

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 712/2015

Date of institution ... 23.06.2015
Date of judgment ... 16.01.2017

Junaid Khan Shoulder ASI S/o Khial Gul,
R/o Hangu.

... (Appellant)

VERSUS

1. I.G.P, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police Kohat Region Kohat.
3. District Police Officer Hangu.

..... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST ORDER OF RESPONDENT
NO. 2 DATED 10.06.2015 AND RESPONDENT NO. 3 DATED 09.08.2010,
WITH REQUEST TO REINSTATE TO SERVICE WITH ALL BACK
BENEFITS.

Mr. Gul Daraz Khan, Advocate.

.. For appellant.

Mr. Muhammad Jan, Government Pleader

.. For respondents.

MR. ASHFAQUE TAJ
MR. AHMAD HASSAN

.. MEMBER (JUDICIAL)
.. MEMBER (EXECUTIVE)

JUDGMENT

ASHFAQUE TAJ, MEMBER:- Junaid Khan Shoulder ASI S/o Khial Gul,
resident of Hangu, hereinafter referred as appellant has filed instant appeal under Section-4
of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 wherein he has challenged his
dismissal from service.

2. Facts in brief are that appellant joined police services as Constable on 18.06.2002.
That his high-ups respondent No. 3 (District Police Officer Hangu) was displeased to

appellant for giving statement in Supreme Court of Pakistan with regard to arrest of one terrorist Yousaf Gul by him. On the basis of complaint by some inhabitant of locality inquiry was conducted and appellant was dismissed from service. That the appellant filed an appeal before this Hon'ble Service Tribunal in 2010 which was decided in 2013 with direction to DIG Kohat Region Kohat to decide the departmental appeal of the appellant in accordance with law. The DIG Kohat Region dismissed the departmental appeal on 28.05.2013 with findings that departmental appeal filed by the appellant before DIG Kohat Region Kohat was already disposed of by the DIG Kohat Region Kohat vide order dated 29.09.2010 which resulted in de-novo inquiry and subsequently followed by dismissal order dated 27.12.2010. Against which appellant Junaid Khan approached this Hon'ble Service Tribunal in Appeal No. 569/2013 which was decided vide order dated 13.05.2015. The Hon'ble Tribunal passed an order with direction to remit the case back to respondent-department to deal it as departmental appeal against the dismissal order of the appellant dated 27.12.2010 and to decide the same within a period of one month failing which this appeal be deemed to have been accepted. The DIG Kohat Region Kohat on 10.06.2015 rejected the departmental appeal of the appellant by maintaining dismissal order dated 27.12.2010. Hence the instant appeal has been preferred by the appellant.

3. The learned counsel for appellant argued that the appellant had been penalized only on the ground that he had given statement before Human Rights Commission Islamabad of Supreme Court with regard to some terrorists. That no proper departmental inquiry had ever been conducted. That no statement of witness had been on record with regard to different charges leveled against him at different occasions and that his removal from service was against the natural justice. That all the proceedings of inquiries and dismissal order were passed in absentia of appellant which was against the principles of natural justice and so requested that the appeal might be accepted by setting-aside the dismissal order and the appellant may be reinstated into service with all back benefits.

19/1/17

4. On the other hand, learned Government Pleader resisted the arguments of learned counsel for appellant by submitting that there were several charges of misconduct against appellant. The seniors of appellant had reported that there was complaint regarding raids on houses of innocent peoples for ulterior motives by the appellant. That he had quarreled with his own colleagues and opened fire at his colleagues. That there were number of FIRs registered against him and that proper opportunity was given to appellant by way of personal hearing but he could not extend any plausible explanation of the charges and so he was rightly proceeded by the competent authority. Hence requested that service appeal in hand might be dismissed.

5. After going through the detail arguments of both the sides and examination of record it reveals that on 09.08.2010 the appellant was dismissed from service by one Abdur Rashid, District Police Officer, Hangu. The impugned order reflect that departmental inquiry was initiated against Shoulder ASI Junaid Khan on the basis of allegation received against him from general public that he used to make raids on the houses of innocent peoples for greedy purpose without permission of SHO Police Station Doaba. On the basis of that inquiry report the appellant was dismissed from service on 09.08.2010 the appellant moved departmental appeal on 13.08.2010. As per annexure-J the appellant was heard by the then DIG Kohat and direction of de-novo inquiry was ordered vide order dated 29.09.2010. The competent authority DPO Hangu conducted a de-novo inquiry which again resulted in dismissal order vide order dated 27.12.2010. The appellant had not moved any appeal against the above order passed on de-novo inquiry and instead of it filed service appeal before this Tribunal. Again This Service Tribunal on 13.05.2015 passed following order:-

"This to be so as it is but the above situation shows that when the appellant was again dismissed from service vide order dated 27.12.2010 he did not file any departmental appeal against the said order. On the other hand, the Tribunal vide order dated 18.04.2013 directed the

respondent-department to pass a speaking order on the appeal of the appellant. The above said situation has properly been recapitulated by the DIG vide his order dated 28.05.2013 and it is evident from this order that there is no service appeal against the dismissal order dated 27.12.2010, much less any speaking order of the appellate authority in the contemplation of Section 24-A of General Clauses Act, 1897. Hence this Tribunal is of the considered opinion to remit the case back to the respondent-department to deal it as departmental appeal against the dismissal order of the appellant dated 27.12.2010 and to decide the same within a period of one month failing which this appeal be deemed to have been accepted. Parties are left to bear their own costs. File be consigned to the record”.

6. That Again on 10.06.2015 the RPO Dr. Ishtiaq Ahmed Marwat passed a detail order where in the following order was passed relevant portion is reproduced here:-

“Keeping in view of the above and comments submitted by DPO Hangu, I came to the conclusion that a legal and speaking order has been passed by the competent authority and the appellant does not deserve for any leniency due to his conduct/ill-reputation and his retention in a disciplinary force shall earn bad name to the department.


Therefore, in exercise of powers conferred on me I, Dr. Ishtiaq Ahmed Marwat, do not interfere with the denovo proceedings order dated 27.12.2010 and the departmental appeal of Ex-Head Constable Junaid Khan is hereby rejected”

7. The ~~crux~~^{crux} of the aforementioned discussion is that appellant was initially removed from service on the ground that he used to conduct illegal raids for ulterior motives, that the said charge was moulded in last order of R.P.O dated 10.06.2015 to the effect that criminal cases were registered against him. That he had ill reputation and that he had quarreled with

his colleagues and aimed official weapon on them. The record is utterly silent to the effect that proper show-cause notice and statement of allegations have ever been served by the respondents upon the appellant with all aforesaid charges. Appellant was never associated with any inquiry proceedings and all the alleged departmental inquiries from the record is evident were conducted in his absentia. We are of the affirm opinion that it is the bounden duty of the competent authority to proceed in accordance with law and procedure despite the fact that there were heinous charges against the appellant. We deem it as important that proper inquiry is must in the instant case so as to provide complete opportunity to appellant to make his defence. Therefore, the appeal in hand is hereby accepted. The appellant is reinstated into service, however, he shall remain suspended. The respondents are directed to conduct proper inquiry by providing proper statement of allegation, charge sheet and full opportunity to appellant, not only to be associated with the inquiry but also with opportunity of cross examination and defence. The de-novo inquiry shall be concluded within the span of sixty days failing which the suspension order will stand vacated. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
16.01.2017


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

26.10.2016

Counsel for the appellant and Mr. Abdur Rehman, Inspector (Legal) alongwith Mr. Mohammad Jan, GP for respondents present. Arguments could not be heard due to general strike of the Bar. To come up for argument on 16.01.2017.

(PIR BAKHSH SHAH)
MEMBER

(ABDUL LATIF)
MEMBER

16.01.2017

Appellant with counsel Mr. Abdur Rehman, Inspector (legal) alongwith Mr. Muhammad Jan, Government Pleader for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of five pages placed on file, We deem it as important that proper inquiry is must in the instant case so as to provide complete opportunity to appellant to make his defence. Therefore, the appeal in hand is hereby accepted. The appellant is reinstated into service, however, he shall remain suspended. The respondents are directed to conduct proper inquiry by providing proper statement of allegation, charge sheet and full opportunity to appellant not only to be associated with the inquiry but also with opportunity of cross examination and defence. The de-novo inquiry shall be concluded within the span of sixty days failing which the suspension order will stand vacated. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

16.01.2017

(AHMAD HASSAN)
MEMBER

(ASHFAQUE TAJ)
MEMBER

24.02.2016

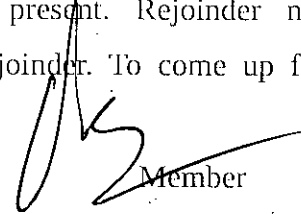
Appellant in person and Mr. Abdur Rehman, Inspector
alongwith Addl: A.G for respondents present. Para-wise comments by
respondents submitted. The appeal is assigned to D.B for rejoinder
and final hearing for 27.5.2016.



Member

27.5.2016

Counsel for the appellant and Abdur Rehman, Inspector
alongwith Assistant AG for respondents present. Rejoinder not
submitted and requested for time to file rejoinder. To come up for
rejoinder and arguments on 25.7.2016.


Member
Member

25.07.2016

Appellant with counsel and Mr. Abdur Rehman, Inspector
alongwith Additional AG for the respondents present. Learned counsel
for the appellant submitted rejoinder, copy where of handed over to
learned Additional AG. During the course of arguments learned
Additional AG suggested that the relevant record pertaining to
conduct of the appellant and record of relevant proceedings may be
directed to produce. Respondent-department is directed to produce
the same on the next date of hearing. To come up for such record and
arguments on ~~26-10-16~~ before D.B.


MEMBER

MEMBER

31.07.2015

Appellant with counsel present. Learned counsel for the appellant argued that the appellant was serving as Constable when dismissed from service vide order dated 9.8.2010 on the allegations of involvement in corrupt practices regarding which he preferred departmental appeal followed by service appeal wherein directions were issued to respondents to decide the departmental appeal of the appellant vide judgment dated 18.4.2013 which departmental appeal was decided and rejected vide order dated 28.5.2013 where-after appellant again approached this Tribunal and vide another order dated 13.5.2015 the Tribunal again directed the respondents to decide the controversy afresh through speaking order and where-after the order of dismissal of the appellant from service was maintained vide impugned final order dated 10.6.2015 and hence the instant service appeal on 23.6.2015.

That the appellant was afforded no opportunity of hearing nor evidence collected in support of allegations nor appellant extended opportunity of cross-examining the witness and, above all, the inquiry proceedings were not conducted in the prescribed manners.

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 29.10.2015 before S.B.


Chairman

29.10.2015

Appellant in person and Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 24.2.2016 before S.B.


Chairman




Appellant Deposited
Security & Process Fee ▶

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 712 /2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25.06.2015	<p>The appeal of Mr. Junaid Khan resubmitted today by Mr. Gul Daraz Khan 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	25-6-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>30-6-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	30.06.2015	<p>Counsel for the appellant present. Requested for adjournment. Adjourned to 31.7.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Junaid Khan Shoulder ASI son of Khial Gul r/o Hango received to-day i.e. on 23.06.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant. ✓
- 2- Copy of promotion letter mentioned in para-4 of the memo of appeal (Annexure-E) is not attached with the appeal which may be placed on it. ✓
- 3- Page nos. 10 and 11 of the appeal are illegible which may be replaced by legible/better one.
- 4- Annexures of the appeal may be attested.

No. 988 /S.T,

Dt. 23/6 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Gul Daraz Khan Adv. Pesh.


25-6-15

① objection no-1 removed.

(2) objection no-2 is no need to correct because the fact is mentioned in the order of Ref/Att no-2 eg Annex-L, page 34. as well as it is repeated appeal.

(3) objection seen and removed.

Now please place before
the Court.


25/6/15

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Civil Appeal No. 712 /2015

Junaid Khan Shaulder ASI S/o Khial Gul

R/o Hangu.....(Appellant)

VERSUS

I.G.P, Khyber Pakhtunkhwa, Peshawar.

And others.....(Respondents)

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-6
2.	Affidavit		7
3.	Addresses of the parties		8
4.	Copy of appointment order	A	9
5.	Copies of Noble Certificate and Cash Reward	B&C	10-13
6.	Copy of letter	D	14
7.	Copy of promotion letter	E	15
8.	Copy of Statement	F	16
9.	Copy of dismissal Order	G	17
10.	Copy of appeal and order	H&I	18-27
11.	Copy of order dated 28/05/2013	J	28-29
12.	Copies of both the orders	K&L	30-35
13.	Wakalat Nama	-	36

Appellant

Through



Dated: 23/06/2015

Gul Daraz Khan

Advocate High Court,
Peshawar.

Cell No. 0333-9239831

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Civil Appeal No. 712/2015

M.W.F. Province
Service Tribunal

Diary No. 737

Dated 23-6-2015

Junaid Khan Shaulder ASI S/o Khial Gul

R/o Hangu.....(Appellant)

VERSUS

1. I.G.P, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police Kohat Region Kohat.
3. District Police Officer Hangu.....(Respondents)

**SERVICE APPEAL U/S 4 OF NWFP (KPK)
SERVICE TRIBUNAL ACT, 1974 AGAINST
THE ORDER OF RESPONDENT NO. 02
DATED 10/06/2015 WHO (RESPONDENT
NO. 2) WAS DIRECTED BY THIS HON'BLE
TRIBUNAL VIDE ORDER DATED
13/05/2015 FOR DISPOSAL OF APPEAL
FAILED BY THE APPELLANT IN THIS
HON'BLE TRIBUNAL DEPARTMENTALLY.**

Prayer in appeal:

1. On acceptance of the instant Service Appeal, the orders of the respondents No. 2 dated 10/06/2015 and respondent No. 3 dated 09/08/2010 may graciously be set aside and the petitioner may also be ordered to reinstate to his Service with full back benefits as well as other any remedy which this Hon'ble Court deemed proper be ordered in favour of appellant.

Filed to-day
Registrar
3/6/15

re-submitted to-day
and filed,

Registrar
3/6/15

2. *While the appellant is the only source of income of livelihood of his family, the appellant may please be allowed to duly till the deposed of the instant appeal.*

Respectfully Sheweth:

FACTS:

Short facts giving rise of the instant appeal are as under:

1. That the appellant was enrolled in the police department (KPK) as constable since 18/06/2002. (Copy of appointment order attached as annexure "A").
2. That the appellant performed his duty honestly and remain patriot to the country particularly to his department since then, consequently awarded with noble certificate as well as cash reward. (Copies of Noble Certificate and Cash Reward are attached as annexure "B" & "C").
3. That the appellant, during his service, in the area where the law and order situation was very worst, arrested many terrorists including one Yousaf Gul who (Yousaf Gul) afterward, was handed over to Pak Army by respondent No. 3 with out bring this fact in the knowledge of the superior that is respondent No. 1 and 2. (Copy of letter attached as annex "D")

4. That due to best performance of his duty, the appellant was promoted as head constable and then shoulder ASI. (Copy of promotion letter attached as annex "E").

5. That as stated in Para No. 3, one terrorist namely Yousaf Gul, after his arrest, his brother approach to Session Judge and then through Human Rights Commission Islamabad to Supreme Court in which I have recorded my statement before Supreme Court. (Copy of Statement is attached as annex "F")

6. That while the respondent No. 3 displeased to my statement given in the Supreme Court, arrange false complainants from some inhabitant of the locality and without giving in my knowledge, proceeded against me an inquiry and dismissed me from Service. (Copy of dismissal Order is attached as annex "G").

7. That, what is stated in para No. 6, it come to my knowledge after my dismissal order.

8. That the appellant filed an appeal in this Hon'ble Tribunal in 2010. Which was decided in 2013. (Copy of appeal and order is attached as annex "H" & "I" respectively).

9. That, according to the direction given by this Hon'ble Tribunal, the respondent No. 2 disposed of the appeal/ application of the appellant without

giving any cogent reason. (Copy of order dated 28/05/2013 is attached as annexure "J").

10. That, aggrieved from the said order the appellant filed next appeal to this Hon'ble Tribunal in which respondent No. 2 was directed to check the matter, other allegation with confrontation of the appellant and then decide carefully within month, but he failed to do so and decide/ disposed of vide order dated 10/06/2015 without giving cogent reason. (Copies of both the orders are attached as annexure "K" & "L").

11. That the appellant, aggrieved from the same, filed the instant appeal on the following inter-alia grounds amongst other:

GROUND:

A. That the order of the respondents No. 1 and 2 are against the principles of natural justice as well as against the existed law on the point. Hence not tenable.

B. That, similarly, the order of the respondent No. 3 is against law, facts and circumstances of the case, hence liable to be set aside.

C. That, while the procedure according to the prevailing law has not been comply with by respondent No. 3, hence the dismissal order in

regard to appellant is against the law and is liable to be set aside.

D. That the witnesses who has been shown in the inquiry are subordinate to the respondent No. 3 could not rely upon because no independent witness is taken in the inquiry proceeding nor the appellant was given opportunity of cross examination to the witnesses in question, hence for this reason alone the order of the respondent No. 3 is against the law and liable to be set aside.

E. That all the proceeding of inquiry and dismissal order passed by respondent No. 3 is conducted in absentia of the appellant which is against the principle of natural justice as well as against the principle laid down by the superior Courts of the country. Hence such order is not tenable.

F. That order of respondent No. 2 dated 10/06/2015 is also against the direction given by this Hon'ble Tribunal to decide the appeal of the appellant according to law but due to no compliance of the same, the respondents commuted contempt of Court, should seriously be taken up.

G. That with prior permission of this Hon'ble Tribunal the appellant may urged other additional grounds, if any, at the time of arguments.

i. It is therefore, prayed that on acceptance of the instant appeal the orders of respondent

No. 2 dated 10/06/2015 and respondent No. 3 dated 09/08/2010 may graciously be set aside and the appellant may also be reinstated with full back benefits and seniority in accordance with law.

- ii. The orders in question may kindly be suspended and the appellant be allowed duty till the disposal of the instant appeal.

Note:

In case the appeal is dismissed the appellant will repay the received salaries to the respondents if this Hon'ble Tribunal directed on conclusion of the instant appeal.



Appellant

Through



Gul Daraz Khan
Advocate High Court,
Peshawar..

Dated: 23/06/2015

7

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Civil Appeal No. _____/2015

Junaid Khan Shaulder ASI S/o Khial Gul

R/o Hangu.....(Appellant)

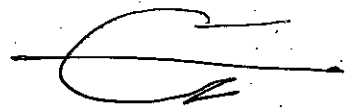
VERSUS

I.G.P, Khyber Pakhtunkhwa, Peshawar.

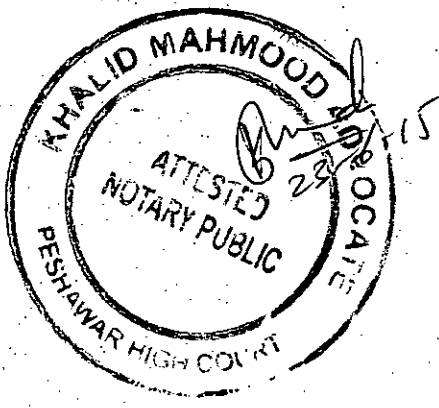
And others.....(Respondents)

AFFIDAVIT

I, Junaid Khan Shaulder ASI S/o Khial Gul R/o Hangu,
do hereby solemnly affirm and declare that the contents of the
Service Appeal are true and correct to the best of my
knowledge and belief and nothing has been concealed from
this Hon'ble Court.



DEPONENT



8

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

Civil Appeal No. _____/2015

Junaid Khan Shaulder ASI S/o Khial Gul

R/o Hangu.....(Appellant)

VERSUS

I.G.P, Khyber Pakhtunkhwa, Peshawar.

And others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

Junaid Khan Shaulder ASI S/o Khial Gul

R/o Hangu.

RESPONDENTS:

1. I.G.P, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police Kohat Region Kohat.
3. District Police Officer Hangu.

Appellant

Through



Gul Daraz Khan
Advocate High Court,
Peshawar.

Dated: 23/06/2015

Annex (A)
⑨ (R)

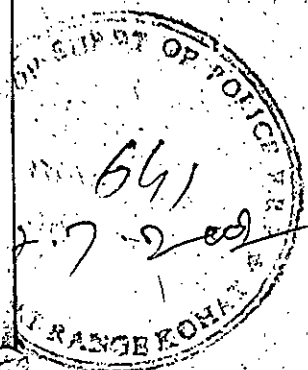
ORDER

Ex-service man Junaib Khan s/o Khial Gul r/o Kach Banda Hangu is hereby appointed as Constable against the existing vacancy in F.R.P (Old Spl:) with immediate effect. Deficiency in Education and Height are condoned by the W. IGP, NWFP Peshawar is attached herewith.

O.B No. 483

Mkh
Superintendent of Police, Hangu.
afu

DATED 18.6.02



OFFICE OF THE SUPERINTENDENT OF POLICE, HANGU.

No. 2321-25E, dated Hangu, the 18-6-2002.

Copy of above is submitted to the Inspector General of Police, NWFP Peshawar for f/o information w/r to his Endst: No. 11048-49/E-I dated 4.4.2002.

2. Superintendent of Police, F.R.P Kohat Range, Kohat for information and necessary action.

3-5. SRC/OHC/PO for necessary action.

HC/SRC/PO

[Signature]
P, F.R.P Kohat

[Signature]
ATTESTED

[Signature]
Superintendent of Police, Hangu.

Anex. (C)

11

J

ATTESTED

North West Frontier Province

16



Commendation Certificate

EC
12-2-2010

CB No: 84
dt: 4-2-2010

CLASS I

Granted by

(MAJID NAVID) (SENIOR)

Inspector General of Police, N-W.F.P

To Mr. Junaid Khan Head Constable No. 26.

Son of Khail Gul

District Mangu.

in Recognition of

Arrested 70 sample Yousaf Gul wanted in Case: FIR No. 682 dt: 30.1.2009 U/S 3/4 Expt

Sub Act 427 FFS Police Station Mangu. Cash reward Rs. 2000/-

APB No: 84
Dated 4/2/2010

M. Junaid Khan
Inspector General of Police

INSPECTOR GENERAL OF POLICE
N.W.F.P. PESHAWAR

GOVERNEMENT OF N.W.F.P.

OFFICE OF THE DISTRICT POLICE OFFICER
HANGU



COMMENDATION CERTIFICATE
CLASS - III

Granted by: Alauz-Rashid.

DISTRICT POLICE OFFICER, HANGU.

To: Jamaid Khan. Rank/No. Head Const-26.

of Hangu Police.

In recognition of Arrest of Da Yousof Gul 210: Shahu Khan Hangu.

with cash of Rs. 1000/-

O.B. No. 74.

Date: 27-1-2010.

[Signature]
DISTRICT POLICE OFFICER,
HANGU.

[Signature]
ATTESTED

13

12

[Signature] 17

SECRET

Anex. (D)

CERTIFICATE

14

It is certified that undersigned have jointly handed over/taken over 1 X suspect namely S/O Rehman Gul, CNIC No. 21601-9295147-1, age 45 years, District and Tehsil Hangu P/O Shahr, Kheh Village Bar Shahr Bazar from Civ Police Hangu.

Handed Over By

Signature [Signature]

No. 243

Rank [Rank]

Name [Name]

Unit Hangu

Dated 26-1-2010

Taken Over By

Signature [Signature]

No. 601030

Rank CUB

Name Nichas Muhammad

Unit 2 Wing Sweet Scouts

Dated 26-1-2010

ATTESTED

615-356 10 1010

Further handed over 604 FS Sec, HQ 9 Div at Kohat.

Handed Over By

Signature [Signature]

No. 601030

Rank SUB

Name Nichas Muhammad

Unit 2 Wing Sweet Scouts

Dated 26-1-2010

Taken Over By

Signature [Signature]

No. PSC 121323

Rank SUB

Name [Name]

Unit 604 FS Sec

Dated 26-1-2010

COUNTERSIGNED

[Signature]
Lt Col
Wing Comd
2 Wing Sweet Scouts

[Signature]

SECRET

Handwritten notes in Urdu script, including a signature and some illegible text.

Annex E
15

Phone No: 9260112.
Fax No: 9260114.

ATTESTED

From:- The Dy. Inspector General of Police,
Kohat Region, Kohat.

To :- The District Police Officer, Hangu.

No. 1249 /EC, Dated Kohat the 9/2 /2010.

Subject:- APPLICATION

Memorandum

Please refer to your Memo: No.432/EC, dated 01.02.2010.

Application of Head Constable Junaid Khan No.26 of your District received with your above quoted Memo: is returned herewith for comments. His service record may also be sent to this office for the perusal of Region Police Chief.

[Handwritten Signature]

(Office Supdt)

For Dy. Inspector General of Police,
Kohat Region, Kohat.

[Handwritten notes and signatures]
ASI
[Signature]
[Signature]

روبرو کمیشن آف انکوائری Amex (F)

16

ATTESTED

CoIoED ID: 133

ATTESTED

NCMC ID: 3361

نام: جنید خان، سابق ASI، ہنگو پولیس ولدیت: خیال گل
پتہ: کچ بانڈہ، ڈاکخانہ ہنگو، تحصیل ضلع ہنگو

شناختی کارڈ نمبر: 14101-4819938-3

مورخہ: 21 اپریل، 2011

حلفیہ بیان

میں نے یوسف گل مفروور کو گرفتار کیا تھا۔ یوسف گل کو پکار کر ہم تھانے لے آئے۔ میں نے تھانہ کے حوالہ کیا اور بعد میں معلوم ہوا کہ اس کو آرمی کے حوالے کیا گیا ہے میں عارضی طور پر ASI (شوڈر پر موشن) تھا۔ میرے ساتھ حوالدار افتخار (شوڈر پر موشن ASI) بھی تھا۔ مجھے 02 سرٹیفکیٹ ملے اور نقد انعام بھی ملا۔ جو کہ میں مارک 'A' اور مارک B بے پیش کرتا ہوں۔ تھانیدار نیک نواز سرکاری گاڑی میں یوسف گل کو بٹھا کر لے گیا اور بعد میں پتہ چلا کہ اس کو آرمی والوں کے حوالہ کیا گیا ہے۔

XXX جرح منجانب کسپین علی (MoD)

جرح ندارد (موقع دیا گیا)

XXX جرح منجانب کرنل عثمان M.I.

میں نے نوڈ یوسف گل کو آرمی والوں کے حوالہ کرتے ہوئے نہیں دیکھا بلکہ نیک نواز ASI نے مجھے بتایا تھا

XXX جرح منجانب DPO Hangu

یہ درست ہے کہ میرے ڈیوٹی شاہوخیل چیک پوسٹ پر تھی جو کہ آرمی اور پولیس کی مشترکہ چیک پوسٹ تھی۔ گرفتاری کے وقت کی تھی اور آرمی والوں نے کہا تھا کہ ہمارے حوالے کرو مگر میں نے کہا تھا کہ میں اس کو عدالت مزادے گی۔ از خود کہا کہ میں نے اس کو تھانہ کے حوالہ کیا۔

XXX جرح منجانب کمیشن

میں نے اندارج نہیں کیا تھا۔

XXX جرح منجانب سعید گل (بھائی) کی جرح

میں نے 4 لاکھ روپوں کی بات نہیں کی البتہ یوسف گل کی جیب میں رقم تھی اور موبائل بھی تھا میں نے موبائل نوڈ سعید گل کے حوالہ کیا اور تھانہ میں بتا دیا کہ میں رقم کا ذمہ دار نہیں ہوں۔

جنید خان، سابق ASI، ہنگو پولیس

ATTESTED

Annex G

17
11/8/10

ORDER

This case came on the department of inquiry initiated against SHOuler ASI Junid Khan on the basis of allegations that he while posted at Naryab Dam on 25.07.2010, SDO Tball reported that many complaints were received against him from general public. As per report of Naryab Dam that he makes raids on the houses of innocent peoples for freely possession without prior permission of the SHO Police Station Dhaba. Besides the said Khan quarreled with their officials in Naryab Dam and also fired upon the said Governmental electric DD No. 27 dated 11.07.2010 Police Station Dhaba.

He was served with Charge Sheet and Statement of Allegations under L.W.F.P. Removal from Service (SPECIAL POWERS) Ordinance, 2000 to which he did not submit his reply. Inspector Asar Khan I/C Judicial Lock up, Hangu was appointed as Enquiry Officer to conduct departmental inquiry against him. After completion of inquiry the Enquiry Officer submitted his findings on 09.08.2010 and SHOuler SHOuler ASI Junid Khan raided the houses of innocent proclaimed offender for illegal gratification without prior permission of SHO. SHOuler SHOuler ASI was time and again summoned but neither he appeared before the enquiry officer for enquiry proceeding nor submitted his written reply to the Charge Sheet. The enquiry officer recommended him for major punishment dismissal from Service.

Keeping in view of above and having gone through available record, it is designed has come to the conclusion that the defaulter failed to appear and defend himself, which indicates that he was not interested to serve further. Moreover, these circumstances his retention in Police Department is burden on public therefore, I, Abdur Rashid, District Police Officer, Hangu in exercise of the powers conferred upon me, the SHOuler ASI is undisciplined time and again he was warned for his unofficial behavior but he is chronic and incorrigible. Therefore, I awarded him major punishment of Dismissal from Service from

order Announced.

425
09/8/2010

(ABDUR RASHID)
DISTRICT POLICE OFFICER,
HANGU

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.

Sd/- PA, dated Hangu, the 10/8/2010.

Copy of above is submitted to the Dy. Inspector General of Police, Kohat for favour of information please
District Police Officer, Karak.
Eny Officer, Reader SEC & OIC for necessary action

(ABDUR RASHID)
DISTRICT POLICE OFFICER,
HANGU

9-8-10 Dismissed

DUG-13-8-10 -

29-1-10

ATTESTED

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ORDER

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Beller

This order of mine will dispose of the departmental enquiry initiated against shoulder ASI JUNAID on the basis of allegations that he while posted at police post Naryab Dam. On 05 of 2010, SDPO Thall reported that many complaints have been received against him from general public. As per report of Naryab Dam officials that he making raids on the houses of innocent peoples for greedy purpose conducted without prior permission of the SHO Police Station Doaba. Besides the report JUNAID KHAN quarrelled with their officials in Naryab Dam and also fired upon the officials with Government rifle vide DD NO 27 dated 14-07-2010 Police Station Doaba.

He was served with charge sheet and statement of allegations under N.-W.F.P., Removal from service (SPECIAL POWERS) Ordinance 2000 to which on filed to submit his reply. Inspector AFSAR KHAN I/C Judicial lock up, Hangu was appointed as Enquiry Officer to conduct departmental inquiry against him. After completion of inquiry the inquiry officer submitted his findings on 09-08-2010 and that defaulter Shoulder ASI JUNAID KHAN, raided the house of innocent people/proclaimed offender for illegal gratification without prior permission of SHO. The said Defaulter Shoulder ASI was time and again summoned but neither he appeared before the enquiry officer for enquiry proceedings nor submitted his written reply to the charge sheet. The enquiry officer recommended him for major punishment of dismissal from service.

Keeping in view of the above and having gone through the available record, the undersigned has come to the conclusion that the defaulter failed to appear and defend himself. Which indicates that he was not interested to serve further. Moreover in the circumstances his retention in police department is burden on public exchequer, therefore, I, Abdur Rashid, District Police Officer, Hangu in exercise of the powers conferred upon me, the Shoulder A.S.I is

No date
on show cause
notice

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indiscipline time and again he was warned for his unofficial behaviour but he is chronic and incorrigible. Therefore, awarded him major punishment of Dismissal from service.

ORDER ANNOUNCED

OB NO. 425

DATED 09-08-2010

Sd/ x x x

(ABDUR RAHID)
DISTRICT POLICE OFFICER
HANGU

Anex (H) (18)

BEFORE THE HON'BLE KHYBER UKHTUNKIWA SERVICE TRIBUNAL, PESHAWAR.



SERVICE APPEAL NO. 2567 OF 2010.

JUNAID KHAN, SHOULDER 'A.S.I', SON OF KHIAL GUL,
RESIDENT OF TEHSIL AND DISTRICT HANGU.

... APPELLANT

V E R S U S

- 1) INSPECTOR-GENERAL OF POLICE, K.P.K, PESHAWAR.
- 2) THE DEPUTY INSPECTOR GENERAL OF POLICE, KOHAT REGION, KOHAT.
- 3) THE DISTRICT POLICE OFFICER, DISTRICT HANGU.

.... RESPONDENTS

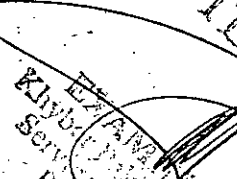
SERVICE APPEAL UNDER SECTION - _____

APPEAL AGAINST THE ORDER OF DISTRICT POLICE OFFICER
HANGU (RESPT: NO. 3) VIDE NO. OB:425 DATED 09-08-2010

WHEREBY THE APPELLANT DISMISSED FROM SERVICE UNDER
N.-W.F.P., REMOVAL FROM SERVICE (SPECIAL POWERS)

ORDINANCE-2000.


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ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

PRAYER IN APPEAL :

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL,
THE ORDER OF RESPONDENT NO.3 DATED 09-08-2010, MAY
GRACIOUSLY BE SET ASIDE AND THE APPELLANT MAY KINDLY
BE REINSTATED IN THE SERVICE WITH FULL BACK BENEFITS
ALONGWITH HIS SENIORITY.

[Signature]
ATTESTED

RESPECTFULLY SHEWETH :-

That the appellant respectfully submit the following:-

- 1) That the appellant was enlisted in the Police Department, (the then N.-W.F.P.,) as a Constable on 18-06-2002.
- 2) That the appellant has served his department in various police stations in his District, and as well as in the Divisional Headquarter (i.e., District Kohat) and other Districts of the Province.
- 3) That the appellant has served with his best abilities and capabilities and entire satisfaction of his superiors, especially in the best interests of the public at large and also in the best interests of the State, therefore,

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[Circular Stamp: EXAMINED, KIRK, SERVICE TRIBUNAL, PESHAWAR]

he was promoted so on as Head Constable in the Police Deptt:

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- 4) That the appellant always loyal to his country and loves his country from the core of his heart, and the appellant is a patriot citizen of the country, therefore, the appellant always served and performed his duties with honesty.
- 5) That when the appellant was performing his police duties in District Hangu in an area/locality, where the law and order situation were very worst due to the subversive activities of the Anti-State elements, i.e., Taliban, Terrorist, suicide bombers, extremists, and in these prevailing law and order situation, where the appellant was performing duties, there were so many pro-claimed offenders and they were required by the State for arrest, as there are so many F.I.R's lodged against them earlier and they after declared pro-claimed offenders, were doing subversive activities with the help of servicing personnel of police officials and F.C. officials. The appellant up-hold his hands upon these Anti-State elements/pro-claimed offenders and arrested them with the help of the inhabitants of the locality, where these Anti-State elements destroyed the Ziarat Abbas Alaudar, Imam Bar Gaks, Primary Girls School,

ATTESTED
 EXAMINED
 Director of Investigation
 Services Tribunal,
 Peshawar

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Govt: High School, Academy School, Civil Hospital and many other Govt: institutions/public property and they destroyed these places with out on fire and bombblasting, for which F.I.R's were also lodged against these Anti-State Elements (Copies of F.I.R. No.580 dated 11-09-2009 U/Ss-3/4 Expl:Subs: Act/436/427/379/148/149 PPC/7 AQ'A, P.S: HANGU and F.I.R. NO.682 dated 30-10-2009, U/Ss-3/4 Expl: Subs: Act/427 PPC, P.S: HANGU and the same are attached herewith as Annexures 'A' & 'B' respectively).

- 6) That the appellants arrested these Anti-State elements/ proclaimed offenders namely AYUB SON OF TAHIR SHAH R/O SHABU KHEL (HANGU) alongwith huge quantity of Explosive materials, who required in F.I.R. NO.580 dated 11-09-2009.
- 7) That another proclaimed offender required in case F.I.R. No.682 dated 30-10-2009, namely YOUSAF GUL, was also arrested by the appellants.
- 8) That the appellant has also arrested a serving personal of F.C. namely NOOR JAHAN with a huge quantity of 17 K.G. explosives and then after arrest him delivered him to the custody of Pakistan Army.
- 9) That earlier the appellant has also arrested a person, presently name not remembered, with explosive jacket and handed him over to the Pakistan Army.

ATTESTED
 DEPUTY COMMISSIONER
 SUPPLY & Distribution
 Services, Islamabad
 Reshawal

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- 10) That the appellant has also arrested a person namely MAJEED GUL SON OF ZAR GUL R/O SHAHU KHEL, (HANGU), pro-claimed offender, required in a Case F.I.R. NO.186 dated 29-01-2009, UZSS-347/348 PPC/14 ISLAMIC LAWS, P.S: USTARZAI, Kohat.
- 11) That the appellant sent an application in the name of I.G. Police Peshawar (K.P.K) in which he described all his details of his duties and activities and requested him for prize money/promotion etc. (Copy of application dated 29-01-2010, which was then sent to the D.P.O Hangu (Respdt: No.5) for comments are also annexed as 'C' & 'D' respectively).
- 12) That atlast, the I.G.Police (K.P.K) pleased to issued Commendation Certificate (Class-I) in favour of the appellant alongwith cash reward of Rs. 2000/= (Copy of the said certificate is also annexed as 'E').
- 13) That the appellant was then promoted as Shoulder A.S.I from the rank of Head Constable on his above-mentioned efforts/services rendered to the Police Department. in the best interests of the State and in particular in the interests of the public at large.
- 14) That the Anti-State elements, who were arrested by the appellant, they are very influential personnels of the locality and they have directly linked with the local Taliban and on their protest or complaints (as mentioned

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in the dismissal order of Respdt:No.3) but the appellant has got no knowledge about these complaints, transferred him, from District Hangu to District Karak, for duties at P.S. Karak City.

15) That now the appellant has dismissed from service vide Order of D.P.O HANGU (RESPDT:NO.3) bearing its No. 425 dated 09-08-2010.(Copy of the same is annexed as 'F').

16) That the appellant filed his departmental appeal in this behalf to I.G. Police (K.P.K) Peshawar (Respdt:No.1), but (Copy annexed as 'G'). still no response has so far been received, hence the present service appeal on the following inter-alia grounds:-

G R O U N D S

- A) That the order of the Respdt:No.3 is against law, facts and circumstances of the case, hence liable to be set aside. That the appellant has got no knowledge of any sort of complaint(s) of the locality where he was serving earlier as mentioned in the dismissal order of the appellant.
- B) That the appellant has not served with any show cause notice, and not issued with the statement of allegations and Charge Sheet etc.
- C) That the appellant has got no knowledge about the formation

ATTESTED
 K. P. K. Peshawar
 Service Tribunal

ATTESTED

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of any kind of Inquiry and the appellant was not summoned by the alleged Inquiry Officer for the purpose as mentioned in the order of Respd:No.3.

E) That no opportunity has been given to the appellant about his personal hearing before the said inquiry to defend him about the alleged allegations as levelled against him, personal hearing is mandatory, but no opportunity was extended to him in this regards.

F) That from the contents of the Order of Respd:No.3, evident that all the actions against the appellant were taken in his absentia, as Ex-Parte, which is against the natural justice and as well as also against the norms of justice.

G) That the Superior Courts in this regards also clear cut contention that the case may not be decided in absentia of the appellant, but decide on merits and in accordance with the services rules implemented for the said purpose in this behalf.

H) That it is evident from the facts and circumstances of the case, that first the authorities/respondents concerned transferred him from District Hangu to District Karak and then they took action against the appellant, which is illegal and unlawful, requires to be set aside.

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JUL 10 1964
DISTRICT JUDGE
KARAK

ATTESTED

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I) That the appellant assigned every tasks/duties which assigned to him during service and produced/acheived best results/goals to the entire satisfaction of his superiors.

That the appellant arrested personally some proclaimed offenders/activists and Anti-State elements, who were long links with Taliban etc, therefore, they planned a conspiracy against the appellant and the respondents concerned without having any opportunity to him for hearing, ex-parte alleged inquiry were conducted, resulting the present dismissal order of the appellant, which is not maintainable at all, and is liable to be set aside, in accordance with law.

K) That with the prior permission of this Hon'ble Tribunal, the appellant may urge other additional grounds, if any, at the time of arguments.

It is, therefore, prayed that on acceptance of the instant service appeal, the impugned order of Respd't: No.3 dated 09-08-2010, may kindly be set aside and the appellant may kindly be reinstated in the service with full back benefits and seniority in accordance with law.

DATED:- 08-2010

THROUGH:- (JAVED ALI ASGHAR) APPELLANT.

NOTE:- (On the information of my client) no such like appeal has earlier been filed by him in this learned Tribunal).

(KHALIDA RAHMAN) ADVOCATES, PESHAWAR

ATTESTED

Handwritten notes and dates: 18, 20, 29.5.2013, 29.5.2013, 29.5.2013

Certified to be a true and correct copy of the original filed in the Court of the Hon'ble Tribunal, Peshawar.

Anex. (i)

26

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 2567/2010

Junaid Khan, Shoulder ASI son of Khial Gui,
Resident of Tehsil and District Hangu.

(Petitioner)



VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, Kohat Range, Kohat.
3. The District Police Officer, District Hangu. ... (Respondents)

S.No.	Date of hearing	Order/other proceedings of the court, with signature of Magistrate/Judge.
1	2	3
	18.4.2013	<p>Appellant with counsel and Mr. Arshad Alam, Government Pleader with Azizur Rahman Inspector (Legal) for the respondents present. Arguments heard and record perused.</p> <p>2. This is an appeal filed by Junaid Khan, the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1971, against the order dated 9.8.2010 passed by District Police Officer, Hangu, whereby he has been dismissed from service. It has been prayed that on acceptance of the appeal, the impugned order may be set aside and the appellant be reinstated into service with all back benefits.</p> <p>3. The appellant has been dismissed from service on 9.8.2010, against which he filed departmental appeal before the D.I.G of Police Kohat Region on 13.8.2013, which has not been decided so far. It would be proper to send the departmental appeal of the appellant to the DIG Kohat Region for disposal in accordance with the law.</p> <p>4. In view of the above, the departmental appeal of the appellant is sent to the DIG Kohat Region to consider it within ninety days and pass a speaking order strictly in</p>

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Khyber Pakhtunkhwa Service Tribunal
Peshawar

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accordance with the law. Parties are left to bear their own costs. File be consigned.

ANNOUNCED
18.4.2013.

(SULTAN MA)

Sd. Niaz Ali Khan
Member

Sd. Sultan Mahmood Khattak
Member

Certificate to be true copy

[Signature]
Khy. Secy. (Incharge),
Peshawar

[Signature]
ATTESTED

Date: 29.5.2013

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Date: 29.5.2013
29.5.2013

Anex J (28)

POLICE DEPTT:

KOHAT REGION

ORDER.

In pursuance of compliance of the Khyber Pakhtunkhwa Service Tribunal orders dated 18.04.2013 in service appeal No. 2567/2010 of Junaid Khan Ex: Shoulder ASI Vs Inspector General of Police Khyber Pakhtunkhwa and others, it is intimated that as a result of departmental proceedings the appellant was dismissed from service by the DPO Hangu vide order dated 09.08.2010. The appellant moved a departmental appeal before the DIG of Police Kohat Region on 13.08.2013, which has not been decided so far. Hence, the DIG Kohat Region was directed for disposal of his departmental appeal in accordance with the law.

Perusal of record revealed that the date of departmental appeal filed before the DIG Police Kohat Region showing in order of the Service Tribunal as 13.08.2013 seems to be a clerical mistake, while the date mentioned on departmental appeal of the appellant is 13.08.2010.

Record further transpired that the appellant moved a departmental appeal before the DIG Police Kohat on 13.08.2010. He was heard in person by the then DIG Kohat and on acceptance of his departmental appeal a denove enquiry was ordered vide order dated 29.09.2010. The competent authority (DPO Hangu) conducted a denove enquiry, which again resulted dismissal order vide O.B No. 548 dated 27.12.2010. The appellant has not moved any appeal against the above order passed on denove enquiry and instead filed an appeal before the KP Service Tribunal, wherein it has been directed to pass a speaking order on the appeal of appellant dated 13.08.2013, but in fact as per record, the departmental appeal filed by the appellant before the DIG Police Kohat has already been disposed of by the DIG Police Kohat, in term of denove enquiry.

In view of the above the compliance of order of the Khyber Pakhtunkhwa Service Tribunal Peshawar is carried out in terms of the above.

[Signature]
ATTESTED

[Signature]
(DR. ISHTIAQ AHMAD MARWAT)
Dy: Inspector General of Police
Kohat Region, Kohat.

OFFICE OF THE DY: INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT

No. 3735 /EC Date: Kohat the 28/08 /2012 ✓

Copy to the District Police Officer, Hangu for necessary entry in the record and inform the appellant accordingly.

Encl: Service Roll. one
F/initial one
Ser. Trib App. No. one

(DR. ISHTIAQ AHMAD MARWAT)
Dy: Inspector General of Police
Kohat Region, Kohat.

حصہ صاحب ساراہب کوہاٹ

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جناب عالی گذارش ہے۔

سائل کیسٹ (H.C) No. 138/2010 ڈسٹرکٹ پولیس ہنسرو میں تعینات ہے۔ آپ صلح کرکے تبدیلی مقصدی طور پر

سائل پر الزامات بحوالہ آرڈر انٹرنیٹ چھٹہ منسلک ہے۔ لگائے گئے ہیں کہ سائل دہشت گردوں سے اللہ بھاری ہے۔

سائل پر قتل دہشت گردی میں - جبکہ سائل نے کوئی

سمن وصول نہیں ہو سکا اور نہ ہی تھانہ انکوائری آفسر نے انکوائری proceedings کی ہے۔

اور نہ ہی ایچ ڈی ایس / ایچ ڈی ایس جاری ہو سکا ہے۔ اور نہ ہی کوئی موقع فراہم کیا ہے۔ اور کارروائی تکمیل کی گئی ہے۔

سائل نے اپنا ڈیوٹی اعلیٰ طور پر انجام دیا ہے۔ اور عمر ۵۹ سال ہوئی ہے۔ اس لیے اسے باقاعدگی سے

سماپت ہو کر دیا ہے۔

سائل کو تسلسلہ سے جاری خدمات میں بطور سبب دیا گیا ہے۔

انجام دینے کے لیے اس میں اسناد میں جاری ہوئے ہیں۔

استدعا ہے کہ درخواست گزار پر غور فرمایا جائے اور کارروائی

و بحالی کے لیے اقدامات جاری کرنا ہے حاجت مند

13-8-2010

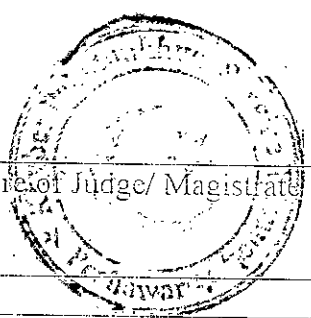
حیدر خان ڈسٹرکٹ پولیس ہنسرو

HC No. 26
Shahdara AS

رٹنل آرڈر منسلک ہے

Amex-K,

30



Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	13.05.2015	<p>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>PESHAWAR.</u></p> <p>Appeal No. 962/2013</p> <p>Junaid Khan Versus I.G.P Khyber Pakhtunkhwa, Peshawar etc.</p> <p><u>JUDGMENT.</u></p> <p><u>PIR BAKHSI SHAH. MEMBER.-</u> Appellant with counsel (Mr. Gul Daraz Khan) and Mr. Ziaullah, Government Pleader with Nabi Rahman, ASI for the respondents present:</p> <p>2. Appellant Junaid Khan Shoulder ASI was dismissed from service vide impugned order dated 09.08.2010. His departmental appeal was also failed as revealed from the order dated 28.5.2013 of the appellate authority, hence this service appeal before this Tribunal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. According to memo: of appeal, the appellant was enrolled in the Khyber Pakhtunkhwa Police as Constable in the year, 2002. That he put in excellent performance so much so that one terrorist namely Yousaf Gul was also arrested by him. That the said Yousaf Gul was unlawfully handed over to the Army which episode resulted into his statement before the august Supreme Court of Pakistan. According to the appellant, the respondent-department particularly respondent No. 3 due to</p>

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Khyber Pakhtunkhwa Service Tribunal, Peshawar

ATTESTED

his statement before the august Supreme Court of Pakistan turned out as biased against the appellant. Consequently, the appellant was proceeded against under disciplinary rules in the wake of a concocted and false case. That the appellant was dismissed from service vide order dated 09.08.2010. He filed service appeal before this Tribunal which was converted into departmental appeal and on which the respondent department was directed to dispose of the same expeditiously. That this departmental appeal was also rejected on 28.5.2013, hence this appeal before the Tribunal.

Defence of the respondent department is as stated in paragraph No. 6 & 9 of the parawise comments of the respondent-department, ~~are~~ reproduce below:-

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 Khyber Pakhtunkhwa
 Service Tribunal
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“6. Complaints regarding raids on the houses of innocent people for greedy aims without permission of his senior were received to the local Police. Moreover, the appellant had quarreled with his own colleagues and fired at them with govt. rifle vide report DD No. 27 dated 17.4.2010 Police Station Doaba. Proper departmental proceedings were initiated against the appellant and after the completion of departmental proceedings, he was dismissed from service.

9. In compliance to this honourable Tribunal order dated 18.4.2013 in service appeal No. 2567/2010, respondent No. 2 has passed detailed and speaking order vide his office No. 3735/EC, dated 28.5.2013 with the remarks that appellant

moved departmental appeal before Dy. Inspector General of Police, Kohat Region Kohat on 13.08.2010 which was accepted and ordered to initiate denovo-enquiry vide order dated 29.09.2010.

4. We have heard the learned counsel for the appellant and learned Government Pleader for the respondents and have carefully gone through the record.

5. It transpired from perusal of the record that when the appellant was dismissed from service vide order dated 09.8.2010, he filed departmental appeal before the DIG of Police Kohat Region which was partly allowed vide order dated 29.9.2010 as a result whereof the major penalty of dismissal from service of the appellant was set aside substituted with order to the competent authority to conduct denovo enquiry against the appellant. A denovo enquiry was conducted against the appellant and again he was dismissed from service vide order dated 27.12.2010. In the meanwhile the appellant filed Service Appeal No. 2567/2010 before this Tribunal decided on 18.4.2013. This Tribunal by way of the above order directed the appellate authority of the respondent department to pass a speaking order on the appeal of the appellant. The record further revealed that the DIG Kohat Region vide his impugned order dated 28.5.2013 has not interfered with dismissal order of the appellant but no reason has been given. This be so as it is but the above situation shows that when the appellant was again

ATTESTED
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dismissed from service vide order dated 27.12.2010 he did not file any departmental appeal against the said order. On the other hand, the Tribunal vide order dated 18.4.2013 directed the respondent department to pass a speaking order on the appeal of the appellant. The above said situation has properly been recapitulated by the DIG vide his order dated 28.5.2013 and it is evident from this order that there is no service appeal against the dismissal order dated 27.12.2010, much less any speaking order of the appellate authority in the contemplation of Section 24-A of General Clauses Act, 1897. Hence this Tribunal is of the considered opinion to remit the case back to the respondent-department to deal it as departmental appeal against the dismissal order of the appellant dated 27.12.2010 and to decide the same within a period of one month failing which this appeal be deemed to have been accepted. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
13.5.2015

*Sdy Mr. Behtash Bhatt,
Member*
*Sdy Abdul Latif,
Member*

Certified to be true copy
[Signature]
Service Tribunal,
Peshawar

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Date

13.5.2015
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20.5.2015
20.5.2015

Anex 16
34ORDER

This order is proposed to comply with the judgment passed by Hon'ble Khyber Pakhtunkhwa Service Tribunal dated 13.05.2015 in service appeal No. 962/2013-Junaid Khan Vs IGP KP & others, received on 01.06.2015 vide Registrar KP Service Tribunal Peshawar No. 759/ST dated 20.05.2015.

2 Relevant record, comments from DPO Hangu requisitioned and Ex: HC Junaid Khan (hereinafter referred appellant) was called in Orderly Room held on 10.06.2015. The appellant was heard patiently, provided opportunity to explain his position, but failed to submit any plausible explanation to the charges proved against him and his general conduct.

3 Record gone through, which indicates that consequent upon the order passed by this appellate forum dated 29.09.2010, the competent authority (DPO Hangu) initiated denovo proceedings against the appellant. Mr. Mir Chaman SDPO Thal was appointed as enquiry officer and on completion of all codal formalities, the competent authority again imposed a major penalty of dismissal from service on him vide order OB No. 548 dated 27.12.2010.

4 Record further indicates that the appellant was dealt with departmentally on scores of charges entered in daily diary No. 27 dated 17.04.2010 PS Doaba wherein it was reported that the appellant had quarreled with his colleagues and aimed official weapon on them with dire consequences.

5 The general conduct / profile of the appellant indicates that he was charged / arrested in 06 criminal cases particularly cheating, false personation and lastly in case FIR No. 943/2014 PS City for tempering on letter of Hon'ble Peshawar High Court.

6 Keeping in view of the above and comments submitted by DPO Hangu, I came to the conclusion that a legal and speaking order



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(35)

has been passed by the competent authority and the appellant does not deserve for any leniency due to his conduct / ill-reputation and his retention in a discipline force shall earn bad name to the department.

7 Therefore, in exercise of powers conferred on me I, Dr. Ishtiaq Ahmad Marwat, do not interfere with the denovo proceedings order dated 27.12.2010 and the departmental appeal of Ex: HC Junaid Khan is hereby rejected.

Announced

10.06.2015

(DR. ISHTIAQ AHMED MARWAT)
Regional Police Officer,
Kohat Region

OFFICE OF THE REGIONAL POLICE OFFICER KOHAT REGION, KOHAT

No. 4337-39 /EC. Dated Kohat the 11/06 /2015

the:- Copy of above for information & necessary action to

- 1 District Police Officer, Hangu
- 2 AIG Legal Khyber Pakhtunkhwa
- 3 Ex: HC Junaid Khan s/o Khial Gul r/o Kach Banda
Hangu through DPO Hangu

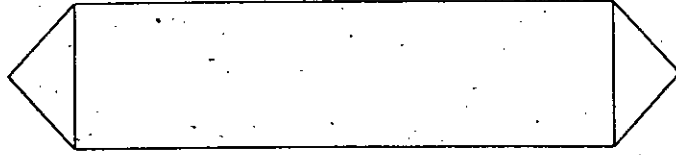
*Insf. legal/atsi
for information and
rec: atn.*

District Police Officer
Hangu 11/6

(DR. ISHTIAQ AHMED MARWAT)
Regional Police Officer,
Kohat Region

ATTESTED

بعدالت حیات سروس ٹریڈینگ کمپنی



مورخہ 23-6-15
مقدمہ
دعویٰ سروس ٹریڈینگ کمپنی
جرم
جنید خان ولد فیاض گل بنام سروس ٹریڈینگ کمپنی
ایڈیشن

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام 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 عرضی 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 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 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 وہ 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 سند ہے۔

المرقوم 3 رجب 1436 ہجری قمریہ 2015ء

العہدہ گواہ العہدہ

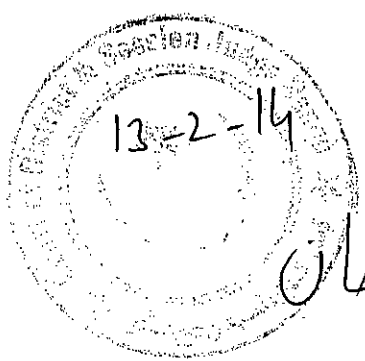
مقام کے لئے منظور ہے۔

Accepted

Handwritten signature

مقام

الحاکم صاحب سول جیم II 2



دفعہ 123 سے 5-9-11 سے 20-12-12

محمد مشتاق خان

419-420 سے 8/8 سے 473 کے لیے
APC

JM-II Hangu.

Order- 30

13/02/2014

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Accused on bail along-with his counsel present. APP present for the state.

2- Arguments heard and record perused.

3- Vide my detailed judgment of today, placed on file, the prosecution has miserably failed to prove their case against the accused beyond reasonable doubt. I while extending the benefit of doubt to the accused, acquit him from the charge leveled against him. He is on bail and his sureties are relieved from the liability of bail bonds: Case property if any be kept intact till the period of limitation for appeal/revision.

4- File be consigned to record room after completion.

Announced
13-02-2014

(Muhammad Mushtaq Khan)
Special Magistrate-II,
Hangu.

CERTIFIED TO BE TRUE COPY
11/1/17
EXAMINER
COPYING AGENCY HANGU



HUMAN RIGHTS ASSOCIATION

DISTRICT HANGU

CELL No: 0333-92853

Ref. No HRC No.44

Date 8.8.2011

To

The Additional Session Judge,
Hangu.

Subject: Application in R/O Muhammad Ismail S/O Gul Rahim
for consideration and necessary action.

-:-:-

An application dt.8.8.2011 in r/o above mentioned individual is forwarded herewith (in original) for your consideration and necessary action at your end.

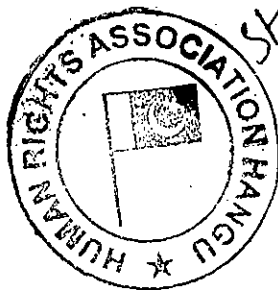
Your co-operation in this regard is very much appreciated.

Your's Sincerely,



(Junaid Khan)
Chairman,
Human Rights,
Distt: Hangu.

Dated.8.8.2011



SHO P.S. Hangu

Letter has not been addressed in proper manner.

Junaid Khan sender he produced before the court

8/8/2011
(Abdur Ghafoor Qureshi)
Additional Sessions Judge
Hangu.

0333 9688266

128

Date of presentation of copy	11/1/17
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EXAMINER
COPYING AGENCY HANGU

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ابتدائی اطلاعی رپورٹ

کوئٹہ

(قائیں) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شروع زمانہ ۱۵۲ مجموعہ مناسبت فوجی

مختارہ میمنگو

منزل سینگو

نمبر ۲۳۰

تاریخ و وقت وقوع ۲۵/۱۱/۷۵ صبح ۰۸:۳۰

۱	تاریخ و وقت رپورٹ	۲۵/۱۱ صبح ۰۸:۴۰	۲۵/۱۱ صبح ۰۸:۳۰
۲	نام و سکونت اطلاع دہندہ و متنیف	رستم امین خان ۵۴۵ سینگو	
۳	مختصر کیفیت جرم (مورد رقم) حال اگر کچھ بیگیا ہو	۲۱۵	
۴	جائے وقوع فاصلہ مختارہ سے اور سمت	خان آذان نزدیکی رشتہ جی ایچ اے ضلع خیبر	
۵	نام و سکونت ملزم	جنید خان سر ضلع گلستانہ گلستانہ	
۶	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو۔	دریں وقت سے رپورٹ میں درج کیا	
۷	مختارہ سے روانگی کی تاریخ و وقت	دریں سبب درج	

ابتدائی اطلاع نیچے درج کرو ضلع گلستانہ

مدرسہ عزیزان رستم امین خان ۵۴۵ سینگو میں واقع تھا جس میں دو کلاس تھے جن میں سے ایک کلاس میں ۱۰-۸ صفحہ ۵۸۸ سے ۳۲۴-۳۰۲ اور دوسری کلاس میں ۱۰-۸ صفحہ ۱۴۹-۱۴۸ سے ۵۸۸ تھے۔

ملزم جنید خان رستم امین خان کے باپ صاحب کے پاس رہتا تھا اور وہ اپنی تعلیم مکمل کر چکا تھا۔

ملزم نے اپنی تعلیم مکمل کرنے کے بعد ایک کلاس میں داخلہ لیا اور وہ وہاں پڑھتا رہا۔

ملزم نے اپنی تعلیم مکمل کرنے کے بعد ایک کلاس میں داخلہ لیا اور وہ وہاں پڑھتا رہا۔

ملزم نے اپنی تعلیم مکمل کرنے کے بعد ایک کلاس میں داخلہ لیا اور وہ وہاں پڑھتا رہا۔

ابتدائی اطلاعی رپورٹ

کونٹر

(فائیل) ابتدائی اطلاع نسبت مجرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 152 مجموعہ ضابطہ نو سواری

اپوزیشن

منبع دستاویز

مختارہ رائیگ

تاریخ وقت وقوع

غسل

29/1

نمبر

1	تاریخ و وقت رپورٹ	10-5
2	نام و سکونت اطلاع دہندہ و متغیث	محبی قریشی ڈسٹرکٹ ایجوکیشن آفیسر
3	مختصر کیفیت مجرم (موردہ) حال اگر کچھ لیا گیا ہو	506-186-189
4	جائے وقوع فاصلہ مقام سے اور سمت	ڈسٹرکٹ ایجوکیشن آفیسر
5	نام و سکونت ملزم	جنید خان ولد ضیاء گل پٹنہ کلاں
6	کارروائی کی تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو۔	ایڈیشن ڈسٹرکٹ ایجوکیشن آفیسر ڈسٹرکٹ ایجوکیشن آفیسر
7	مختارہ سے روائیگی کی تاریخ و وقت	پہلے ڈاکٹر

ابتدائی اطلاع نیچے درج کو وجہ ملے

مختارہ نے ابتدائی اطلاع دہندہ سے ملنے والی اطلاع پر اس کی تفتیش کی اور اس میں یہ معلوم ہوا کہ مذکورہ شخص نے ایک دفعہ 186 کے تحت ایک ایسی ایجنسی سے رابطہ کیا ہے جس کے ذریعے اس کے لیے ایک ایسی ایجنسی کی خدمات حاصل کی گئی ہیں۔ اس کے علاوہ اس شخص کی شناخت کے لیے ایک ایسی ایجنسی سے رابطہ کیا گیا ہے جس کے ذریعے اس کے لیے ایک ایسی ایجنسی کی خدمات حاصل کی گئی ہیں۔

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17.5.11

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ابتدائی اطلاعی رپورٹ

نمبر ۲۲

کنٹر

(فائل) ابتدائی اطلاع نسبت مجرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ منابطہ فوجاری

تھانہ سیکو
مذبح سیکو
تاریخ و وقت وقوعہ
8-8-11 وقت دستبرد کوٹھار

نمبر علیہ 473

1	تاریخ و وقت رپورٹ	8-8-11
2	نام و سکونت اطلاع دہندہ و منبث	اسرار الحق الدین خان 110 سیکو
3	محقق کیفیت مجرم (موزون) حال اگر کچھ بنا گیا ہو	419-420
4	جائے وقوعہ فاصلہ تھانہ سے اور ہیبت	گھرانہ ابتدائی سٹیشن جھان سیکو
5	نام و سکونت ملزم	جنید خان سدھیال گل سیکو کچ بانڈہ
6	کارروائی پوزیشن کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو۔	HRC.No.44 پولیس سٹیشن 8-8-11
7	تھانہ سے (انگلی کی تاریخ و وقت	پولیس سٹیشن

ابتدائی اطلاع نیچے درج کرو جانے والی؟ ملزم مذکورہ خانہ
 05 نے اپنے ایک موبیل رائیٹر جس میں ضلع سیکو ظاہر کے ساتھ
 لگول کو دھکم دپائی سے توڑ کر حاصل کیا گیا ہے اس کے ساتھ
 سیرسٹن ظاہر کے زنی طرف سے لکھنے والی کتا ہے
 اور یہ کتا سیرسٹن کے پاس ہے۔ انگریزی میں HRC.No.44
 گھرانہ ابتدائی سٹیشن جھان سیکو کو بجوانی 8-8-11
 جگہ قانونی حجاز میں ہے صاحب و موٹوں سن 811 کو
 تھری گھرانے کے قریب قرار دی ہے لہذا اس کے
 میں ملزم مذکورہ خانہ نے جنید خان سدھیال کو کچ بانڈہ
 کو رشتہ دار کے طور پر بتا کر اسے ساتھ لے کر ایک رپورٹ
 11 بجے لے کر رپورٹ کر کے اسے لے کر لے کر لے کر لے کر
 درجنہ کے قریب تھانہ سے 11 بجے لے کر لے کر لے کر لے کر

پولیس سٹیشن
 8/8/11

ابتدائی اطلاعی رپورٹ

کوئٹہ

(فائل) ابتدائی اطلاع نسبت مجرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ فوجداری
تھانہ مسٹی

منبع حسد

نمبر ۲۵۶

تاریخ وقوع وقوعہ ۰۱۴-۱۲-۱۹۶۹ وقت دستری اوقات

۱	تاریخ وقوعہ رپورٹ	۱۲-۱۲-۱۹۶۹ ۱۴:۰۰ بجے جاکمیری پورہ ۱۲-۱۲-۱۹۶۹ وقت ۱۴:۱۵ بجے
۲	نام و سکونت الملاح دہندہ و متیفٹ	فضل کریم ضیہ بیوز ناٹا مہر سنگھ پورہ کراچی
۲	مختصر کیفیت مجرم (مورد فوج) حال اگر کچھ یا گیا ہو	506/507 P.P.
۳	جائے وقوعہ نام تھانہ سے اور سمیت	مسٹی
۵	نام و سکونت مجرم	جنید ولد خیال ل باب کچ باندہ
۶	کارروائی موافقت کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف واپس تو وجہ بیان کرو۔	درخواست بزوالی رائے کے لیے درج دیا جاتا ہے۔
۷	تھانہ سے روانگی کی تاریخ و وقت	۲۳ سبیل ڈال

ابتدائی اطلاع نیچے درج کو وضاحت عالی مستندت مندرجہ خانہ لائی
 ایک شہریا در خواست سروساٹ اعتدال نامہ وصول ہو جس پر تالوی رائے خا D.P.P سے
 وصول کر کے خا D.P.P سے منسب نامہ کے خلاف مجرم باہر مقدم درج رجسٹر کرنے کا حکم صادر
 کیا ہے لیکن اعتدال نامہ کے خلاف مقدمہ قائم نہیں کیا گیا تھا بلکہ بوجہ نقص تفتیش
 IBH سٹیشن کو وصول کی جاتی ہے درخواست ذیل ہے۔
 حضرت ذیل ضلعی پولیس افسر ہنگو افتخار احمد درخواست رائے کارروائی برخلاف جنید ظل صاحب علی تراش
 کی طاقی، جنید نامی شخص جو کہ اپنے اپنے لوہائی حقوق کا چیرمین ظاہر کرتا ہے درحقیقت وہ ایک
 ان پڑھ بلیک میلر اور بہرہ دہ شخص ہے کہ کو وہ شخص نے پہلے ہی سے جھوٹی گواہیوں اور انسانی
 دشمنی اور سے مل کر عوام کو ضد سپیوں کی خاطر لوٹ بیا ہے اور حکم پولیس کو بھی مسلسل بلیک
 میل کر رہا ہے ضابطہ عالی۔ جنید نامی شخص نے اپنے بلیک میلنگ کا دائرہ وسیع کرتے ہوئے ان کا
 آج مقامی صحافیوں سے طرف سے پوچھا ہے پہلے وہ کہتا ہے پولیس اور حکومت کے خلاف حیران بیان دو
 جاتا ہے اور ان بیوز چیل۔ اخبار اور سوشل میڈیا پر اچانک سے لوٹنے صحافیوں کو دھمکیاں دینے تک
 پر چند روز پہلے بیوز چیل سٹیٹ ایک بیان رکھ کر آیا جو کہ سوشل میڈیا پر ہے تم میں نے ان سے بار بار کہنے
 تنظیموں سے طرف سے جو جان سے مارنے اور انوار کرنے کی دھمکیاں اور بیوز چیل کر کے کہ اپنے جنید کا بیان کون لکھ
 کیا ہے اور بعد میں اس نے خود ہی نوٹ کر کے جو انوار کرنے جان سے مارنے کی دھمکیاں اور غلطیوں کو
 دیکھو شخصوں کو، براہ فہمی بلیک میلر شخص ہے جن کی اپنی کوئی عزت نہیں ہے وہ چند سپیوں کے خلاف
 کو کوئی تیلی سے طرف سے عزت دار افراد سرکاری شخصوں اور صحافیوں پر جن کو عزت اور آزادی کو بلیک
 میل اور دہمیاں کرنے کی کوشش کر رہا ہے لہذا اس سے گواہی ہے کہ ان پر جھوٹی گواہیوں اور دہمکیوں سے
 لگا دی جائے اور سرکاری شخصوں اور سرکاری تنظیموں کو سرکاری سطح پر آگاہ کر دیا جائے

ابتدائی اطلاعی رپورٹ

کنٹر

(ٹائٹل) ابتدائی اطلاع نسبت مجرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۵۲ مجموعہ ضابطہ نوپوری

تاریخ وقوع وقوعہ ۱۵/۱۴ ۲۵ نومبر ۲۰۱۲
 مقام وقوعہ ۹۴

1	تاریخ و وقت رپورٹ	۱۵/۱۴ ۲۵ نومبر ۲۰۱۲
2	نام و سکونت اطلاع دہندہ و مصیبت	خان افسر SHD سبی 0333 9735063
3	مختصر کیفیت مجرم (معدوم) حال اگر کچھ بیان کیا گیا ہو	Pc 419-420-465-466-468-469-471
4	جائے وقوعہ نام مقام سے اور سمت	احاطہ روتہ پولیس چنگو
5	نام و سکونت اہل	جنید خان ولد خصال گل سکڑ کچھ بیان نہ کیا گیا
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو اور توجہ بیان کرو۔	بہتر جانوئی کے ساتھ جناب DSP کو احاطہ روتہ دیا جائے
7	مقام سے روائی کی تاریخ و وقت	برسیدل ٹاک

ابتدائی اطلاع نیچے درج کروا کر سبکی۔ مددگار خان نمبر 5 کے مطابق
 انگریزی 474/25/14 فارم نمائی کر پٹ پشاور، ڈائری نمبر 2522/PA حیدرآباد DP صاحبہ نے کہا کہ وہ پولیس چنگو میں
 / جناب DSP سے پولیس چنگو سے جانوئی رات کے 10/14 کو ملکہ صاحبہ کے خلاف مقدمہ چل رہا ہے اور وہ اپنے
 کرنے کا حکم صادر فرمایا ہے مددگار خان نے کہا کہ وہ اپنے خلاف مقدمہ چل رہا ہے اور وہ اپنے
 4 ملکہ انگریزی چنگو میں تفتیش IBH 117 سٹیشن کی طرف سے کی گئی ہے۔
 SHD P.S. CITY 30/10/2014 OFFICE OF THE DISTRICT POLICE OFFICER HANGU No 3935 PA
 To The member inspection Team Peshawar Dt. 3/10/14
 High Court Peshawar / SUB-APPLICATION
 COMPLAINANT

Sir, kindly refer to your office letter Endst No 956/MIT dated 25/12/2012 addressed to Sp investigation Hangu copy enclosed for ready reference. The requisite compliance report has already been submitted to your good office. However the applicant produced a copy of the above to the Region office wherein handwriting endorsement are made and he state that the orders have been passed by the then Hon'ble Chief Justice Peshawar High Court Peshawar and asks for re-instatement in service copy is Annex: A. The handwriting / Endst seems doubtful and allegedly made by Junaid Khan S/o Khatab Gul Y/o Kach banda district Hangu by himself or got recorded from his nearest. It is also to bring in to your kind notice that Junaid Khan was serving in Police department Hangu as adhoc Head Constable (wrongly exposed himself as ASI) who was dismissed from service on account gross professional misconduct and his service appeal is subjudice in KP Service Tribunal Peshawar. Keeping in view of the above it is humbly requested that the matter may kindly be enquired into for necessary legal action as deems fit please. Sd=DPo Hangu (P.T.O)

انکوائری رپورٹ

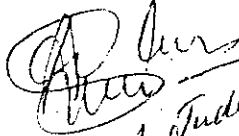
حیات عالی

انکوائری کاغذات ازان شوڈر Asi جنید خان موصول ہو کر مطالعہ کرنے پر پایا گیا کہ

مذکورہ شوڈر Asi نریاب ڈیم علاقہ عقمانہ دو آب میں تعینات تھا جسکے حلف SHO عقمانہ دو آب نے درخواست دائر کی ہے۔ ہم مذکورہ Asi کے نوٹس میں لڈے لیفٹر قربان اشتہاری کے مخدوں پر چھاپے لگانا ہے۔ جو لالچ کی خاطر یہی قدم اٹھاتا ہے۔ SHO عقمانہ نے مذکورہ کو زبانی اور تحریری طور پر نوٹس دیا تھا۔ مذکورہ Asi اور نوٹری نریاب ڈیم کے مابین اسی تنازعہ پر چھٹکارا ہو کر SHO عقمانہ نے مشغوم اشہر Asi کو بھیجا کہ جس نے لیفٹر اندراج روزنامہ رپورٹ تحریر کی ہے۔ اسکے علاوہ مذکورہ Asi سے راشن 3-6 سے ایجوکیشن عینہ میں کر کے حالخانہ عقمانہ دو آب میں جمع کی ہے۔

درخواست پر جواب موصول DPO عقمانہ نے مذکورہ Asi کو چارج شیٹ جاری کر سکا حکم فرمایا ہے۔ چارج شیٹ نمبر 3211/32 مورخ 27/10/2010 مذکورہ Asi کو جاری ہو چکا ہے۔ مذکورہ Asi کو چارج شیٹ کاپی موصول کرنے کے بعد کیس نوٹری (اصت علی نے اطلاع دی ہے) مورخ 28/10/2010 کو مذکورہ Asi نے برتت 02:30 بج دفتر میں چارج شیٹ کاپی لینے سے پہلے اس کا کیا ہے جسکے بارے میں کسٹڈین اسٹیشن خور خالہ گواہ ہے۔ (اسی صورت میں خالہ کسٹڈین خور خالہ گواہ کا بیان لیا گیا۔)

شوڈر Asi جنید خان کا SHO کے نوٹس میں لڈے لیفٹر قربان اشتہاری کے مخدوں پر ایک گارد میں رہتے ہوئے چھاپے لگانا، ملدیزبان کسپا کو جھکڑ کرنا، چارج شیٹ کی کاپی موصول نہ کرنا، سپین اور قانون کی حد غور زری کی ہے۔ سنگین سزا کی سفارش کی جاتی ہے۔ انکوائری رپورٹ تیار ہے۔


A. Hussain
Judicial Officer
9-8-10

بیان ارکان مجلس نور محمدیہ خالد عثمانی دفتر PA ڈیوٹی

صبح 7 بجے کو وقت 28.30 بج میں دفتر PA ڈیوٹی میں حاضر ہوئے۔
 موجود تھا کہ سٹور ASI چند دن دفتر میں آیا۔ کیمپوٹر ایئر کنڈیشننگ
 نے مذکورہ ASI کو چارج شیٹ کی کاپی وصول کرینکا کی۔ سری
 موجودگی میں مذکورہ ASI نے چارج شیٹ کی کاپی وصول کرنے سے
 پہلے انکار کیا۔ موصیہ کیمپوٹر ایئر کنڈیشننگ نے چارج شیٹ کی کاپی
 سیر اندر میں بارہ رپورٹ لکھ دی۔ جس نے رپورٹ سیر اندر گزارا
 درست دستخط کیا ہے۔ سیر اپنی بیان ہے۔

9/8/10
 خالد عثمانی نور محمدیہ دفتر PA ڈیوٹی
 سٹور

Attested
 [Signature]
 Insp. Medical Lock up
 Hangu.

CHARGE SHEET


WHEREAS, I am satisfied that a formal complaint is prima facie and the Removal from Service (Special Power) ordinance 2000 is necessary and expedient.

AND WHEREAS, I am of the view that the allegations if established would call for Major punishment as defined in section 3 (1) (c) of the aforesaid ordinance.

NOW, THEREFORE, as required under section 6 of the aforesaid ordinance 2000, I, Abdur Rashid District Police Officer, Hangu hereby charge you Shoulder ASI Junid Ali on the basis of the statement of allegations attached to this Charge Sheet.

AND I hereby direct you further as laid down in section 6 of the said ordinance to put in a written defence within 7 days of the receipt of this Charge Sheet as to why you should not be served with one or more major punishments including removal from service as defined under section 3 (1) (c) of the said ordinance and also stating at the same time as to whether you desire to be heard in person?

AND, in case your reply is not received within the prescribed period without sufficient cause, it shall be presumed that you have no defence to offer.


DISTRICT POLICE OFFICER,
HANGU

No. 3211 /PA,

DI: 27/07/2010.

۱۹ جولائی ۲۰۱۰ء بمقام ضابطہ خان دفتر ہذا آگیا اور میں نے
کارڈ نمٹ دئے ہیں پیش کی اور منسلکہ میں نے کارڈ نمٹ دئے ہیں
ذاتاً لکھا۔ یہ سید جان ع۔
28/7/10

① گواہ خالد گلہ سے ٹرور سے قریب
② ڈاکٹر کبیر احمد سے ٹرور سے قریب
Relat
28/7/10

DISCIPLINARY ACTION

I. ABDUR RASHID District Police Officer, Hangu, as competent authority, is of the opinion that Shoulder ASI Junid Ali has rendered himself liable to be proceeded against as he committed the following acts / omissions within the meaning of section-3 of the NWFP Removal from Service (Special Power) Ordinance, 2000.

STATEMENT OF ALLEGATIONS

You, Shoulder ASI Junid Ali while posted at Police Post Naryab Dam, on 15.07.2010, SDPO Thall reported that many complaint have received against you from general public. As per report of Naryab Dam official you making raids on houses of innocents peoples for greedy purpose, he pretend that he raids upon the upon the houses of proclaimed offender. On this report Junid Khan quarreled with their officials in Naryab Dam and also fired upon the official with govt rifle vide DD No. 27 dated 14.07.2010 Police Station Doaba.

Your above act shows your non professionalism and is a gross misconduct but also comes within the ambit of criminal procedure punishable under the aforesaid ordinance 2000.

For the purpose of scrutinizing the conduct of the said official with reference to the above allegations SI Afsar Khan I/C Judicial Lock-up, Hangu is appointed as Enquiry Committee. The enquiry officer shall in accordance with the provisions of the ordinance provide reasonable opportunity of hearing to the accused, record its finding and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the defaulter official.

The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.


DISTRICT POLICE OFFICER,
HANGU

A copy of the above is forwarded to:-

1. SI Afsar Khan I/C Judicial Lock-up, Hangu. The Enquiry Officer Committee for initiating proceedings against the accused under the provisions of the NWFP Removal from Service (Special Power) Ordinance, 2000.
2. Shoulder ASI Junid Ali. The concerned officer with the directions to appear before the Enquiry Officer/Committee, on the date, time and place fixed for the purpose of the enquiry proceedings.

مہاراجہ

معرضہ ہونے کے نتیجے میں ASI لوگس پوسٹ زیادتی کے
 سے لگنا ہے۔ عہدہ لگنا ہی ہے اس کے خلاف
 بارگشاہت وصول ہوتی ہے۔ وہ لگنا ہی اجازت کے
 حوالہ اشعار کے طور پر لگنا ہے۔ جو عرف
 لالچ کی فالو بہ اقدام کرنا ہے۔ حکومت نے قبل ازین
 زبانی حکم کے علاوہ تحریری طور پر بھی نوٹس دے کر جو
 لف درخواست عطا ہے۔

جوائنٹ
 محکمہ قانون
 کا نائب قلم حوالہ
 فروری
 District
 15/7/2010

نیل کوٹ بعد دوپہر ٹائم کے لگی زیادتی کے اعداد و شمار
 کے عین اسی بارے میں لگائی گئی ہے۔ شروع ہوئی تھی شیخ
 ASI کے خلاف رپورٹ یا کے دوران لگنا منوط نہیں کر رہے
 روزانہ 9 بجے ارسال کیا گیا ہے۔ جو لف ہے۔
 سندھان ASI سے رائٹس کی وجہ سے لگنا منوط ہے۔
 لگنا ہی ہے۔ لگنا سندھان ASI کے خلاف حکام
 کا لگنا شروع کرنے اور سب سے زیادتی کی شکار ہونے کے

order/PA
 sheet
 District Police Office
 15/7/2010

SHO Doabp
 15/7/2010

Sir, I enclose ASI who is under
 present camp. Please
 Police. He will recommend
 for departmental action for
 the above misconduct.

15/7/2010
 District
 15/7/2010

- 1 -

CHARGE SHEET.


WHEREAS, I am satisfied that a formal enquiry as provided in the Removal from Service (Special Power) ordinance 2000 is necessary and expedient.

AND WHEREAS, I am of the view that the allegations if established would call for Major punishment as defined in section 3 (1) (c) of the aforesaid ordinance.

NOW, THEREFORE, as required under section 6 of the aforesaid ordinance 2000, I, Abdur Rashid District Police Officer, Hangu hereby charge you Shoulder ASI Junid Ali on the basis of the statement of allegations attached to this Charge Sheet.

AND I hereby direct you further as laid down in section 6 of the said ordinance to put in a written defence within 7 days of the receipt of this Charge Sheet as to why you should not be served with one or more Major punishments including removal from service as defined under section 3 (1) (c) of the said ordinance and also stating at the same time as to whether you desire to be heard in person?

AND, in case your reply is not received within the prescribed period without sufficient cause, it shall be presumed that you have no defence to offer


DISTRICT POLICE OFFICER,
HANGU

No. 3211 /PA,

Dt: 27/07/2010

DISCIPLINARY ACTION

1. ABDUR RASHID District Police Officer, Hangu, as competent authority, am of the opinion that Shoulder ASI Junid Ali has rendered himself liable to be proceeded against as he committed the following acts / omissions within the meaning of section-3 of the NWFP Removal from Service (Special Power) Ordinance, 2000.

STATEMENT OF ALLEGATIONS

You, Shoulder ASI Junid Ali while posted at Police Post Naryab Dam, on 15.07.2010, SDPO Thall reported that may complaint have received against you from general public. As per report of Naryab Dam officials you making raids on houses of innocents peoples for greedy purpose, he pretend that he raids upon the upon the houses of proclaimed offender. On this report Junid Khan quarreled with their officials in Naryab Dam and also fired upon the officials with govt rifle vide DD No. 27 dated 14.07.2010 Police Station Douba.

Your above act shows your non professionalism and criminal gross misconduct but also comes within the ambit of criminal procedure punishable under the aforesaid ordinance 2000.

For the purpose of scrutinizing the conduct of the said official with reference to the above allegations SI Afsar Khan I/C Judicial Lock-up, Hangu is appointed as Enquiry Committee. The enquiry officer shall, in accordance with the provisions of the ordinance provide reasonable opportunity of hearing to the accused, record its finding and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the defaulter official.

The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.


DISTRICT POLICE OFFICER,
HANGU.

A copy of the above is forwarded to: -

1. SI Afsar Khan I/C Judicial Lock-up, Hangu. The Enquiry Officer/Committee for initiating proceedings against the accused with the provisions of the NWFP Removal from Service (Special Power) Ordinance, 2000.
2. Shoulder ASI Junid Ali, The concerned officer with the directions to appear before the Enquiry Officer/Committee, on the date, time and place fixed to the purpose of the enquiry proceedings.

ہنگو

معرضہ ہوں کہ جنید مان ASI لوگس پوسٹ زیادہ کم
 سے لکھتا ہے۔ عمر وہ لکھتا ہے کہ اس کے طرف سے
 بارگھانہ وصول ہوئی ہے۔ وہ لکھتا ہے اجازت کے
 حوالہ سے ایشیا ریل کے گورن پر چھاپا ہے لکھتا ہے۔ جو صرف
 لالچ کی فالو بہ اقدام کرتا رہا ہے۔ حکومت نے قبل ازیں
 زبانی حکم کے حدود میں ہی طور پر بھی نوٹس دے کر جو
 لف درخواست عطا ہے

کل لوٹ لکھ دوپہر ٹائم سے لکھی زیادہ کم اور مذکورہ
 ASI کے مابین اسی باب پر شرارتی شکل شروع ہوئی تھی شیخ مجاہد
 نے ASI کے قبل رپورٹ کیا ہے بدوران کسٹ منڈی میں کمرہ مندرجہ
 اندازہ 9 روز تاخیر ارسال کیا گیا ہے۔ جو لف ہے
 جنید مان ASI سے رائٹس 3 کے بعد انکوائری قبضہ سے کہے جانے
 کے مابین دکھائی ہے۔ یہاں جنید مان ASI کے طرف حکام
 کا ردعمل شروع کیا اور سٹی میزادینے کی سفارش کی گئی ہے

جنید مان
 جنید مان کے
 کی مابین حکم صادر
 فرماویں
 ASI. Hangu
 15/7/2010

Order/PA
 Issue charge
 sheet
 District Police Officer
 Hangu

SHO Doab
 15/7/2010

Sir, I enclose ASI who is well
 Documentary Present Hangu
 Police. He will Recommend
 for Departmental action for
 the a/c. misconduct

15/7/2010
 Signature

APK - 112 (123)
(12)

ORDER.

This order of mine will dispose off the departmental enquiry initiated against Shoulder ASI Junid²⁶-~~Ali~~ on the basis of allegations that he while posted at Police Lines, Hangu he is involved in unnecessary bothering and taking bribes from the IDPs coming from Orakzai Agency. The Political Moharir Shahu Khel tried to stop^{e-} you from this illegal practice but he entered into brawl with him. He was tried to arrest a Political Moharir outside the main gate of Agency HQrs, Babar Mela, he also infuriated the levy posted at the main gate and fortunately no untoward incident took place.

He was served with Charge Sheet and Statement of Allegations under N.W.F.P. Removal from Service (SPECIAL POWERS) Ordinance, 2000 to which he submitted his reply. Inspector Ashraf Khan, RI Police Lines, Hangu and SI Afsar Khan I/C Judicial Lock-up, Hangu were constituted as Enquiry Committee to conduct departmental inquiry against him. After completion of inquiry, the inquiry committee submitted his findings that after a lapse of 45 days the complainant i.e Muharrir Shaukat of PA Orakzai Agency was summoned time and again but no response received for his side copies of summons are enclosed for ready reference. Enquiry Committee further added in his findings that Muharrir Shaukat did not entrust to appear before enquiry committee therefore, the enquiry which was pending for his statements are returned to your good office and may be filed please.

In view of above and having gone through available record, I, Abdur Rashid, District Police Officer, Hangu in exercise of the powers conferred upon me, exonerated the defaulter Shoulder ASI from the charges leveled against him and enquiry in hand is hereby filed.

Order Announced.

OB No. 309
Dated 26/5 /2010.


(ABDUR RASHID)
DISTRICT POLICE OFFICER,
HANGU.

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.

No. 2095-98 /PA, dated Hangu, the 28/05/2010.

Copies to Pay Officer, Reader, SRC & OHC for necessary action.

22
13

OFFICE NOTE.

Respected Sir,

It is submitted that Shoulder ASI Junid Ali proceeded against departmentally on the basis of allegations that he while posted at Police Lines, Hangu he is involved in unnecessary bothering and taking bribes from the IDPs coming from Orakzai Agency. The Political Moharir Shahu Khel tried to stop you from this illegal practice but he entered into brawl with him. He was tried to arrest a Political Moharir outside the main gate of Agency HQrs, Babar Mela, he also infuriated the levy posted at the main gate and fortunately no untoward incident took place.

He was served with Charge Sheet and Statement of Allegations under N.W.F.P. Removal from Service (SPECIAL POWERS) Ordinance, 2000 to which he submitted his reply. Inspector Ashraf Khan, RI Police Lines, Hangu and SI Afsar Khan I/C Judicial Lock-up, Hangu were constituted as Enquiry Committee to conduct departmental inquiry against him. After completion of inquiry, the inquiry committee submitted his findings that after a lapse of 45 days the complainant i.e Muharrir Shaukat of PA Orakzai Agency was summoned time and again but no response received for his side copies of summons are enclosed for ready reference. Enquiry Committee further added in his findings that Muharrir Shaukat did not entrust to appear before enquiry committee therefore, the enquiry which was pending for his statements are returned to your good office and may be filed please.

Submitted for favour of perusal and further order please.

[Signature]
PA

W/DPO *[Signature]* for upto Mr. A. Noor Khan

sem file

[Signature]

Sis,
Submitted for favour of perusal please & *[Signature]* PA
06/5

جناب عالی

عالم خٹک انکوائری ازان شیڈولر ASI جنید خان سے متعلق ہے۔
مذکورہ ASI بطور ایجنٹ شاہ خیل چیک بوسٹ لکھنات تھا۔ کہ پورے لکھنات میں خٹک
ASI کے خلاف الزامات لگائے۔ کہ مذکورہ ASI خٹک اور کڑی ایجنسی کو نا جائز تنگ کرنے
کے باہر لکھنات کی کوشش کی ہے۔ اور رشوت لیتا ہے۔ اور رشوت قرار دیا اور کڑی ایجنسی خٹک کو رشوت قرار دینے میں لگ گیا۔

ایسی صورت میں شیڈولر ASI جنید خان کو Explanation نمبر 827/PA جناب
DPO صاحب سیکو سے جاری ہو کر ASI مذکورہ نے فری بیان دیا۔ کہ اس نے اپنی ڈیوٹی
نیابت فرض اسلوبی سے انجام دی ہے۔ متاثرین اور کڑی ایجنسی کو نا جائز تنگ نہیں
کیا ہے۔ البتہ دوران ڈیوٹی رحمت اللہ ولد سردی خان سکنہ شاہ خیل جسکی عوام خدمت 682
نمبر 30/09 جو رقم 3/4 Exp Sub Act 427 ہے۔ رقم سیکو میں گرفتاری مطلوب تھی۔
کو گرفتار کرنے پورے لکھنات میں قرار دیا اور کڑی ایجنسی رشوت نے با اعداد دیگر کسان پولیس کی مراد
سے چھوڑا گیا ہے۔ جسکی اطلاع DPO صاحب سیکو کو دفتر میں دی تھی۔
مذکورہ شیڈولر ASI مذکورہ کی Explanation جناب DPO صاحب نے فائل کی۔ نقل
مقام اور Explanation کاغذات لف انکوائری ہزار ہے۔

بعد میں چھٹی انکوائری نمبر 1061-62/PA جناب DIO صاحب کو بٹ ریجن سے وصول
ہو کر جس میں جنید خان شیڈولر ASI کو چارج شیٹ نمبر 989/PA جاری ہو کر من
انکوائری اور انصاف سب انسپکٹر انکوائری انصاف منظور ہوئے۔ جنید خان ASI
نے چارج شیٹ کا فری بیان دیا ہے۔ کہ اس نے شاہ خیل پورے لکھنات کے دوران
احسن طریقہ سے ڈیوٹی سر انجام دی ہے۔ اس نے کسی کو نا جائز تنگ نہیں کیا ہے
اور نہ ہی کسی سے رشوت لی ہے۔ اور نہ ہی رشوت قرار دیا اور کڑی ایجنسی
کی گرفتاری کی کوشش کی ہے۔ البتہ اس نے دوران ڈیوٹی رحمت اللہ ولد
سردی خان سکنہ شاہ خیل جسکی عوام خدمت 682 نمبر 30/09 جو رقم 3/4 Exp Sub Act
نمبر 427 ہے۔ کو گرفتار کیا تھا۔ اور رشوت قرار دیا اور کڑی ایجنسی
میں چھوڑا گیا تھا۔ مہ اطلاع اس نے بروقت جناب DPO صاحب فلاح سیکو اور
میں کو دی تھی۔

لہذا رشوت قرار دیا اور کڑی ایجنسی جمع ہو کر شیڈولر لہری صاحبان شاہ خیل
کو گرفتار کرنے کے سلسلہ میں طلب کر کے حاضر آئے۔

صباح علی

جنہوں نے زبانی بتلایا۔ کہ ان کا جنید خان آہا کسی کو قریبی راجھی نام پر لکھا
جسکا کافی وہ پیش کر سکتے ہیں۔ لیکن متذکرہ کسان کو قریبی راجھی نام پیش
کر سکیا حدیث جاری ہو کر ڈیو جن کی قیمت دی۔

اب کافی دن گزر چکے ہیں۔ نہ متذکرہ کسان قریبی راجھی نام پیش
کرتے ہیں۔ اور نہ ہی انکو اثری کے سلم میں پیش ہوتے ہیں۔ کافی پروانہ
انکو اثری کے سلم میں پیش ہونے کا لکھ جاری کر دیے ہیں۔ جنکی تعمیل بھی شہادت
قرر کے رشتہ دار سے کراہی گئی ہے۔ جولف انکو اثری احمد ہے۔

انکو اثری احمد اور حسین شہادت قرر کے رشتہ دار اور اثری اچھی دوسری ہیں لیکن
مذہب سنی ہیں۔ داخل دفتر کونسیکس منظرش کجائی ہے۔

~~Anny~~
انسیکس محمد شرف خاں محل 445 و نظام مندرجہ

Atta
Sik Medical
Lock up Hanger
افغان سب انسٹیٹیوٹ انچارج خود نشانی
منع منکر

ضلع گوجرانو

الذکر

رہنہ کی حالت میں

انڈیا کی صاحبزادی صاحبہ کی 989/PA آزان شوہر ASI چند خان

نمبر	حصہ	کارروائی
1		حصہ 24 ³ / ₁₀ کو رتو انڈیا صاحبہ کی 989/PA پر موصول ہو کر چند خان شوہر ASI کو لکھنؤ بیان دینے کے لئے عدالت میں حوالہ دیا گیا۔ نمبر 033392253077 کو طلب کرتے ہوئے بیان کر جو لکھنؤ انڈیا کی ہوا ہے۔
2	26 ³ / ₁₀	حصہ 26 ³ / ₁₀ پر رتو انڈیا صاحبہ کی عدالت میں حوالہ دیا گیا۔ بیوی سپاہیانہ شاہ زبیر - خوبا گل مقعدہ ایسی ہیں کہ ان کی عدالت میں بیان دینے کے لئے طلب کرتے ہوئے ہے۔
3	28 ³ / ₁₀	حصہ 28 ³ / ₁₀ پر رتو انڈیا صاحبہ کی عدالت میں حوالہ دیا گیا۔ بیوی سپاہیانہ حاضرہ ان کے بیان کے ظاہر سے یہ ہے کہ انہوں نے ASI کے ساتھ راضی ناصر کے لئے رتو انڈیا انڈیا کی عدالت میں حوالہ دیا۔ دو دن کے اندر عدالت میں پیش کرنے کے لئے، تو رتو انڈیا صاحبہ کے ساتھ بیان کے لئے راضی ناصر پیش نہ کیا۔
4	9 ⁴ / ₁₀	حصہ 9 ⁴ / ₁₀ پر رتو انڈیا صاحبہ کی عدالت میں حوالہ دیا گیا۔ بیوی سپاہیانہ حاضرہ اور رتو انڈیا کی عدالت میں حوالہ دیا گیا۔ شاہ زبیر کو حصہ 12 ⁴ / ₁₀ کو رتو انڈیا صاحبہ کے لئے پیش کرنے کے لئے طلب کرتے ہوئے ہے۔
5	12 ⁴ / ₁₀	حصہ 12 ⁴ / ₁₀ پر رتو انڈیا صاحبہ کی عدالت میں حوالہ دیا گیا۔ بیوی سپاہیانہ حاضرہ آئے۔ دو دن کے اندر عدالت میں پیش کرنے کے لئے طلب کرتے ہوئے ہے۔
6		

24/3/10

PKK 17 (E)

CHARGE SHEET.

WHEREAS, I am satisfied that a formal enquiry as provided in the Removal from Service (Special Power) ordinance 2000 is necessary and expedient.

AND WHEREAS, I am of the view that the allegations if established would call for Major punishment as defined in section 3 (I) (e) of the aforesaid ordinance.

NOW, THEREFORE, as required under section 6 of the aforesaid ordinance 2000, I, Abdur Rashid District Police Officer, Hangu hereby charge you Shoulder ASI Junid Ali on the basis of the statement of allegations attached to this Charge Sheet.

AND I hereby direct you further as laid down in section 6 of the said ordinance to put in a written defence within 7 days of the receipt of this Charge Sheet as to why you should not be served with one or more Major punishments including removal from service as defined under section 3 (I) (e) of the said ordinance and also stating at the same time as to whether you desire to be heard in person?

AND, in case your reply is not received within the prescribed period without sufficient cause, it shall be presumed that you have no defence to offer.


DISTRICT POLICE OFFICER,
HANGU. 

No. 989 /PA,

Dt: 08 / 03 / 2010.

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MHB

DISCIPLINARY ACTION

I, ABDUR RASHID District Police Officer, Hangu, as competent authority, am of the opinion that Shoulder ASI Junid Ali has rendered himself liable to be proceeded against as he committed the following acts / omissions within the meaning of section-3 of the NWFP Removal from Service (Special Power) Ordinance, 2000.

STATEMENT OF ALLEGATIONS

You, Shoulder ASI Junid Ali involved in unnecessary bothering and taking bribes from the IDPs coming from Orakzai Agency. The Political Moharir Shahu Khel tried to stop you from this illegal practice but you entered into brawl with him. You were tried to arrest a Political Moharir outside the main gate of Agency HQrs, Babar Mela, you also infuriated the levy posted at the main gate and fortunately no untoward incident took place.

Your above act not only speaks of your inefficiency, disinterest in the discharge of your official duties, gross misconduct but also comes within the ambit of criminal procedure punishable under the aforesaid ordinance 2000.

For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Inspector Ashraf Khan, RI Police Lines, Hangu and SI Afsar Khan I/C Judicial Lock-up, Hangu is appointed as Enquiry Committee. The enquiry officer shall, in accordance with the provisions of the ordinance provide reasonable opportunity of hearing to the accused, record its finding and make within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the defaulter official.

The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.


DISTRICT POLICE OFFICER,
HANGU

A copy of the above is forwarded to: -

1. Inspector Ashraf Khan, RI Police Lines, Hangu and SI Afsar Khan I/C Judicial Lock-up, Hangu. The Enquiry Officer/ Committee for initiating proceedings against the accused under the provisions of the NWFP Removal from Service (Special Power) Ordinance, 2000.
2. Shoulder ASI Junid Ali. The concerned officer with the directions to appear before the Enquiry Officer/Committee, on the date, time and place fixed for the purpose of the enquiry proceedings.

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA , PESHAWAR.**

Service Appeal No.712 of 2015

Junaid Khan Shoulder ASI
s/o Khial Gul r/o Hang.

.....Appellant

VERSUS

The Inspector General of Police,
Khyber Pakhtunkhwa Peshawar and others

.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully, sheweth,

Reply/Parawise comments are submitted as under:-

Preliminary Objection.

1. That the appeal is not maintainable in its present form.
2. The appellant has got no cause of action.
3. That the appellant has not come to this Hon: Tribunal with clean hands.
4. That the appeal is badly time barred.
5. That the appeal is bad for misjoinder of unnecessary parties and non-joinder of necessary parties.

Reply on Facts.

1. Pertains to record, hence no comments.
2. Not relevant, hence no comments.
3. Pertains to record, hence no comments.
4. Pertains to record, hence no comments.
5. Pertains to record, hence no comments.
6. Incorrect. Complaint regarding raids on houses of innocent people for greedy aims without permission of his superior were received. Moreover, the appellant had quarreled with his own Police and fire at then with Government rifle vide DD No.27 dated 14.07.2010 PS Doaba. A proper departmental proceedings were initiated against the appellant and after completion of departmental proceedings, he was dismissed form service.
7. Incorrect. The appellant was fully aware of departmental inquiry initiated against him.
8. Pertains to record, hence no comments.
9. Incorrect. In compliance with the Honorable Tribunal dated 18.04.2013 in Service Appeal No.2567/2010, Respondent No.2 has passed detail and speaking order vide his office No.3735/EC dated 28.05.2013 with the remarks that appellant moved departmental appeal before Deputy Inspector General of Police, Kohat on 13.08.2010 which was accepted and ordered to de-novo enquiry vide order dated 29.09.2010 order dated 28.05.2013 and 29.09.2010 are attached.

10. Correct to the extent that according to the directions given by the Honourable Tribunal the respondent No.2 has disposed of the appeal/application of the appellant. The remaining portion of the para is incorrect. Infact the appeal was properly examined and the appellant was heard patiently by the competent authority, provided opportunity of explaining position but he failed to submit any plausible explanation of the charges proved against him and his general conduct.

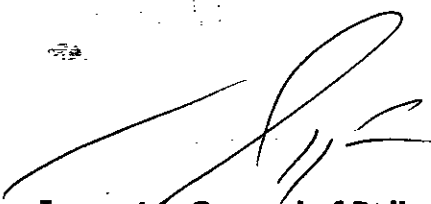
11. The appellant has got no cause of action to file instant appeal.

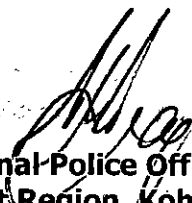
GROUND.

- A. Incorrect. The orders of Respondent No.1 and 2 are legal and in accordance with law and rules on the subject which are fit to be upheld in the best interest of justice.
- B. Incorrect. The order of Respondent No.3 is legal and in accordance with law and rules against which the appellant has already filed appeal No.2567/2010 before this Honourable Tribunal while second appeal against the same order of Respondent No.3 is totally illegal and against the prescribed rules/procedures.
- C. Incorrect. This para relates to order of Respondent No.3 as discussed in Para-B.
- D. Incorrect. As discussed in Para-B.
- E. Incorrect. All the proceedings were conducted and dismissed order was passed by the authorities after completing all the codal formalities.
- F. Incorrect. In compliance to this Honourable Tribunal order, Respondent No.2 has passed legal and speaking order.
- G. The Respondents may also allowed to advance additional grounds at the time of hearing.

Prayer

In view of above, it is humbly prayed that on acceptance of Parawise comments, the instant appeal may kindly be dismissed with cost please.


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


**Regional Police Officer,
Kohat Region, Kohat**
(Respondent No.2)


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

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.**

Service Appeal No.712 of 2015

Junaid Khan Shoulder ASI

s/o Khial Gul r/o Hangu.

.....Appellant

VERSUS

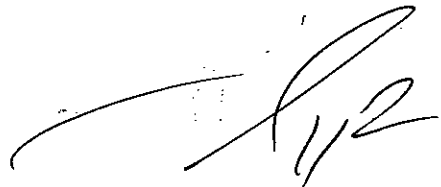
The Inspector General of Police, Khyber Pakhtunkhwa Peshawar.

The Regional Police Officer, Kohat Region Kohat.

The District Police Officer, Hangu.Respondents

AFFIDAVIT

We the following respondents do hereby solemnly affirm and declare that contents of **Reply/Parawise Comments** to the appeal filed by Junaid Khan Shoulder ASI are true to the best of our knowledge and nothing has been concealed from this honourable tribunal.



**Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.**

(Respondent No.1)



**Regional Police Officer,
Kohat Region, Kohat**

(Respondent No.2)



**District Police Officer,
Hangu.**

(Respondent No.3)

From : The Chairman Human Rights Hangu.

To : The ^{Judicial} Chief Justice Board of Commission,
Supreme Court, Islamabad.

No. 63 /HRC, the Hangu dated 28 - 10 - 2016.

Subject: APPEAL FOR URGENT DECISION FO CASE OF RE-
INSTATEMENT IN SERVICE JUNAID KHAN S/O
KHAIAL GUL POLICE ASI DISMISSED FROM
SERVICE CASE PENDING SINCE 6 YEARS.

Kindly refer to the subject cited above.

It is submitted that the subject case is lying pending since 2010 in the Honorable Court of Service Tribunal, Peshawar, which may kindly be necessary to submit the subject matter under intimation to this office for our further immediately action please.

CHAIRMAN HUMAN RIGHT,
HANGU

No. 64-65 / HRC.

✓ Copies for information to the:-

- ✓ 1. Honorable Court of Service Tribunal, Peshawar.
2. Ex-ASI Junid Khan for information.


CHAIRMAN HUMAN RIGHT,
HANGU

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 712/2015

Junaid Khan Shoulder ASI.....(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa
Peshawar and others.....(Respondents)

REPLY/ REJOINDER TO PARAWISE
COMMENTS ON BEHALF OF APPELLANT
WITH PRELIMINARY OBJECTIONS.

Respectfully Sheweth:

Preliminary Objections:

i.e. 1 to 5 raised in Parawise comments, submitted on behalf of respondents, are incorrect, totally wrong, baseless and not acceptable. Because appellant is an aggrieved person, having strong prima facie case in his favour, has got locus standi and has approached this Hon'ble Tribunal with clean hands under the existed provision of law.

25/7/2016.

1. *Para No. 1, 3 to 5 and 8 of the comments submitted by the respondent shows as pertain to record but there is no mentioned whether these facts of the appeal are correct or not. So according to Qanoon-e-Shahadat Order 1984, the silence on a particular facts is implied admission, is to be treated as admission at all.*
2. *Para No. 2 of the comments is admission on the part of respondents, as according to Qanoon-e-Shahat Order, 1984, silence on any fact is admission in the eye of law.*
3. *Para No. 6 of the comments submitted by the respondents is incorrect because no such like public compliant is produced by the respondents which declare the appellant responsible for misconduct, where as to the quarl with other colleague and proceeding against the appellant in an inquiry is concern, the respondents did not given any show cause, opportunity of hearing or cross-examination of the complainants as well as colleagues to the appellant.*
4. *Para No. 7 is fully discussed in Para No. 2 above.*

5. As to Para No. 9 and 10 of the comments filed by the respondents are incorrect, because it is evident from the face of the order annexure "J", that neither it is in the compliance of the order of this Hon'ble Tribunal, nor given any cogent reason in the order nor any opportunity of hearing is given to the appellant. While according to rules deno inquiry should be in fair manner if the initial inquiry is defective.

6. As to para No. 11 of the comments submitted by the respondents, whatsoever discussed in Para No. 9 and 10, the appellant has got cause of action.

Reply to the Grounds of Comments:

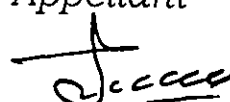
A. Incorrect, orders of the respondents No. 1 and 2 are quite illegal and against the principle of law and justice. Because the appellant has not been given opportunity of hearing, no any notice has been given to him by respondents No. 2 nor the respondent No. 1 called for the appellant for explanation of allegations leveled against him in the order of respondent No. 3.

- B. Denied, because the answer in comments of the respondent in this regard shows ignorance of respondents to the order of this Hon'ble Tribunal.
- C. Denied, no charge sheet or any kind of statement of charges has been given to the appellant. Copy of such like documents, if any, produced/ attached by the respondents with the comments would be false, bogus and not acceptable.
- D. Denied. As reply given in this regard in Para "A", "B" and "C", however as to statements of both the witnesses are concern, that is false and bogus because, on the one side both of them are close subordinates to the respondent No. 3 and on the other side there is no independent witnesses or evidence is existed on record.
- E. Denied. Neither opportunity of hearing has been given to the appellant by respondents nor any proceeding has been conducted according to prevailing/existed law on the point.
- F. Denied because this Hon'ble Tribunal directed respondent No. 2 to decide the appeal/ representation of the appellant but respondent No. 2 did not do so.

Which clearly shows the ignorance of the order of this Hon'ble Tribunal on the part of respondent No. 2.

G. Ground "G" of the comments need no reply.

It is, therefore, humbly prayed that the comments submitted by the respondents are false and fabricated one in nature and ineffective upon the rights of appellant and on acceptance of the instant reply/ rejoinder, the comments submitted by the respondents may kindly be rejected and the order of respondents No. 2 dated 10/06/2015 as well as the order of respondent No. 3 dated 09/08/2010, may kindly be set aside and the appellant may also kindly be ordered to reinstated in service, with full back benefits and seniority, in accordance with law.

Through 

Appellant

Gul Daraz Khan
Advocate High Court,
Peshawar.

Cell No. 0333-9239831

HALIM BANGASHI
MISS MEHNAZ PARI

Dated: 25/07/2016

NOTE:

If this Hon'ble Tribunal treated genuine, the appellant is ready to confrontation of witnesses if any with the respondents as well as to the respondents also. However, for justice and proper decision according to principal of justice, it will be most better if all of them i.e. respondents and their witnesses be called for cross examination before this Hon'ble Tribunal.

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

Service Appeal No. 712/2015

Jumaid Khan Shoulder ASI.....(Appellant)

VERSUS

*Inspector General of Police, Khyber Pakhtunkhwa
Peshawar and others.....(Respondents)*

**REPLY/ REJOINDER TO PARAWISE
COMMENTS ON BEHALF OF APPELLANT
WITH PRELIMINARY OBJECTIONS.**

Respectfully Sheweth:

Preliminary Objections:

i.e. 1 to 5 raised in Parawise comments, submitted on behalf of respondents, are incorrect, totally wrong, baseless and not acceptable. Because appellant is an aggrieved person, having strong prima facie case in his favour, has got locus standi and has approached this Hon'ble Tribunal with clean hands under the existed provision of law.

1. Para No. 1, 3 to 5 and 8 of the comments submitted by the respondent shows as pertain to record but there is no mentioned whether these facts of the appeal are correct or not. So according to Qanqon-e-Shahadat Order 1984, the silence on a particular facts is implied admission, is to be treated as admission at all.
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4. Para No. 7 is fully discussed in Para No. 2 above.

5. As to Para No. 9 and 10 of the comments filed by the respondents are incorrect, because it is evident from the face of the order annexure "J", that neither it is in the compliance of the order of this Hon'ble Tribunal, nor given any cogent reason in the order nor any opportunity of hearing is given to the appellant. While according to rules deno inquiry should be in fair manner if the initial inquiry is defective.

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- D. Denied. As reply given in this regard in Para "A", "B" and "C", however as to statements of both the witnesses are concern, that is false and bogus because, on the one side both of them are close subordinates to the respondent No. 3 and on the other side there is no independent witnesses or evidence is existed on record.
- E. Denied. Neither opportunity of hearing has been given to the appellant by respondents nor any proceeding has been conducted according to prevailing/existed law on the point.
- F. Denied because this Hon'ble Tribunal directed respondent No. 2 to decide the appeal/ representation of the appellant but respondent No. 2 did not do so.

Which clearly shows the ignorance of the order of this Hon'ble Tribunal on the part of respondent No. 2.

G. Ground "G" of the comments need no reply.

It is, therefore, humbly prayed that the comments submitted by the respondents are false and fabricated one in nature and ineffective upon the rights of appellant and on acceptance of the instant reply/ rejoinder, the comments submitted by the respondents may kindly be rejected and the order of respondents No. 2 dated 10/06/2015 as well as the order of respondent No. 3 dated 09/08/2010, may kindly be set aside and the appellant may also kindly be ordered to reinstated in service, with full back benefits and seniority, in accordance with law.

Through

Appellant



Gul Daraz Khan

Advocate High Court,
Peshawar.

Cell No. 0333-9239831

HACIM BANGASH

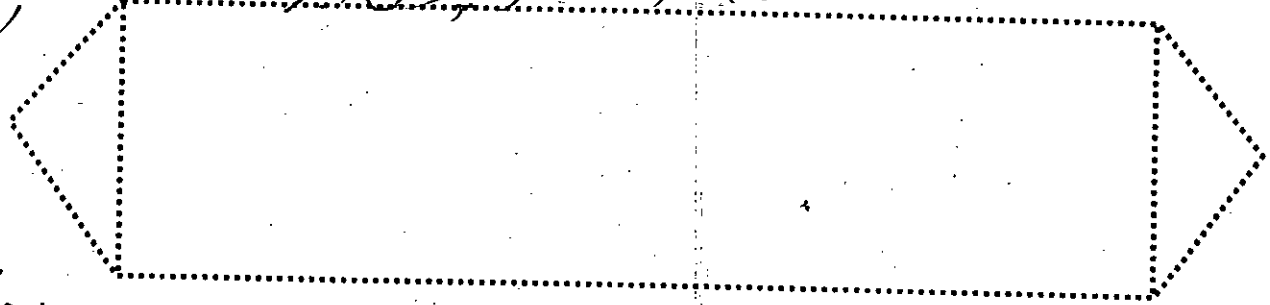
MISS MEHNAZ PARI

Dated: 25/07/2016

NOTE:

If this Hon'ble Tribunal treated genuine, the appellant is ready to confrontation of witnesses if any with the respondents as well as to the respondents also. However, for justice and proper decision according to principal of justice, it will be most better if all of them i.e. respondents and their witnesses be called for cross examination before this Hon'ble Tribunal.

بعدالت صواب سرس ایل میں خیر کئی کواں لکھنا



27.5.16

2016ء منجانب ایلانٹ

جنید خان ولد خالد بنام الیکٹرک انجینئر آف لوئس ورس
کے مندرجہ

712 سرس ایل

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لکھنا کیلئے حلیم خان بنگش ایڈووکیٹ ایڈمنسٹریٹو مینجمنٹ کے مندرجہ
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 بر حلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوجی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور 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
رداختہ منظور و قبول ہوگا۔ و دوران مقدمہ میں جو خرچہ و جر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا خرچہ 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 ہو گے۔ کہ پیروی مذکور کریں
لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2016

27 ماہ سح

المرقوم

گواہ شد

Accepted
Halim Khan Bangash
Advocate
High Court Seat Judicial Complex
0333-9227993 Peshawar.

Halim Khan Bangash
Advocate
High Court Seat Judicial Complex
0333-9227993 Peshawar.

وکیل
بنگش
ایڈووکیٹ

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 253 /ST

Dated 1 / 2 / 2017

To


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

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 16.01.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.