ نوردون پر مجبور ہوئے۔ اور اس کا  
یہ طلبہ ہے یعنی کہ ڈیڑھ لاکھ روپے نہ لے۔ تو ہم نے کار نوردون  
اور ڈیڑھ لاکھ روپے ہے۔ اور اور الزام نوردونے کا بھی لگایا گیا۔

Certified to be True Copy

جو کہ معاملہ میں گفتنی جا رہی ہے۔ ماٹھو ساٹھ روپے نوردون کی فوٹو قسمی  
ہی۔ اور شاہد سارا بھائی سے کہ روپے نوردون کے تعلق سے ہم نے  
بتائے۔ کہ ہم پر یا وجود غرق کے اور ایسی ہے۔ ڈیڑھ لاکھ روپے لگایا گیا  
جو کہ اس وقت اور کیا ہے۔ 3/4 سالہ سروس میں شامل ہے  
جنرل کے خلاف Adverser Remarks موجود ہیں۔

Handwritten signature and date: DSP/Supd 28/1/11

لیٹہ اندر میں بالا حقائق کے روشنی میں شامل ہے خلاف اعلیٰ  
بلا مزید کاروائی کے قابل کرنے کے احکامات سے معاف فرمایا

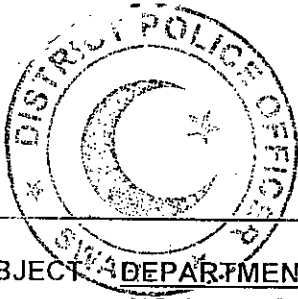
ATTESTED  
District Police Officer, Sw

اسٹیشن فرائز خان 1100، پوسٹ رائن سو ابی

س: دھولوں لائٹ ریز کے مابین فاصلہ کتنا ہے؟  
(2) تقریباً 30 فٹ

س: آف کو کب تک ہلکے دوسرا راستہ، جو ان سید ہوا ہے اور اس کا نام کیا ہے؟  
س: آف کو کب تک ہلکے دوسرا راستہ، جو ان سید ہوا ہے اور اس کا نام کیا ہے؟

Handwritten signature and name: E. Khan



13

ANNEXURE D

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/P/15 dated 02.12.2015 on the following allegations:-

Certified to be a True Copy.

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.

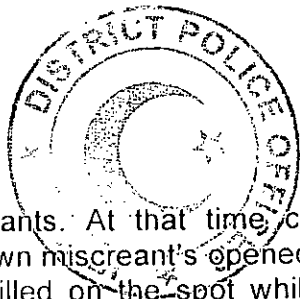
02. STATEMENT OF INJURED CONSTABLE GHULAM ABBAS No.1356/EX PS ZAIDA.

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



(14)

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.

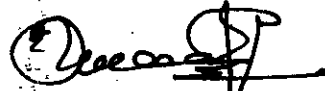
To ascertain facts of the spot statements of the eye witnesses were taken but nothing was found that showed his bravery and efforts against terrorists. (Statements enclosed)

**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 Jawaan 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 Jawaan and occurrence.

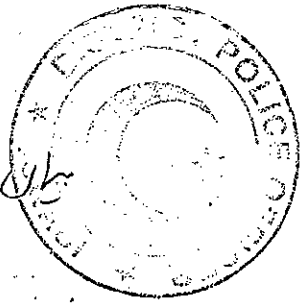
On the above points the undersigned stands him **guilty** and recommends him for "**MAJOR PUNISHMENT**" and to be set as a sample for entire police force, if agreed

  
(IZHAR SHAH KHAN)

Sub-Divisional Police Officer,  
Lahor.

**ATTESTED**  
  
District Police Officer, Swabi.

certified to be true copy



بیان ازلان قرظاں 840 زیدہ

نے بددیانت بیان کیا کہ مورخہ 30 کو میں DSP صاحب سرکل سواتی

302/34 مردم 30 مورخہ 88 2015  
7ATA

Certified to be True Copy.

کے ساتھ حوالہ شدہ 88 مورخہ 30 2015  
 CTD حردان مورخہ واردات پر موجود تھے جس میں ڈاکٹر محمد مصوب  
 متل ہو چکا تھا اور CTD پولیس کے آمد کے انتظار میں تھے کہ اس دوران  
 جہانزیب 72 ریڈر سکواڈ جو علاقہ میں گشت کرتے ہوئے پتھر پھونک کر  
 ہمارے مقام آ رہا تھا۔ ٹھنڈ کوئی نامعلوم دھت گردوں نے فائرنگ کے  
 فائرنگ سے ایک اعتبار 250 تک سر ہتھیار چکے جبکہ عباس خان EX آرمی  
 زخمی ہے اطلاع پر فوری طور پر ہمراہ DSP صاحب و دیگر پولیس کے روانہ ہو  
 کر جاتے جاتے کپٹن جہانزیب 72 کے ساتھ رابطہ میں تھا اور یہ بات بار  
 بار دہرائی رہا کہ مذکورہ دھت گردوں کا پتھا جاری رکھو اور فائرنگ نہ رکھو اور  
 ان کو مارو۔ ہم توڑی دہری میں اس تک پہنچ گئے جو محلہ رکھو اور ان  
 ساتھیوں کو جو محلہ دو۔ جب ہم جو قہم پہنچ گئے تو مذکورہ دھت گرد فرار ہو چکے تھے  
 مذکورہ تین میں جہانزیب 72، خدا خان 1150 نے نہ ہماری اور دوسری توڑی  
 پولیس کے درست رہتے ہی اور نہ ہی دھت گردوں کا صحیح پتھا کیا ہے  
 ہمارے ہڈی کے سرکب ہیں کیونکہ دھت گرد دن پہاڑے اور کھلے  
 علاقہ میں ان کی حرکت سے فرار ہوئے۔ یہی سبب بیان ہے جو کہ درست ہے

Attested  
 DSP / Swabi  
 28/12/15

Daman  
 540 / Zaida  
 21-12-15

ATTESTED  
 District Police Officer, Swabi.

تھانڈر بولڈ

(16)

تاریخ 4 روزنامہ 30/15

ضلع ہوا

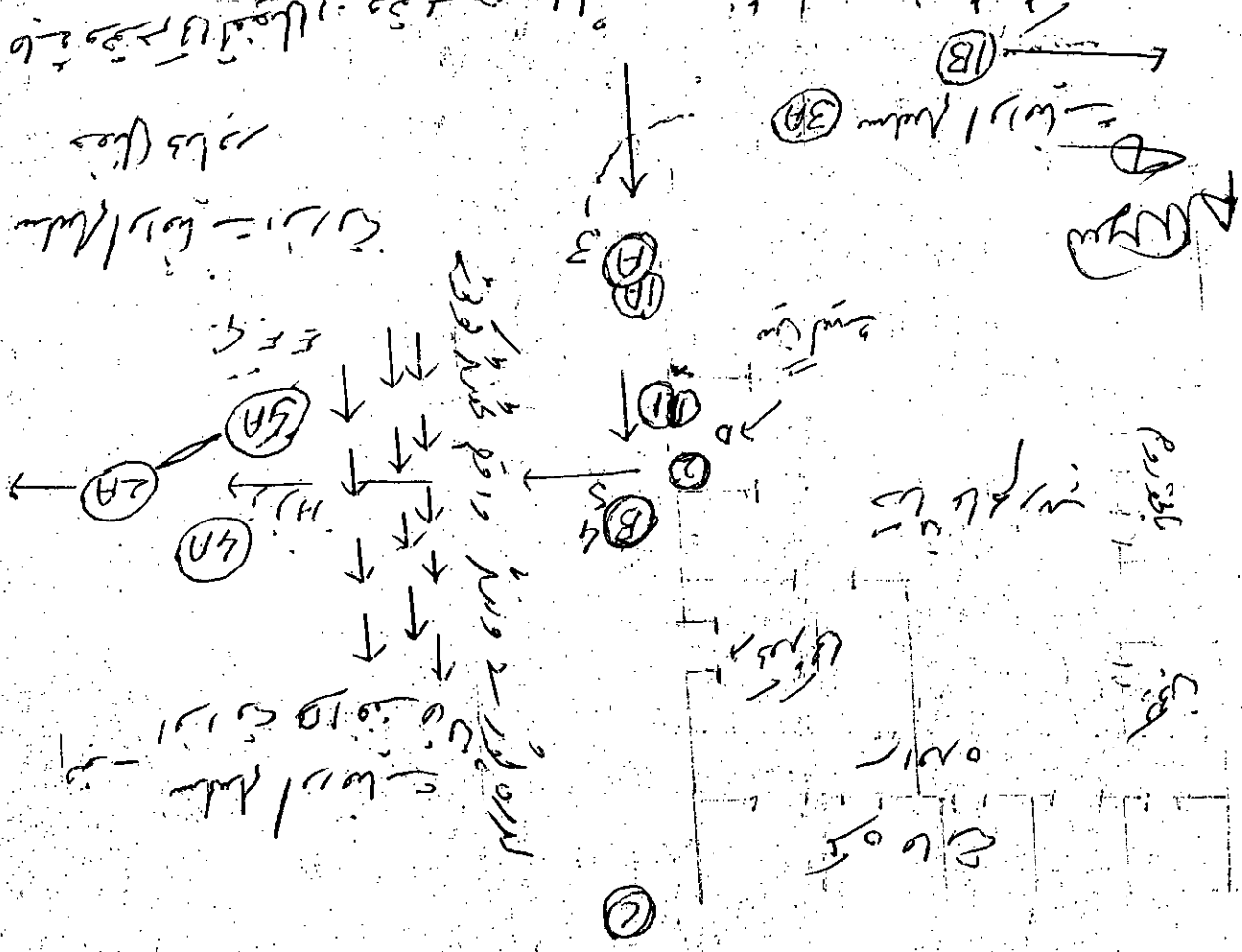
وہا جانبی قمرخان طان 8:40 وقت 23:50 بجے صبح 30/15 میں صبح  
 ہریان عسکر اور روزنامہ تھانڈر بولڈ والیں آئے۔ ڈاکٹر سیف وکرم نے  
 کئی ڈوڈھیر کی نقل کی اطلاع دوران گفت معلوم ہو کر طرزان کی تلاش و تہہ پیرا  
 کئی محروم طور پر موقع وارڈات آس پاس عیبات میں تلاش شروع کر کے  
 موقع وارڈات سے لے کر آس پاس کے گھنٹہ گان کو گزرتا رہ کر انٹارگیشن کیلئے  
 تھانڈر بولڈ کے محقق۔ محمد انیس اور ادرمان بولیس سے رابطہ کر کے  
 سرچ علاقہ میں لگا کر سردست کوئی خاص کامیابی نصیب نہ ہوئی۔ سرچ  
 میں مصروف تھا۔ اطلاع ملی کہ مقام دبیر ٹھنڈ کوئی ڈاکٹر سکواڈ کے فائرنگ  
 ہوئی ہے۔ فوراً طور پر موقع وارڈات جا کر ڈاکٹر سکواڈ میں قبل اختیار 250  
 دو طرزان حاصل کی فائرنگ سے لگا کر موقع پر جا بحق ہو چکا ہے۔ جیہ ہریان  
 رش علام عباس 1356 لگ کر زخمی ہو چکا ہے۔ اور طرزان حالت وقت شدید زخم  
 اختیار 250 کی بھاری رائفل لٹری 16127858 عدد خالص فارم بھی ساتھ  
 گئے ہیں۔ فوراً ڈاکٹر بھائی کے ساتھیوں مجاذبیت 72، فدا 1100 اور شروع  
 علام عباس 1358 نے بھی حوالی فائرنگ کرتے ہوئے مجاذبیت 72 نے SMG  
 سرکاروں پر 21 روز فائرنگ کیے۔ جگہ فدا 1100 نے 22 عدد SMG، علام عباس  
 1358 نے 8 عدد کارتوسوں فائر کیے ہیں۔ محروم کو ہسپتال BMC، تھانڈر بولڈ  
 گرا ہے۔ علاقہ میں سرچ کرتے طرزان سے ایک موٹر سائیکل 70 لٹرنٹ سرچ غنی ہارڈ  
 بھی رو چکا ہے۔ سرچ علاقہ میں آس پاس عیبات میں لگا کر (32) گان  
 مشن گان گزرتا کرتے مہرین رینارویشن تھانڈر بولڈ کے خارجے سے تھانڈر بولڈ  
 جی بھی صورت ہو کاروائی ضابطہ عمل میں لائی جاسی۔ دیگر صورت رہی ہریان  
 گورنر پاس دفتر کی ہدایات ہوئی ہے۔

Atul  
 DSP/Security  
 20/12/11

Atul  
 16

ضابطہ عمل  
 نقل و حرکت (محل)  
 MM PS Zaid  
 14-12-15

Handwritten notes at the top of the page, including the number 1356 and various illegible characters.



Handwritten notes at the bottom of the page, including the number 1356 and various illegible characters.

(17)



ختم 3 سے سرکاری فورس سائیکل لائبریری کے حصے پر لکھ  
کنٹرول نمبر 1100 جوائنٹ 2 در سوار کے پر  
2 پر وجود ملزم اسم سسٹم ناخلم کی موجودگی سے ختم 3  
اور کنٹرول نمبر 1100 کا سرکاری پر سیاہی لکھا بیان ہوئی  
ختم 1 سے ملزبان سہانہ فورس سائیکل لائبریری پر لکھا  
قسم یعنی فارم CD 70 رول نمبر 3334-104-6170-6170-6170-6170  
طالع کیا جائے تو خود پر لکھ کر ختم لیا گیا

ختم 1 پر ملزم اسم سسٹم ناخلم کی موجودگی سے ختم 3  
پر فارم 30 کا علم عباسہ کا رول نمبر اور امتیاز 25 کا  
نیل نونا بیان ہوئی لہذا ختم A پر لکھا گیا  
ملک شرف اعلیٰ ختم B پر لکھا گیا اور نونا بیان ہوئی  
ختم 3 سے 30 رول نمبر 30 پر لکھا گیا اور نونا بیان ہوئی  
ختم 3 پر لکھا گیا اور نونا بیان ہوئی  
ختم 3A پر لکھا گیا اور نونا بیان ہوئی  
بیان ہوئی اسی ختم سے رول نمبر پر لکھا گیا

ختم 2 پر ملزم اسم سسٹم ناخلم کی موجودگی سے ختم 3  
فورس سائیکل پر سوار کنٹرول نمبر 1100 جوائنٹ 2 در سوار  
سے فارم 30 کا علم عباسہ کا رول نمبر اور امتیاز 25 کا  
ختم 2A پر لکھا گیا اور نونا بیان ہوئی  
ختم 3 پر کنٹرول نمبر 1100 سے فورس سائیکل سے لکھا گیا  
ختم 4A پر لکھا گیا اور نونا بیان ہوئی  
ختم 4A سے ختم 2A پر وجود ملزم پر  
نارنگی کا بیان کی ختم 4A سے لکھا گیا اور نونا بیان ہوئی  
رول نمبر 762 لکھا گیا اور نونا بیان ہوئی

ختم 5 پر کنٹرول جوائنٹ 2 در لکھا گیا اور نونا بیان ہوئی  
بیان کی ختم 5A پر لکھا گیا اور نونا بیان ہوئی  
سے فارم 30 کا علم عباسہ کا رول نمبر اور امتیاز 25 کا  
رول نمبر 762 لکھا گیا اور نونا بیان ہوئی  
ختم 5A سے ختم 4A سے لکھا گیا اور نونا بیان ہوئی  
ختم 5A سے ختم 4A سے لکھا گیا اور نونا بیان ہوئی

ادان فرد تقوین / نیرت باریل

شماره 89 قوت 11/30 (302-324-353) 404-34-TATA

نام و نام خانوادگی: ...

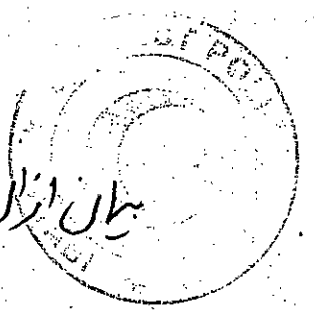
دوره گواهینامه ...  
...  
BR ...

CTD-MRD

1. 12. 015

...  
...  
...

Ates



بیان ازلان قمر زیدان خان SHO زیدان

نے بددیانتی بیان لکھا کہ مورخہ 30<sup>11</sup> 2015 کو میں DSP صاحب سرکل موہالی

عرب نواز خان کے ساتھ حوالہ عدد 88 مورخہ 30<sup>11</sup> 2015 عدم 302/34  
کھانہ CTD دوران وقوع واردات اور پورے جس میں ڈاکٹر محمد یعقوب

قتل ہو چکا تھا اور CTD پولیس کے آمد کے انتظار میں تھے کہ اس دوران  
جہانزیب 72 رائیڈ ریکوآڈ جو کہ علاقہ میں گشت کرتے بڈز لسٹ فون اطلاع دی کہ

عمر بچھام آراضیات صحت کوئی نا معلوم دھت گردوں نے فائرنگ کے ہنگام  
فائرنگ سے ایک اہلکار 250 گز پر شہید ہو چکا ہے جسے عباس خان EX آرمی  
رضی ہے اطلاع پر فوری طور پر ہمراہ DSP صاحب و دیگر پولیس کے روانہ ہو

کر جانے گئے کٹھن جہانزیب 72 کے ساتھ رابطہ میں تھا اور یہ بات بار  
بار دہرائی گئی کہ مذکورہ دھت گردوں کا پتہ لگا جا رہا ہے اور فائرنگ سے بچا جا رہا ہے اور  
ان کو مارو۔ ہم توڑی در میں آ رہے تھے ہنس گئے جو عمل رکھو اور

مذکورہ کٹھن جہانزیب 72، خدا خان 1150 نے ہماری اور دوسری پولیس  
پولیس کے درست رہنمائی کی اور نہ ہی دھت گردوں کا صحیح پتہ لگا سکا  
بہت بڈز کے مرتکب ہیں کیونکہ دھت گرد دن دہاڑے اور کھلے  
علاقہ میں ان کی غفلت سے فرار ہوئے۔ یہی سبب بیان ہے جو درست ہے

Handwritten signature and date: DSP/11/15 28/11/15

Daman  
SHO/Zaida  
21-12-15

ATTESTED  
District Police Officer, Rawalpindi

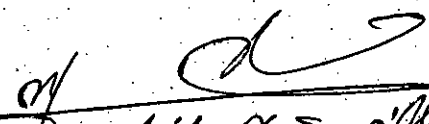


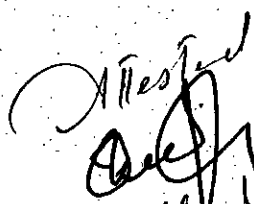
20

Certified to be True Copy

بیان ارزان و مبالغہ فی رقم ۱۱۵۰/۱۵

۱۔ میرا بیٹا جان کا نام حسن عثمان اور تمام نامہ مقتولان میں سے ہے جو 30/15  
 کو 12 بجے 12 بجے 30/15 نماز پڑھ کر کھانسی سے جان بچا کر 72 نمبر 1150  
 اقتدار سے 250 غلام حاصل 1306 کو مبلغ 20000 روپے نقدی رقم سے 1150/15  
 میں سے جو اس وقت سائیکل کے پورے علاوہ کچھ دیگر اشیاء کے ساتھ ساتھ  
 اس میں سے اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ  
 اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ اس کے ساتھ ساتھ

  
 MHCPS  
 21-12-15

  
 DSP Swabi  
 20/12/15

ATTESTED  
  
 District Police Officer, Swabi.

(21)

کمانڈر

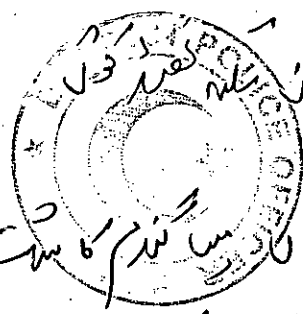
نقلہ 12 روزنامہ 30/12/15

صنوع

عد 12 روانگی نسیم خان ASI وقت 09:00 بجے مورخہ 30/12/15  
وقت فلان صحابہ 72 ، فدا 1100 ، امتیاز 250 ،  
علامہ عباس 1356 بدھ سٹیٹ وینکٹ لکھنؤ راجندر  
گفت مسوارہ موٹر سائیکل پارے روانہ علاقہ لکھنؤ ہدایات

مناسب موٹیوٹی حنا عالیہ  
نقل علاقہ اصل یہ

~~م~~  
MHPs Zaidi  
30-12-15



جس ازاں کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ

نے بار بار بتایا ہے کہ اس شخص کو کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ  
اس شخص کو کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ  
کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ

کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ

Attested  
DSP/1 Swabi  
20/11/2015

کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ

کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ

کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ

کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ کھنڈہ خانہ

ATTESTED  
District Police Officer, Swabi.

CNIC 16202 - 8638321-5  
MOS: 0313 9018256

(موقع کو)

بیان ازلان محمد فاضل ولد محمد خالد سنگھ ٹنڈو کوٹ

23



محلان کا بیان کیا کہ وہ اپنے گھنٹوں میں فصل دیکھنے گیا تھا کہ اس  
پہچان کر لیں کہ وہ کس علاقے سے آیا ہے۔ یہ دیکھا گیا کہ اس نے اس  
محلان سے کہا کہ وہ کس علاقے سے آیا ہے۔ یہ دیکھا گیا کہ اس نے اس  
محلان سے کہا کہ وہ کس علاقے سے آیا ہے۔ یہ دیکھا گیا کہ اس نے اس

Certified to be True Copy

attested

[Signature]

محمد فاضل ولد محمد خالد سنگھ ٹنڈو کوٹ

DSI Swabi

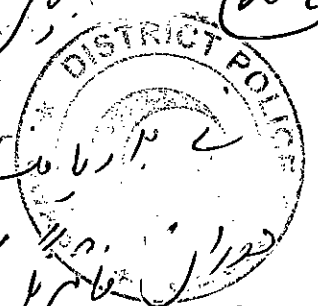
سوال: آیا کہ وہ پولیس فوٹو سنبھالے گا یا نہیں؟  
جواب: 50 ستر بار اس سے ٹوڑا زبردہ۔

سوال: ایک پولیس ملا جو فوٹو سنبھالے گا وہ کس علاقے سے آیا ہے؟  
جواب: وہ کس علاقے سے آیا ہے۔ یہ دیکھا گیا کہ اس نے اس  
محلان سے کہا کہ وہ کس علاقے سے آیا ہے۔ یہ دیکھا گیا کہ اس نے اس  
محلان سے کہا کہ وہ کس علاقے سے آیا ہے۔ یہ دیکھا گیا کہ اس نے اس

محمد فاضل ولد محمد خالد سنگھ ٹنڈو کوٹ

ATTESTED  
District Police Officer, Swabi.

nic: 42 000-5755762-3  
mob: 0345-9567869



بیان اثرات فصل شرف دلا سرد خان سکنہ نقہ کون (فوج و گولہ)

میں نے بار بار بیان کیا وہ اپنے گھبراہٹ کی طرف سے اس کا بیان ایسی  
بچوں اور اعلیٰ فوٹو سائیکل سمجھوں نے ہیں دہشت گردوں کا نشانہ بن کر  
میں نے دور نظر سے اسے معلوم نہ ہو سکا۔ اس وقت وہ سائیکل سواروں کا وہ ہے  
میں نے اسے پہچاننے میں جو لیا وہ لے لیا رہا ہے۔  
میں نے اسے پہچاننے میں جو لیا وہ لے لیا رہا ہے۔

فصل شرف

یہ بیان حقیقت ہے  
DSP Swabi  
28/12/15

فصل شرف دلا سرد خان سکنہ نقہ کون

ATTESTED  
District Police Officer, Swabi.

سوال: آپ کی عمر کتنی ہے؟  
ج: 67 سال

سوال: کیا وہ سن دہشت گردوں کا نشانہ بن سکتا ہے؟  
ج: ہاں اس کا ہر لمحہ گھبراہٹ ہے۔

سوال: کیا آپ کو اس کے بارے میں کوئی اور کوئی چیز معلوم ہے؟  
ج: ہاں لگتا ہے کہ وہ اس کے بارے میں کوئی اور کوئی چیز نہیں جانتے۔  
سوال: کیا آپ کو اس کے بارے میں کوئی اور کوئی چیز معلوم ہے؟  
ج: ہاں لگتا ہے کہ وہ اس کے بارے میں کوئی اور کوئی چیز نہیں جانتے۔

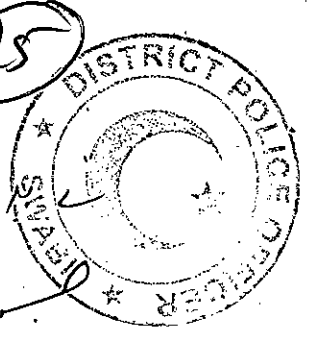
فصل شرف

فصل شرف دلا سرد خان سکنہ نقہ کون



بیان اذان علامہ عبدالرحمن صاحب 1356 کھانہ زبرد

25



بیان اذان علامہ عبدالرحمن صاحب 1356 کھانہ زبرد  
20/11/2015 روز وقوعہ جو کچھ دیکھا گیا  
اس کا ذکر PIR میں موجود ہے حقیقت یہ مبینہ ہے۔

اور مزید یہ کہ میں یادوں میں یزیدیوں کی بیٹوں نے بارہو در دست بردوں  
کا تعاقب کرنے کا کوشش کی اور صحیح طور فائر بھی لگے، لیکن زخمی  
کا مہل حاصل نہیں ہوا۔ وہ تھوڑے ہی لمبے گناہ گناہ سے مر گیا۔ اس واقعہ سے اُسے  
کے مہل حاصل نہیں ہوا۔ یہی حقیقت ہے۔

Certified to be True Copy.

Attest  
DSP / Swabi  
28/12/15

Azulam  
Shay

علامہ عبدالرحمن صاحب  
1356 کھانہ زبرد

سوال: وقت وقوعہ کیا تھا اور اس کے بعد کون سے گناہ گناہ ہوئے؟  
جواب: تقریباً 12 بجے واقعہ ہوا۔

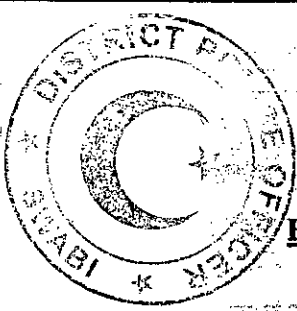
سوال: وقت وقوعہ آگہ رائیڈ سکوارڈ دہشت گردوں کے تعاقب کیا تھا یا اس پر فائر کیا گیا؟  
جواب: جی ہاں آگہ رائیڈ سکوارڈ سے فائر کیا گیا تھا۔

Azulam  
Shay

علامہ عبدالرحمن صاحب  
1356-24

mobile: 9572-9543-824

ATTESTED  
District Police Officer, Swabi.



26

ANNEX F

**FINAL SHOW CAUSE NOTICE**

certified to be True Copy.

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.

**ATTESTED**  
District Police Officer, Swabi.

*[Signature]*  
District Police Officer,  
Swabi.

Date of Presentation of Application: 4/5/16  
Copying Fee: \_\_\_\_\_  
Total Pages: 18  
Name of Copying: Asheed Hk  
Date of Completion of Copy: 4/5/16  
Date of Delivery of Copy: 4/5/16

ANNEX 6

حال پوریں مدینہ منورہ

مذاہران 1100



(27)

حال پوریں مدینہ منورہ 1100 مذاہران

Certified to be True Copy.

دفعہ بیان کرنا ہوگا کہ اس سند سے کیا کیا کام ہوئے ہیں

۲۔ جاری شدہ کے ساتھ جواب دیا ہے

دفعہ صبر جواب ہے

اٹھو لے لے کر جانا رہو گا۔ حافی

دی جا رہے

مذاہران 1100 حال پوریں مدینہ منورہ

ATTESTED

District Police Office, Swabi.

Handwritten signature/initials

al.  
lep.  
ibn  
s-c  
uiry  
e A  
care

of  
vara  
h in

1100 ANNEXI H

28



OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

ORDER

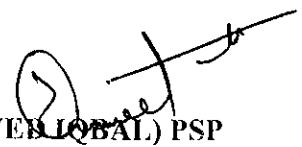
It is alleged that on 30.11.2015, two rider squads were on routine gasht in the area of village Thand Koi, PS Zaida. At about 15:30 hours, when they reached Poory Lar near the house of Alamzaib, 02 motorcyclists opened indiscriminate fire upon them. As a result constable Intiaz Gul No.250 was hit and 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.

Certified to be true copy

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 13/1/2016

  
(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

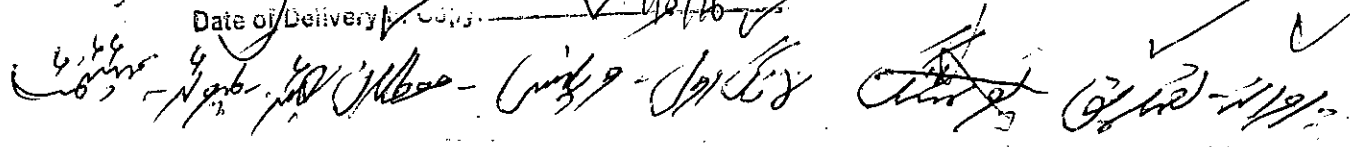
Copying Fee: \_\_\_\_\_

Total Pages: 18

Name of Copying: Arshad H

Date of Completion of Copy: 4/5/16

Date of Delivery: 4/5/16



Commit's file

① 29

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

ANNEX I

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 FROM 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 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.

Attest  
[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 their statements were recorded wherein the said persons supported the version advanced by the appellant as well as the injured constable namely Ghulam Abbas.

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

**Appellant**

*Fida Khan*

**FIDA KHAN,**

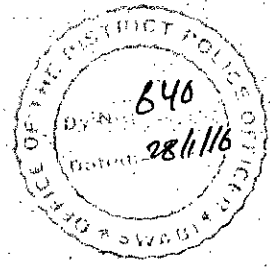
**Ex Constable No.1100**

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

*1-1/APO Swabi*  
*for comments of:*  
*R. Khattar*  
*Dig. Mardan*  
*26/1*

*Imp. Legal*  
*for comment*  
*Deeraj*  
*28/1*

*Aliya*  
*@*





31  
Armed J  
④

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.

*[Handwritten signature]*

*[Handwritten signature]*  
(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.

(\*\*\*\*\*)



بعدالت لیسٹریٹوئن خواہ صدر پیس لیسٹریٹوئن



موزعہ  
مقدمہ  
دعویٰ  
جرم

26/12/2016 پنجاب  
فدا خان بنام لیسٹریٹوئن

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ  
آن مقام کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے  
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے  
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Signature of Fida Khan

18/12/2016

کے لئے منظور ہے۔  
Daz Khan  
Amin



①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

*Service Appeal No. 527/2016.*

Fida Khan Ex-Constable No. 1100..... 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.**

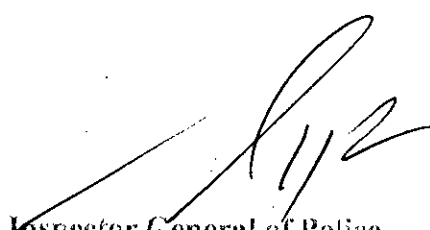
1. Para No. 01 of appeal pertains to record, hence need no comments.
2. Para No. 02 of appeal pertains to record, hence need no comments.
3. Para No. 03 of appeal is correct to the extent of registration of FIR No. 89/2015, however appellant and his fellow constable showed extreme cowardice in the incident 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, which is quite legal.
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 filing of departmental appeal, however, the same was dismissed by respondent No. 02 being meritless.


10. The penalty imposed upon the appellant is quite legal in accordance with law and speaking in nature. (Copies of charge sheet and Enquiry attached)

GROUNDS.

- 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 of dismissal from service. Moreover, all codal formalities were fulfilled before awarding punishment to appellant.
- C. Incorrect. Reply already given vide para above.
- D. Incorrect. During proper departmental enquiry appellant was found guilty and recommended for major penalty by the Enquiry Officer.
- E. Incorrect. Reply already given vide para above.
- F. Incorrect. Appellant showed extreme cowardice which fact has been proved during departmental enquiry on the basis of which he was dismissed from service.
- G. Incorrect. Reply already given vide paras above.
- H. Incorrect. Reply already given vide paras above.
- I. Incorrect. Reply already given vide paras above.
- J. Correct to the extent of about 3/4 years service, however appellant showed cowardice during service and become unfit for further Police service, hence dismissed from service.
- K. Incorrect. Appellant has rightly been dismissed from service in accordance with law/rules.
- L. The respondents also seek permission of this Hon'ble Tribunal 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-1 Mardan.  
(Respondent No. 2)

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

3

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 527/2016.

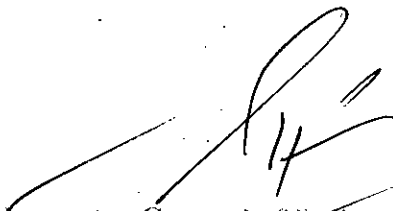
Fida Khan Ex-Constable No. 1100..... Appellant


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)

1-2024

4

4

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.

Received by the copy.

  
District Police Officer,  
Swabi.

ATTESTED

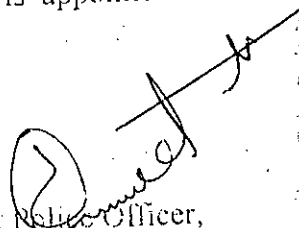
Swabi

(5)

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 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.1160, 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.

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

  
District Police Officer,  
Swabi.

No. 179/CC/PA

Dated 02/12/2015

4-11-2015  
6  
DY: No. 1448/ISB.  
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:-

Certified to be a true copy.

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 Intiaz 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



7

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.

(8) (10)

H.M. Khan

No. 1000000000

**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.

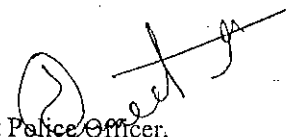
In this connection you were charge sheeted and served with summary of allegation and DSP, Swabi was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry and submitted his findings, wherein, he held you Constable Fida Khan No.1100 guilty for the miss-conduct.

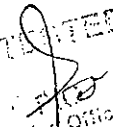
Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

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.

  
District Police Officer,  
Swabi.

ATTACHED  
  
District Police Officer, Swabi.

Date: 1/12/16  
1/12/16  
1/12/16  
1/12/16

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.

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.

Date of

ATTESTED  
District Police Officer.

10

31

10

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.

10

(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.

(\*\*\*\*\*)