

3

25.02.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as ASI when FIR No. 338 dated 18.9.2014 registered u/s 9CNSA/15-AA, FIR No.716 dated 25.9.2014 registered u/s 15-AA/14 B and FIR No.728 dated 29.9.2014 registered u/s 15AA were registered at P.S Naurang. That according to charge sheet, the appellant was stated involved in inefficiency and replacement of arms. That after the departmental inquiry, the appellant was compulsorily retired from service vide impugned order dated 15.10.2014 against which departmental appeal/representation was preferred on 22.10.2014 which was not responded within the statutory period and hence the present service appeal on 16.2.2015.

That the allegations against the appellant were false and the same neither proved nor the inquiry was conducted in the prescribed manners.

I
UUC - security and process fee within 10 days, notices be issued to the respondents for written reply for 29.5.2015 before S.B.

Points urged need consideration. Admit. Subject to deposit of 11-5-15

Chairman

4

29.05.2015

Counsel for the appellant present. Learned counsel for the appellant requested for withdrawal of appeal as the grievances of the appellant have been redressed. Dismissed as withdrawn. File be consigned to the record.

ANNOUNCED
29.5.2015



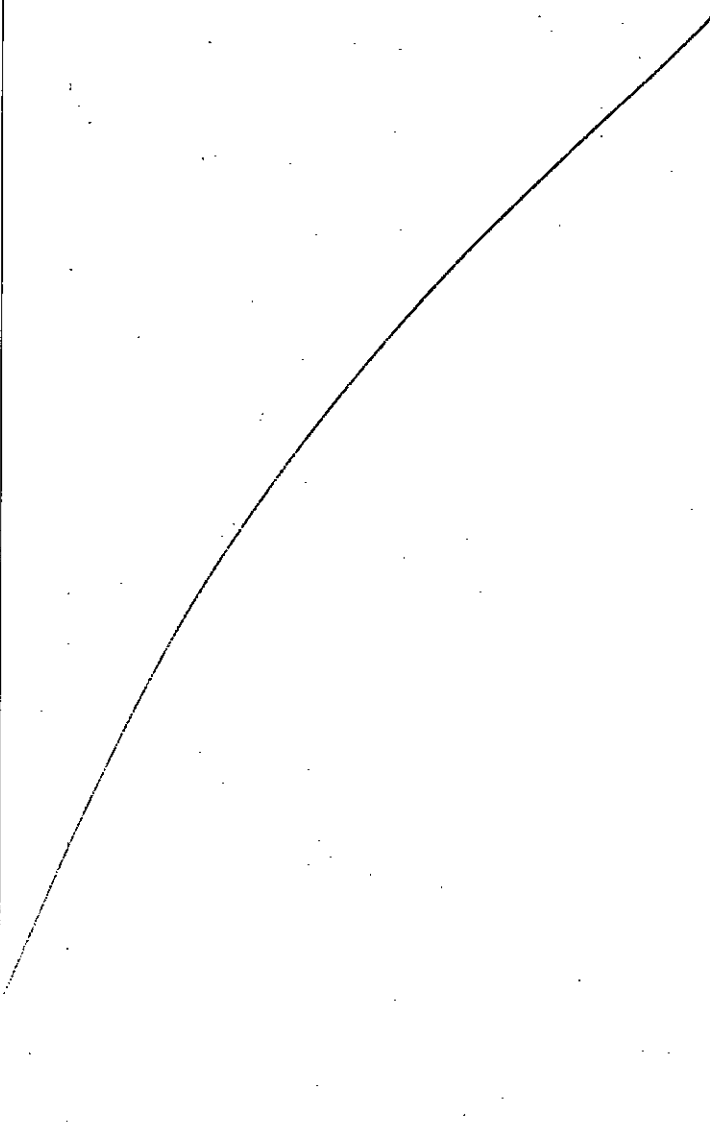
Chairman

29.05.15

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 120/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16.02.2015	<p>The appeal of Mr. Said Azam presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	23-2-15	<p>This case is entrusted to Bench <u>I</u> for preliminary hearing to be put up thereon <u>25-2-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. ¹²⁰ /2015

Syed Azam

Versus


R.P.O & others

I N D E X

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-4
2.	FIR No. 338, 18.09.2014	"A"	5
3.	Deputed for Enquiry, 25.09.2014	"B"	6
4.	FIR No. 716, 25.09.2014	"C"	7
5.	FIR No. 728, 29.09.2014	"D"	8
6.	Recovery Memo, 29.09.2014	"E"	9
7.	Charge Sheet, 04.10.2014	"F"	10-11
8.	Reply to Charge Sheet, 08.10.2014	"G"	12
9.	2 nd Show Cause Notice, 09.10.2014	"H"	13-14
10.	Reply to Show Cause Notice, 13.10.2014	"I"	15
11.	Order of Compulsory Retirement, 15.10.2014	"J"	16-17
12.	Departmental Appeal, 22.10.2014	"K"	18-19
13.	FSL Report, 29.10.2014	"L"	20

Dated: 16.02.2015

Through

Appellant

Saad Ullah Khan Marwat
Advocate.
21-A Nasir Mension,
Shoba Bazar, Peshawar.
Ph: 0300-5872676

BEFORE KPK SERVICE TRIBUNAL PESHAWARS.A No. 120 /2015

Syed Azam S/o Haji Mousam Khan,
R/o Adamzai, Lakki Marwat, Ex-ASI/SHO,
Lakki Marwat Appellant

Versus

1. Regional Police Officer, Bannu Region,
Bannu.
2. Provincial Police Officer, KP, Peshawar.
3. District Police Officer, Lakki Marwat. Respondents

A.W.P. Provincial
Service Tribunal
Diary No. 117
Dated 16-2-2015

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT,
1974 AGAINST OFFICE ORDER NO. 2696-98/EC,
DATED 15.10.2014 OF R. NO. 1, WHEREBY
MAJOR PUNISHMENT OF COMPULSORY
RETIREMENT FROM SERVICE WAS IMPOSED
UPON APPELLANT FOR NO LEGAL REASON AND
R. NO. 2 FAILED TO DECIDE THE
DEPARTMENTAL APPEAL DATED 22.10.2014
WITHIN STATUTORY PERIOD OF 90 DAYS.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That appellant was initially appointed as Constable on 23.12.1986 and was promoted to the rank of Head Constable in the year 2002. On dedicated performances of the official duties, he was further promoted to the rank of ASI on 04.09.2008.
2. That on 18.09.2014, FIR No. 338 was lodged against Proclaimed Offender, Javaid by raiding his house but was found not present, yet Narcotics and Kalashnikov was recovered and then the said FIR registered under section 9 CNSA/ read with 15 Arms Act and at the spot, Shamal Khan s/o Mashal Khan was arrested. (Copy as annex "A")

Filed to-day

Registered

16/2/15

3. That on 25.09.2014 at 9:30 am, appellant was deputed for enquiry to Home Department and was returned back on the said date at 18:10. (Copy as annex "B")
4. That on 25.09.2014, subsequent FIR No. 716 dated 25.09.2014, PS Naurang, under section 15AA/14B, wherein huge quantity of ammunition was recovered from the secret cavities of Motorcar by Kaleem Ullah IHC and DSP (Copy as annex "C")
5. That on 29.09.2014, FIR No. 728, dated 29.09.2014, PS Naurang was registered against Munawar Jan accused and was booked under 15AA by appellant. (Copy as annex "D")
6. That on 29.09.2014, recovery memo was prepared by IHC Yousuf Khan wherein single No. of Kalashnikov was mentioned and not the three Kalashnikov. (Copy as annex "E")
7. That on 04.10.2014, appellant was served with charge sheet / statement of allegations that while posted as SHO, PS Naurang, he was involved in number of illegal acts (1) by stashing away ammunition which was not show in the FIR. 2. 3 SMGs of foreign made into were reflected by fake and local made through Proclaimed Offender, Mahmood, but such allegations were totally false and absolutely incorrect. (Copy as annex "F")
8. That on 08.10.2014, the said charge sheet was replied and denied the allegations with cogent reasons mentioned therein. (Copy as annex "G")
9. That perhaps, double enquiries in to the matter were initiated by Inquiry Officer, Inspector, Abdul Aziz in FIR No. 338 and Inquiry Officer, Farooq in FIR No. 728 and 716, yet the same were not conducted as per the mandate of law. Neither any statement of any witness(s) was recorded in presence of appellant nor he was afforded opportunity of cross examination, being mandatory.
10. That on 09.10.2014, appellant was served with 2nd show cause notice without supply of Enquiry Report, being mandatory, which was also replied on 13.10.2014 in the aforesaid manner. (Copies as annex "H" & "I")

11. That on 15.10.2014, major punishment of compulsory retirement from service was imposed upon appellant by R. No. 1. (Copy as annex "J")
12. That on 22.10.2014, appellant submitted departmental appeal before R. No. 2 for reinstatement in service as he was to be retired from service in the year 2016 but the same met dead response till date. (Copy as annex "K")
13. That on 29.10.2014, FSL examined Kalashnikov in FIR No. 728, dated 29.09.2014, under section 15AA which was found in original shape of foreign made, working in proper condition. (Copy as annex "L")

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

GROUND S:

- a. That as per the available record, the same suggests no punishment, what to speak of a major one.
- b. That the allegations in FIR No. 716, dated 25.09.2014 under section 15AA and 14B, appellant never seized the ammunition mentioned therein but the same were seized by Kaleem Ullah IHC and Noor Muhammad DSP, Serai Naurang, so no question of shortage was ever arises.
- c. That in FIR No. 728, dated 29.09.2014, under section 15AA, only single SMG Rifle was recovered from the house of Munawar, PO and not the three as alleged in the charge sheet. Such fact is quite apparent from recovery memo dated 29.09.2014 wherein single SMG Rifle was mentioned.
- d. That enquiry was not conducted by the two Inquiry Officers as per the mandate of law. Neither any statement of any witness(s) was recorded in presence of appellant nor he was afforded opportunity of cross examination, what to speak of self defence.
- e. That the allegations of changing the original SMG Rifle in to fake and pak made were also not proved as the FSL report is the


ample proof wherein it was categorically stated that the Rifle was in original condition.

- f. That conspiracy was hatched by R. No. 1 as he and DPO (Ismail Kharak) Lakki were not in normal terms and appellant was forced to implicate him but on refusal, he was dragged in to the case in hand.
- g. That it was incumbent for R. No. 3, being his immediate authority to take action against appellant, if any, allegations were leveled against him but R. No. 1 who happens to be appellate authority, himself carried out illegal proceedings against appellant, so the impugned order was based on malafide, being without law full authority and of no legal effect.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 15.10.2014 of R. No. 1 be set aside and appellant be restored / reinstated to his original position with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.


Appellant

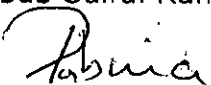
Through


Saad Ullah Khan Marwat

Dated. 16.02.2015


Arbab Saiful Kamal

&


Miss Rubina Naz,
Advocates.

18-9-14

بقدم نمبر ۳۳

گورنمنٹ پبلس پبلاور باب نمبر 13/2286/2011 رقم سٹر۔ تعداد کی بڑے ہنزہ اور 06.2011 (تعمیر و ترمیم) کی نام (پیس)

بقدم نمبر ۳۳-۵ (۱)

ابتدائی اطلاع اور رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ ۱۵۳ مجرمہ ضابطہ توجہ داری

ضلع ملکی سردت

زمنی حیل

تاریخ وقت وقوعہ 18/9/14 وقت 09:30 بجے

338

30

ن رپورٹ	18/9/14	وقت 09:30 بجے	حاکم عدلی 18/9/14	وقت 10:20 بجے
اطلاع دہندہ مستغیث	5017	933	5110	سید اعظم خان
جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	9CNSA/153AA			
اصلہ تھانہ سے اور مت	پولیس اسٹیشن Po حاریدہ واقعہ غزنی ضلع واپس غرب کنیا صدم قریب چوک پورہ از کھانہ			
مزم	شمالی خان ولد شمالی خان ساکن گندکی وکریں			
پیش کیے متعلق کی سنی اگر اطلاع درج کرنے میں توقف ہوا ہو توجہ بیان کرو	برسر گذری سید اسلم بر حیدر داتا گیا			
سکی تاریخ و وقت	بہ سبیل ڈرائنگ			

ابتدائی اطلاع نیچے درج کرو۔ ایک قریبی سید اسلم صاحب سید اعظم خان سے
 حاکم عدلی نے سید اسلم صاحب کو اطلاع دیا کہ ایک شخص نے سید اسلم صاحب کے گھر پر
 حملہ کیا ہے اور سید اسلم صاحب کو زخمی کر دیا ہے۔ سید اسلم صاحب نے
 اطلاع دی اور پولیس کو بلا کیا۔ پولیس نے سید اسلم صاحب کو
 لے کر اسپتال لے گیا۔ سید اسلم صاحب کے گھر پر
 ایک شخص نے حملہ کیا ہے اور سید اسلم صاحب کو زخمی کر دیا ہے۔
 سید اسلم صاحب نے اطلاع دی اور پولیس کو بلا کیا۔ پولیس نے
 سید اسلم صاحب کو لے کر اسپتال لے گیا۔ سید اسلم صاحب کے
 گھر پر ایک شخص نے حملہ کیا ہے اور سید اسلم صاحب کو زخمی
 کر دیا ہے۔ سید اسلم صاحب نے اطلاع دی اور پولیس کو بلا
 کیا۔ پولیس نے سید اسلم صاحب کو لے کر اسپتال لے گیا۔
 سید اسلم صاحب کے گھر پر ایک شخص نے حملہ کیا ہے اور
 سید اسلم صاحب کو زخمی کر دیا ہے۔ سید اسلم صاحب نے
 اطلاع دی اور پولیس کو بلا کیا۔ پولیس نے سید اسلم صاحب
 کو لے کر اسپتال لے گیا۔ سید اسلم صاحب کے گھر پر ایک
 شخص نے حملہ کیا ہے اور سید اسلم صاحب کو زخمی کر دیا ہے۔
 سید اسلم صاحب نے اطلاع دی اور پولیس کو بلا کیا۔ پولیس
 نے سید اسلم صاحب کو لے کر اسپتال لے گیا۔ سید اسلم
 صاحب کے گھر پر ایک شخص نے حملہ کیا ہے اور سید اسلم
 صاحب کو زخمی کر دیا ہے۔ سید اسلم صاحب نے اطلاع دی اور
 پولیس کو بلا کیا۔ پولیس نے سید اسلم صاحب کو لے کر
 اسپتال لے گیا۔ سید اسلم صاحب کے گھر پر ایک شخص نے
 حملہ کیا ہے اور سید اسلم صاحب کو زخمی کر دیا ہے۔ سید
 اسلم صاحب نے اطلاع دی اور پولیس کو بلا کیا۔ پولیس نے
 سید اسلم صاحب کو لے کر اسپتال لے گیا۔

18/9/14
 18/9/14

Altaf
 Saib

25-9-14

ضلع بکروت

تھانہ نورنگ

نقل درجہ 7 روزنامہ 25⁹/₁₄درجہ 7 روزنگ - سید افضل خان SHO مورخہ 25⁹/₁₄ وقت

09-35 بجے - میں لیٹلم انکوائری بوم ڈیپارٹمنٹ ذریعہ

داخلہ حسب الحکم انسپران بلاکٹ درگاہ ٹروانہ سہارا

ضیاء علی

نقل مطابق اصل سے

25-9-14

ضلع بکروت

تھانہ نورنگ

نقل درجہ 22⁹/₁₄ روزنامہ 25⁹/₁₄درجہ 22 والی سید افضل خان SHO مورخہ 25⁹/₁₄ وقت 10.14 بجے

میں دفتر بحرام مد 7 بلاک سے لیدر اخراجت انکوائری بوم

ڈیپارٹمنٹ لٹ در سے واپس آ رہا ہوں - دیگر خبریت سے

ضیاء علی

نقل مطابق اصل سے

استاد

Said

25-9-14

گورنمنٹ ہیریٹیج پارک، لاہور۔ فون: 2286/13۔ ٹیکسٹ: 20.06.2 (2006)۔ (4) نمبر (2)۔ (گورنمنٹ ہیریٹیج پارک)

فارم نمبر 23-5-11

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردستی 152 مجموعہ ضابطہ نو بداری

محلہ 14-9-28

تاریخ وقت وقوع	25-9-14	وقت	17:30 بجے
وقت رپورٹ	25-9-14	وقت	19:15 بجے
محلہ اطلاع دہندہ مستفیض	کھلم اللہ	محلہ اطلاع دہندہ مستفیض	کھلم اللہ
بیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	15AA/14B	بیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	15AA/14B
علاقہ قلمدان سے اور متعلقہ سرکاری نامی و دودھ مانا سلطان محمد بابا علی صاحب صاحبہ صاحبہ	کھلم اللہ ولد سید محمد خان ساکن ماہو صاحب خان	علاقہ قلمدان سے اور متعلقہ سرکاری نامی و دودھ مانا سلطان محمد بابا علی صاحب صاحبہ صاحبہ	کھلم اللہ ولد سید محمد خان ساکن ماہو صاحب خان
جو پیش کیے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	پیر سید محمد اسلم	جو پیش کیے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	پیر سید محمد اسلم
رواگی کی تاریخ وقت	پیر سید محمد اسلم	رواگی کی تاریخ وقت	پیر سید محمد اسلم

ابتدائی اطلاع پیچھے درج کرو۔ جو متعلقہ سرکاری نامی و دودھ مانا سلطان محمد بابا علی صاحب صاحبہ صاحبہ
 گورنمنٹ ہیریٹیج پارک، لاہور۔ فون: 2286/13۔ ٹیکسٹ: 20.06.2 (2006)۔ (4) نمبر (2)۔ (گورنمنٹ ہیریٹیج پارک)
 محلہ 14-9-28
 وقت وقوع 17:30 بجے
 وقت رپورٹ 19:15 بجے
 محلہ اطلاع دہندہ مستفیض کھلم اللہ
 محلہ اطلاع دہندہ مستفیض کھلم اللہ
 بیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔ 15AA/14B
 بیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔ 15AA/14B
 علاقہ قلمدان سے اور متعلقہ سرکاری نامی و دودھ مانا سلطان محمد بابا علی صاحب صاحبہ صاحبہ
 کھلم اللہ ولد سید محمد خان ساکن ماہو صاحب خان
 جو پیش کیے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو
 پیر سید محمد اسلم
 رواگی کی تاریخ وقت
 پیر سید محمد اسلم

29/9/14

فانٹونڈنگ سرورٹیفکیٹ کی پیشکش بائبل یا صلح کی صورت

نمبر 728 سے 29/9/14 15AA کی فانٹونڈنگ

ذرا بیان دے دوں گا کہ اس وقت اسٹروان والا میں سہ ماہی کے پیمانے 150 کی فانٹونڈنگ
 کے وقت ہم آریٹو ڈیپارٹمنٹ کے نمبر 573 سے 29/9/14 تک فانٹونڈنگ سے متعلق 17 اسی
 کاپیوں میں 62/7/14 (دہانہ) فانٹونڈنگ کے بارے میں بیان کو رقم درمیان
 صلی ٹیکسٹ کے ذریعہ اسٹروانڈ میں لیا گیا۔ دن 14/9/14 کو اسٹروانڈ کے ذریعہ
 اسٹروانڈ نمبر 573 سے 29/9/14 تک فانٹونڈنگ سے متعلق 17 اسی
 کاپیوں میں 14/9/14 سے 29/9/14 تک اسٹروانڈ کے بارے میں بیان
 کے ذریعہ اسٹروانڈ میں لیا گیا۔ اس کاپیوں کے ذریعہ اسٹروانڈ کے
 بارے میں بیان کو رقم درمیان میں لیا گیا۔ اس کاپیوں کے ذریعہ
 فانٹونڈنگ کے بارے میں بیان کو رقم درمیان میں لیا گیا۔ اس کاپیوں کے
 ذریعہ فانٹونڈنگ کے بارے میں بیان کو رقم درمیان میں لیا گیا۔

11/14/14
 29/9/14

گوہاٹ
 اسٹروانڈ
 SA

Attest
 S. K. S. S.

ایسا، فانٹونڈنگ
 SA

F

10
4-10-14

CHARGE SHEET:

I, SAJID ALI KHAN, Regional Police Officer, Bannu Region, Bannu, as competent authority, hereby charge ASI Said Azam as follows:-

- That you while posted as SHO PS Naurang, ceased to be efficient, wherein the accused officer allegedly involved himself in a number of illegal acts such as

1. In case FIR No.716 Dated 25.09.2014 u/s 15AA,14B PS Naurang, a large cache of arms/ammunition especially, ammunition were recovered, however a part was stashed away illegally and not shown in the FIR.

2. In case FIR No.728 Dated 29.09.2014 u/s 15AA PS Naurang, a raid was conducted at the house of P.O namely Munawar, which led to the recovery of 03 SMGs, however all these three SMGs which were foreign made, allegedly replaced with fake and local made. Two out of the three SMGs were replaced through Mahmood who is a Proclaim Offender in 302PPC of PS Ghoriwala, which is the height of injustice and complicity in heinous crime.

2. By reason of the above you appear to be guilty of misconduct under the disciplinary Rules 1975 (Amended vide NWFP gazettee, 27 the January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

3. You are therefore, directed to submit your defense within 07 days of the receipt of this Charge Sheet to the enquiry officer.

4. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.

(SAJID ALI KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu.

AUW
Said Azam

STATEMENT OF ALLEGATIONS:

I, SAJID ALI KHAN, Regional Police Officer, Bannu Region, Bannu, as competent authority, I am of the opinion that ASI Said Azam has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of disciplinary rules 1975 (amended vide NWFP gazette 27th January 1976).

SUMMARY OF ALLEGATIONS:

- That he while posted as SHO PS Naurang, ceased to be efficient, wherein the accused officer allegedly involved himself in a number of illegal acts such as:-
 - In case FIR No.716 Dated 25.09.2014 u/s 15AA,14B PS Naurang, a large cache of arms/ammunition especially, ammunition were recovered, however a part was stashed away illegally and not shown in the FIR;
 - In case FIR No.728 Dated 29.09.2014 u/s 15AA PS Naurang, a raid was conducted at the house of P.O namely Munawar, which led to the recovery of 03 SMGs, however all these three SMGs which were foreign made, allegedly replaced with fake and local made. Two out of the three SMGs were replaced through Mahmood who is a Proclaim Offender in 302PPC of PS Ghoriwala, which is the height of injustice and complicity in heinous crime.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations Insp Farooq is appointed as Enquiry Officer.

3. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (25 days) after the receipt of this order.

4. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(SAJID ALI KHAN)PSP
Regional Police Officer,
Bannu Region, Bannu

No.2637-39/EC, dated: 04/10/2014
Copies to the:-

1. The District Police Officer, Bannu along 2 spare copies of charge sheet and summary of allegation for services upon the accused officer. A duly signed by the accused be submitted to this office as a token of receipt.
2. The Enquiry Officer.
3. The Establishment Clerk

*Accepted
Said Azam*

(SAJID ALI KHAN)PSP
Regional Police Officer,
Bannu Region, Bannu

جہاں عالیٰ بحوالہ مشورہ خارج شدہ صورتوں کے جملہ الزامات
 مندرجہ خارج شدہ و ذکور غلط ذرا کثرت اور غلط نہیں ہے
 نہ تو میں نے اس کے ہم آواز کے وقت کسی قسم کی رد و بدل
 کی ہے اور نہ اس قسم کے صورت کے متعلق کہیں سوچا جو بصورت
 ایک دم وار لوگوں؟ سب سے اس کے تباہی میں لے کر ایک ناممکن
 صورت ہے۔ صاف تو ہے ہر حد و قدر سے بڑھ کر لوگوں کے

① FIR 16 جو 25/9/14 سے 15AA 14B تک تھا نوڈنگ کے تو میں نے وہ
 رجسٹر کیا ہے اور نہ ہی ہر آواز کے وقت میں جو کوئی موجود تھا
 جگہ ہر آواز کے زیر قیادت تھا۔ اس میں نوڈنگ کے حکیم اللہ
 نے کہا ہے اور ہر ڈو آواز کو جو موجود ہے، لہذا اس میں
 جو ملوث کرنا بعد از الزام ہے۔ کون سے صورت غیر موجود ہے
 وہ تو وہ رہا ہے کہ وہ رجسٹر ہو چکا ہے

② جہاں تک 28 کا تعلق ہے، یہ حقیقت ہے کہ میں نے مورخان
 فورسز کے گھوڑے چھاپے زخمی، مگر دوران چھاپے زخمی میں
 ہی کئی شکوکے ہر آواز سے آگے نہ گئے تین شکوکے اور اس میں
 گونے کو تباہ کیا ہے۔ اور نہ کسی قسم کے رد و بدل کی گئی ہے
 جس کے لئے تو متعلق ایک خانے سے بھی ہو سکتی ہے۔ اور ساتھ ہی
 دیگر لوگوں کو اس سے بھی۔ جہاں تک محمود Po کا تعلق ہے اس
 میں شک نہیں کہ وہ میں بیان پر خارج 2014ء میں جھڑپ
 SHO تعینات تھا۔ اس کے گھوڑے کے ساتھ ساتھ چھاپے زخمی کے لیے
 اور اس نے میرے DFC کے ساتھ ساتھ بھی لیا تھا جو بعد میں اور
 انکو اپنی غلط ثابت ہو کر دراصل دفعہ ہو گیا۔ تو میرے ساتھ
 کسی قسم کے مراسم ہے۔ اور نہ کوئی دیگر تعلق ہے

لہذا اس دعا میں انکو اپنی خود کو دراصل دفعہ سے مایا گیا ہے

Sack
 HO/NC (15A/Line)
 8-10-14

Attest
 Sack

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9-10-14

OFFICE OF THE REGIONAL POLICE OFFICER, BANNU REGION, BANNU.

SHOW CAUSE NOTICE
(Under rules 5 (03) KPK Police Rules, 1975)

I That you Mr. Syed Azam while posted as SHO-PS: Ghazni Khel have rendered yourself liable to be proceeded under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct:

- That you: ASI Syed Azam, while posted as SHO-Police Station Ghazni Khel recovered a kalashnikove from the house of a PO Javed, which was neither sealed nor got inspected by the Armourer on the same or following day, rather the examination was done after a hiatus of 05-days.
- Moreover, the number embossed on the Kalashnikove was also tempered as per the deposition of the Armourer .
- All this done with ulterior motives and in the words of Enquiry Officer intentionally to accommodate the misdeed (replacement) planned before registration of the case and replacement of Kalashnikove, for which SHO Said Azam is apparently responsible.

That by reason of above, as sufficient material is placed before the undersigned; therefore it is decided to proceed against you in general police proceeding without aid of enquiry officer:

That the misconduct on your part is prejudicial to good order of discipline in the police force

That your retention in the police force will amount to encourage in efficient and unbecoming of good police officers:

That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.

You are, therefore called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.

You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.

You are further directed to inform the undersigned that wish to be heard in person or not.

Grounds of action are also enclosed with this notice.

(SAJID ALI KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu.

9/10/14

Received by _____

No. 2648 /EC Dated 09/10/14.

The DPO/Bannu for information.

Attested
Said Azam

(SAJID ALI KHAN) PSP
Regional Police Officer,
Bannu Region, Bannu.

OFFICE OF THE REGIONAL POLICE OFFICER, BANNU REGION, BANNU.

GROUND OF ACTION:

That you Mr. Syed Azam while posted as SHO-PS: Ghazni Khel committed the following misconduct:-

- That you ASI Syed Azam, while posted as SHO-Police Station Ghazni Khel recovered a kalashnikove from the house of a PO Javed, which was neither sealed not got inspected by the Armourer on the same or following day, rather the examination was done after a hiatus of 05-days.
- Moreover, the number embossed on the Kalashnikove was also tempered as per the deposition of the Armourer .
- All this done with ulterior motives and in the words of Enquiry Officer intentionally to accommodate the misdeed (replacement) planned before registration of the case and replacement of Kalashnikove, for which SHO Said Azam is apparently responsible.

By reason of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa police rules, 1975, hence these ground of action.

(SAJID ALI KHAN) DSP
Regional Police Officer,
Bannu Region, Bannu.

Attested
Said Azam

9/11/14

13-10-14

مناجات - احوال مشورہ شدہ کارڈ شدہ صورت میں

① مکتبہ اترانے جاوے سے برآمدہ کارڈ شدہ صورت میں بعد از طہارت

AKR کے قلمی نسخہ موقعہ پر آدھ گلاہ 1/2 گلاہ تھی جو کہ صحت

اور صحت کے لئے جو کارڈ شدہ صورت میں لکھی ہوئی ہے

ملاحظہ فرمادئے ہوئے ہیں۔

بے کلر شدہ قلمی مکتبہ کے ساتھ ساتھ سوال بھی آج کے ایک

بھی لکھی ہوئی ہے اس کے اندر جو کچھ لکھا ہے وہ سبھی

دیکھ کر اس کے ساتھ ساتھ لکھی ہوئی ہے۔

یہ اس کے ساتھ ساتھ لکھی ہوئی ہے اور اس کے ساتھ ساتھ

سب کے ساتھ ساتھ لکھی ہوئی ہے اور اس کے ساتھ ساتھ

لکھی ہوئی ہے اور اس کے ساتھ ساتھ

لکھی ہوئی ہے اور اس کے ساتھ ساتھ

اللہ تعالیٰ
Said B am

Said B am
Said B am

13-10-14

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15-10-14

POLICE DEPARTMENT.

BANNU REGION.

ORDER

My this order will dispose off the following (2)-departmental enquiries, initiated against ASI Said Azam, the then SHO-PS: Naurang and PS: Ghazni Khel District Lakki Marwat respectively:-

1). Depttl: Enquiry against ASI Said Azam as SHO PS: Naurang.

- That he, while posted as SHO PS: Naurang, ceased to be efficient wherein the accused officer allegedly involved himself in a number of illegal acts such as:-
- In case FIR No. 716 dated 25.9.2014 U/S 15AA, 14B PS: Naurang, a large number of arms/ammunition especially ammunition were recovered, however, a part was stashed away illegally and not shown in the FIR.
- In case FIR No. 728 dated 29.9.2014 U/S 15AA PS: Naurang, a raid was conducted at the house of PO namely Munawar, which led to the recovery of 03-SMGs, however, all these 03-SMGs, which were foreign made allegedly replaced with fake local made. Two out of the 03-SMGs were replaced through Mohmood who is a PO in 302 PPC PS: Ghoriwala, which is the height of injustice and complicity in heinous crime.

ASI Said Azam was charge sheeted alongwith statement of allegations by the undersigned. Inspector Legal Mr. Mohammad Farooq Khan was appointed as Enquiry Officer. The Enquiry Officer conducted proper departmental proceedings against the accused officer and submitted his findings, wherein the allegations have been proved.

2). Depttl: Enquiry against Said Azam as SHO-PS: Ghazni Khel

- That ASI Said Azam, while posted as SHO-PS: Ghazni Khel recovered a Kalashnikove from the house of a PO Javed, which was neither sealed nor got inspected by the armourer on the same or following day, rather the examination was done after a hiatus of 05-days.
- Moreover, the number embossed on the Kalashnikove was also tempered as per the deposition of the armourer.
- All this done with ulterior motives and in the words of Enquiry Officer intentionally to accommodate the misdeed

cel
Deputy Superintendent
Police Office
Bannu

The delinquent Police Officer was issued show cause notice based upon the preliminary enquiry, conducted by Inspector Legal Mr. Abdul Aziz Khan, RPEO-Range Office, Bannu. In response to the said show cause notice, the delinquent Police Officer submitted his reply, which was perused and found implausible /unsatisfactory by the undersigned.

The accused Police Officer was heard in person in orderly room, given the opportunity to show cause if any for his misconduct which is proved but found to be none, Therefore, I, Sajid Ali Khan, Regional Police Officer, Bannu Region, Bannu am of the view that his further retention will have serious impact on the image and discipline/conduct of the Force. Hence he is compulsorily retired.

Order announced.

(Sajid Ali Khan)PSP
Regional Police Officer,
Bannu Region, Bannu.

No. 2696-98/EC dated Bannu the 15/10/2013

Copies for inf: & n/action to:-

- The Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- The District Police Officer, Bannu.
- The District Police Officer, Lakki.

Attested

[Signature]
Office of the Regional Police Officer
Bannu

(Sajid Ali Khan)PSP
Regional Police Officer,
Bannu Region, Bannu.

[Signature]
15/10/13

[Signature]
Sajid Ali Khan

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22-10-14

Before the Worthy Provincial Police Officer Khyber Pakhtunkhwa Peshawar

Subject: Departmental appeal against the order End#2696-98 dated 15/10/2014 passed by Regional Police officer Bannu Region Bannu .

Respectfully:-

- (1) That the order of worthy Regional police officer Bannu is against law, justice and facts on record.
- (2) That the enquiry officer has concealed the the actual facts and without bringing solid evidence on record submitted report with the unfounded observation that the charges have been proved.
- (3) That at the time of registration of case FIR NO:716 dated 25/09/2014 U/S 15AA/14B P/S Naurang I was out station photo copy of DD report enclosed as Proof "A".
- (4) That in case FIR NO:728 dated 29/09/2014 U/S 15AA PS Naurang a raid was made at the house of PO Munawarjan where in one Kalashnikov rifle was recovered and taken into possession and dispatched to Arm expert FSL Peshawar neither three k-koves were recovered nor any change was made in it. The allegations of relation with PO Mahmood was totally wrong and baseless because in march 2014 I have made raid over the house of said PO and he had made baseless complaint against myself and DFC but the same was file on the same score. Photocopy of FIR enclosed as proof "B".
- (5) That incase FIR 338 dated 18/09/2014 U/S 15AA /9 CNSA PS Ghaznikhel chars and one kk rifle ware record from the accused Shamal khan and was handed over to I.O Abdur Rahim SI P.S Ghaznikhel on the spot. As per direction of chairman Justice co-ordination committee , recovery memo of seized articles will be prepared by investigation staff. Forther more I have not made any alteration in the number of k.kove nor misappropriated but the same was handed over to investigation unit on the spot.
- (6) That the whole enquiry was conducted in one sided and in hasty manners and opportunity of defence and cross and cross examination over the witnesses were provided. The whole proceeding was carried out in sheer violation of fundamental law and rules.
- (7) That the enquiry officers have based their conclusion report on surmises ,conjectures and past decided transactions which has no evidentiary valve in the eye of law nor It can be based a ground justification for giving major punishment to the appellat.
- 8 That the impugned order of RPO Bannu date:15/10/2014 is arbitrary against the facts, based on malafidy and in sheer violation of civil servant law and rules.

(9) That the charges leveled against the appellant are baseless, concocted and based on surmises and conjectures and no solid or reliable evidence has been brought on record nor any opportunity of question over the liar witness was provided.

Keeping in view the above stated facts it is humbly prayed that the order 2696-90/EC dated: 15/10/2014 RPO Bannu may kindly be set aside and I may be re-instated into service with all due benefits and consequential costs.

Date: 22/10/2014

Your Faithfull's

Saeed Azam
S/O Haji Musam Khan
R/O Adamzai
Distt. Lakkim Marwat
Mobil: 0300 5765017

Attested
Saeed Azam

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29-10-14



FORENSIC SCIENCE LABORATORY
POLICE INVESTIGATION, KHYBER PAKHTUNKHWA
29-B1, Phase 5 Hayatabad Peshawar

REPORT OF THE FIRE ARMS EXPERTS

Laboratory No. FA-16-11319-20-14 Received the sealed parcel on 17-10-2014

At FSL from SHO P.S Naurang District Lakki

The seals on parcels were found intact.

F.I.R No: 728 dated 29-09-2014 U/S 15 AA PS Naurang District Lakki

- | | |
|--|---|
| 1. P.No.1 having four seals of M.Y containing. | One 7.62 MM bore SMG rifle No. 04573. |
| 2. P.No.2 having four seals of M.Y containing. | Seventeen live cartridges now marked L1 to L17. |

NOTE: - The exhibits were signed by the experts.

OPINION.

Examination of the case has revealed as under:-

- i. The 7.62 MM bore SMG rifle No. 04573 in question is foreign made and in proper working order in its present condition.
- ii. The seventeen live cartridges marked L1 to L17 in question are that of 7.62 MM bore.

- Note: - (1)
 (2) Any report without embossing marks is not genuine.
 (3) The contents of the parcel were under our immediate custody until the examination was completed.

(MOHAMMAD AZIZ)
FIRE ARMS EXPERT

(AZIZ KHAN)
FIRE ARMS EXPERT

No. 19917 /FSL, Dated 25/10/2014

The opinion of the Fire Arms Expert is forwarded to SP/Inv: Lakkimarwat
The receipt may be acknowledged and the exhibits collected from this Laboratory.

Handwritten signature

DIRECTOR
FORENSIC SCIENCE LABORATORY
POLICE INVESTIGATION, KHYBER PAKHTUNKHWA,
PESHAWAR
Tel & Fax : 091-9217394

بعد الت چاپ سروس ٹریڈ ہونٹل صوبہ سندھ پشاور

میںجانب اسلانت

سید اعظم بنام محمد یونس

دعویٰ اپیل

باعث شکریہ ایٹکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکیل کاروائی متعلقہ آن مقام پشاور کیلئے سعید اڈاکس خان دعوت سے ایڈووکیٹ ہانی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موضوع کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے برائے نامہ و تقریر ثالثہ و فیصلہ بر خلاف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تقدیر اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری بیکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی سے واسطے اور وکیل یا مشار قانونی کو اپنے ہمراہ یا اپنی بجائے تقریر کا اختیار ہوگا اور صاحب مقدمہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا و دوران مقدمہ میں جو فرجہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موضوع ہوں گے نیز بقایا و فرجہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المرقوم 2
14
15

العبد العبد العبد

از باب سید اقبال
ایڈووکیٹ

Said Ahmad Khan
سعید اللہ خان مرقت
ایڈووکیٹ

Said Ahmad

Palwina
من رویتہ کار
ایڈووکیٹ