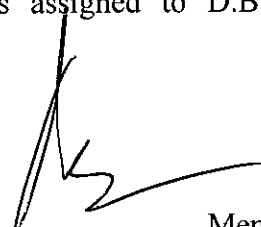


24.08.2016

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

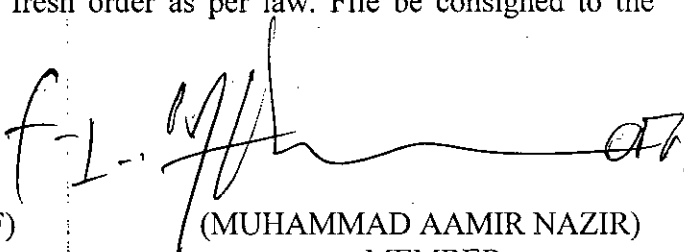
Counsel for the appellant present and submitted application for early hearing of the appeal. Appeal be requisitioned for today. Learned counsel for the appellant submitted before the court that since the penalty of the appellant has been converted from dismissal from service to reduction of time scale, 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 The appeal in hand is hereby dismissed as withdrawn.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.

23/11/16

ANNOUNCED  
23.11.2016



(ABDUL LATIF)  
MEMBER



(MUHAMMAD AAMIR NAZIR)  
MEMBER

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.

*[Signature]*  
Chairman

21/2/16  
21.2.16  
Appellant Deposited  
Security & Process Fee

27.07.2016

Counsel for the and 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.

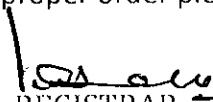

*[Signature]*  
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No. 528/2016

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. Jehanzeb 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;">                       REGISTRAR <u>19/5/16</u> </p>
2	<u>23-5-2016</u>	<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;">                       CHAIRMAN                 </p>

**BEFORE THE KHYBER PAKHTUNKHWA**

**SERVICE TRIBUNAL PESHAWAR**

**Appeal No.** 528 /2016

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

**(Appellant)**

**VERSUS**

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar an others

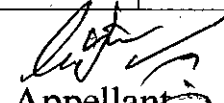
**(Respondents)**

**I N D E X**

S.No	Description of Documents	Annex	Pages
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 28.12.2015 & statements of witnesses	D&E	13-20
7.	Copies of final show Cause Notice and reply thereof	F&G	21-22
8.	Copy of the dismissal order dated 13.01.2016	H	23
9.	Copy of the departmental appeal dated 26.01.2016 and rejection order 25.04.2016	I&J	24-26
10.	Wakalat Nama		27

Dated:-

Through

  
Appellant

  
Ijaz Anwar

&

  
Sajid Amin

Advocates, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 528 /2016

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

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

(Appellant)

**VERSUS**

1. The Provincial Police Officer, Khyber 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.

~~Filed to-day~~  
~~19/5/16~~  
19/5/16

Prayer in Appeal: -

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

Respectfully Submitted:

1. That the appellant was enlisted as Constable in the Police Department in the year 1989-90.
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 District Swabi.
3. That while serving in the said capacity, on 30.11.2015 the appellant along with his fellow Constable/ rider namely Fida Khan was on routine Gusht on Motorcycle in the local limits of Police Station Zaida. An unfortunate occurrence took place, when some unknown terrorists attacked another 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 allegations 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 make sure 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 27 years of 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

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

**(Appellant)**

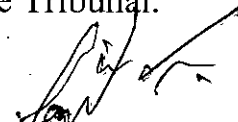
**VERSUS**

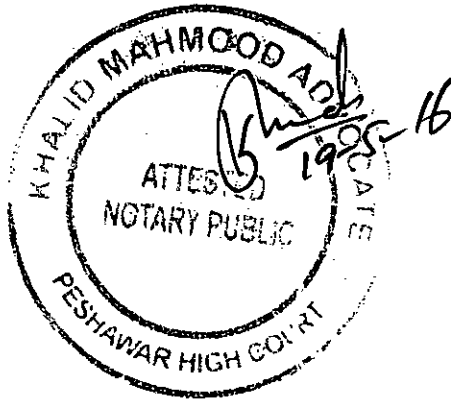
The Provincial Police Officer, Khyber Pakhtunkhuwa,  
Peshawar and others.

**(Respondents)**

**AFFIDAVIT**

I, *Jehanzeb Ex-Constable No.72, Police Station Zaida Swabi*, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal as well as accompanied application for condonation of delay are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

  
**Deponent**



(2)

ملتان پولیس ایجنسی نمبر 9572234-0343 Mo

تفیش آفیسر عدو جان انگریز  
فارم نمبر ۲۲-۱۵ (۱)

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ نوچندازی

مردان بھین

C.T.D

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

تاریخ وقت رپورٹ ۳۰/۱۱/۲۰۱۵ بج جا کھینڈی بیرجہ ۳۰/۱۱/۲۰۱۵ وقت ۱۸:۲۰ بج

نام و سکونت اطلاع دہندہ مستفیض غلام عباس ۱۳۵۶ ولد محمد قیس ساکن گلی باغ مردان حال ایس ایف ایف

مختصر کیفیت جرم (مردانہ) حال اگر کوئی کیا گیا - 404347ATA 302 324 353 PFC

جائے وقوعہ قاصد خانہ سے درست ہند ٹوی پورے الرہ نذر مکان عالم گزیب جانب صوب شرقی لڑا حملہ تہ تیہ

نام و سکونت ظرم

کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف یا تاخیر بیان کرے ہر سید گئی سر اسٹیشن مقدمہ درج رجسٹر کیا جا رہا ہے

تھانہ سے روانگی کی تاریخ وقت بطور سنٹیل رپورٹ

ابتدائی اطلاع کے درج کردہ بوقت صدر آفیسر نے میرا سلسلہ میں جانچ کرنا  
ایک بہت سنٹیل رمضان 339 موصول ہو کر سنٹیل سے بحالیت SHD صاحب تھانہ C.T.D مردان تھانہ و ج  
غلام عباس 1356 ولد محمد قیس قوم افغان تہ قریب 34 سال ساکن گلی باغ مردان حال  
پولیس ملزم تھانہ زیدہ حالت قبضہ و تفیش مقبول سنٹیل امتیاز 250 FC لیسواری گاڑی  
سرکاری چھتال BMC لائن جائزہ و 2 سنٹیل غلام عباس چونکہ درست پیش و خواہ میں سے  
موجودگی CMO صاحب رپورٹ کرنا چیکہ امیدوار میں سے سنٹیل امتیاز 250 FC یا مسلح سواری ڈاکٹر  
سائیکل سرکاری علیحدہ اور کشتیاں جھانڈی 72 FC خدا 1100 FC یا مسلح سواری موٹر سائیکل  
سرکاری رائیڈر کشت ملحقہ نیز موجود ہے۔ جب قند کون پورے و نڈ لارے پیر و این اپنے  
بیوئے کشتیاں جھانڈی 72 FC خدا 1100 FC موٹر سائیکل پر سیم سے آگے جتکے ہم ایک  
بچے جارہے تھے۔ جب نذر مکان عالم گزیب پہنچے تو اچانک دو جوان الہم کشتیاں پر ٹوکر  
تاشوم سٹیل پر دھت گڑی کے عرض سے ادارہ سنٹیل حاضر تک شروع کرتے جس سے  
خائرتک سے میں دائیں پاؤں پیرنگ کر رہی ہوا۔ جتکے پیرا ہی ام امتیاز 250 FC ملزمان  
کی خائرتک سے لگ کر موقع پر عاصف ہوا جتکے دیگر پیرا ہی ملزمان کے ساتھ لگ سے مال ہو  
مال بچ گئے ایم بھق حفاظت خود اجنبادی سے بقاء میں ملزمان پر جوان بھائرتک کی  
ملزمان نے جگہ وقت سید سنٹیل امتیاز 250 FC کے سرکاری گلاشکوف پر 250-1-1117-58-58  
لوڈ مڈہ سے 50 عدد کارلوں بھی سنا کئے گئے۔ و وقت بعدا یہیے مدارہ پیرا ہی ام کا سید  
سے ملزمان سے موٹر سائیکل بلا ہر رنگ سے 2000 دوران جوانی خائرتک موقع پیرا ہی  
میں جتکے وصیت خود پیرا ہی سنٹیل امتیاز 250 FC کی قتل کرتے اور ایسے پیرا ہی ام پیرا ہی

Handwritten signature/initials

NIC=

9579231

حقوقی امور کا دفتر صورت حال، لغت، ضروری امور کے ساتھ عدالتوں کے  
 لیٹریچر کے بارے میں اطلاع دینا اور ایڈووکیٹوں کے ساتھ  
 حوالہ دے کر ہر ماہ کی رپورٹ سے صورت حال کے بارے میں  
 لیٹریچر کے بارے میں رپورٹ کے تحت کئی رپورٹیں 339 ارسال ہوئے ہیں  
 جس میں انگریزی اور اردو میں BMC کے بارے میں  
 کا کوئی نوٹ نہیں آیا ہے۔ اس کے علاوہ صرف دو  
 ترقی شدہ نوٹوں کے تحت FIR کے بارے میں اطلاع دینا  
 کے لئے حوالہ دیا گیا ہے۔ لیٹریچر کے بارے میں

Si P.C.D  
 30-11-2015

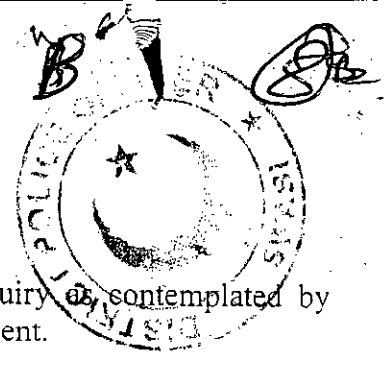
دستخط

مہر

اطلاع کے لیے اطلاع دینے کا دستخط ہو گا یا اس کی سربراہان لکھا جائے گا۔ اگر سربراہان کے ہاتھ لگا کر اطلاع دینا چاہیے تو اطلاع کا دستخط بطور تصدیق ہو گا۔ حرف الف یا ب سرخ روشنی سے ہونا  
 ایک لزم یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں، لکھا جائے۔



Annexure B



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 jehanzeb No.72 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 ex parte 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: 29/4/16  
Copying Fee: - Nil -  
Total Pages: 17  
Name of Copying: Arked HC  
Date of Completion of Copy: 29/4/16  
Date of Delivery of Copy: 29/4/16

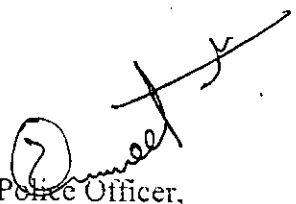
*[Handwritten signature]*

9

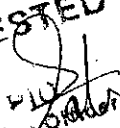
SUMMARY OF ALLEGATIONS

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 Jehanzeb No.72, 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. 178 /CC/PA,  
Dated. 02/12 /2015

ATTESTED  
  
District Police Officer, Swabi.



پانے ازان کینسل جہاںزیب سے 72 سال بولسی کا بیٹا جہاںزیب

Certified to be a true copy.

بطرف بیان کیا کہ سائل کے خلیفے جازح شہید میں ماہیڈ انزما کے  
 باپ کے بزوک / خفلیت برتے پرومومورم بورڈ شد بحوالہ نمبر 89 سا  
 3-11-15  
 جو انزما کے - وجہ بنیاد اور نفاذ مقرر ہے - سائل درج ذیل معروفہ حدیث  
 کہ سائل کا تریبہ میں دیپورم انڈر ڈیوٹے پر تعینات ہے - کہ مرضہ 3-15  
 ایک ماہ فوٹو اور جرمہ رونا ہوا - جس میں سائل نے اپنے ملاء حیت کا عہدہ  
 سائل پر کیا - مگر اس کے باوجود سائل کے خلیفے کا نام نہ لیا گیا شروع لکھا  
 یہ کہ سائل بطور کینسل بولسی ڈیپارٹمنٹ میں تقریباً 27 سال خلیفے  
 اور پٹوٹھے دس ڈیپارٹمنٹ میں صدقے دل سے ملزوم لکھا

DSP Burek  
28/11/15

یہ کہ سائل کے خلیفے جو Cowardice کے انزما کے نام لکھے ہیں  
 Summary of Allegations میں لکھا ہے ہیں - وہاں کھلے بنیاد و خلیفہ  
 لکھا ہے ہیں - اس کی FIR کے متن کو دیکھیں - اس کے  
 میں شہادت عدم عباس 1356 ہو لیتا ہے - کہ سارے بولسی کے مسز جہا  
 خود اختیار کیا ہیں ملزبان پر مارتے ہوئے ہے لکھا ہے اس کی  
 تفتیش اور حالات کے خود لکھیں - تو سائل نے بعد ساقیے خوب ملزبان / رشتہ  
 کا بیٹا بنایا ہے - اور اپنے ملاء حیت خوب استعمال کیا ہے - اور عہدہ  
 کہ سائل کی جگہ سے 7.62 پورے 6 عہدہ فول اور ساقیے کینسل فداہ  
 کی جگہ سے 10 عہدہ فولے پر مارتے ہیں - جو کہ سائل / سائلین کے کارکردگی کا  
 لکھا ہے اس کی تفتیش بھی جاری ہے اور تفتیش کے دوران ایسی کوئی مو  
 موجود نہیں - جس سے سائل کی خفلیت / Cowardice اس کی یا کسی اور کے  
 میں ظاہر ہو - لکھا ہے اس کی تفتیش میں سائل اپنے ساقیے خدایان کے بھی برف  
 وقوعہ بیٹھا ہوا تھا - اور دوران مارتے خدایان کینسل بھی رشتہ گرد  
 مارتے سے لگے لگے - اس میں / سائل نے ڈیوٹے کا نظارہ کیا ہے - تو  
 ملزبان کا بیٹا نہ برتے - بلکہ جھاگ جائے - اور ساقیے بارہ میں تفتیش میں خوب ملز  
 شہادت کینسل اور معروف (مسیار کینسل) سے لکھا ہے - جو سائل پر مارتے شروع ہو  
 گوہر نے پوری کوئی اور جانسقی کما عہدہ تفتیش کو لکھا ہے -

ATTESTED  
District Police Officer

Handwritten signature

Certified to be true Copy.

دہشت گردوں کا شکار کیا گیا۔ اس وقت دہشت گردوں کا شمار  
 کیا۔ شہت میں ہمارے دیگر تمام ارکان سے دہشت گردوں  
 کے شہتوں کا بولنا ہے اس وقت دہشت گردوں کا شمار کیا گیا  
 سائن اسٹارز کے ساتھ ہے۔ اور یہ ہے دہشت گردوں  
 ان پر ناپائیدار ہے۔ اس وقت ہے کہ دہشت گرد  
 کے دہشت گردوں کا بولنا ہے کہ دہشت گردوں کا  
 سے یہ ہے کہ دہشت گردوں کا بولنا ہے کہ دہشت گردوں کا  
 کے بولنا ہے کہ دہشت گردوں کا بولنا ہے کہ دہشت گردوں کا  
 کے بولنا ہے کہ دہشت گردوں کا بولنا ہے کہ دہشت گردوں کا  
 کے بولنا ہے کہ دہشت گردوں کا بولنا ہے کہ دہشت گردوں کا  
 کے بولنا ہے کہ دہشت گردوں کا بولنا ہے کہ دہشت گردوں کا  
 کے بولنا ہے کہ دہشت گردوں کا بولنا ہے کہ دہشت گردوں کا  
 کے بولنا ہے کہ دہشت گردوں کا بولنا ہے کہ دہشت گردوں کا  
 کے بولنا ہے کہ دہشت گردوں کا بولنا ہے کہ دہشت گردوں کا  
 کے بولنا ہے کہ دہشت گردوں کا بولنا ہے کہ دہشت گردوں کا

دہشت گردوں کا  
 دہشت گردوں کا  
 دہشت گردوں کا  
 دہشت گردوں کا

ATTESTED  
 District Police Officer, Swabi.

دہشت گردوں کا  
 دہشت گردوں کا



نیز مبالغہ میں مورخہ ساٹھ کے فیض میں بھی ہونا تو ٹھیک ہے۔ لیکن یہ سب ہم پر کیا یا  
کیجئے ہیں۔ ایک ایسے مکتوب میں ہے کہ ریٹینگ بورڈ نے اپنی کارروائی  
میں رکھا ہے۔ اس طرح ریٹینگ بورڈ کی کارروائی کا اہل کیا۔ اور ایسا  
وقت اس کی روٹی دکھائی اور ریٹینگ بورڈ کے بیان پر کچھ سوچئے۔ اور  
یہ مطلب ہے نہیں۔ کہ ڈس ریٹینگ بورڈ کے لئے نہ ہے۔ اور سب کا کرو  
اور ڈیوٹی ہے نہیں کیجئے۔ اور اس میں ان کی ضرورت ہے کہ بھی لگایا گیا۔

جو کہ معاملہ میں گفتنی جا رہی ہے۔ لکھنا یہ ریٹینگ بورڈ کی ضرورت  
ہی۔ اور یہ سب ساری برصغیر کی سہولت ہے۔ ڈیوٹی کے کا دھبہ لگنا  
ہر جگہ۔ کہ ہم پر یا وجود صرف ہے کہ اور ایسی ہے۔ ڈیوٹی کے کا دھبہ لگنا  
جو کہ سر اسر فطرت اور یہ بنا کر ہے۔ 27 سالہ سرورس میں لگی۔

مذکورہ سے کی تصدیق  
D8P/Land  
28/11/11

ایسے انڈیسی بال اشتہار کے لئے روشنی میں لگی ہے۔ خلاف  
بلا سزیا کی روئے ماملی کر کے ادا کر کے صادر فرمایا ہے۔

ATTESTED  
District Police Officer, Swabi.

کریڈٹل جمانڈی 72 پیرا لائن کوہا لک

سوال: کیا یہ اور دوسرے لائڈرز کے مابین لٹنا نا عمل تھا؟  
2011

سوال: کیا یہ لکھی لائڈرز کے مابین لٹنا نا عمل تھا؟  
نہیں جلیج تھا۔ اور اس بار ساری اور لکھی لائڈرز کے مابین لٹنا نا عمل تھا۔  
نہیں: تشریحی والا سٹیٹ منسٹر

ملانڈی اور  
Algha



13

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

**SUBJECT: DEPARTMENTAL ENQUIRY AGAINST CONSTABLE JAHANZAIB NO 72 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.178/CC/PA, dated 02.12.2015 on the following allegations:-

**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 poori 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 Jehanzeb No 72, 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 JEHANZEB NO 72 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 hitting sweater of his rider 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 injuries 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 302/34-7A/TA PS CTD Mardan, wherein Doctor Yaqoob was shot by miscreants. At that time constable Jehanzeb rider squad informed him that unknown miscreant's opened fire on them resultanty 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

ATTESTED

District Police Officer, Swabi

*Handwritten signature/initials*

14



miscreants and shoot them if possible and he was ordered to follow the 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 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

Certified to be true Copy.

ATTESTED

District Police Officer, Swabi

*(Signature)*

(IZIAR SHAH KHAN)  
Sub-Divisional Police Officer,  
Swabi.

Date of Presentation of Application: 29/4/16  
 Copying Fee: nil  
 Total Pages: 12  
 Name of Copying: Asghar H C  
 Date of Completion of Copy: 29/4/16  
 Date of Delivery of Copy: 29/4/16

*(Signature)*

ANIMATED

بیان ازاں غلام عباس بن 1356 گھانہ زیدہ

(15)

Certified to be True Copy

نہ بدرفت بیان گواہ حورم 30/11/2015 روز وقوعہ جو گھانہ زیدہ  
کس کا ذکر Pin میں موجود ہے حقیقت میں ہے۔

اور مزید یہ کہ میں یادوں میں غامبی چونکہ باوجود دست بردوں  
کا شائبہ کرنے کا کوئی اور صحیح طور فائر بھی ہے، لیکر زخمی  
چونکہ گواہ سے وہ تہہ پہنہ لگاؤ سکتا تھا۔ اس وجہ سے اسے  
کا مہاں حاصل نہیں ہوا۔ یہی حقیقت ہے۔

Attested  
DSP/12/15  
2012/15

غلام عباس بن 1356 گھانہ زیدہ

سجل: وقت وقوعہ جہاں ایک اسکواڈ میر فائر ہوا تو اگلہ رائیڈ اسکواڈ  
آیا ہے تہہ فائر کیا گیا تھا؟

(2) : 29/25

سجل: وقت وقوعہ اگلہ رائیڈ اسکواڈ دست بردوں کا شائبہ کیا گیا یا اس پر فائر کیا  
گیا؟

ATTESTED  
District Police Officer, Swabi.

(2) گواہوں کا اسکواڈ سائڈ سے فائر کیا گیا۔

غلام عباس بن گھانہ زیدہ  
1385-24

Mobile: 8243-9572 999

Attested

### بیان ازان و کما فی حق زمانہ الزبیر

کے موران میں بیان ہے کہ میں نے عتقاد ہے کہ زمانہ نہایت نقصان سے ہے۔ موران 30/15  
 تو 31/11 سے 12/12 اور تا 30/11 تمام الزبیر کے کوششوں سے جان بچانے کے لئے  
 امتیاز سے 25 غلام حاصل کیے۔ تو یہ دیکھ کر میں نے غصے سے کہا کہ صرف ان  
 کے موران میں تو یہ سب کچھ ہوا ہے۔ ان کے موران میں ان کے موران میں ان کے موران میں  
 ان کے موران میں ان کے موران میں ان کے موران میں ان کے موران میں ان کے موران میں  
 ان کے موران میں ان کے موران میں ان کے موران میں ان کے موران میں ان کے موران میں

Certified to be True Copy.

*[Signature]*  
 MHCPS  
 21-12-15

Attested  
*[Signature]*  
 DSP / Swabi  
 28/12/15

ATTESTED  
*[Signature]*  
 District Police Officer, Swabi.

Attested  
*[Signature]*

بیان اثرات فعلی شرف ولد سدرخان سکنہ نقندہ کور (فوج دین)

(17)

COERCE TO BE TRUE COPY  
این کاغذ پر لکھا گیا ہے

کے بارے میں بیان کیا گیا ہے وہ ایسے تعداد میں طرف سے اور  
تعداد میں فائبر میں آہستہ آہستہ وہ ایسے تعداد میں طرف سے اور  
تعداد میں فائبر میں آہستہ آہستہ وہ ایسے تعداد میں طرف سے اور  
تعداد میں فائبر میں آہستہ آہستہ وہ ایسے تعداد میں طرف سے اور  
تعداد میں فائبر میں آہستہ آہستہ وہ ایسے تعداد میں طرف سے اور  
تعداد میں فائبر میں آہستہ آہستہ وہ ایسے تعداد میں طرف سے اور

عقل شرف

عقل شرف ولد سدرخان سکنہ نقندہ کور

Attest  
DSP/Swabi  
28/1/2017

سوال: کیا ان کے پاس ہے؟  
2 - 26/07 سال

ATTESTED  
District Police Officer, Swabi

سوال: کیا ان کے پاس ہے؟  
2 - 26/07 سال  
سوال: کیا ان کے پاس ہے؟  
2 - 26/07 سال  
سوال: کیا ان کے پاس ہے؟  
2 - 26/07 سال

عقل شرف ولد سدرخان سکنہ نقندہ کور

Attest  
[Signature]

1-1054679-16202-16202  
7429333-0393-0393

بیان از ان محمد فاضل ولد محمد خالد سنگھ ٹنڈو کوٹ

(موقع وارہ)

نے بددیانتی بیان کیا کہ وہ اپنے کھیتوں میں فصل دیکھنے گیا تھا کہ اس میں  
دوران غائب کیا گیا تھا اس کے ساتھ ساتھ دیکھا کہ وہ گیا جو اس دارم نے اُسکا  
پہنچا گیا سنگھ دست در گزار ہوئے بعد میں علاقے کے لوگوں نے اس کو سزا دے دی  
موقع پر پہنچ گئے یہی بیان ہے جو سر دست سے

Certified copy  
میرزا محمد علی صاحب

محمد فاضل  
DSP  
28/12/11

محمد فاضل ولد محمد خالد سنگھ ٹنڈو کوٹ

سوال: کیا وہ لوگ جو اس کو سزا سنائے گا فاضل تھا؟  
(؟) 50 سہرا ہا اس سے توڑا زبردہ

سوال: ایک لوگ وہ جو فاضل کے ساتھ دست در گزار ہوئے  
کی طرف گیا جہاں ایک جوتن سہرا اور ایک زخمی تھا وہ دیکھا کرتے ہوئے وہ اس سے  
(؟) لوگ جسکا دارم دست در گزار کا دیکھا گیا تھا وہ دیکھ سکتے جو سہرا اور  
دوسرا زخمی تھا اس کی طرف گیا

ATTEYEL  
Police Station  
Tando Allahyar

محمد فاضل ولد محمد خالد سنگھ ٹنڈو کوٹ

3-5755762-42000-NIL  
9561869-0845-mob

Accepted

(موقع ڈواہ)

19  
جان اڑان محمد سید بلبلہ سید خان سکنہ کھنڈ ڈواہ

نے برابرت سوار 2015/11/30 کو عام ایسے حصوں میں گندم کا سہارا دیا ہے۔

اسنا فائرنگ کی اطلاع سنائی گئی۔ فائرنگ کی وجہ سے ہم سہارا

پر پہنچے۔ ہم نے دیکھا کہ کھیلے ہوئے سہارا سوار سے فائرنگ ہوئی۔  
اس دوران یعنی فائرنگ کے دوران اٹھ ہوئے سہارا سوار سے فائرنگ ہوئی۔  
اس وقت کھیلے ہوئے سہارا سوار سے فائرنگ ہوئی۔

بعد اطلاع کے دوسرے گورنر بھی وقوعہ پر پہنچے اور سہارا سوار سے فائرنگ  
کی تصدیق ہوئی۔ وہ سہارا سوار سے فائرنگ ہوئی۔

Attested  
DSP/Sekhar  
28/11/15

محمد سید بلبلہ سید خان سکنہ کھنڈ ڈواہ

سہارا سوار سے فائرنگ کرنا جو اس وقت سہارا سوار سے فائرنگ ہوئی ہے۔  
اس وقت سہارا سوار سے فائرنگ ہوئی ہے۔

سہارا سوار سے فائرنگ کرنا جو اس وقت سہارا سوار سے فائرنگ ہوئی ہے۔  
اس وقت سہارا سوار سے فائرنگ ہوئی ہے۔

ATTESTED  
District Police Officer, Sec. Sec. Sec.

محمد سید بلبلہ سید خان سکنہ کھنڈ ڈواہ

5-8638321-16202 CNIC  
Nos: 0313 9018256

Attested



بیان ازلان محمد نواز خان 840 زیدہ

ۓ بددیانت بیان کیا کہ مورخہ 30 کو میں DSP صاحب سرکل مولیٰ

عرب نواز خان کے ساتھ حوالہ مقدمہ 88 مورخہ 30 صدم 302/34 7ATA 2015

کھانا CTD حردان موقع واردات پر موجود تھے جس میں ڈاکٹر محمد یعقوب

متل ہو چکا تھا اور CTD پولیس کے آمد کے انتظار میں تھے کہ اس دوران

جہانزیب 72 رائیڈ سٹوڈ جو کہ علاقہ میں گھسٹ برتے بڈرز سرفون اطلاع دی کہ

ہم سر مقام آ رہے ہیں ہڈ کوئی نا معلوم دھت گردوں نے فائرنگ کے جھنڈے

فائرنگ سے ایکس امیٹار 250 ٹکڑے شہید ہو چکے ہیں جیسے عباس خان EX آر جی

رضی ہے اطلاع پر فوری طور پر ہمراہ DSP صاحب و دیگر پولیس کے روانہ ہو

کر جانے جاتے کہیں جہانزیب 72 کے ساتھ رابطہ میں تھا اور یہ بات بار

بار دہرانا ہاٹ منڈوڑہ دھت گردوں کا بھی جاری رکھو اور فائرنگ سے بچو اور

ان کو مارو۔ ہم توڑی دہر میں آ رہے تھے، ہج حاش گے جو حملہ رکھو اور اس

ساحیوں کو حملہ دو۔ جب ہم موقع پہنچے تو منڈوڑہ دھت گرد فرار ہو چکے تھے

منڈوڑہ تھیں جہانزیب 72، خدا خان 1150 نے تم ہماری اور دوسری پولیس

پولیس کے درست رہنا ہی اور نہ ہی دھت گردوں کا صحیح سمجھنا ہے

ہماری بڈلی کے سرگب ہیں کیونکہ دھت گرد دن دہاڑے اور کھلے

علاقہ میں ان کی غفلت سے فرار ہوئے۔ یہی سبب بیان ہے جو کہ درست ہے

Deyman  
540/Zaida  
21-12-15

ATTESTED  
District Police Officer, Sahiwal

Attested  
DSP/Sahiwal  
20/12/15

Attested

Certified to be True Copy

Adm Ex. F1

(21)

**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 Jehanzeb No.72, 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 Jehanzeb No.72 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.

*[Signature]*

*Certified to be true copy.*

بیان مقامت نمبر 72 پریس ہوا میں

میں سمر مقامت نمبر 72 حال پریس میں  
صفا کیا گیا ہے کہ میں نے اس سلسلہ میں  
سوموار نوٹس جاری شدہ کے ساتھ جو جو  
کیا بیان دیا ہے وہ صریح بیان ہے  
اسدہ کے ساتھ وضاحت اور تفسیر معافی دیا گیا

مقامت نمبر 72

Certified to be a True Copy.

ATTESTED

District Police Officer, Swabi.

Handwritten signature

ANWAR H

(25)



OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

ORDER

It is alleged that on 30.11.2015, two rider squads were on routine patrol 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 Jehanzeb No.72, 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 Jehanzeb No.72, guilty for the misconduct 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 Jehanzeb No.72 Major Punishment of dismissal from service, with immediate effect.

O.B No. 74

Dated 13.1 /2016

(**JAVED IQBAL**) PSP  
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI  
No. 185-89 /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: 29/4/16  
Copying Fee: Nil  
Total Pages: 17  
Name of Copying: Ashtad HC  
Date of completion of Copy: 29/4/16  
Date of delivery of Copy: 29/4/16

*[Handwritten signatures and notes in Urdu script, including names like 'Javed Iqbal' and 'Ashtad HC', with checkmarks and dates.]*

*[Handwritten signature and initials.]*

certified to be true copy.

①      Comments file      1

(26)      ANNEX 2

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

Subject: **DEPARTMENT APPEAL AGAINST THE ORDER VIDE O.B  
NO.54 DATED 13/01/2016 WHEREBY THE DISTRICT  
POLICE OFFICER, SWABI AWARDED MAJOR PUNISHMENT  
OF DISMISSAL FROM SERVICE TO THE APPELLANT  
JAHANZAIB NO.72.**

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 Zalda, 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.

GROUNDS FOR APPEAL.

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

*Alleged*  
*to*

25

- 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, humble requested that the impugned order may kindly be set aside and appellant maybe re-instated into service with all back benefits.

Appellant

*[Signature]*

JAHANZAIB,

Ex Constable No.72

No. 773/ES,  
dt: 26-1-16

*[Signature]*  
Comments

*[Signature]*  
Comments

*[Signature]*  
27/1

*[Signature]*  
Comments  
*[Signature]*  
27/1



*[Signature]*  
*[Signature]*

APPEAL J  
26

ORDER.

This order will dispose-off the appeal preferred by Ex-Constable Jehanzeb No. 72 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. 74 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 Jehanzeb No. 72 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/initials*

*Handwritten signature*  
(Muhammad Tahir) PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan

No. 3355 /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. 95/Insp: Legal dated 08.04.2016. His service record is returned herewith for record in your office.

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

بعدالت فیصلہ کی گواہی سے فیصلہ شدہ کارروائی کے لئے



ایڈووکیٹ  
پروفیسر

2، منجانب

جہانزیب بنام

مورخہ

مقدمہ

دعویٰ

جرم

### باعث تحریر آنکہ

پروفیسر ایڈووکیٹ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی وکل کارروائی متعلقہ  
آن مقام کیشاور کیلئے اعلیٰ نزل اور منیٹر صاحب جہانزیب نے  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب وہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں 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 کارروائی 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 باختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ 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 لکھد یا کہ سندر ہے۔

20

ماہ

الرقوم

العبد العبد العبد

کے لئے منظور ہے۔

Handwritten signature

Handwritten signature

مقام کیشاور

عدنان مستثنوی مارٹ  
پوک منگری پشاور کی فون: 2220193  
Mob: 0345-9223239

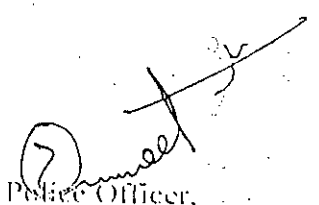


(S)

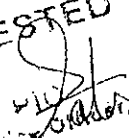
SUMMARY OF ALLEGATIONS

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 Jehanzeb No.72, 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. 178 /CC/PA,  
Dated. 02/12 /2015

ATTESTED  
  
District Police Officer, Swabi



(6)

DY: No. 1448 /SB.

DATED: 28 /12/15.

SUBJECT: DEPARTMENTAL ENQUIRY AGAINST CONSTABLE JAHANZAB NO 72 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.178/CC/PA, dated 02.12.2015 on the following allegations:-

ALLEGATIONS.

It is alleged that on 30.11.2015, two rider squads were on routine gasht in the area of village Thand Koi, PS Zaida. At 15:30 hours, when they reached poory Lar near the house of Alamzaib, 02 motocyclists opened indiscriminate fire upon them. As a result constables Imtiaz Gul No 250 was hit and died on the spot, while Ghulam Abbas No 1356/Ex hit and seriously injured. While escaping the accused also took away official rifle 7.62 bore from the deceased constable. Constable Jehanzeb No 72, 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 JEHANZEB NO 72 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 hitting sweater of his rider 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 injuries 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 302/34-7A/TA PS CTD Mardan, wherein Doctor Yaqoob was shot by 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

ATTESTED

*[Signature]*  
District Police Officer Swabi

*Certified to be True Copy*

7



miscreants and shoot them if possible and he was ordered to follow the 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 SMCs formation was that defaulter 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

Certified to be true copy

ATTESTED

District Police Officer, Swabi

(IZTAR SHAH KHAN)  
Sub-Divisional Police Officer,  
Swabi.

Date of Receipt: \_\_\_\_\_  
Date of Issuance: \_\_\_\_\_  
Date of Delivery: \_\_\_\_\_

(8)

A-11-11-15

(97)

**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 Alanzaib, 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 Jehanzeb No.72, 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 Jehanzeb No.72 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.

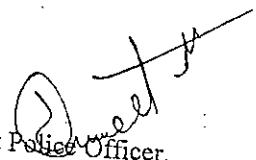
Hence I Javed Iqbal PSP, District Police Officer, Swabi in exercise of power vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules-1975 call upon you to show cause finally as to why the proposed punishment should not be awarded to you.

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

Sub-Inspector, Swabi

  
District Police Officer,  
Swabi.



OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

ORDER

It is alleged that on 30.11.2015, two rider squads were on routine patrol 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 Jehanzeb No.72, 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 Jehanzeb No.72, guilty for the misconduct 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 Jehanzeb No.72 Major Punishment of dismissal from service, with immediate effect.

O.B No. 74  
Dated 13/11/2016

(JAVED IQBAL) PSP  
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.  
No. 185-09 /PA, dated Swabi, the 13/11/2016.

- 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.

verified to be true copy.

No

to

has

10

12/11/2016



ORDER.

This order will dispose-off the appeal preferred by Ex-Constable Jehanzeb No. 72 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. 74 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 Jehanzeb No. 72 while riding on the second motorcycle and was present on the spot showed extreme cowardice in the entire episode, which resulted in safe escape of the accused from crime scene, which is highly against the discipline and amounts to gross misconduct. Therefore he was served with charge sheet and summary of allegations and Deputy Superintendent of Police, Swabi was appointed as enquiry Officer. The Officer conducted proper departmental enquiry collected the evidence and recorded statements of all concerned. He submitted his findings wherein he found the appellant guilty of misconduct and recommended him for Major punishment. The District Police Officer, Swabi perused the enquiry papers, findings and by agreeing with the enquiry Officers, issued him Final Show Cause Notice. His reply to the Final Show Cause Notice was received, perused and he was heard in orderly room, but was found unsatisfactory, therefore he was dismissed from service.

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

ORDER ANNOUNCED

12/11  
(Muhammad Tahir) PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan

No. 3355 /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. 95/Insp: Legal dated 08.04.2016. His service record is returned herewith for record in your office.

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