

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 16/2019

Zar Ali

versus

IGP & Others

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Appellant

Through

  
 Saadullah Khan Marwat  
 Advocate

Dated 18-12-2023

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A No. 16/2019

Zar Ali

versus

IGP & Others

**REJOINDER**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 9974

Dated 19-12-2023

**Respectfully Sheweth,**

**PRELIMINARY OBJECTION**

All the 07 Preliminary Objections are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is time barred, bad for none and mis-joinder of necessary parties, unclean hands, no cause of action, estoppel, concealment of material facts and without locus standi.

**ON FACTS**


1. Not correct. The past record of appellant was quite up to the mark. Charging appellant with his brother in criminal cases shows that both were implicated in the cases, being employees, for the purpose to oust them from services.
2. Not commented upon by the respondents and as stated earlier, brother of appellant was shot for killing him prior to the occurrences in para No. 01 of the reply on 23-04-2016 by sustaining grievous injuries by the enemies.
3. Not correct. From the aforesaid acts of the enemies other brother of the appellant was murdered on 12-08-2016 prior to the FIR No. 02-02-2017 and 12-08-2017 lodge against appellant etc. by the enemies.
4. Not correct. Enquiry procedure was not followed by the Inquiry Officers as no statement of any concerned was recorded what to speak of providing appellant opportunity of cross examination and self-defense. The Charge Sheet was never served upon him. Such was the position of Final Show Cause Notice.

5. Not correct. Without fulfilling conditions of enquiry, when no publication was made, was illegally dismissed from service.
6. Not correct. In the meanwhile, appellant surrendered before the law enforcing agency by releasing him on bail, so departmental appeal was submitted on 17-09-2018 which was then rejected for no legal reason.
7. As above. In the meanwhile, trial was initiated against appellant and after recording pro and contra evidence he was acquitted from the baseless charges. (Copies attached)

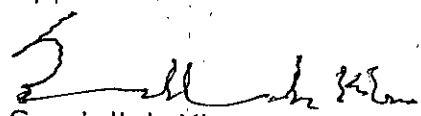
**G R O U N D S:**

All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are re-affirmed once again.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

  
Appellant

Through

  
Saadullah Khan Marwat

Advocate,

Dated: 18-12-2023

(8)

انٹرنل پولیس سرپرست خانہ لاہور

ایئر فائل

ابتدائی اطلاع

ابتدائی اطلاع نسبت جرم قابل دست آمد...

نوع جرم

مکالمات

تاریخ 23 جون 2016

تاریخ وقت رپورٹ

23 جون 2016 6:30 بجے

نام و سکونت اطلاع دہندہ

مستور احمد خان، محلہ کلاں، تحصیل کلاں، ضلع کلاں، پنجاب

نقص کیفیت جرم (مصدقہ) حال اگر کچھ لیا گیا ہو۔

340427

جائے وقوعہ نامہ تھانہ سے اور سمت

نہجہ کلاں، تحصیل کلاں، ضلع کلاں

نام و سکونت ملزم

کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں تاخیر ہو تو وجوہ بیان کرو

مستور احمد خان، محلہ کلاں، تحصیل کلاں، ضلع کلاں

تھانہ سے روانگی کی تاریخ و وقت

مستور احمد خان

ابتدائی اطلاع کے درج کردہ... (Detailed handwritten report text in Urdu)

ATTESTED to be true Copy

(Signature)





**CHARGE SHEET**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Zar Ali No.616-T of Capital City Police Peshawar with the following irregularities.

"That you Constable Zar Ali No.616-T while posted at Police Lines, Peshawar were absent from duty w.e.f. 16.07 2016 till date without taking permission or leave. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

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

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

**ATTESTED**  
to be true Copy

6

23-4-16

(Signature)

**FINAL SHOW CAUSE NOTICE**

I Superintendent of Police, Headquarters,  
Police Peshawar, as competent authority, under the provl  
Disciplinary Rules 1975 do hereby serve  
Constable Zar Ali No.616-T the final show cause notice.

City  
office  
you,

The Enquiry Officer, SDPO Faqirabad, after completion of  
departmental proceedings, has recommended you for major  
punishment for you Constable Zar Ali No.616-T as the  
charges/allegations leveled against you in the charge sheet/statement  
of allegations.

And whereas, the undersigned is satisfied that you Constable Zar  
Ali No.616-T deserve the punishment in the light of the above said  
enquiry reports.

I, competent authority, have decided to impose upon you the  
penalty of minor/major punishment under Police Disciplinary Rules  
1975.

1. You are, therefore, required to show cause as to why the  
aforesaid penalty should not be imposed upon you and also intimate  
whether you desire to be heard in person.
2. If no reply to this notice is received within 7 days of its receipt,  
in normal course of circumstances, it shall be presumed that you have  
no defence to put in and in that case as ex-parte action shall be taken  
against you.

*(Signature)*  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 230/2 /PA, SP/HQrs: dated Peshawar the 21-4 /2016.

Copy to official concerned

656  
57  
*(Signature)*  
S No 13 RBIL  
26-11-16

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to be true Copy

*(Signature)*



عنوان: اپیل برطرف حکم مسلمہ 78-74-6

Dy: No. 363 SA-CUPO  
Dt: 28.6.2016  
Encl:

صفحہ 6 کا 28 شمارہ نمبر  
2016  
P.A  
Halat

عالی  
تھا

No 225- LB  
11-7-2016

یہ اپیل برطرف حکم شمارہ نمبر 28 کا ہے

جس میں حکم سے علیحدگی کا حکم جاری ہوا ہے  
اپیل کے ذیل وجوہات ہیں۔

5 سہولتوں  
انتہائی ناس

① یہ کہ دفعہ 23-4 کو بعد اختتام ٹریبونل میں اپیل پرائیویٹ کر  
سے گرجا گیا تھا۔

② قلم کا حصہ کے لیے یا میں ایک ایسے صورت کار میں ہوا  
استعمال نے میرا تعاقب شروع کیا۔

③ یہ کہ جج ہزار فرائی کی حلاوت میں کار / گاڑھی کو ٹھہرنے کا  
اشارہ کیا۔ میں اشارہ کی پروا نہ کرتے ہوئے

DSP-L  
For Comments

محکمہ قوت کی بنیاد پر نظرنا چلا۔ تو انہوں نے  
مجھ پر کثیر تاثر شروع کی۔ جبکہ بیچ میں مجھے زخمت

دیں کہ تمام دلائل ان پر پورے۔ میں نے اسی جولا  
فائبرنگ کی جوڑے استعمال کیا گیا۔

2  
for

④ راہ گیر دئے تھے اٹا کر ہسپتال R.H.L میں لایا گیا تھا۔

میں نے مندرجہ ذیل سے دعویٰ جاری کیا ہے

مقدمہ 432  
صفحہ 4  
25/3/2016  
427  
میں درج ہونے کے لیے

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5) میں LRH میں زیرِ علاج ہوں۔ افسانہ ٹرکڈ آئے اور  
مجھے دیکھنے کے لیے چلے گئے۔

6) میرا خیال تھا کہ میں بچہ حافظ نہیں ہوں مگر حکمران  
کے اہلکاروں نے مجھے اسی روز سے بچہ حافظ کر دیا۔ حالانکہ

میں لیونگ اور سٹریٹنگ میں تھا کہ وہ ایک شخص تھا


7) مجھے سے غلطی ہوئی کہ میرا حکم علمی کی وجہ سے اور نامی یہ کاری  
نہاں پر درخواست پرانے سٹرکٹل لیو اور ان ایلا کو  
دے کے۔ میں یہ سمجھتا تھا کہ اور اس معاملہ میں  
دیکھنے کے لیے سوال آئے۔ تو اس وقت سے اس طرح  
لحاظ کر رہا اور مجھے بچہ حافظ نہ کریں۔ دراصل میں  
بچہ حافظ نہیں تھا۔ بلکہ مردم جیانی کرانے تھا۔

8) میرا ابتلائیہ جو بیان کر کے کر دینے میں وہ بھی  
درست نہیں لگتا ہے کہ حالانکہ وہ صحیح اور درست ہے

9) میرے پاس سٹرکٹل کی جسٹس، فائنٹس موجود ہیں۔ جو  
اس سے اس کے ساتھ منسلک کر کے سوان جو کہ قابل  
عذر ہیں

10) اس سبھی اور لاعلمی کی بنیاد یہ ہے میں سٹرکٹل  
کا یہ پیش نہ کر سکا۔ مگر سب کے جوابات میں  
ذکر کر چکا ہوں۔ ہنگوڑ سے بخوبی نہیں لایا گیا

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(3)

11) میں ایک ٹریب جوان المرحوم سے مل رہی ہے۔  
ڈیوٹی ٹوٹن اسلوی سے سرانجام دینا چاہیے

12) میرا کہو سے کام کوئی صورت میں ہے گناہ ہوں  
میں نے اس کے بارے میں کوئی اطلاع نہیں دی تھی

سروس کی بجائی کا حکم صادر فرمادیں  
میرے ساتھ میرے خاندان والوں کی زندگیوں  
کے لیے اور سہولتوں میں۔ جنکی خدمت کرتا میرا اولین فرض

استدعا ہے کہ میرے حالات کو مدنظر رکھے سرانجام  
منظور ہوئے۔ یہ بھی شکریہ کی بجائی کا حکم صادر  
فرمادیں۔ دعا ہے دولت

28.6.16 مورخ

755  
سائنس ڈاکٹر عالم  
ولہ کوڑھما - سکندر پور سیرانی باہ

0315-9664483  
0312-3258099

(\*)

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### حسینیٰ رضوی کی ٹریفک پولیس اہلکار کا بتلاؤ جہاں میں شدید بدچلنی

حسینیٰ رضوی کی ٹریفک پولیس اہلکار کا بتلاؤ جہاں میں شدید بدچلنی

حسینیٰ رضوی کی ٹریفک پولیس اہلکار کا بتلاؤ جہاں میں شدید بدچلنی

حسینیٰ رضوی کی ٹریفک پولیس اہلکار کا بتلاؤ جہاں میں شدید بدچلنی

تسلیم شدہ

حسینیٰ رضوی کی ٹریفک پولیس اہلکار کا بتلاؤ جہاں میں شدید بدچلنی

حسینیٰ رضوی کی ٹریفک پولیس اہلکار کا بتلاؤ جہاں میں شدید بدچلنی

حسینیٰ رضوی کی ٹریفک پولیس اہلکار کا بتلاؤ جہاں میں شدید بدچلنی

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P06960460



حکومت خیبر پختونخوا پاکستان

THE GOVT OF KHYBER PAKHTUNKHWA PAKISTAN

وزارت صحت

DEATH CERTIFICATE

FORM No P006960460

CRMS No D173052-17-0059  
NATURE OF DEATH: DEADBODY FOUND

1730115172205  
12-8-2016 12-8-2016 15-4-1991  
1730115172205 1730115172205

APPLICANT NAME NOOR SAHIB  
 APPLICANT CNIC 1730115172205 RELATION WITH DECEASED Son  
 ADDRESS SURIZAI BALA, SHATO KHEL  
 CITY PESHAWAR, THESISIL PESHAWAR, DISTRICT PESHAWAR

DECEASED NAME	FATHER NAME	DATE OF BIRTH	SEX	RELIGION	PLACE/DATE OF DEATH	DATE OF BURIAL	REASON OF DEATH	SICKNESS PERIOD
NOOR SAHIB	NOOR SAHIB	15-4-1991	MALE	ISLAM	HOME	12-8-2016	UNNATURAL	

BLOOD RELATION PERSON CAUSING DISPOSAL OF BODY

NAME NOOR SAHIB  
 CNIC 1730115172205

1730115172205

ENTRY DATE 13-11-2017  
 ISSUE DATE 14-11-2017

159442017  
 14-11-2017

ADDITIONAL INFORMATION

SECRETARY  
 Union Council No.52  
 Surizai Bala Peshawar

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 to be true Copy

12

21-9-16

(4)

**OFFICE OF THE SUPERINTENDENT OF POLICE HQRS, CCP PESHAWAR**

No. 103 /PA

Dt: 19 /2016

**SHOW CAUSE NOTICE**

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

1. That you Constable Zar-All No.616-T while posted at Police Lines have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct:  
"You were absented yourself from duty w.e.f 16.07.2016 till date without taking permission or leave."
2. That by reason of above, as sufficient material is placed before the undersigned, therefore is decided to proceed against you in general police proceeding without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encourage in efficient and unbecoming of good police officer;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action you by awarding one or more of the kind punishments as provided in the rules;
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not;

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to be true Copy

*[Signature]*  
**SUPERINTENDENT OF POLICE**  
**HEADQUARTERS, PESHAWAR**



**DISCIPLINARY ACTION**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Zar Ali No.616-T has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

**STATEMENT OF ALLEGATION**

"That Constable Zar Ali No.616-T while posted at Police Lines, Peshawar absented himself from duty w.e.f 16.07.2016 till date without taking permission or leave. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and SDPO Faqir abad is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

PA

Call complete.

*[Handwritten Signature]*

SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 230 /E/PA, dated Peshawar the 06/10 /2016

1. SDPO Faqir abad is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned

**ATTESTED  
to be true Copy**

*[Handwritten Signature]*



14  
19-10-16  
**CAPITAL CITY POLICE OFFICER,  
PESHAWAR**

Phone No. 091-9210989  
Fax No. 091-9212597

**ORDER**

This order will dispose off departmental appeal preferred by ex- Driver constable **Zakria** Alam No. 700/1151 who was awarded the major punishment of Dismissal from service under Police Rules-1975 by SSP/Traffic Peshawar vide his No. 674-78/PA dated 28.6.2016.

2- Shri Zakria Alam, instant appellant was posted at Traffic Unit Peshawar was deputed for 2nd shift night duty from 1200 to 06:00 hours. He parked his vehicle at pick up at Traffic Lines and proceeded to home on his own will without seeking permission of his seniors. As such appellant was marked absent vide Daily Diary No.10 dated 23.4.2016 by shift duty incharge (SI Bahader Shah). On the way to home when reached to the place of occurrence i.e near Dost Muhammad Putwari Home signalled to stop by unknown accused. He did not stop. As such the accused fired at him due to which he was injured on various parts of the body. He was taken to hospital for treatment and a criminal case vide FIR No. 423 dated 23.4.2016 u/s 324/34/427 PPC was registered at PS Badhber on his complaint. He remained absent from lawfull duty w.e.f 23.4.2016 to 10.2.2016 (Total- 111 days)

3- Proper departmental proceedings were initiated against him and Mr. Habibullah, SP-HQRs: Traffic was appointed as the E.O. The E.O mentioned in his report that the defaulting official was on 2nd shift Night duty from 1200 to 0600 hrs intentionally and deliberately absented himself from duty at 04:20 hrs and while on way to home in his private car was fired at by unknown accused who was medically treated in LRM Peshawar. FIR No. 423 dated 23.4.2016 u/s 324/34/427 PPC PS Badhber was registered on the complaint of accused official clearly shows that at 04:45 hrs which is the time of occurrence he was not available on duty. The E.O found him guilty of the allegations levelled against him and recommended him for award of suitable punishment. On receipt of the findings of the E.O. the SSP-Traffic Peshawar issued him FSCN to which he replied. The same was perused and found unsatisfactory. hence the Competent Authority awarded him the above major punishment.

4- The appellant was called on through local Police of PS Badhber for O.R on 7.9.2016. However, the local Police reported that appellant Zakria Alam has been ordered in a blood feud enmity vide case FIR No. 848 dated 12.8.2016 u/s 302/324/34 PS Badhber. So cannot be heard in O.R. However, it is worth to clarify that the Competent Authority before passing punishment order of dismissal had provided full opportunity of hearing to him in person and self defense as is evident from para-4 of the punishment order. Therefore, material available on record speaks that the appellant had failed to produce justification in self defense. The undersigned feel no interfere in the punishment and order passed by the SSP-Traffic Peshawar is up-held and appeal is rejected/filed.

*(Signature)*  
(MULI MUHAMMAD TAHIR) PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

No. 1773-79 /PA dated Peshawar the 19 /10 /2016.

Copies for Information and n/a to the:-

1. SSP Traffic, Peshawar.
2. SP/HQRs: Peshawar.
3. PO/JASI/ CRC along with his S.Roll for making necessary entry in S.Roll.
4. FMC along with PM
5. Official concerned.

**ATTENDED**  
to be true Copy

115

17-11-16



Inquiry Report

Please refer to your office diary No.230 dated 06/10/2016.

Departmental enquiry against Constable Zar Ali No.616-T posted at police line Peshawar been initiated, on the basis of mentioned allegation as under. On the allegation he was sheeted and summary of allegations was handed over by the Superintendent of Police Headquarter, Peshawar. Undersigned was appointed as enquiry officer.

Allegation:

Constable Zar Ali No. 616-T absented himself from duty with effect from-16.7.2016 till to date.

Procedure

Constable Zar Ali No. 616-T has been called vide letter No.6121 dated 01.11.2016 and through line Roznamcha by official phone but the alleged constable did not attend this office to record statement or to produce genuine reasons for his absence.

Findings are appended.

During inquiry it revealed that:

- (a) Alleged constable Zar Ali No.616-T posted at police lines Peshawar has been called vide letter No.6121 dated 01.11.2016 and through line Roznamcha by official phone but he did not attend this office.
- (b) Its mean that the alleged constable has no genuine reason for his absence.

Recommendation

Keeping in view the above circumstances it reveals that the constable is not interested in his official job. His continued absence is gross misconduct for uniformed official. Therefore he is recommended major punishment

(Muhammad Tariq Khan Dawar) PPM, UNPM  
Deputy Superintendent of police  
Faqirabad Circle Peshawar

17/11/2016

SP Headquarter, Peshawar.

No. 59 /ST  
dated 17/11 /2016

*Issue Final  
show cause notice*

*21/11/16*

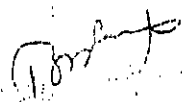
**ATTACHED  
to be true Copy**



Kindly with reference to your good remarks passed on the note sheet of under-signed relating to the departmental appeal of ex-constable Zar Ali No.616/T to the effect that "so what's the legal position on point-A? We are confronted with this question every day therefore it is better to understand the legal position. Please consult law and judgments of Superior Courts and submit your opinion".

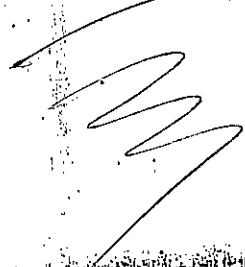
With respect to clarification of point "A" It is stated that as per dictum laid down in various judgments of Superior court as well as Service Tribunal Khyber Pakhtunkhwa, criminal proceedings in criminal courts and departmental proceedings are two different entities and may run parallel to each other, even acquittal from criminal charges by criminal courts, having no effect on departmental proceedings.

Secondly so far as this appeal is concerned, the accused official was charge sheeted for absence and subsequently he was awarded punishment for absence and not for involvement in criminal cases. He was under legal obligation to have informed the department about his involvement in criminal case and surrender himself to the authorities but he failed to do so and absconded. As per Superior court judgment fugitive from law loses his legal right "2017 SCMR 965" so under the law acquittal from criminal cases cannot entitle him for reinstatement.



DSP/Legal  
Peshawar.

**ATTESTED**  
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17

20-12-16

(1) (4)

**REFERENCE ATTACHED**

This is a formal departmental enquiry against **Constable Zar Ali No.616-T** on the allegations/charges that he while posted at Police Lines, Peshawar was absent from lawful duty w.e.f 16-07-2016 till date without taking permission or leave.

In this regard, he was issued charge sheet & summary of allegations. SDPO Faqirabad conducted the enquiry proceedings & submitted his report that defaulter official did not attend the enquiry proceedings. The E.O further recommended major punishment for defaulter official vide at F/A.

Upon the finding of E.O, he was issued final show cause notice & delivered him on home address through local Police PS Badaber which received by Fazal Rabi Nazim U/C 153 Aba Khel Surizai Bala Badaber but he failed to appear before this office or submitted explanation as yet vide at F/B.

Submitted for further orders please

SP HOrs

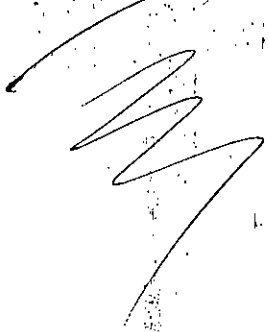
PA S/o  
process the case  
Bader

SP/HQ  
21/12/17

P.A.  
20/12/16

MM 20 July

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Sir,

Kindly with reference to your good remarks passed on the note sheet of under-signed relating to the departmental appeal of ex-constable Zar Ali No.616/T to the effect that "so what's the legal position on point-A? We are confronted with this question every day therefore it is better to understand the legal position. Please consult law and judgments of Superior Courts and submit your opinion".

With respect to clarification of point "A" it is stated that as per dictum laid down in various judgments of Superior court as well as Service Tribunal Khyber Pakhtunkhwa, criminal proceedings in criminal courts and departmental proceedings are two different entities and may run parallel to each other, even acquittal from criminal charges by criminal courts, having no effect on departmental proceedings.

Secondly, so far as this appeal is concerned, the accused official was charge sheeted for absence and subsequently he was awarded punishment for absence and not for involvement in criminal cases. He was under legal obligation to have informed the department about his involvement in criminal case and surrender himself to the authorities but he failed to do so and absconded. As per Superior court judgment fugitive from law loses his legal right "2017 SCMR 965" so under the law acquittal from criminal cases cannot entitle him for reinstatement.

DSP/Legal  
Peshawar.

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Name of Official

ZAR ALI No.616/T S/O NOOR SAHIB

R/O Shatu khel Surizai Bala PS Badaber Distt. Peshawar

Date of Birth 08.04.1986

3. Date of enlistment 31.07.2009

4. Education 10<sup>th</sup>

5. Courses Passed Recruit

6. Total qualifying service 07 year, 05 months & 01 day.

7. Good Entries NII

8. Punishment (previous)

Bad Entries (L.W.O Pay, E/Drill & Warning)

1. 03 days leave without pay vide OB No.3160 dt: 16.10.2014

Minor Punishment

1. Censured vide OB No.3600 dt: 24.11.2014

Major Punishment

NII

09. Punishment (Current)

- Awarded major punishment of dismissed from service on the charges of absence w.e.f 16.07.2016 to till date. Hence; the period he remained absent from 16.07.2016 to till date is treated without pay vide OB No.52 dt: 04.01.2017 by SP/HQrs.

10. Leave Account

Total leave at his credit

356 days

Avalled leaves

NII

Balance

356 Days

FA [Signature]

[Signature]  
CRC  
11-10-18

W/CCPO

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to be true Copy

[Signature]



- Name of Official ZAR ALI No.616/T S/O NOOR SAHIB  
 R/O Shatu khel Surizai Bala, PS Badaber Distt: Peshawar
2. Date of Birth 08.04.1986
  3. Date of enlistment 31.07.2009
  4. Education 10<sup>th</sup>
  5. Courses Passed Recruit
  6. Total qualifying service 07 year, 05 months & 01 day.
  7. Good Entries Nil
  8. Punishment (previous)  
Bad Entries (L.W.O Pay, E/Drill & Warning)  
 1. 03 days leave without pay vide OB No.3160 dt: 16.10.2014

Minor Punishment

1. Censured vide OB No.3600 dt: 24.11.2014

Major Punishment

Nil

09. Punishment (Current)

- Awarded major punishment of dismissed from service on the charges of absence w.e.f 16.07.2016 to till date. Hence, the period he remained absent from 16.07.2016 to till date is treated without pay vide OB No.52 dt: 04.01.2017 by SP/HQrs.

10. Leave Account

<u>Total leave at his credit</u>	<u>Availed leaves</u>	<u>Balance</u>
356 days	Nil	356 Days

PA *[Signature]* 11/10

*[Signature]*  
CRC 11-10-18

W/CCPO

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2913/244  
53/8/16 23/8/16  
22.08.2016: مورخہ: فہرست ڈسٹرکٹ ملازمان تنخواہ بندش  
R.H.O. No. 539  
Date: 23/8/16

نمبر شمار	نام انمبر	مدت	نمبر شمار	نام انمبر	مدت
1	مدان زینب 1710	15 روز نامی 27-10-2015	23	خالد 2177	22 روز نامی 08-06-2016
2	امداد 37	21 روز نامی 25-07-2016	24	رفشاء احمد 982	41 روز نامی 24-06-2016
3	میرداد 253/EXM	05 روز نامی 19-05-2016	25	نورحیم 5440	09 روز نامی 10-06-2016
4	نوران مل 219	16 روز نامی 31-07-2016	26	شیراکبر 5955	25 روز نامی 07-08-2016
5	اصحمام 1528/SPO	24 روز نامی 18-07-2016	27	محمد آواز 3522	19 روز نامی 23-07-2016
6	شاہ فیصل 984/SPO	07 روز نامی 12-07-2016	28	ظہور خان 305	63 روز نامی 28-05-2016
7	نرمان 1066/SPO	07 روز نامی 12-07-2016	29	محمد ارشد 5961	23 روز نامی 25-05-2016
8	جہانگیر 520/SPO	07 روز نامی 12-07-2016	30	ارشد خان 3783	14 روز نامی 09-09-2015
9	مبارک شاہ 08	55 روز نامی 25-07-2016	31	اجیر خان 5454	62 روز نامی 11-06-2015
10	نہیم 4803	26 روز نامی 07-12-2015	32	عمران کلاس نور	66 روز نامی 02-11-2015
11	آتاب 4991	07 روز نامی 24-06-2016	33	ذاکر 1435/SPO	25 روز نامی 07-08-2016
12	شرافت 5374	07 روز نامی 24-06-2016	34	امیر شاہ 154/SPO	22 روز نامی 06-08-2016
13	زویا 616/T	21 روز نامی 18-07-2016	35	عقیل 795/SPO	73 روز نامی 30-06-2016
14	زیارت 2866	24 روز نامی 17-08-2016	36	فرحت اللہ 1462	15 روز نامی 21-03-2016
15	نادر خان 5615	11 روز نامی 08-08-2016	37	وقاص 1912	54 روز نامی 13-07-2016
16	ارشد مل 1928	24 روز نامی 17-08-2016	38	بشیر مل 1659	11 روز نامی 14-08-2016
17	سلیمان 3862	03 روز نامی 15-08-2016	39	حاجت پاری 5340	07 روز نامی 18-08-2016
18	نہیم 2277	06 روز نامی 12-08-2016	40	ایاز حسین 3384	11 روز نامی 19-06-2016
19	ستار خان 5027	09 روز نامی 12-08-2016	41	چشمین جان 1193	58 روز نامی 15-07-2016
20	عبدالباسط 5938	05 روز نامی 11-08-2016	42	حبیب شاہ 2257	21 روز نامی 27-07-2016
21	حامد 1291	42 روز نامی 05-08-2016	43	جواد 3652	16 روز نامی 31-07-2016
22	فیصل 2131	05 روز نامی 11-08-2016	44	نہیم 2660	23 روز نامی 17-08-2016

R.H.O. No. 539

Date: 23/8/16

جناب عالی

فہرست ڈسٹرکٹ ملازمان جو کہ بدستور غیر حاضر تھے  
تنخواہ بندش کی سفارش کی جاتی ہے۔

O.S. No. 25-B-16

Date: 23/8/16

Siv

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orders also issue scil

SUPDANT  
HQ'S. CUS  
24/8/16

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Annexed PL

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23/8/16

23-8-16

Name / No.	Home Address	Date of Enlist:	Entries				Charges	E O Name/ Recom:	Punishment	Plea of the applicant	Remarks/ Opinion of DSP/Legal	Order by the CCPO
			Good	Bad	Min	Major						
Ex-Constable Zar Ali No. 616/T	Surizai Peshawar	31.07.2009	Nil	01	01	01	He while posted at Police Lines Peshawar absented himself from his lawful duty w.e.f 16.07.2016 till his dismissal i.e 04.01.2017.  Total absence 05 months and 18 days.  <i>Later on he was also charged in two separate criminal cases and granted bail by the court on the basis of compromise.</i>	Muhammad Tahir Khan Dawar DSP/F-Abad	Dismissed from service.  (PR 1975)  By SP/HQr:  (Waseem Ahmad Khalil)  Vide OB No.52 Dt: 04.01.2017  (Appeal time barred for 01 year and 08 Months)	* Request to set-aside the punishment	Perusal of the record reveals that competent authority before imposing the major punishment had completed codal formalities and ample opportunity of self defence was provided, but appellant being not interested in his official duty remained continuously absent from lawful duty. More so the appellant in his appeal has also admitted that he was charged on 02 murder cases, wherein he was granted bail by the court on the basis of compromise. Punishment order passed by the competent authority is in accordance with law. The appeal also hits by time limitation.	
Total Qlfy service			Ead: - Minor: Major:									
07 Years, 05 Months & 01 Day			01 01 Nil									
Date of birth												
08.04.1986												
Education												
10 <sup>th</sup>												
Courses												
Recruit												

22/

*whats the legal position? On limitation?*

*Police Officer Peshawar*

*SPH*

*DSP/C*

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(17)

**E O DATA OF zar Ali S/O Noor Sahib FOR APPEARING IN ORDERLY ROOM**

Name/No	Home Address	Date of Enlist:	Entries				Charges	E O Name/ Recom:	Punishment	Plea of the applicant	Remarks/ Opinion of DSP/Legal	Ord by thr CCP
			Good	Bad	Min	Maj						
Ex-Constable  Zar Ali No. 616/T	Surizai Peshawar	31.07.2009	Nil	01	01	01	He while posted at Police Lines Feshawar absented himself from his lawful duty w.e.f 16.07.2016 till his dismissal i.e 04.01.2017.  Total absence 05 months and 18 days.  <i>Later on he was also charged in two separate criminal cases and granted bail by the court on the basis of compromise.</i>	Muhammad Tahir Khan Dawar DSP/F-Abad	Dismissed from service.  (PR 1975)  By SP/HQr:  (Waseem Ahmad Khalil)  Vide OB No.52 Dt: 04.01.2017  (Appeal time bared for 01 year and 08 Months)	* Request to set-aside the punishment	Perusal of the record reveals that competent authority before imposing the major punishment had completed codal formalities and ample opportunity of self defence was provided, but appellat being not interested in his official duty remained continuously absent from lawful duty. More so the appellat in his appeal has also admitted that he was charged on 02 murder cases, wherein he was granted bail by the court on the basis of compromise. Punishment order passed by the competent authority is in accordance with law. The appeal also hits by time limitation.	
		Total Qlfy service										
		07 Years, 05 Months & 01 Day										
		Date of birth										
		08.04.1986										
Education												
10 <sup>th</sup>												
Courses												
Recruit												
			Bad:-	Minor:	Major:							
			01	01	Nil							

*whats position? the legal on limitation?*

*Capital City Police Officer Peshawar*

*SPH*

*DSP/CC*

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183-5  
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**ORDER**

This office order relates to the disposal of formal departmental enquiry against Constable Zar Ali No.616-T of Capital City Police Peshawar on the allegations that he while posted at Police Lines, Peshawar absented himself from lawful duty from 16.07.2016 till date without taking permission or leave.

In this regard, he was issued charge sheet and summary of allegations. SDPO Faqirabad was appointed as E.O. He conducted the enquiry and submitted his report that the defaulter official did not attend the enquiry proceedings. The E.O further recommended major punishment for the defaulter official vide Enquiry Report No.59/ST dated 17.11.2016.

Upon the fining of E.O, he was issued final show cause notice & delivered him on home address through local Police PS Badaber which received by Fazal Rabi Nazim U/C 153 Aba Khel Surizal Bala Badaber but he failed to submit his reply in stipulated period or appear before this office.

In the light of recommendations of E.O & other material available on record, the undersigned came to conclusion that the alleged official found guilty of this misconduct. Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect. Hence, the period he remained absent from 16.07.2016 till date is treated without pay.

Dismissed  
5/1/17

*[Handwritten signature]*

*[Handwritten signature]*  
SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR

OB. NO. 52 / Dated 4/1/2017  
No. 75-42/PA/SP/dated Peshawar the 5/1/2017

Copy of above is forwarded for information & n/action to:

- ✓ Capital City Police Officer, Peshawar.
- ✓ SSP Traffic, Peshawar
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Office, OASI, CRC & FMC along-with complete departmental file.
- ✓ Officials concerned.

*[Handwritten signature]*  
(1/2017)

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*[Handwritten signature]*



### ابتدائی اطلاعی رپورٹ

لاٹریٹ جرم قابل دست اندازی پولیس رپورٹ شدہ زبردستہ ۱۵۲ مجموعہ ضابطہ عدالتی

ملک	پنجاب
تاریخ	۱۷-۰۲-۱۷
تاریخ وقت رپورٹ	۱۷-۰۲-۱۷ ۱۵:۱۵ بجے
نام و سکنات اطلاع دہندہ	گورنمنٹ ہائی اسکول، لاہور
تفصیلات جرم (معدومہ) حال اگر کچھ لاکھ ہو	۳۱-۳۲-۳۳
جائے وقوعہ یا اصل معاملہ سے ادرست	گورنمنٹ ہائی اسکول، لاہور
نام و سکنات ظلم	گورنمنٹ ہائی اسکول، لاہور
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وہ بیان کرنا	تفتیش جاری ہے
خاندان سے درآگئی کی تاریخ و وقت	۱۷-۰۲-۱۷

میں نے گورنمنٹ ہائی اسکول، لاہور میں ایک کلاس میں پڑھانے کے دوران ایک لڑکے کو دیکھا جو ایک لڑکی کے ساتھ کھڑا تھا اور وہ لڑکی کے ہاتھ پکڑ رہا تھا۔ اس وقت میں نے اسے روک دیا اور اسے پکارتے ہوئے کہا کہ وہ لڑکی کے ہاتھ سے ہٹ جائے۔ اس نے کہا کہ وہ اس لڑکی سے محبت کرتا ہے اور اسے چومنا چاہتا ہے۔ اس کے والدین اسے اس کے ساتھ لے گئے اور اسے گھر لے گئے۔ اس واقعہ کے بعد اس لڑکی کو گھر سے لے کر اسکول لایا گیا اور اسے اسکول میں رکھ دیا گیا۔ اس واقعہ کے بعد اس لڑکی کو اسکول سے لے کر گھر لے گیا اور اسے گھر میں رکھ دیا گیا۔ اس واقعہ کے بعد اس لڑکی کو اسکول سے لے کر گھر لے گیا اور اسے گھر میں رکھ دیا گیا۔

ATTESTED

STATIONER

Accepted

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Superintendent Sessions Court, Puchan

Signature of the official

7-10

Handwritten text in Urdu at the top of the page, including a circled number '27' and some illegible script.

F  
2.3.2017

True Copy  
ATTESTED

~~Handwritten signature or text~~

اطراف کے پتے اٹلا کر دیکھا جائے تو اس کی ہر ایک نشان دکھائی جائے۔ اور اس پر فرزند و اولاد کا نام لکھا جائے اور اس کا نام لکھا جائے۔  
ایک طرف یا مشہور علی الترتیب واسطے باشندگان علاقہ میر یا وسطہ ایشیا یا افغانستان جہاں موجود ہیں لکھنا چاہئے۔

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26

18-1-18

OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

Phone No. 091-9210989  
Fax No. 091-9212597

*(Signature)*

ORDER.

This order will dispose off the departmental appeal preferred by Ex-Constable Zar Ali No.616/T who was awarded the major punishment of "Dismissal from Service" by SP/HQrs Peshawar vide OB No 52, dated 14-01-2017.

2- The allegations leveled against him were that he while posted at Police Lines Peshawar absented himself from his lawful duty w.e from 16-07-2016 till his dismissal i.e 04-01-2017 for a total period of 05 and 18 days. Later on he was also charged in two criminal cases vide FIR No.54, dated 02-02-2017 u/s 302/324/34/PPC PS East Cantt and FIR No.846, dated 12-08-2017 u/s 302/324/34/ppc PS Badabher.

3- He was issued charge sheet with statement of allegations by SP/HQrs Peshawar. The SDPO Faqir Abad was appointed as enquiry officer. The enquiry officer conducted enquiry and submitted his report that the defaulter official did not attend the enquiry proceedings and hence recommended him for major punishment. He was issued final show cause notice through local Police of PS Badaber but he failed to reply and hence the competent authority awarded him the above major punishment.

4- He was heard in person in O.R. The relevant record perused along-with his explanation but he failed to submit any plausible explanation. Further more the appellant has also admitted that he was charged in two murder cases and was gone into hiding and reportedly declared as PO in the said cases. Therefore his appeal for reinstatement in service is dismissed/rejected being also time bared for 01 year and 08 months.

*(Signature)*  
(QAZI JAMIL UR REHMAN)PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 1516-22 /PA dated Peshawar the 18-1-2018

Copies for information and n/a to the:-

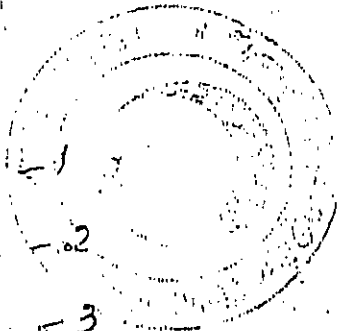
1. SP/Cantt: Peshawar
2. DSP/HQrs Peshawar.
3. BO/OASi/CRC for making necessary entry in his S.Roll.
- ✓ 4. FMC along with FM
5. Official concerned.

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*(Signature)*

(876)

محمد سعید احمد  
کدالت جناب سیشن جج صاحب لکناور  
قسم 2979  
19/7/18  
9/11/18



1- نذر علی پیران نذر صاحب

2- محمد امین ولد صنوبر ساکنان قلعہ شاہ کوہ جنرل سہیل پور نئی ماہر  
3- تحصیل و ضلع لکناور  
سائیدین / ملزمان

بمقام

1- سرفراز  
2- محمد ریاض ولد تواریب خان مکنتہ برهان چیل بدو پور  
3- تحصیل و ضلع لکناور  
مشول ایسپ

علت نمبر 846  
تورنہ 12/08/2016  
جرم نمبر 302/34  
PPC  
محکمہ  
پشاور

Superintendent  
Sessions Court, Peshawar  
19-7-18

درویش محمد عبدالرحمن  
بر حاضرت غائب قبل از گرفتاری تا تصدیق مقدمہ

1- صدر عالی اسٹیشن / ملزمان صاحب ذیل طرفین رسان حصہ  
2- میر سائیدین / ملزمان صاحب ذیل طرفین رسان حصہ  
3- میر سائیدین / ملزمان صاحب ذیل طرفین رسان حصہ  
4- میر سائیدین / ملزمان صاحب ذیل طرفین رسان حصہ

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A - یہ کہ شہین / اعتراف نہ کر دے جس پر اور یہ ثابت ہے

B - یہ کہ شہین / اعتراف کو شخص نہیں اور بدستور کی وجہ سے  
قدیم ہذا میں ملوث کیا گیا ہے

C - یہ کہ شہین / اعتراف کے خلاف مثل مقدمہ پر کوئی عمل نہ ہو  
شہادت موجود نہ ہے

D - یہ کہ شہین / اعتراف کے مقدمہ میں مزید تفتیش کی ضرورت ہے

E - یہ کہ مقدمہ ہذا مقدمہ عدالت 848  
مقامہ ٹریبیونل بالکابل (Cross case)

F - یہ کہ Cross case میں اعتراف کی ضمانت ہو چکی ہے

G - یہ کہ سابقہ وقت مقدمہ ہذا میں رافینا نہ ہو چکا ہے

H - یہ کہ شہین / اعتراف میں کاپیڈا ریشیا میں حصہ اور لہذا ضمانت  
پر قسم کی ضمانت در عدالت منظور نہیں کرتے تو تیار ہے

I - یہ کہ دیگر ضمانت بوقت ضمانت پیش کیے جانے

Dr-1  
Supreme Court  
Ssions Court, Pe  
19-7

بیان طلبی

بیان لیا جائے کہ عدالت نے  
مستعدین کو واپس لیتے ہوئے

گذاستے ہیں کہ عدالت کو درپوش ہے  
شہین / اعتراف کے ضمانت میں از سر نو  
گواہوں کے اذیتوں سے بچانے کے لیے



17301-4256623

مختار عالم وغیرہ

شہین / اعتراف کے  
مستعدین

ATTESTED

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29


14-7-18

OS&PD.1290/31-051 Pesh. DOP-14.04.17/MIC/DBI Peshawar, about 07

# FORM "A" FORM OF ORDER SHEET

Court of \_\_\_\_\_ of \_\_\_\_\_  
Case No. \_\_\_\_\_

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel, where necessary
1	2	3
	19/07/2018	Ball Before Arrest Application/Bail Application /Bail Cancellation Application presented by Mr. _____ Advocate. To be put up before Mr. _____ Learned Addl: District & Sessions Judge _____ Peshawar for further orders.

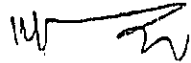
  
Superintendent,  
Sessions Court, Peshawar

Order No. 01  
19/07/2018

Application for bail before arrest received. Be checked.

Accused/Petitioners Fakhar Alam & Zar Ali sons of Noor Sahib r/o Surezai Bala, Peshawar alongwith their counsel present. They apprehend their arrest in case FIR No. 54 dated 02.2.2017 U/S 302/324/34 PPC registered at Police Station East Cantt Peshawar and seek the subject bail on the grounds of false implication and *mala fide*. The petition is supported by an affidavit. In the absence of record accused/ petitioners are admitted to ad-interim pre-arrest bail on furnishing bonds in sum of Rs.90,000/- with two sureties each in the like amount to the satisfaction of this court. It is further directed that they shall join the investigation and attend the court on each date of hearing regularly.

Notice to the State, complainant and record be also requisitioned for 30/7/18 before court concerned.

  
WAJID ALI KHAN,  
ASJ-IX/ Duty Judge,  
Peshawar

ATTESTED

01 DEC 2018

(Exd) \_\_\_\_\_  
Sessions Court, Peshawar

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29/7

Ms. Haseena, APP for the State present.

Case file received.

Accused/petitioners on ad-interim bail along with counsel present.

Record not received.

Record be requisitioned for 14/8/18 before the Court of Duty Judge.

(Ishtiaq Ali Haider)  
AD&SI-V, Peshawar

Order...03  
10/08/2018

BBA petition received from the court of learned ADJ-V, Peshawar. Learned SPP Mr. Said Nazeer for the state present. Accused/petitioners on ad-interim bail are present.

Record not received. Be requisitioned for

27/8/18 before the learned Duty Judge, Peshawar.

(Syed Kamal Hussain Shah)  
AD&SI-XV, Peshawar  
Duty Judge

ATTESTED

31 DEC 2018

(Exam)  
Session Court, Peshawar

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to be true Copy





کچھ اہل حق و صلہ لکھنؤ

(B)

(45)

- 1- قسٹ عالم
- 2- زر علی لہران عزیز صاحب ساکنان محلہ شاہ کوٹھیل
- سوڈن نئی مالہ کھیل و صلہ لکھنؤ

نام

- 1- سرفار
- 2- خود کشید ولد زیارت گل مکہ سوڈن نئی مالہ لکھنؤ

علاقہ 54 فوراً 02/05/2017 جرم 302, 324 34 PPC حکمانہ شرعی

درخواست گزار دعائیہ لکھنؤ / ملزمان  
 بہرہ مندرجہ ذیل کی گرفتاری کا مقدمہ بند

Or-1  
 Superintendent  
 Sessions Court, Peshawar  
 19-7-18

صاحب عالی و صاحبین / ملزمان صاحبین عمر 25 سال

یہ کہ لکھنؤ / ملزمان نے عدالت کو حرم مالہ دعوہ پارٹی سپورٹ  
 عدالت پولیس لکھنؤ کی گرفتاری کے درپے لکھنؤ

یہ کہ لکھنؤ / ملزمان کو جو حاکم ذیل حکمانہ لکھنؤ

بہرہ دعائیہ کی گرفتاری کے بعد

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*[Signature]*

**ATTESTED**

9/1/18

(Handwritten mark)

بہر سبب / منوف / منوف اور ...

بہر سبب / منوف / منوف اور ...

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بہر سبب / منوف / منوف اور ...

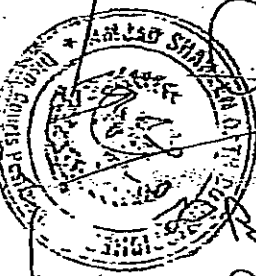
بہر سبب / منوف / منوف اور ...

Supintendent  
Sessions Court, Peshawar  
14-2-18

بہر سبب / منوف / منوف اور ...

بہر سبب / منوف / منوف اور ...

بہر سبب / منوف / منوف اور ...



17301-4256685-1

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to be true Copy

ATTESTED

32

# FORM "A" FORM OF ORDER SHEET



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

Case No. \_\_\_\_\_

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel, where necessary
1	2	3

9/7/2018

Bail Before Arrest Application/Bail Application /Bail Cancellation Application presented by Mr. (Signature) Advocate.  
 To be put up before Mr. (Signature)  
 Learned Addl: District & Sessions Judge (Signature)  
 Peshawar for further orders.

(Signature)  
 Superintendent,  
 Sessions Court, Peshawar

Order...dt 19 July 2018.

BBA petition received: It be registered.  
 Accused/petitioners namely (1) Fakhr-e-Alam (2) Zar Ali (3) Muhammad Amin R/o Surizai Bala, Peshawar have submitted this bail before arrest application in case FIR No. 846 dated 12.08.2016 u/a 302/31 PPC registered at PS Badaber, Peshawar.  
 The petitioners have contended malafide and their false involvement in the instant case. The petition is supported by an affidavit. In the absence of any record before this court, the petitioners named above are admitted to ad interim pre-arrest bail subject to furnishing of bail bond in the sum of Rs.70,000/- with two local and reliable sureties separately for each accused each in the like amounts to the satisfaction of this Court.  
 Petitioners are directed to join investigation and to attend court on each and every date of hearing.

Notice and record for 30/7/18

**ATTESTED**  
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Announced:  
19/07/2018

(Signature)  
 (ISHFAQ ALI) LAWYER  
 AD&S.J.-V, Peshawar

**ATTESTED**

01 DEC 2018

(Signature)

Sessions Court, Peshawar

Order No. 2  
30.07.2018

32/7  
Ms. Huseena, APP for the State present.

Accused/petitioners on ad-interim bail along with  
counsel present.

Record not received.

Fresh notice to complainant and record be  
requisitioned for 14/8/18 before the Court of Duty  
Judge.

*SPP*  
(Ishfaq Ali Haider)  
AD&SJ-V, Peshawar

Order No. 03  
10/08/2018

BBA petition received from the court of learned  
ADJ-V, Peshawar. Learned SPP Mr. Said Nazeer for the  
state present. Accused/petitioners on ad-interim bail are  
present.

Record not received. Be requisitioned for  
27/8/18 before the learned Duty Judge, Peshawar.

*K. S.*  
(Syed Kamal Hussain Shah)  
AD&SJ-XV, Peshawar  
Duty Judge

**ATTESTED**

~~04 DEC 2018~~

~~(Examined)  
Session Court Peshawar~~

**ATTESTED  
to be true Copy**

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No 315-17-9-18  
17-9-2018

712  
17-9-18

To: The Worthy *ESPO*  
Peshawar Khyber Pakhtunkhwa.

Subject: Departmental Appeal the order dated 05.01.2017  
whereby the undersign was awarded major penalty of  
dismissed from service.

Prayer in appeal:

On acceptance of this departmental appeal I may  
kindly be re-instated in service with all back benefits

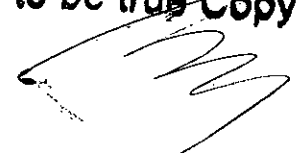
*AME*  
*Put up Record*  
*8 DSP/696*  
*17-9-2018*

Respected Sir,

I respectfully submit my departmental appeal as under:-

1. That the undersign was initially enlisted as Constable in the Police Department, and has at his credit a bright and spot less service career.
2. It is pertinent to mention here that ever since his enlistment the undersign has performed his duties as assigned to him with zeal and devotion and there was no complaint whatsoever regarding his performance.
3. That while the undersign while serving in the department, was falsely implicated in a criminal case in F.I.R No. 54 dated 02.02.2017 under Section 302,324,34 PPC Police Station East Cant Peshawar.
4. That the undersign was also charged in another criminal case FIR no 846 dated 12.08.2016 under section 302,34 PPC police station Badh Bir Peshawar.
5. That the undersign was malafidely charged in the above mentioned criminal cases.
6. That the undersign approached the competent court and filed his Bail Before Arrest application. (Copy of the application is attached)
7. That partial inquiry was conducted against me and the inquiry officer without associating the undersign with the inquiry proceedings conducted ex-parte inquiry and gave his findings wherein he recommended the undersign for major punishment.

**ATTESTED**  
to be true Copy



- 8. That thereafter the undersign when reported for duty, he was informed that he has already been dismissed from service vide order dated 05.01.2017, however the penalty order never communicated to the undersign.
- 9. That the dismissal orders is illegal, unlawful, without lawful authority, against the law and facts, hence liable to be set aside on the following grounds;

GROUNDS OF SERVICE APPEAL:

- A. That the undersign has not been treated in accordance with law, and his right secured and guaranteed under the law have been violated.
- B. That the charges levelled against the undersign were never proved in the departmental enquiry albeit the enquiry officer illegally and unlawfully proved the undersign guilty.
- C. That no proper procedure has been followed before awarding the major punishment to the undersign, the undersign has not been served with any charge sheet or statement of allegation, no proper inquiry has been conducted, nor the undersign was ever associated properly with the inquiry proceedings, statement of witnesses, if any, were never taken in presence of the undersign, nor the undersign was allowed opportunity of cross examination, thus the whole proceedings are defective in the eye of law and orders based on such defective proceedings are liable to be set aside.
- D. That the undersign has not been allowed opportunity of personal hearing before awarding him the major punishment of removal from service, thus he has been condemned unheard.
- E. That the undersign never committed any act or omission which could be termed as misconduct, he was falsely implicated in the criminal case and was appeared before the court, the respondent should have waited for the out come of the trial of the undersign albeit he has been illegally awarded the major penalty of dismissal from service.
- F. That the Superior Courts have always held that mere filing of FIR does not ipso-facto proves a person guilty of the commission of the offence, rather he would be presumed innocent unless convicted by the court of competent jurisdiction. So on this also the impugned orders are liable to be set-aside.

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**to be true Copy**



G. That the case of the undersign is covered under FR-54 which provides that:

"F.R.54---Where a Government Servant has been dismissed or removed is reinstated, the revising or appellate authority may grant to him for the period of his absence from duty—

a) If he is honorably acquitted, the full pay to which he would have been entitled if he had not been dismissed or removed, and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal removal; or

b) If otherwise, such portion of such pay and allowances as the revising or appellate authority may prescribed.

In a case falling under clause (a), the period of absence from duty will be treated as a period spent on duty unless the revising appellate authority so directs.

H. That the Inquiry Officer has acted illegally and in violation of law by claiming to have proved the charges without any proof or evidence.

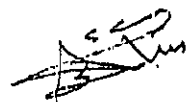
I. That during the inquiry the statement of witnesses were never taken in presence of the undersign, nor the undersign was allowed opportunity to cross examine those, who may have deposed against him.

J. That the undersign has at his credit bright and spotless service career of about seven years, the penalty imposed upon him is too harsh and liable to be set aside.

K. That the undersign is jobless since his illegal dismissal from service.

L. That the undersign seeks the permission of this Honourable Tribunal to rely on additional grounds at the hearing of this appeal.

It is therefore prayed that on acceptance of this departmental appeal the impugned orders dated 05.01.2017, may please be set-aside and the undersign be reinstated into service with all back benefits.

Undersign 

**ATTESTED**  
to be true Copy

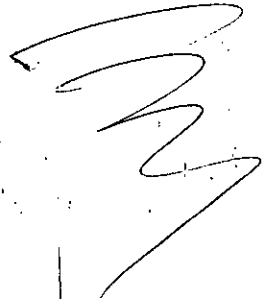
Constable Zar Ali  
No 616-F Capital City  
Police Peshawar.

0316-9097901  
0301-3000316

DSP/L

For Comments

17/1/17



Comments on Departmental Appeal

Sir,

Departmental Appeal filed by Ex-Constable Zar Ali No. 616-T before the Worthy CCPO Peshawar for re-instatement into service received to this office for comments, gone through which reveals that appellant was dealt with departmentally on the charge of deliberate absence from duty with effect from 16.07.2016 till date.

Enquiry was entrusted to SDPO Faqirabad with the direction to scrutinize his role with reference to allegations framed against the appellant. The enquiry officer during the course of enquiry numbers of time called the appellant to join the enquiry proceedings and submit plausible grounds in his defence but to no avail. As such the enquiry officer concluded enquiry and recommended him for major punishment being not interested in his official job.

After receipt of findings of enquiry officer the competent authority issued him final show cause notice which was delivered to him at his home address and was served upon the Nazim of his Union Consil, but he failed to submit his written reply within stipulated period. Therefore, he was awarded the major punishment of Dismissal from service vide OB No. 52 dated 04.01.2017 by the competent authority.

Perusal of record reveals that the competent authority before imposing the major punishment had completed codal formalities and an ample opportunity of self defence was provided, but appellant being not interest in his official duty remained continuously absent from lawful duty. More so the appellant in his appeal has also admitted that he was charged in 02 murder cases, wherein he was granted bail by court on the basis of compromise. Punishment order passed by the competent authority is in accordance with law. The appeal also hits by time limitation.

DSP/Legal,  
CCP, Peshawar.

4.10.18

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NO. 846

Statement of Mst. Shazia (widow of deceased injz.) r/o Badaber, Peshawar  
on oath:-

On 12.08.2016 my deceased husband was murdered for which my brother in law complainant Muhammad Rizaz had recorded a report No.846 dated 12.08.2016 u/s 302-34 PPC at PS Badaber wherein on satisfaction he charged accused Muhammad Amin son of Sanobar, Fakhr Alam, Zar Ali sons of Noor Sahib.

Since there was no witness to the occurrence of the murder of my deceased husband and only on satisfaction the accused referred to above were charged, therefore, we on satisfaction came to know that the accused mentioned above are innocent and were merely charged on suspicion, therefore, I and all my family have satisfied as well as they have also satisfied ourselves that they are innocent in the instant case, therefore I am not interest in their prosecution and have got no objection on the confirmation of their pre arrest bail as well as their acquittal at the stage of trial.

RO & AC  
20/10/2018

Mst. Shazia  
17301-9293202-0

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Muhammad Saqib Amjad,  
ADJ/ASLX/JSC, Peshawar

ATTESTED

01 DEC 2018

Session Court Peshawar

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20-10-18



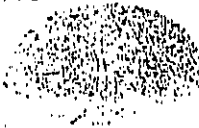
FIR NO. 846

Statement of Complainant Muhammad Riaz son of Nawab Khan ( brother of deceased) r/o Badaber, Peshawar on oath:-

On 12.08.2016 I along with my brother came on a motorbike to Surezai bala to the Hujra of one Tehsin Ullah Ex-Nazim of Surezai Baia, there my brother parked his motorcycle outside the hujra and left me there and he my brother namely Ijaz left for somewhere. I went inside the hujra. After some time I heard the fire shots and when I came out from the hujra I came to know that somebody had murdered my brother and on my arrival I found his dead body. I with my own eyes did not see anyone as to who murdered my deceased brother. However, on satisfaction I charged Muhammad Amin, Fakhre ALam, Zar Ali all sons of Noor Sahib p/o Surezai bala, As I am not the eye witness and have satisfied myself vice versa the accused, therefore, I am not interested in their prosecution because of their innocence as we are fully satisfied about their non-involvement their crime of our deceased brother mentioned above, if the honourable court either confirm their pre arrest bail or acquit them even of the charges, therefore, have got no objection.

RO & AC  
20/10/2018

Complainant Muhammad Riaz  
17301-1351251-1



محمد ریاض

Muhammad Saeed Anjad,  
ADJ/ASIX/SC, Peshawar

ATTESTED

01/10/2018

(Examined)

Section Officer

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Joint statement of the legal heirs of the deceased Miral Gul son of Ziarat Gul r/  
Surezai Bala, Peshawar on oath:-

- (1) Mst. Khalida (mother of deceased)
- (2) Mst. Khalida (widow)
- (3) Kamran (son)
- (4) Kamran (son)

We and Ziarat Gul who is the father of the deceased and whose statement is already been recorded before this court along with Khurshid complainant are the legal heirs of the deceased vide FIR No. 54 dated 2.2.2017 u/s 302-324-34 PPC registered PS-East cantt.

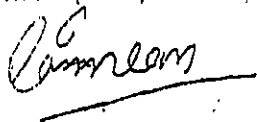
Accused namely Zar Ali Khan and Fakhre Alam Khan both sons of Noor Sahib Surezai bala, Peshawar are charged along with their father named above for murder of Miral Gul and the said Noor Sahib has already been released on bail by Hon'ble High Court, Peshawar.

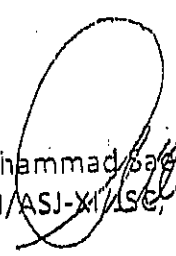
Now with the intervention of the elders of the locality, have patched up matter with the above named accused and are no more interested in their prosecution as we all have waived off our right of Qisas against all the three accused, therefore the honorable court confirms the pre-arrest bail of the two accused, namely Zar Ali Khan, Fakhre Alam Khan and even if acquit the three accused (Zar Ali, Fakhre Alam and Noor Sahib) so we have got no objection.

RO & AC  
20/10/2018

(1) Mst. Khalida (widow) 17301-9988448-4

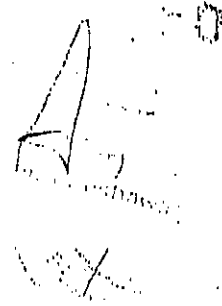
(2) Kamran (son) 173018781868-1



  
Muhammad Saeed Amjad,  
ADJ/ASJ-XI/1st, Peshawar

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30-10-18

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Joint statement of:

1. Haya Jann Bibi wife of Ziarat Gul (mother of deceased)
2. Sana daughter of deceased (Miraj) both residents of mohallah Shatokhail Surizai Bala, Badkher, Peshawar on oath:

We are the legal heirs of the deceased Miraj, in case FIR No. 54 dated 22/2017 under section 302/324/34 PPC of police station East cantt, Peshawar.

Now through the intervention of elders of the locality, we have effected a genuine compromise with the accused/petitioners namely Fakhre Alam and Zar Ali (petitioners) and Noor Sahib already on bail, pardon them and have got no objection on confirmation of their BBA in the instant case and later-on on their acquittal during the trial of the case. The compromise deed already exhibited as Ex:PA whereas proforma for Qisas & Dyat is already exhibited as Ex:PB. Copy of CNIC of Haya Jann Bibi is Ex:PZ. Copy of CNIC of the identifier is Ex:PZ/1.

R.O. & A.C

Dated: 30/10/2018

Haya Jann Bibi  
CNIC No. 17301-5316373-0

Sana  
CNIC No. Nil. *Sana*

Identified by (grand father of Sana)

Ziarat Gul,  
CNIC No: 17301-1850733-7

Muhammad Saif-uz-Zaman Amjad,  
Additional Sessions Judge-XI  
(Peshawar)

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to be true Copy

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2018

Peshawar

Joint statement of:

- 1. Ziarat Gul son of Muhammad Zaman (the deceased Miraj),
- 2. Khurshid (co. plaina ... of the ... residents of ...  
Suzza Bala Peshawa ...

We are complainant parties heirs the deceased Miraj, in  
 case FIR No. 4 dated 2/2/2017 ... section 02. 4/34 PPC of PS  
 Sharki ( ... Cantt), Peshawar ... the rep ... wa ... odged by the  
 complainant ... arshid.

Notwithstanding the preventive fielder the ... alia, we have  
 effected a ... compromise with the ar ... /pe ... s Zar Ali  
 and Fakhr ... both ... of ... Sahib ... rdor ... them in the  
 name of A ... Allal ... We have ... f Qis ... and Diyat in  
 favour of the ... ioner. We have ... ot no ... ection on  
 confirmation of their B ... in the ... of ... In this regard, the  
 compromise at Ex:PA and pro ... s and ... at Ex:PB  
 are correct and ... correctly bear ... um ... impression.  
 Copies of our CN ... s are Ex ... and Ex ... 2 ... tive.

R.O.&A.C

Dated: 15/9/2018

Ziarat Gul,  
 CNIC No. 17301-0850733-7

Khurshid, ...  
 CNIC No. 17301-0...

Identified by (elders of locality)  
 Gul Imran son of Muhammad Aziz  
 R/O Bazid Khail Peshawar,  
 CNIC No. 17301-7600718-3

Malik Manzoor Khan son of Jaifoor Khan  
 R/O Bahadur Kalay, Marozay, Peshawar  
 CNIC No. 17301-1634367-9

Muhammad Saeed Amjad,  
 Additional Sessions Judge-XI,  
 Peshawar

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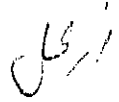


IN THE COURT OF AMER ALI,  
ADDITIONAL SESSIONS JUDGE -II, PESHAWAR

Fakhar-e-Alam ..... Vs ..... State

Case File # \_\_\_\_\_/BA of 2018

ORDER  
26/11/2018

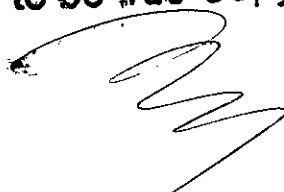


1. Petitioners Fakhar-e-Alam and Zar Ali on ad-interim pre-arrest bail along with counsel present. Mr. Shireen Khan SPP for the state present. Complainant absent.
2. Petitioners seek confirmation of their pre-arrest bail in case FIR No. 54 dated 02.02.2017 u/s 302/324/34 PPC of Police Station East Cantt, Peshawar.
3. On 15.09.2018 complainant Khurshid Khan alongwith Ziarat Gul (father of deceased Miraj) appeared before the Court and stated that they have patched up the matter with the accused/petitioners. In this respect their joint statement recorded wherein they submitted compromise affidavit alongwith Proforma for Qisas and Diyat as Ex.PA & Ex.PB. They also stated that other legal heirs of the deceased have also compromised the matter. On 20.10.2018 Mst. Khalida (widow of deceased), Kamran (son of deceased) also appeared before the Court and they also recorded their joint statement regarding the compromise. On 30.10.2018 Mst. Haya Jana Bibi wife of Ziarat Gul (mother of deceased) and Sana



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to be true Copy



(daughter of deceased Miraj) also appeared and their joint-statement also recorded in respect of compromise. All the legal heirs of the deceased have expressed their no objection on the confirmation of pre-arrest bail of the petitioners.

4. Verified list of legal heirs of the deceased is present in the judicial record of the trial of the co-accused Noor Sahib also fixed for hearing for today.
5. The offence for which the petitioners stand charged are compoundable and the complainant along with other legal heirs of the deceased have effected a compromise with the petitioners which seems to be genuine and in the best interest of the parties. Hence, the same is accepted.
6. Consequently, the petition in hand is accepted on the basis of compromise and the ad interim pre arrest bail already granted to the petitioner is hereby confirmed on the existing bail bond. Copy of this order be placed on Judicial and police file.
7. Supplementary challan of the accused/petitioners Fakhar-e-Alam and Zar Ali placed on the file of co-accused Noor Sahib for expeditious disposal of the case.
8. File be consigned to Record Room after its completion.

bba  
Confirmed

Announced  
26/11/2018

*Amer Ali,*  
Additional Sessions Judge-II,  
Peshawar

No:	18934
Date of ...	14/12/18
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ATTESTED  
ATTESTED  
to be true Copy

*(Signature)*



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(EP)

**IN THE COURT OF AMER ALI,  
ADDITIONAL SESSIONS JUDGE -II, PESHAWAR**

**Fakhar-e-Alam ..... Vs ..... State**

Case File # \_\_\_\_\_/BA of 2018

**ORDER**  
26/11/2018

1. Petitioners Fakhar-e-Alam and Zar Ali on ad-interim pre-arrest bail along with counsel present. Mr. Shireen Khan SPP for the state present. Complainant absent.
2. Petitioners seek confirmation of their pre-arrest bail in case FIR No. 54 dated 02.02.2017 u/s 302/324/34 PPC of Police Station East Cantt, Peshawar.
3. On 15.09.2018 complainant Khurshid Khan alongwith Ziarat Gul (father of deceased Miraj) appeared before the Court and stated that they have patched up the matter with the accused/petitioners. In this respect their joint statement recorded wherein they submitted compromise affidavit alongwith Proforma for Qisas and Diyat as Ex.PA & Ex.PB. They also stated that other legal heirs of the deceased have also compromised the matter. On 20.10.2018 Mst. Khalida (widow of deceased), Kamran (son of deceased) also appeared before the Court and they also recorded their joint statement regarding the compromise. On 30.10.2018 Mst. Haya Jana Bibi wife of Ziarat Gul (mother of deceased) and Sana

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(daughter of deceased Miraj) also appeared and their joint statement also recorded in respect of compromise. All the legal heirs of the deceased have expressed their no objection on the confirmation of pre-arrest bail of the petitioners.

4. Verified list of legal heirs of the deceased is present in the judicial record of the trial of the co-accused Noor Sahib also fixed for hearing for today.

5. The offence for which the petitioners stand charged are compoundable and the complainant along with other legal heirs of the deceased have effected a compromise with the petitioners which seems to be genuine and in the best interest of the parties. Hence, the same is accepted.

6. Consequently, the petition in hand is accepted on the basis of compromise and the ad interim pre arrest bail already granted to the petitioner is hereby confirmed on the existing bail bond. Copy of this order be placed on Judicial and police file.

7. Supplementary challan of the accused/petitioners Fakhar-e-Alam and Zar Ali placed on the file of co-accused Noor Sahib for expeditious disposal of the case.

8. File be consigned to Record Room after its completion.

Announced  
26/11/2018

Amer Ali,  
Additional Sessions Judge-II,  
Peshawar

No:	18936
Date of filing	11/12/18
Case No.	112/18
Signature of	[Signature]
Date of filing	21/12/18
Date of	21/12/18

ATTENDED

01/12/18

SESSIONS JUDGE-II

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**IN THE COURT OF AMER ALI,  
ADDITIONAL SESSIONS JUDGE -II, PESHAWAR**

Sessions Case No. 13 of 2018  
The State .....vs..... Fakhre Alam etc

**ORDER**  
12/01/2019

Accused Fakhre Alam, Zarali and Noor Sahib present on bail alongwith counsel. APP for the State also present.

The accused named above was charged by the complainant Khursheed in case FIR No. 54 dated 02.02.2017 u/s 302/324/34 PPC registered in Police Station East Cantt, Peshawar for the commission of the offence.

Today, complainant namely Khursheed and LRs of the deceased namely Ziarat Gul (father of deceased), Mst. Hayat Jana (mother of deceased), Mst. Khalida Bibi (widow of deceased), Mst. Sana (daughter of deceased) and Kamran (son of deceased) appeared and submitted compromise deed and also recorded their joint compromise statement regarding the compromise with the accused facing trial wherein they stated to have pardoned the accused named above in the name of Allah Al-mighty and expressed no objection on acquittal of accused facing trial named above. The compromise deed is Ex.PA, proforma is



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07 FEB 2019

(Examined)  
Session Court Peshawar

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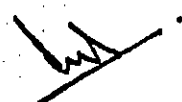
Ex.PB while copies of their CNICs are Ex.PC to Ex.PF.

Likewise joint statement of elders also recorded wherein they confirmed the factum regarding genuine compromise between the parties. All the surviving LRs of the deceased have entered into compromise with the accused.

The Court is satisfied that a genuine compromise has been effected between the parties and all the LRs of the deceased have pardoned the accused. The main offences U/S 302 & 324 PPC are compoundable in nature. The parties have entered into a genuine compromise. The complainant party is not interested to prosecute the accused party anymore. Therefore, the accused facing trial named above are hereby acquitted of the charges levelled against them on the basis of compromise. They are on bail, so they and their sureties are relieved from liabilities of bonds. Case property be disposed of in accordance with law after expiry of period of appeal/revision.

File be consigned to record room after completion.

Announced  
12.01.2019



AMER ALI  
Additional Sessions Judge -II,  
Peshawar.

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07 FEB 2019

(Examined)  
Clipping Agency: Sir...  
Peshawar

Page 2 of 2  
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**IN THE COURT OF AZIMULLAH MISHWANI**  
**ADDITIONAL SESSIONS JUDGE-VIII,**  
**PESHAWAR**

Case No : 20/SC

**STATE -VERSUS- FAKHAR ALAM ETC.**

**ORDER**  
**22/2/2019**

Dy.PP Aqit Ur Rehman for the state present.  
Accused on bail present.

The case was fixed for attendance but on perusal of record it transpired that the complainant and LR's of the deceased have already effected compromise with the the accused. The factum of compromise is also palpable from the BBA order of the then worthy ASJ-XI Peshawar date 9/11/2018 , Peshawar wherein it has been mentioned that the complainant and LR's of deceased by furnishing compromise deed Ex.PA and have already pardoned the accused. Attested Copies of compromise documents were produced which is placed on file.

AK

The offence with which the accused are charged is also compoundable while the complainant and LR's of the deceased of the case having pardoned the accused are no more interested to proceed against them.

In this backdrop of the case production of evidence against the accused or holding further trial against them will serve no purpose to the cause of justice.

In peculiar circumstances, by accepting the compromise already effected between the complainant

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23 FEB 2019

(Examiner)  
Session Court Peshawar

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and accused, all the accused are hereby acquitted under section 345 Cr.P.C.

The accused are on bail; their bail bonds stand cancelled and his sureties are absolved from the liabilities of bail bonds. Case property if any be disposed off in accordance with law. File be consigned to record room after necessary completion and compilation.

Announced  
22/2/2019

*Azizullah*  
(Azizullah Mishwani)  
AD & SJ-VIII, Peshawar.

ATTESTED  
23 FEB 2019  
(Examiner)  
Session Court Peshawar

No:	4058
Date of Appearance:	23/2/19
Name of Accused:	SP-8
Ward:	3200
Fee:	Urgent Fee
Signature of Magistrate & Date:	
Dated of Preparation:	23/2/19
Date of Delivery:	23/2/19

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*[Signature]*

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محکمہ جناب P سپید کوآرڈر صاحب پولیس ریجن پٹاوا - LB - 1432 No  
18-66-2011

درخواست عہدہ عطاءات کی اسٹیڈ کنٹرول

R.S. P-11 Qrs No. 1126  
Date: 18/6/19

جناب عالی

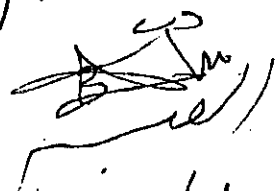
موجودہ نڈرارش سے سدسائیل کو فوجی قتل سے ذمہ دار قرار دی  
اسٹیڈ ڈٹائی اور تمام انٹرا سٹیری کی اسٹیڈ ڈٹائی کی اسٹیڈ ضرورت ہے  
برائے مہربانی سائیل کو متذکرہ بارہ آرڈروں کی اسٹیڈ کنٹرول کی  
حکم صادر فرمائیں مشکور فرمادیں

المترجم 17/6/19

عین نڈرارش ہوئی

الکارس

Ex کنٹریبل زر علی بلٹ کی 616 پولیس ریجن پٹاوا



~~دستخط~~

FMC

Dsp/legale

Received by  
18/6/19

29798

For Ma as per Law

FOR Ma

ADy. Supdt. Police  
Legal. ICP/Peshawar

Superintendent of Police  
HQrs: ICP Peshawar.

18/6/19

12/6/19

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