

Sr. No	Date of order/ proceeding	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	24.12.2019	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 369/2019</p> <p>Date of Institution 15.03.2019 Date of Decision 24.12.2019</p> <p>Behroz Khan Assistant Sub-Inspector Police Line, District Charsadda.</p> <p align="right">Appellant</p> <p align="center">Versus</p> <ol style="list-style-type: none"> 1. The Provincial Police Officer Government of Khyber Pakhtunkhwa, Peshawar. 2. The Deputy Inspector General of Police, Mardan Region, Mardan. 3. The District Police Officer, Nowshera. <p align="right">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Ahmad Hassan-----Member(E)</p> <p align="center"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Appellant</p> <p>with counsel present. Mr. Zia Ullah learned Deputy District Attorney alongwith Fayaz H.C present.</p> <p>2. The appellant has filed the present service appeal being aggrieved against the order dated 07.01.2019 whereby he was awarded major penalty of reduction in rank (substantive rank of S.I to A.S.I) and against the order dated 18.02.2019 through which his departmental appeal was rejected.</p>

Handwritten signature and date: 24.12.2019

3. Arguments of learned counsel for the appellant and learned DDA heard. File perused.

4. Vide order dated 03.09.2018 District Police Officer Nowshera directed A.S.P Cantt: Nowshera to conduct fact finding inquiry in the matter of raid conducted on 03.09.2018 by SDPO Akora alongwith S.H.O P.S Nizampur and other police officers at the abodes of the P.Os Gul Muhammad Shah alias Gulmatay, Zard Ali Shah sons of Momin Shah, Dawood and Fawad sons of Gul Muhammad Shah alias Gulmatay residents of Kahi, Niazampur at around 5:30 pm. On seeing the police party, the accused named above started indiscriminate firing on police party. Resultantly Constable Nazir Hussain No.826 sustained bullet injuries and succumbed to his injuries, whereas Constable Noor ul Wahab No.03/ESM also got injured.

5. Upon submission of preliminary inquiry report dated 24.09.2018, departmental action was initiated against the appellant vide charge sheet/statement of allegation dated 25.09.2018.

6. Learned counsel for the appellant has taken the stance that no opportunity was afforded to the appellant to participate in the inquiry proceeding and to cross-examine the witnesses and that penalty awarded to the appellant is in violation of the provisions of FR-29.

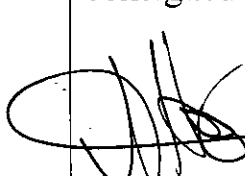
7. Learned DDA remained unable to answer the contention of learned counsel for the appellant that in the preliminary inquiry

24.12.2019

report Fazil Khan S.D.P.O was held more liable than the appellant and he was also found guilty of negligence and misconduct, more so, departmental action was also recommended against him however no departmental action was taken against Fazil Khan SDPO rather the appellant has been made a scape goat.

8. Perusal of statement of allegation would show that departmental action was taken against the appellant on the basis of preliminary inquiry report. In the preliminary inquiry report, both the SDPO Akora and SHO Niazampur were recommended for departmental action, however the District Police Officer has selected only the appellant (SHO Niazampur) for departmental action. It appeared that either the District Police Officer had not examined the preliminary inquiry report or he arbitrarily saved the SDPO from the departmental action.

9. In view of above the impugned orders are set aside and the respondents are directed to conduct de-novo inquiry in the light of preliminary inquiry report dated 24.09.2019 and the recommendations therein. The present service appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED
24.12.2019

24.12.2019

Appellant with counsel present. Mr. Zia Ullah learned Deputy District Attorney alongwith Fayaz H.C present. Vide separate judgment of today of this Tribunal, placed on file the impugned orders are set aside and the respondents are directed to conduct de-novo inquiry in the light of preliminary inquiry report dated 24.09.2019 and the recommendations therein. The present service appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED.
24.12.2019

2.07.2019


Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Wisal Inspector for the respondents present and submitted written reply/comments. Adjourned. To come up for rejoinder/arguments on 04.09.2019 before D.B.


Member

04.09.2019


Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Fayyaz Head Constable for the respondent present. Learned counsel for the appellant submitted rejoinder which is placed on file. Representative of the respondent department is directed to furnished complete inquiry record of the appellant on the next dated. Adjourned. To come up for record/arguments on 10.10.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

10.10.2019

Due to official tour of Hon'ble Members to Camp Court Swat, the instant matter is adjourned to 24.12.2019 for the same.


Reader

05.04.2019

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that the appellant joined the Police Department as Constable on 22.05.1985 and subsequently, reached the rank of S.I. He has 33 years unblemished service at his credit. Disciplinary proceedings were initiated against the appellant and upon winding up major penalty of reduction in rank was awarded to him vide impugned order dated 07.01.2019. He filed departmental appeal on 16.01.2019, which was dismissed vide order dated 18.02.2019. Thereafter he filed review petition on 01.03.2019 which remained unanswered, hence, the present service appeal. Enquiry was not conducted in the mode and manner prescribed in the rules. Other formalities were also not observed by the respondents. In short the appellant was condemned unheard.

Points urged need consideration. Admit, subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 20.05.2019 before S.B.

Appellant deposited
Security & Process Fee

(AHMAD HASSAN)
MEMBER

20.05.2019

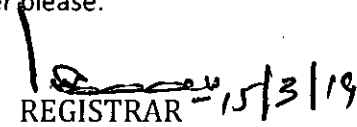

Appellant with counsel present. Written reply not submitted. Wisal Inspector representative of respondent department absent. Respondents as well as absent representative be put to notice with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 02.07.2019 before S.B.

Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 369/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/03/2019	<p>The appeal of Mr. Behroz Khan presented today by Mr. Rizwanullah. Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR - 15/3/19</p>
2-	18/03/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/04/19.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No. 369 /2019

1. Behroz Khan Assistant Sub-Inspector Police Line, District Charsadda.

APPELLANT

VERSUS

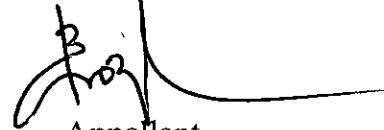
1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa etc.

RESPONDENTS

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Appellant

Through


Rizwanullah

Advocate High Court, Peshawar

Dated: 15-03-2019

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

Service Appeal No. 369 /2019

1. Behroz Khan Assistant Sub-Inspector Police Line, District Charsadda.

APPELLANT

**Khyber Pakhtunkhwa
Service Tribunal.**

Diary No. 338

VERSUS

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa. ^{Dated} 15/3/2019
2. The Deputy Inspector General of Police, Mardan Region, Mardan.
3. The District Police officer, Nowshera.

RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
ORDER DATED 07-01-2019 PASSED BY
THE DISTRICT POLICE OFFICER,
NOWSHERA (RESPONDENT NO. 3)
WHEREBY THE APPELLANT WAS
AWARDED MAJOR PENALTY OF
REDUCTION FROM THE POST OF
SUB-INSPECTOR TO A LOWER POST OF
ASSISTANT SUB-INSPECTOR AGAINST
WHICH A DEPARTMENTAL APPEAL
WAS FILED WITH THE DEPUTY
INSPECTOR GENERAL OF POLICE,
MARDAN REGION MARDAN ON
16-01-2019 BUT THE SAME WAS
REJECTED ON 18-02-2019. REVISION
PETITION UNDER RULE 11-A
OF KHYBER PAKHTUNKHWA
POLICE RULES, 1975 WAS ALSO FILED
WITH THE PROVINCIAL POLICE
OFFICER, KHYBER PAKHTUNKHWA
ON 01-03-2019 BUT THE SAME WAS NOT
RESPONDED.**

Filed to-day

Registrar

15/3/19

Prayer in Appeal

By accepting this appeal, the impugned orders dated 07-01-2019 and 18-02-2019 may very graciously be set aside and the appellant may kindly be restored against his original rank of Sub-inspector alongwith consequential benefits.

Any other relief deemed appropriate in the circumstances of the case, not specifically asked for, may also be granted to the appellant.

Respectfully Sheweth,

Short facts giving rise to the present appeal are as under:-

1. That the appellant joined the Police force in-capacity as Constable on 22-05-1985. He rose up to the post of Sub-Inspector on account of his dedication, devotion and commitment to his job. He had 33 years unblemished service record to his credit.
2. That Muhammad Fazil Sub-Divisional Police Officer (Akora Circle) received information regarding presence of proclaimed offenders Gul Muhammad @ Gul Maty and others, directed the appellant who was serving as SHO Police Station Nizampur, to arrange a police party in order to conduct raid over the said offenders. The appellant duly complied with the said order and conducted raid under the supervision and command of above officer. But when the offenders noticed the police party, they started indiscriminate firing at them. Resultantly, Nazir Hussan Constable No.826 was hit and embraced "Shahadat" while Noor-ul-Wahab Constable No.03/ESM received serious bullet injuries who was rushed to hospital for treatment and report thereof was lodged accordingly.

(Copy of report is appended as Annex-A)

3. That on the basis of above incident, the District Police Officer, Nowshera (respondent No.3) vide letter No.5722 dated 03/09/2018 nominated Mr. Awais Shafiq, Assistant Superintendent of Police, Nowshera Cantt as Enquiry Officer to conduct enquiry in the matter.

(Copy of letter is appended as Annex-B).

4. That the Enquiry Officer conducted the so-called preliminary enquiry and held Muhammad Fazil (SDPO) and appellant guilty of negligence and misconduct and the following recommendations were made:

Recommendations

Considering the findings and observations of the preliminary enquiry the undersigned officer has reached the conclusion that SDPO Akora and SHO Nizampur are guilty of negligence and misconduct. Both the officers are recommended for proper departmental action, as competent authority deemed fit. However, SDPO Akora being the Supervisory Officer of the circle, should have taken the limitations and risks of this raid into account. He should have ensured that directions of OG-29 are followed in letter and spirit. The enquiry report consists of 04 pages. All pages have been duly attested by the undersigned.

(Copy of P/enquiry is appended as Annex-C)

5. That in the light of above enquiry report, disciplinary action was alone initiated against the appellant and he was served with a charge

sheet alongwith statement of allegations and that Mr. Izhar Shah, Deputy Superintendent of Police, Headquarter Nowshera was nominated as Enquiry Officer to conduct regular enquiry in the matter. It would be advantageous to reproduce herein the said allegations so as to know the legal and factual aspect of the same:

Whereas, SI Behroz Khan, while posted as SHO Police Station Nizampur conducted raid over notorious POs Gul Muhammad @ Gul Maty, Zard Ali Shah s/o Momin Shah, Dawood s/o Gul Maty residents of Kahi Nizampur, wherein Constable Nazir Hussan No. 826 was hit and martyred, while Noor-ul-Wahab No.03 received serious bullet injuries. In this connection case vide FIR No. 105 dated 03.09.2018 u/s 302/324/353/407/34/7ATA PS Nizampur was registered. In order to ascertain facts, preliminary enquiry was conducted by ASP Cantt, who after doing the needful submitted his report to undersigned. Wherein he held him (SI Behroz Khan) responsible/guilty for negligence and misconduct, which amounts to grave misconduct on his part and rendered him liable for Minor/Major punishment under Khyber Pakhtunkhwa Police Rules, 1975.

(Copy of charge sheet alongwith statement of allegations is appended as Annex-D)

6. That the appellant submitted an elaborate and exhaustive reply, denied the allegations and also termed it as fallacious, malicious and misconceived. He clarified that he observed all security measures regarding conducting of above raid and the Police officials/Jawans were duly armed which rifles, helmets and bullet proof jackets as evident from Roznamcha dated 03-09-2018. He further added that he acted justly, fairly, honestly and also in accordance with law.

(Copy of reply and Roznamcha are appended as Annex-E and F)

7. That the above reply was not found satisfactory and enquiry was conducted in utter violation of law as there was no iota of evidence to connect the appellant with the commission of so-called misconduct. But despite thereof, the Enquiry Officer held him guilty of the allegations and recommended him for major penalty.

(Copy of enquiry report is appended as Annex-G)

8. That the appellant was served with a show cause notice and also awarded him major penalty of reduction from the post of Sub-Inspector to a lower post of Assistant Sub-Inspector vide order dated 07/01/2019 passed by the District Police Officer Nowshera. It may be added that show cause notice and impugned order both were received by the appellant on the same day and no opportunity whatsoever was given to him to furnish reply and rebut the findings of the Enquiry Officer. Besides, inquiry reports were also not provided to him as required under the law laid down by august Supreme Court of Pakistan reported in PLD-1981-Supreme Court-176(F)

(Copy of show cause notice and impugned order are appended as Annex-H & I)

9. That appellant felt aggrieved by the said order, filed a departmental appeal with the Deputy Inspector General of Police on 16/01/2019 but the same was rejected on 18/02/2019. Thereafter, he filed revision petition under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 with the Provincial

Police Officer, Khyber Pakhtunkhwa on 01/03/2019. But it was not responded.

(Copy of departmental appeal, rejection order and revision petition are appended as Annex-J, K & L)

10. That the appellant now files this appeal before this Hon'ble Tribunal inter-alia on the following grounds within the statutory period of law.

GROUND OF APPEAL

- A. That respondents have not treated appellant in accordance with law, rules and policy on the subject and acted in violation of **Article 4 of the Constitution of Islamic Republic of Pakistan, 1973**. Therefore, the impugned orders are not sustainable in the eye of law.
- B. That the preliminary enquiry as well as regular enquiry both were conducted in utter violation of law as neither any witness was examined in the presence of appellant nor he was provided any opportunity of cross examination. Similarly, he was also not provided any chance to produce his defence in support of his version. The above defect in enquiry proceeding is sufficient to declare entire process as sham and distrustful. Right of fair trial is a fundamental right by dint of which a person is entitled to a fair trial and due process of law. The appellant has been deprived of his indispensable fundamental right of fair trial as enshrined in **Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973**. It is curious to note that the right of cross-examination of appellant was exercised by the Enquiry Officer and as such he has committed gross-illegality on this count. Therefore, the findings of the Enquiry Officers are perverse and are not sustainable under the law. Hence, the impugned orders passed on the basis of such findings are against the spirit of administration of justice.

(Copy of statement of witnesses are appended as Annex-M)

- C.** That the Competent Authority (respondent No.3) was under statutory obligation to have considered the case of appellant in its true perspective and also in accordance with law and to see whether the preliminary enquiry and regular enquiry were conducted in consonance with law and that the allegations thereof were proved against the appellant without any shadow of doubt or otherwise. But he has overlooked this important aspect of the case without any cogent and valid reasons and awarded him harsh and extreme penalty of reduction from the post of Sub-Inspector to a lower post of Assistant Sub-Inspector. Thus, the impugned orders are bad in law.
- D.** That the Appellate Authority (respondent No.2) was legally bound to have applied his independent mind to the merit of the case by taking notice about the illegality and lapses committed by the Enquiry Officers as well as Competent Authority as enumerated in Para-B & C above. But he did not bother for the same and rejected the departmental appeal without any cogent reasons. Hence, the impugned orders are not tenable under the law.
- E.** That the above raid was conducted under the supervision and control of Muhammad Fazil SDPO (Akora Circle), but no disciplinary action was initiated against him despite the fact that he was also found guilty of negligence and misconduct by the Enquiry Officer in preliminary enquiry and the appellant alone was made as "**scape-goat**" by awarding major penalty. It is not only very shocking but also ironic that Muhammad Fazil SDPO was given a clean chit besides, was also reinstated without any action notwithstanding having grave role than of appellant. This is a disparity and anomaly and is also violation of **Article 25 of the Constitution of Islamic Republic of Pakistan, 1973** which has unequivocally laid down that all citizens placed in similar circumstances are entitled to equal treatment and protection of law. The Hon'ble Supreme Court of Pakistan through various judgments has maintained that equal treatment is the fundamental right of every citizen. Reliance

can be placed on 2002-SCMR-71 & 2007-SCMR-410(d). The relevant citation is as under:-

2002-SCMR-71
(citation-c)

---Art. 25---Equality of citizens---Two groups of persons similarly placed could not be treated differently---Dictates of law, justice and equity required exercise of power by all concerned to advance the cause of justice and not to thwart it.

2007-SCMR-410(d)
(citation-d)

---Art. 25---Equal protection of law--
-Principles---Concept of equal protection of law envisages that a person or class of persons should not be denied the rights, which are enjoyed by other persons in the same situation.

Hence, the impugned orders are bad in law.

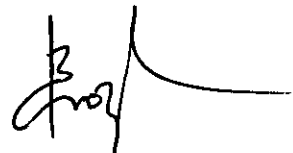
(Copy of reinstatement order is appended as Annex-N)

- F.** That the appellant was awarded major penalty of reduction from the post of Sub-Inspector to a lower post of Assistant Sub-Inspector for indefinite period in utter violation of FR-29 as well as law laid down by august Supreme Court of Pakistan in various judgments. Thus, the impugned orders are against the legal norms of justice.
- G.** That the object of the said raid was to make a successful operation so as to arrest the offenders and also eradicate such evils from the root of society. Therefore, the above raid was conducted in good faith and protection is available to appellant by virtue of Section 23^A of Khyber Pakhtunkhwa Civil Servants Act, 1973. Therefore, the impugned orders are not sustainable under the law.

- H. That the impugned orders are against law, facts of the case and norms of natural justice. Therefore, the same are not tenable under the law.
- I. That the respondents (2&3) have passed the impugned orders in mechanical manner and the same are perfunctory as well as non-speaking and also against the basic principle of administration of justice. Thus, these orders are not warranted under the law.
- J. That the impugned orders are based on conjectures and surmises. Hence, the same are against the legal norms of justice.
- K. That the appellant would like to seek the permission of this Hon'ble Tribunal to advance some more grounds at the time of arguments.

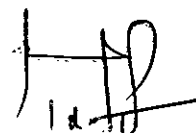
In view of the above narrated facts and grounds, it is, therefore, humbly prayed that by accepting this appeal, the impugned orders dated 07-01-2019 and 18-02-2019 may very graciously be set aside and the appellant may kindly be restored against his original rank of Sub-inspector alongwith consequential benefits.

Any other relief deemed proper and just in the circumstances of the case, may also be granted.



Appellant

Through



Rizwanullah

M.A. LL.B

Advocate High Court, Peshawar.

Dated: 15/03/2019

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

Service Appeal No. _____/2019

1. Behroz Khan Assistant Sub-Inspector Police Line, District Charsadda.

APPELLANT

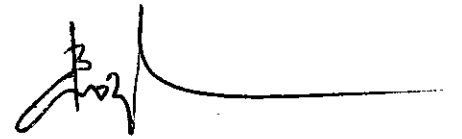
VERSUS

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa etc.

RESPONDENTS

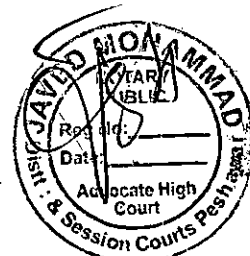
AFFIDAVIT

I, Behroz Khan Assistant Sub-Inspector Police Line, District Charsadda, do hereby solemnly affirm and declare that the contents of the accompanied Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

ATTESTED



15 MAR 2019

Annex-B

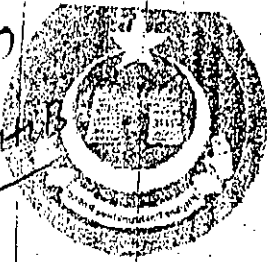
12

FROM : DPO NSR

FAX NO. : 09239220103

5 Mar. 2019 1:08PM P1

Attention
06
PA



OFFICE OF THE
DISTRICT POLICE OFFICER,
NOWSHERA

Tel No. 0923-9220102 & Fax No. 0923-9220103
Email Dpo_nowshera@kpk@yahoo.com

2018

Mr. Avais Shafiq,
ASP Cantt., Nowshera

No. 5722 /PA
Dated 03/09 /2018.

Subject: ENQUIRY

Memo:

On 03.09.2018, a raid was conducted by SDPO Akora along with SHO PS Nizampur and other police officers at the abodes of the POs Gul Muhammad Shah @ Gulmatay, Zard Ali Shah sons of Momin Shah, Dawood & Fawad sons of Gul Muhammad Shah @ Gulmatay all residents of Kahi, Nizampur at around 5:30 p.m. On seeing the police party the accused named above started indiscriminate firing on police party. Resultantly, Constable Nazir Hussain No. 826 sustained bullet injuries and succumbed to his injuries, whereas Constable Noorul Wahab No. 03/ESM also got injured.

You are hereby directed to enquire into the matter, ascertain facts and submit report to undersigned immediately.

District Police Officer,
Nowshera.

No. 5723 /PA,

Copy of above is forwarded to the Regional Police Officer, Mardan for information, please.

District Police Officer,
Nowshera.

ATTESTED
Appellant

Annex-C

13

OFFICE OF THE
ASSISTANT SUPERINTENDENT OF POLICE,
NOWSHERA CANTT CIRCLE

Tel No. 0923-9220108, Email: dsp_cantt@yahoo.com

To: The District Police Officer,
Nowshera.

No: 775 /St Nowshera dated 24/09/2018

Subject: PRELIMINARY ENQUIRY INTO FIR NO. 105 DATED
03.09.2018 U/S 302/324/353/427/34/7A/TA PS NIZAMPUR.

Memo: Kindly refer to your office Dy. No. 5722/PA, dated 03.09.2018.

The undersigned officer was nominated to conduct a preliminary enquiry into the matter, ascertain facts and submit report to the Worthy District Police Officer Nowshera.

BRIEF FACTS:

Brief facts of the case are that an information received to Station House Officer Behroz Khan (SHO) of Police Station Nizampur regarding presence of Proclaimed Offenders (POs), namely Gul Muhammad @ Gul Maty, Zard, Ali Shah s/o Momin Shah Daud s/o Gul Muhammad Shah r/o Kahi Nizampur wanted to local police in the following cases:

1. FIR No. 165 dated 29.09.2013 u/s 302/34 PPC PS Nizampur.
2. FIR No. 91 dated 01.12.2014 u/s 506 PPC PS Nizampur.
3. FIR No. 80 dated 07.08.2015 u/s 324/353/148/149 PPC PS Nizampur.
4. FIR No. 118 dated 11.04.2016 u/s 324/353/34 PPC PS Nizampur.
5. FIR No. 270 dated 03.10.2016 u/s 395 PPC PS Nizampur.
6. FIR No. 299 dated 04.11.2016 u/s 324/52/148/149 PPC PS Nizampur.
7. FIR No. 75 dated 22.05.2017 u/s 302/324/148/149 PPC PS Nizampur.
8. FIR No. 119 dated 14.04.2017 u/s 324/148/149/3-4, EXP PS Nizampur.
9. FIR No. 80 dated 31.07.2018 u/s 302/449/34 PS Nizampur.
10. FIR No. 89 dated 13.08.2018 u/s 392 PPC PS Nizampur.

Acting upon the information a police party headed by Deputy Superintendent of Police Muhammad Fazil Khan Sub Divisional Police Officer (SDPO) Akora Circle rushed to the spot to arrest the above named POs. On seeing the police party the above named POs along with Fawad s/o Gul Muhammad Shah r/o Kahi Nizampur started indiscriminate firing at police party. Resultantly Constable Nazir Hussain Shah No. 826 was hit and martyred on the spot whereas constable Noor Ul Wahab No. 03 received serious bullet injuries who was dispatched to Lady Reading Hospital Peshawar for treatment. Moreover, Government Vehicle No. AA-2909 of DSP Akora and private motorcar number 3880/1/ZF of Sub Inspector Irshad Khan also received bullets and got damaged.

ENQUIRY PROCEEDING:

To probe the matter the undersigned officer called the following police officials for the purpose to hear them in person and record their statements:-

1. Mr. Fazil Khan SDPO/DSP Akora Circle.
2. SI Behroz Khan SHO PS Nizampur.
3. SI Hidayat Shah Officer In charge Investigation PS Nizampur.
4. ASI Hazrat Ali PS Nizampur.
5. MHC Muhammad Tariq PS Nizampur.
6. FC Malik Taj No. 1165 PS Nizampur.
7. Driver FC Nouman No. 611 PS Nizampur.

Statements of all the above named police officials were recorded. Moreover, a questionnaire was also handed over to them to get details of the incident, which is attached.

ATTESTED

[Signature]
Appellant

STATEMENT OF MR. FAZIL KHAN SDPO AKORA:

On 03.09.2018 he was present in office of Superintendent of Police Investigation Nowshera, mean time his reader Head Constable Lal Hassan informed that one Sheryar want to meet him. After 30 minutes he reached his office where Sheryar brother of deceased Mst Wahceda vide FIR No. 80 dated 31.07.2018 u/s 302PS Nizampur met and told that PO Gul Muhammad Shah @ Gul Maty and his son Daud were present in their vacant house at Kahi Road. Further told that this information also given to SHO Behroz Khan.

On this information SHO PS Nizampur was directed to check either the information is correct or otherwise. After a while he told that information is correct but his location is about one kilometer from informer house. SHO was directed to took police strength of his police station and police post Sabir Abad and conduct raid on POs. assured him that he will also reach soon for your assistance. On this SHO told that the sun will set in an hour and we will arrange raid another day. After a while he directed the SHO that he is also reaching the place which he told i.e tube well side along with his gunners and SHO must reach to place told by informer. When DSP Akora reached tube well, he heard sounds of firing from SHO side. He called SHO who told that a person is running towards tube well. On this he told to SHO to shoot him in reply he told that sir a constable was hit on bullet, he was told to take the injured constable and he was coming to SHO side of operation area. SHO told him that firing was continued and he was unable to take injured. He informed the District Police Officer about the incident to provide RRI and more strength. After this when he reached to SHO side, mean time firing started on them and to secure he along gunners took shelter in a nearby vacant house. SHO called him that one constable was martyred and one was injured. In this time his driver Jehangir along with PC Asif gunner of SHO took vehicle and put the injured constable in vehicle, when reached Kahi Khwar accused party started firing on them resultantly government vehicle got hit and damaged. Similarly, the dead body of martyred police constable was also taken from the spot with the help of DSP Head Quarters Nowshera.

Further added that he is a responsible police officer and performed his duties in the best interest of state and public and left no stone unturned during his duties.

On a question of undersigned officer that before conducting raid he took senior command into confidence or not?

To which he replied that he did not feel like taking his senior in to confidence on this raid as it was routine matter.

ATTESTED

B. M. Appellant

FACTS & FINDINGS:

After perusing the statements and interviewing the officials the undersigned officer has observed that:-

1. SDPO Akora Circle & SHO Nizampur were well aware about the Criminal record of POs and they conducted raid without proper arrangement.
2. SDPO/SHO did not call RRI Unit from Police Lines Nowshera for Raid.
3. The timing of Raid was inappropriate as it was just before sunset. Moreover, SDPO Akora in his statement stated that SHO Nizampur told him that the timing of the raid was not proper as sun will set in one hour that clearly reflects poor coordination on the part of SHO Nizampur and SDPO Akora.
4. SHO/DSP did not follow OG-29 directions. SDPO cordoned off the area of raid from the side of Tube Well, but when he came to know about the casualties and injuries of constables on the SHO side, he along with his gunman left their points that resulted in escape of assailants.
5. During enquiry it appeared that constable Noor Ul Wahab No. 03 replaced his bullet shield with wooden sheet.
6. SDPO Akora should have informed the W/DPO Nowshera before conducting this major raid.
7. SDPO Akora was in plain clothes and was not wearing bullet proof jacket and helmet.
8. It is also worth mentioning that driver Johangir showed his valor and bravery by removing the injured constables from the operation area despite indiscriminate firing of POs.

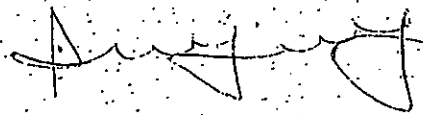
RECOMENDATIONS:-

Considering the findings and observations of this preliminary enquiry the undersigned officer has reached the conclusion that SDPO Akora and SHO Nizampur are guilty of negligence and misconduct. Both the officers are recommended for proper departmental action, as competent authority deemed fit. However, SDPO Akora being the supervisory officer of the circle, should have taken the limitations and risks of this raid into account. He should have ensured that directions of OG-29 are followed in letter and spirit. The enquiry report consists of 04 pages. All pages have been duly attested by the undersigned.

Submitted Please.

ATTESTED

B
Appellant



(AVAIS SHAFIQ)PSP.

Assistant Superintendent of Police,
Nowshera Cantt Circle.

Annex - D
47

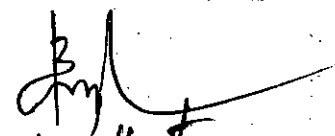
16

CHARGE SHEET

1. I, **Dr. Zahid Ullah, PSP** District Police Officer, Nowshera, as competent authority, hereby charge **SI Behroz Khan** as per Statement of Allegations enclosed.
2. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
3. You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
4. Your written defense, if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
5. Intimate whether you desire to be heard in persons.


District Police Officer,
Nowshera.

ATTESTED


Appellant

DISCIPLIN

17

I, Dr. Zahid Ullah, PSP, District Police Officer, Nowshera as competent authority am of the opinion that SI Behroz Khan has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules, 1975.

STATEMENT OF ALLEGATIONS

Whereas, SI Behroz Khan, while posted as SHO Police Station, Nizampur conducted raid over notorious POs Gul Muhammad @ Gul Maty, Zard Ali Shah sons of Momin Shah, Dawood s/o Gul Maty residents of Kahi Nizampur, wherein Constable Nazir Hussain No. 826 was hit and martyred, while Noor-ul-Wahab No. 03 received serious bullet injuries. In this connection case vide FIR No. 105 dated 03.09.2018 u/s 302/324/353/427/34/7ATA, PS Nizampur was registered. In order to ascertain facts, preliminary enquiry was conducted by ASP Cantt. Nowshera, who after doing the needful submitted his report to undersigned, wherein he held him (SI Behroz Khan) responsible/guilty for negligence and misconduct, which amounts to grave misconduct on his part and rendered him liable for Minor/Major punishment under Khyber Pakhtunkhwa Police Rules, 1975.

For the purpose of scrutinizing the conduct of the said accused official with reference to above allegations, Mr. Izhar Shah, DSP HQ, Nowshera is hereby nominated as Enquiry Officer.

The Enquiry Officer shall in accordance with the provision of Police Rules, 1975, provides reasonable opportunity of hearing to the defaulter official, record his findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

SI Behroz Khan is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

No. 28 /PA,
Dated 25/9/2018.

District Police Officer,
Nowshera.

ATTESTED

Enqy
Appellant

جہاں عیال نہ

302-324-353-427
7ATA
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155
سلاہ انٹو انٹری قدیمہ

تعمارت نظام پور معروف خدمت ہوں کہ روز و قوم میں بذات خود جو کچھ کام کرنا چاہتا ہوں
تعمارت جاری تھا کہ اس دوران جہاں DSF اور ڈیڑھ سہ ماہی محمد فاضل خان نے جن 115 کی فون ڈک
بتلایا کہ مجھے معلوم ہوا ہے کہ گل محمد شاہ طرف گل قس وغیرہ جو سال 2012 سے کسی وقت نہ ہمارے ساتھ
دہم علی آ رہے ہیں۔ ساتھ وہ ٹوٹ دیئے ہیں اس کے سوا کچھ نہیں۔ میں نے بتلایا کہ ابھی آئے بارہ
میں مجھے بھی بتیہ صلہ۔ مگر میں اس طرف سے معلومات کرے آئیو بتلایا تھا۔ میں نے اپنے فز
سے یہ بات ڈیکس کرے اس بتلایا کہ میں صحیح معلومات کرے آئیو بتلایا تھا۔ کافی دیر بعد
مجھے بتیہ صلہ صرف موٹر سائیکل دور بنجر آراخی فضل سبحان اور ڈیڑھ ساٹھ گھنٹہ اور
گل قس وغیرہ کو لان دور دور ایک ساٹھ اور دوسرے ساٹھ گھنٹے ہیں۔ کافی سوچ کے بعد
جہاں DSF کی فون 10 اس فون نہیں اٹھایا۔ ٹھوڑی دیر بعد دوبارہ فون کرے جہاں DSF
نو بتلایا کہ دو بندہ گرووں سے دور موجود ہیں۔ مگر ایک دوسرے سے کافی دور ہیں۔
جہاں DSF مجھے بتلایا کہ میں آ رہا ہوں۔ تم بھی اس فون کی ساری کرے دلچسپ جائے
میں نے بتلایا کہ سہ ماہی یہ وقت چھ ماہے کا نہیں ہے۔ رات آئی والی ہے۔
خدا خواستہ جانی نقصان ہو جائیگا۔ دوسری یہ کہ ہمارے 90 مجھے کو وقت ہر وقت
نہیں دلچسپ ہے۔ جو اب طلبہ موصوف نے بتلایا کہ تنخواہ لے رہے ہیں اور تم سے صلہ
قراب ہو رہا ہے۔ بس میں آ رہا ہوں۔ وہاں پر بھیج جاؤ۔ میں نے چھ ماہہ طارق
ہے تو بتلایا کہ عام فون کی ساری کرو۔ سلیٹ جیکٹ واسلم انٹیشن دے دو۔
خود بھی جیکٹ پہن لیا۔ جو پہناتے وقت ظاہر M.M کہ نعمان ڈرائیور نے ودولی
اور تعمات میں انتظار کرتے لگے۔ اس دوران کچھ دیر بعد جہاں DSF نے بتلایا
میں بس (ہاں) کے ساتھ نزد ہونے والے ہوں۔ تم فونل جاؤ۔ مگر فونل سے
دہم میں نے چھ ماہہ / انہ / انہ عدایت خان کو بتلایا کہ یہ وقت چھ ماہے کا نہیں ہے۔
مگر میں نے چھ ماہہ / انہ / انہ عدایت خان کو بتلایا کہ یہ وقت چھ ماہے کا نہیں ہے۔

ATTESTED

Appellant

(مسلحہ پاس 3 1)

عدالت خان نے بتلایا کہ میں کافی بیمار ہوں۔ میں میں گڑبڑ ہو رہی ہے۔ وہ میں
 میں ساتھ جاتا۔ اور میں موٹر گاڑا اور صوفی علی نے وہاں کل سرکاری میں جو نوری ہوئی
 تھانہ سے روانہ ہوئے۔ اتنے میں کس ڈی ڈی کے فون لیا کہ وہ اس کے پاس آئے۔ کبھی اس سے
 میں نے بتلایا کہ میں شکی فون میں آ رہا ہوں۔ جب ہم ٹوٹ دینے کا ہیں
 فون بارانی بیچ لیں۔ تو میں نے جانا کہ وہ اس کے بتلایا کہ اگر کدھوں میں
 صہب نے بتلایا کہ میں دھمکے کی طرف سے فضل سبحان آرٹسٹ جا رہا ہوں۔ اور
 ہم ٹوٹ اُن کے عطائے کی طرف آ جا کے۔ اگر یہ ٹوٹ جھٹک رہے ہیں
 تو وہ اور آئیں۔ ہم جا رہے۔ جب ہم ٹوٹ (بولی مارٹی) اُن کے
 عطائے کی طرف بڑھنے لگے۔ عطائے دیکھتے ہیں فطہر شاہ وہاں کے بولے و بولے
 نے دیکھے جا رہا ہے وہ کئی۔ اور ایک وہاں سے جھٹک لے لے ہم بولے مارٹی
 کہہ اُن کے پہلے لہر کچھ دوسری سائڈ وہاں رہتا تھا کہ طرف دوڑنے لگے۔
 میں دو کھینوں (آڈیٹ) اس کے اتنے میں ہم سر فائرنگ شروع ہوئی۔ اور
 ہم نے بھی جوابی فائرنگ کی۔ کچھ دیر بعد مجھے اپنے گننے اُڑا دیں کہ فوجی
 لگ لیا۔ جب میں اُس طرف آیا تھا۔ دیکھا تو دوسرے کئی نذر صہب شاہ بھی لگا تھا۔
 نور الوہا۔ عرف فوجی کے پاس جا کر دیکھا۔ وہ واقعہ فائرنگ لگا تھا۔ لہر لڑا تھا۔ مجھے
 میں نے فون اُٹھا کر بتلایا کہ کینٹر فائرنگ سے لگ کر زخمی صہب، کس ڈی ڈی
 نے بتلایا کہ انکو سہیل کے جانے کا بندوبست کر۔ فوراً۔ میں نے بتلایا کہ ہم فون
 آجائے گاڑے آئیں، اس دوران جب ہم زخمی کو اُٹھا رہے تھے۔ تو
 کس ڈی ڈی سر ہم سر فائرنگ ہوئی تھی فوجی نے بتلایا کہ لانے کیلئے ہوا دیکھی
 ے جانے کیلئے نہیں ہو۔ میں نے کس ڈی ڈی کو کس حکم سے آگے لے لیا کہ
 لایا ہے۔ اس کے بعد جو۔ ان شاء اللہ تَعَالٰی ہو جاوے۔ اور اُس کے بعد میں نذر
 صہب کے پاس چلے گا۔ وہ بخارہ آگے سائنتوں میں تھا۔ میں نے اُسے
 (مسلحہ جاری)

ATTESTED
 Appellaut

میں نے اُسکو اپنے گود میں اٹھا کر سدا سدا رہا، اور اُسکے ہاتھ لہو ہاتھوں
سدا چھو کر، پورے اُسکے آنکھیں بند کر کے اُس سر پہ ہاتھ رکھا۔ اور اسدا
کو کہا، آسدا مہاراج سنا کہ روحاں ہے، اُس نے کہا کہ تیرے پاس ہے،
میں نے بتلایا، اے آؤ۔ وہ جیسا حال ہوا کہ مجھے روحاں حوالہ کر کے اُسکے
جو ہونے میں اُسکے منہ سر ہانڈھ لیا، تاکہ اُسکا منہ بند رہے۔ اتنے
جنا۔ DSF پ. اٹھا۔ اور وہ گنتر کو کہا، زخمی کو اٹھا دو۔ اٹھ کر
نے زخمی نوزالوھا۔ اٹھا یا، اور ہم نے سائڈوں کی دفاع کرتے ہوئے
وہ DSF پ. کٹاؤں تک پہنچایا، جب DSF پ. کٹاؤں اے جا رہی تھیں
تو نیچے اُنکے ہاتھوں میں ایک رٹ فائر ہوئی۔ اسی دوران DSF پ. کے
گنتر سٹیشن کے ساتھ پہنچ گئے۔ جہاں DSF پ. سائڈ سے صوبہ زن تھا۔
اُن میں اُنکا فائرنگ ہوئی۔ مگر اُنکو اللہ تعالیٰ نے بچا دیا۔ کچھ دیر بعد
موتوں آدنی شروع ہوئی۔ جب اندھا بن گئے۔ تو میں نے سوا ایسا
چوکا یہ دکھا اپنے گوروں کو آئے۔ جو ہمارا نقصان زیادہ ہو گا۔
جب میں میدان صحت سے وہ قطعہ شاہ کٹ کر طرف جیسا حال ہوا کہ
تو مجھ کو فائرنگ ہوئی۔ مگر وہ گوروں کو اٹھا کر اٹھ کر اُس
گورویں جو ہونے لگا۔ جو اسڈنٹیل کو اوازوں، اسد تم میں اِس گوروں جانے
اس دوران اسڈنٹیل آلیا۔ کچھ دیر بعد DSF پ. کے گنتروں کو اوازوں
کہ تم میں آجائے وہ بھی آئے۔ DSF پ. کو بتلایا کہ سر میں صوبہ میں ایسا والہ
سند کہ۔ ایسا نہ ہو، مال آتے ہیں مگر اہم دشمن کو ٹھنڈ وہ تم پر فائر
قد اُن نے بتلایا، میں میرے شہید کو اٹھائیں جوڑوں کا۔ میں یہاں سے
تھک رہیوں، اتنے جہاں۔ DSF پ. کو اٹھ کر اٹھا۔ AP میں اِس کے DSF پ. اٹھا
اور جو شہید کو بعد میں DSF پ. اور DSF/HQ کے ساتھ وقوع ہوا
خود ہضم نوزالوھا۔ اور ہمیں اوازوں کے اٹھائے۔

Attested
[Signature]

نقلہ 9 روزانہ 03/18
جگہ کو سرگرم

در 9 روزانہ بہروز خان SHO وقت 15:30 بجے 03/18 میں جگہ کو سرگرم علی خان
AS آصف 657 باوقت 741 اللہ 614 نرور میں 826 لور الوہاب 63
مدت 1165 س.ج. س.م.ج. بٹک ہرور جگہ و صلیت الموشین
کفر من چاہہ زنی عقب اس جگہ سرگرم اوران ہوں۔

جگہ عالی
نقلہ علیان
mm ps-rl
03-09-018



Attested
Dputy Super of Police
NORs NSR

نقلہ 10 روزانہ 03/18
جگہ کو سرگرم

در 10 روزانہ ارشاد خان وقت 15:50 بجے 03/18 میں جگہ کو سرگرم ارشاد خان
سرزمین 170 حاجہ 309 شیلین 1149 س.ج. س.م.ج. بٹک ہرور جگہ و
صلیت عقب SHO اوران ہوں۔

جگہ عالی
نقلہ علیان
mm ps-rl
03-09-18



ATTESTED
Appellaut

Bag no 1



**OFFICE OF THE
DY: SUPERINTENDENT OF POLICE
HEADQUARTERS NOWSHERA**

Tel No. 0923-9220109 & Fax No: 0923-9220103

2018

ENQUIRY CONDUCTED AGAINST SI BEHROZ KHAN

ALLEGATIONS:

SI Behroz Khan, while posted as SHO Police Station Nizampur, conducted raid over notorious POs Gul Muhammad (B) Gul Matay, Zard Ali Shah sons of Momin Shah, Dawood s/o Gul Matay residents of Kahi Nizampur wherein Constable Nazir Hussain No.826 was hit and martyred, while Noor ul Wahab No.03 received serious bullet injuries. In this connection case vide FIR No.105 dated 03-09-2018 u/s 302/324/353/427/347-AITA PS Nizampur was registered. In order to ascertain facts, preliminary enquiry was conducted by ASP Cantt. Nowshera, who after doing the needful submitted his report to undersigned, wherein he held him (SI Behroz Khan) responsible/guilty for negligence and misconduct, which amounts to grave misconduct on his part.

In this regard, the defaulter official was charge sheeted and the undersigned Police Officer was nominated as Enquiry Officer.

PROCEEDING:

The Charge Sheet was served upon him and he submitted his detailed reply in response to the Charge Sheet/ Statement of Allegations wherein he submitted that on the day of occurrence he was going to PS Nizampur from PP Sabir Abad side and in the meantime SDPO Akora Fazil Khan called him on phone telling that he was informed that PO Gul Muhammad alias Gul Matay along with his companion who are POs in various criminal cases since 2013 are at village Kahi. In response, he was told that after complete information, he will call him. On this, the same was discussed with informer who confirmed the presence of POs in Vill: Kahi and further stated that a M/Cycle is parked in the field of Fazal Subhan while Gul Matay and his companion are standing at both sides far from each other. After this, he contacted SDPO Akora and told him the situation. The SDPO Akora told him that he is coming and prepare your strength however, he was told that it is not the raid time as the sun is going to set down and the night is on head and unfortunately if any loss occurred or any Constable got injured so, enquiries will be conducted and supported strength will also not be reached in time. He ignored the same and stated that he told MHC Tariq to prepare the strength accordingly for raid. After a while, SDPO Akora informed him that I am going close to Vill: Kahi and came out. Before going out of PS he told the Muharrir Staff and SI/OII Hidayat Shah that it is not the raid time but as it is order of senior officer. Similarly, he through M/Car while ASI Hazrat Ali in official Mobile Pick up with strength came out from Police Station. When they reached near Vill: Kahi Barani Khwarr, he called SDPO Akora and asked his location who told that he is coming to Fazal Subhan field from the back side while directed him to come from POs houses side. If these POs will run so they will come to their side and will be arrested or encountered. When they headed towards the houses of POs, the wife and children of PO Mazhar Shah started hue and cry. In the meantime, another PO came out from the house and ran away. Some Police went to trace him while other party on sides runs in order to arrest the POs mentioned above. When Police party crossed 2/3 fields, an indiscriminate firing started on Police party. In retaliation, the Police party exchanged fire for self defense. After a while, gunner Asif No.657 called that Noor ul Wahab No.03 was hit. When he headed towards him another Constable Nazir Hussain 826 was also found hit on bullet. He informed SDPO Akora that two Constables were hit and sustained serious injuries for which he ordered to make arrangement for taking them to

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hospital. He told him to bring vehicle. At the time when they were lifting injured Constables, again firing started at them. When he headed towards FC Nazir Hussain, he succumbed to his injuries and embraced Shahadat in his lap. In the meantime, SDPO Akora arrived and directed his gunner Asif to lift the injured Constable Noor ul Wahab. FC Asif 657 lifted the injured FC on his shoulders and brought him to the SDPO's vehicle. When the vehicle was going to bring injured FC, the firing started at them. At that time the gunners of SDPO Akora were seated with Shaheed Constable and SDPO had taken shelter in front area where it was also fired but he remained safe. In the meantime, Azan-e Maghrib started and darkness was spreading. He thought that if POs reached to their homes so then they will be suffered with huge loss. When he was heading towards PO Mazhar's house in Cheeta style from battle field, the firing started on him but fortunately he remained safe and consequently reached to the house of PO Mazhar where he stayed for half an hour and then called FC Asad No.614 to come in the house. He further called SDPO Akora and directed him to switch off mobile phone as in case of incoming call the light will show his location and he will be easily targeted by the enemy but he refused and stated and he is under coordination with DPO concerned and he cannot leave the Shaheed alone. After some time, DSP HQrs: arrived in APC who initially took the SDPO Akora and then Shaheed Constable and went beneath side. Thereafter, DPO and DSP HQrs: came to the place of occurrence and directed the Police party that has come with SDPO Akora to go to Barani Khwarr. On this, they started vehicles and went beneath where RPO Mardan along with other strength had also arrived but due to the darkness the High Ups postponed the operation. As far as, allegations leveled against him are concerned, he along with Police party went to the place of occurrence upon the orders of SDPO Akora and the entire proceedings have been done under his supervision. He further stated that facts can also be obtained from the CDR of his cell phone and Muharrir staff of PS as well. According to him, he performed in the raid as Junoir who obeyed the orders of his senior officer SDPO Akora. During his entire service, he has never shown carelessness/illlegality or remained coward. He further stated that in the past he conducted successful operations in the area of PS Nizampur which is available on record. He has been remained in various PSs as SHO on the basis of his good performance.

Besides, in order to probe into the matter and ascertain the factual position, the statements of following Police Officers were recorded as well as heard in person:-

1. Fazil Khan, the then SDPO Akora.
 2. SI Irshad Khan, PS Nizampur
 3. ASI Hazrat Ali Khan, PS Nizampur
 4. ASI Murad Khan, PS Nizampur
 5. MHC-Tariq, PS Nizampur
 6. Drv: Constable Jehangir 1313 driver to the then SDPO Akora.
 7. FC Muhammad Ejaz 588 gunner to the then SDPO Akora
 8. FC Atif Ali Shah 854 gunner to the then SDPO Akora
- (Perusal of DD NOs. 9/10 dated 03-09-2018 & 13 Dt:04-09-2018 PS N-pur)

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Appellant

The Statement of Fazil Khan the then SDPO Akora has also been recorded which reveals that on 03-09-2018, he was present in the office of Superintendent of Police Investigation Nowshera when in the meantime his reader Lal Hassan called him that one Sheheryar want to meet him, after 30 minutes he reached his office where Sheheryar brother of deceased Mst Waheeda vide FIR No.80 dated 31-07-2018 u/s 302 PS Nizampur met him and told that PO Gul Muhammad alias Gul Matay and his son Daud were present in their vacant house at Village Kahi. He further stated that he has also given information to SHO concerned. Acting upon the receipt of information, he directed SHO PS Nizampur to check whether the information is correct or otherwise. The SHO informed him that information is correct but their location is about one KM away from the house of informer. On this, he directed the SHO to prepare strength of Police Station Nizampur PP Sabir Abad for raid and also assured him that he will also reach there for his assistance soon. However, the SHO told him that sun will set in an hour and it will be arranged on another day. After some time, he directed the SHO

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the place told by informer. He called the SHO who told that a person is running towards tube well. On this, he told the SHO to shoot him but in response he replied that a Constable was hit on bullet. He was directed to take the injured Constable and he was coming to SHO side of operation area. The SHO informed that firing was continued and he was unable to take the injured Constable. He coordinated with DPO concerned for provision of RRF and more strength. Thereafter, when he reached to SHO side, meantime the firing also started on them and in order to secure their lives he along with gunners took shelter in vacant house. The SHO SI Behroz Khan called him that one Constable has got injuries while one has embraced Shahadat. At that time, his driver Jehangir along with FC Asif No.657 gunner of SHO took vehicle and put in the injured Constable into the vehicle but when reached Kahi Khwarr accused party again started firing. As a result, the official vehicle got hit and damaged but they remained safe. Moreover, the dead body of martyred Constable was taken from the spot with the help of DSP HQrs: NSR and put in APC upon the pointation of his driver Jehangir. He further stated that he accompanied the Shaheed Police Officer in APC and reached to Khwarr where RPO Mardan and DPO NSR along with Police sufficient strength were present and apprised them from the whole situation who due to darkness postponed the operation. Thereafter, he reached to Police Lines NSR where funeral of Shaheed Constable was performed. He further stated that he is a responsible Police Officer who did not leave the SHO alone for raid but accompanied him in the entire raid. According to him, the information he received regarding the presence of POs was correct which was further shared with and confirmed by the SHO concerned. He further stated that he was transferred from Mardan to NSR district two months ago and in the Mardan district he has conducted numerous successful operations due to which especially he is target of POs as in the instant case PO Gul Matay especially targeted him and his vehicle.

Besides, statement of SI Irshad Khan PS Nizampur was also recorded who stated in his written statement that on the day of occurrence, as he reached to PS Nizampur from the district Courts NSR, MHC Tariq informed him to prepare the strength of PS as the SHO informed that during raid it was firing on Police party and two Constables have got hit on bullets. On this, he along with ASI Murad Khan and other Police got rapidly ready duly armed, took one LMG gun and bullet proof jackets & helmets, seated in his private M/Car and reached to village Kahi. ASI Murad Khan contacted Mobile Officer ASI Hazrat Ali who directed him to come towards Kahi Khwarr. When they reached near the house PO Gul Muhammad Shah @ Gul Matay, indiscriminate firing started at them from the trees jungle side due to which M/Car got hit but they remained safe on miracle. According to him, he with Police party took shelter at various places and exchange fire with accused party but due to congested trees of jungle and ramps the accused party decamped.

Moreover, statement of ASI Hazrat Ali Khan PS Nizampur was recorded who stated in his written statement that on the day of occurrence he was present in the Police Station when SHO SI Behroz Khan called that get prepare for raid as SDPO Akora is coming. On this, he got dressed in uniform, duly armed and wore bullet proof jacket & helmet and similarly the whole strength. The SHO in the private M/Car while he along with strength in official Mobile Pick-up came out from PS for conducting raid. As the Police party reached to the place of occurrence, seeing the Police party, the accused party took shelter into the nearby trees and opened indiscriminate firing at them. In retaliation, the Police party also exchanged fire. As a result, Constable Nazir Hussain No.826 got hit and embraced Shahadat on the spot while Constable Noor ul Wahab No.03 received serious injuries.

Similarly, statement of ASI Murad Khan of PS Nizampur was recorded which reveals that on the very day MHC Tariq informed him to get prepared in hurry as during raid it was firing on Police Party by accused party Gul Matay etc and resultantlly two Constables have got hit on bullets. On this, he along with SI Irshad Khan and other Police got rapidly ready duly armed, took one LMG gun and bullet proof jackets & helmets, seated in the private M/Car of SI Irshad Khan and reached to village Kahi. He contacted ASI Hazrat Ali who directed him to come towards Kahi Khwarr. When they reached near the house PO Gul

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Appellant

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Muhammad Shah @ Gul Matay, indiscriminate firing started at them from the trees jungle side due to which M/Car got hit but they remained safe on miracle. According to him, he with Police party took shelter at various places and exchange fire with accused party but due to congested trees of jungle and ramps the accused party decamped.

Furthermore, statement of MHC Tariq PS Nizampur was recorded who stated in his written statement that on the day of occurrence, he was present in the Police Station when SHO SI Behroz Khan verbally ordered him to prepare the PS Strength for conducting raid. On this, obeying the orders, he got ready the strength with Arms & Ammunition, bullet proof jackets & helmets and distributed the strength under supervision of SHO and entered their departure in the DD of Police Station. Later on, as the incident reported, he forthwith brought the information into the notice of Control Room NSR and High Ups and departed more strength from Police Station to the place of occurrence.

Similarly statement of FC Jehangir driver to the then SDPO Akora was also recorded which reveals that he along with DSP Akora and gunner Muhammad Ejaz 588 and Atif Ali Shah 854 went to Nizampur for conducting raid in a Govt. Pick up of DSP Akora who was in coordination with SHO Nizampur. When they reached to the place of occurrence, the DSP Akora ordered SHO Nizampur for raid and stayed with tube well side as if in case the accused party runs from attack, they will come towards tube well and the DSP Akora with strength will be present there for their arrest/encounter. As they reached near tube well, meantime DSP Akora chaled him to bring vehicle to the fields for lifting the injured Constable. When they headed to the injured Constable, the firing started on them but fortunately they succeeded to put him in the vehicle where gunner Asif was already present. As they moved from field, firing started on them from the trees due to which the glasses of vehicle broken and vehicle damaged too. At the old Attock bridge he handed over the injured Constable and gunner Asif to Ambulance 1122. On return, the DSP HQrs in APC called him to be seated inside as he knows the ways and passages for their guidance. In the company of DSP HQrs they lifted the Shaheed Constable put him in APC and came out from the fields and went towards Kahi Khwarr. The Shaheed Constable was put in another ambulance. In Kahi Khwarr the High Ups with sufficient strength were present who postponed the operation due to darkness. He has also been cross examined.

FC Muhammad Ejaz No.588 gunner to the then DSP Akora stated in his written statement that complainant of a case came to meet with DSP Akora and after some time of their meeting the DSP Akora ordered to be prepared for conducting raid. He along with driver Jehangir 1313 and Constable Alif 854 along with DSP Akora went to Nizampur in Govt. vehicle of DSP Akora who was in coordination with SHO Nizampur. When they reached to the place of occurrence, the DSP Akora ordered SHO Nizampur for raid and stayed with tube well side as if in case the accused party runs from attack, they will come towards tube well and the DSP Akora with strength will be present there for their arrest/encounter. As they reached tube well, they heard firing. Meanwhile the SHO called to the DSP Akora that two Constables have got hit. After a while, again called and informed that one Constable embraced Shahadat while one is serious injured. The DSP directed the SHO to make arrangement for taking them to hospital. The SHO replied that at this time it is not possible. When they headed to lift the injured and Shaheed Constable, the firing also started on them but they succeeded to lift the injured Constable and put him in vehicle of DSP Akora. On the way the vehicle wherein driver Jehangir gunner Asif along with injured Constable were present was attacked by the accused party with firing. Thereafter, DSP Akora directed to lift the Shaheed Constable but when they were going to lift Shaheed Constable, the accused party opened firing again. The Police also exchanged fire in retaliation and took shelter. After 40/50 minutes DSP HQrs came in APC lifted the Shaheed Constable/put him in APC and headed towards Kahi Khwarr where the High Ups with sufficient strength were present who postponed the operation due to darkness. He has also been cross examined by the undersigned.

ATTESTED

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Similarly, statement of FC Atif Ali Shah No.854 gunner to then SDPO Akora was also recorded who supported the version of Constable Ejaz No.588 and stated the same story. Besides, he has also been cross examined by the undersigned.

Moreover, DD No.9&10 were perused which reveals the departure of strength for conducting raid while DD No.13 dated 04-09-2018 of PS Nizampur transpired the return of Police party from the raid and the whole story cited above

FINDINGS:

From the circumstances cited above, recorded statements, available record and enquiry conducted so far, it has come into light that Proclaimed offender Gul Muhammad alias Gul Matay was wanted to the local Police of PS Nizampur in the following cases:-

1. FIR No.165 dt: 29-09-2013 u/s 302/34 PPC PS Nizampur
2. FIR No.91 dt: 01-12-2014 u/s 506 PPC PS Nizampur
3. FIR No.80 dt: 07-08-2015 u/s 324/353/148/149 PPC PS Nizampur
4. FIR No.118 dt: 11-04-2016 u/s 324/353/34 PPC PS Nizampur
5. FIR No.270 dt: 03-10-2016 u/s 395 PPC PS Nizampur
6. FIR No.299 dt: 04-11-2016 u/s 324/452/148/149 PPC PS Nizampur
7. FIR No.75 dt: 22-05-2017 u/s 302/324/148/149 PPC PS Nizampur
8. FIR No.119 dt: 14-04-2017 u/s 324/148/149/3-4Exp PS Nizampur
9. FIR No.80 dt: 31-07-2018 u/s 302/449/34 PPC PS Nizampur
10. FIR No.89 dt: 13-08-2018 u/s 392 PPC PS Nizampur

Being such a notorious PO, defaulter official SI Behroz Khan did not bother to call RRF Units from Police Lines for conducting heavy raid but when the situation run out from hands as two Constables got hit, one embraced Shahadat and another sustained serious injuries. Similarly, Govt. Vehicle No.AA-2909 of the then DSP Akora and private M/Car No:3880/LZF of SI Irshad Khan also received bullets and got damaged. Thereafter, the then SDPO Akora made coordination for further strength. Moreover, all the above statements reveals that accused party has fired in huge quantity while defaulter official SI Behroz Khan did not engage accused party in exchanged fire till arrival of the further Police strength. Besides, SI Behroz Khan should have informed the DPO concerned before conducting such major raid which reflects poor coordination on the part of defaulter official SI Behroz Khan. Similarly, despite instructions of the then SDPO Akora regarding raid, he did not arrange sufficient strength for conducting raid being well known of the area/criminal record of PO concerned. Moreover, it is worth mentioning here that delinquent official SI Behroz Khan did not follow OG-29 directions hence, delinquent official SI Behroz Khan has been found guilty of negligence and misconduct/irresponsibility on his part.

ATTESTED

RECOMMENDATION:

It is, therefore, recommended that keeping in view the negligence he committed, the undersigned is of the opinion that delinquent official SI Behroz Khan may be awarded major punishment, if agreed so.

(IZHAR SHAH P.P.M.)
DSP/HQRS: NSR

No. 969 /St:
Dt: 14 / 11 /2018.

Annex-H

28

FINAL SHOW CAUSE NOTICE

Whereas, you SI Behroz Khan, while posted as SHO Police Station, Nizampur, conducted raid over notorious POs Gul Muhammad @ Gul Maty, Zard Ali Shah sons of Momin Shah, Dawood s/o Gul Maty residents of Kahi Nizampur, wherein Constable Nazir Hussain No. 826 was hit and mangled, while Constable Noor-ul-Wahab No. 03 received serious bullet injuries. In this connection case vide FIR No. 105 dated 03.09.2018 u/s 302/324/353/427/34/7A/TA PS Nizampur was registered.

In order to ascertain facts, preliminary enquiry was conducted by the then ASP Gani Nowshera, who after doing the needful submitted his report to the then DPO Nowshera, which was perused by him and found unsatisfactory. Therefore, you were proceeded against departmentally through Mr. Izhar Shah, DSP HQ, Nowshera, who after fulfillment of legal formalities submitted his report to undersigned vide his office Endst: No. 969/St: dated 14.11.2018, wherein he suggested that SI Behroz Khan was found negligent in the matter and recommended you for punishment.

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

Hence, I, Mansoor Aman, PSP, District Police Officer Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within (07) days of the receipt of this notice, failing which, it will be presumed that you have no defense to offer.

You are at liberty to appear for personal hearing before the undersigned.

District Police Officer,
Nowshera.

No. 435 /PA,
Dated 5/12 /2018.

ATTESTED

[Signature]
Appellant

POLICE DEPARTMENTNOWSHERA DISTRICTORDER

This order will dispose off a departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules, 1975 against SI Behroz Khan, while posted as SHO Police Station, Nizampur, now L.O, Police Lines, conducted raid over notorious POs Gul Muhammad @ Gul Maty, Zard Ali Shah sons of Momir. Shah, Dawood s/o Gul Maty residents of Kahi Nizampur, wherein Constable Nazir Hussain No. 826 got hit and martyred, while SPO Noor-ul-Wahab No. 03 received serious bullet injuries. In this connection a case vide FIR No. 105 dated 03.09.2018 u/s 302/324/353/427/34/7ATA PS Nizampur was registered. In order to ascertain facts, preliminary enquiry was conducted by the then ASP Cantt: Nowshera, who after doing the needful submitted his report to the then DPO Nowshera, wherein he held him (SI Behroz Khan) responsible/guilty for negligence and misconduct

On account of which, he was proceeded against departmentally through Mr. Izhar Shah, DSP HQs: Nowshera, who after fulfillment of legal formalities, submitted his report to undersigned vide his office Endst: No.969/St: dated 14.11.2018, suggested therein that the incident took place due to his negligence and recommended for major punishment.

He was served with final Show Cause Notice on 26.12.2018, to which, he was bound to submit his reply within stipulated time, but in fiasco.

He was heard in Orderly Room by the undersigned, wherein he failed to satisfy the undersigned, therefore, SI Behroz Khan is hereby awarded Major punishment of reduction in rank (substantive rank of SI to ASI) with immediate effect, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 18

Dated 07/1 /2019

District Police Officer,
Nowshera

No. 57-60 /PA, dated Nowshera, the 07-01 /2019.

Copy for information and necessary action to the:-

1. Regional Police Officer, Mardan w/r to his office diary No. 2957/PA, dated 24.10.2018.
2. P.O/E.C.
3. FMC with its enclosures (59 sheets).

ATTESTED

Appellant

بخدمت جناب ڈی۔ آئی جی صاحب مردان ریجن، مردان۔

عنوان: اپیل برخلاف سزا از حکم فیصلہ برائے آرڈر نمبری 18 مورخہ 07-01-2019 بابت تنزیلی از عہدہ SI سے ASI

جناب عالی!

من ASI ذیل عرض گزار ہوں۔

1. اپیل کنندہ نے محکمہ پولیس میں بھرتی ہو کر اپنی تمام تر نوکری بطریقہ احسن سرانجام دی ہے۔
2. من اپیل کنندہ کی محنت و کوششوں کے بل بوتے پر مختلف ٹریننگ ہائے کر کے بالآخر بہ عہدہ SI ترقی یاب ہوا۔
3. من SI کی کارکردگی کسی سے ڈھکی چھپی نہ ہے۔ بدیں وجہ افسران بالا نے مختلف اوقات ضلع نوشہرہ کے زیادہ تر تھانہ جات میں SHO تعینات کیا ہے اور ہر بار افسران بالا کے معیار پر پورا اترتے ہیں۔
4. یہاں یہ امر قابل ذکر ہے کہ من ASI کی جملہ سروس ریکارڈ بالکل صاف و شفاف ہے جو من اپیل کنندہ کی ایمانداری اور اپنے فرائض منصبی بطریقہ احسن سرانجام دینے پر دلالت کرتی ہے۔
5. من اپیل کنندہ بدوران تعیناتی SHO از تھانہ نظا پور ایک ناکردہ جرم کی بھینٹ چڑھ کر جس میں جناب DPO صاحب ضلع نوشہرہ نے میجر سزا بصورت تنزیلی بہ عہدہ SI سے ASI بنا دیا گیا ہے جو کہ نا انصافی پر مبنی ہے۔
6. جناب عالی! یہ امر قابل ذکر ہے کہ جملہ انکوائری کے دوران قانون و ضوابط سے روگردانی کی گئی ہے اور اصل حقائق منظر عام پر لانے سے چشم پوشی کی گئی ہے بلکہ تمام بیانات بھی من ASI کی بے گناہی پر دلالت کرتی ہے۔
7. دوران انکوائری افسر نے من ASI کو کراس کا موقع نہیں دیا ہے بلکہ خانہ پوری کی ہے جو کہ قانون و ضوابط سے روگردانی کے مانند ہے۔ انکوائری رپورٹ کا بغور جائزہ لیا جائے اور گہرائی میں جانچا جائے تو من ASI کی بے گناہی مکمل طور پر عیاں ہو جاتی ہے۔ مگر بد قسمتی سے من ASI کو ناکردہ جرم کی سزا دی گئی ہے۔
8. مزید برآں فائنل شو کاز نوٹس جاری کرتے ہوئے سزا کا حکم سنایا گیا ہے اور من ASI کے جواب کا انتظار بھی نہیں کیا گیا ہے جس سے تمام تر انصافی کا روائی قانونی کمزوریوں کا شکار ہوئی ہے۔
9. جناب عالی! مندرجہ بالا حقائق کو مدنظر رکھ کر آپ صاحبان سے استدعا کی جاتی ہے کہ قانون و انصاف کے تقاضوں کو سامنے رکھ کر من ASI کی میجر سزا بالکل برعکس حقائق ہے بدیں وجہ طلب معافی ہے۔

لہذا استدعا ہے کہ مندرجہ بالا معروضات کو مدنظر رکھ کر بمنظوری اپیل ہذا میجر سزا از تنزیلی عہدہ SI سے ASI کو کالعدم قرار کر کے من اپیل کنندہ کو واپس اپنی پوزیشن پر بحال کرنے کے احکامات صادر فرما کر مشکور فرمائیں۔

اپیل کنندہ زندگی بھر دعا گو رہیگا۔

بہروز خان

المرقوم: 16-01-2019

Sir,
Forwarded

DSP/HQr NSR
17-1-19

Sir,
FORWARDED PLS

RI. PL. NOWSHERA
17-1-19

اپیل کنندہ:
ATTESTED
Appellant

ORDER.

This order will dispose-off the departmental appeal preferred by **ASI Behroz Khan** of Mardan District Police against the order of District Police Officer, Nowshera, wherein he was awarded Major Punishment of Reduction in rank (from Substantive rank of SI to ASI) vide District Police Officer, Nowshera OB: No. 18 dated 07.01.2019.

Brief facts of the case are that the appellant while posted as SHO Police Station, Nizampur, conducted raid over notorious POs Gul Muhammad @ Gul Maty, Zard Ali Shah sons of Momin Shah, Dawood s/o Gul Maty residents of Kahi Nizampur, wherein Constable Nazir Hussain No. 826 got hit and martyred, while SPO Noor-ul-Wahab No. 03 received serious bullet injuries. In this connection a case vide FIR No. 105 dated 03.09.2018 u/s 302/324/353/427/34/7ATA Police Station Nizampur was registered. In order to ascertain facts, preliminary enquiry was conducted by the then ASP Cantt: Nowshera. The Enquiry Officer after doing the needful submitted his report to the then District Police Officer, Nowshera, wherein he held him (SI Behroz Khan) responsible/guilty for negligence and misconduct on account of which, he was proceeded against departmentally through Mr. Izhar Shah, DSP HQrs: Nowshera, who after fulfillment of legal formalities, submitted his report to District Police Officer, Nowshera vide his office endorsement No.969/St: dated 14.11.2018, suggested therein that the incident took place due to his negligence and recommended for major punishment. He was served with final Show Cause Notice on 26.12.2018, to which, he was bound to submit his reply within stipulated time, but in vain. He was heard in Orderly Room by the District Police Officer, Nowshera, wherein he failed to satisfy the District Police Officer, Nowshera, therefore, awarded him Major punishment of reduction in rank (substantive rank of SI to ASI) vide OB: No. 18 dated 07.01.2019.

He was called in orderly room held in this office on **14.02.2019** and heard in person. The appellant did not produce any cogent reasons for his innocence. Therefore, I find no grounds to intervene into the order passed by the then District Police Officer, Nowshera. **Appeal is rejected and transferred to Operation Wing, Charsadda.**

ORDER ANNOUNCED.

ATTESTED

Appellant

Muhammad Ali Khan
(MUHAMMAD ALI KHAN)PSP
Regional Police Officer,
Mardan.

No. 1412-141/ES,

Dated Mardan the 18/02 /2019.

Copy forwarded for information and necessary action to the:-

1. District Police Officer, Charsadda.
 2. District Police Officer, Mardan. The Service Record is returned herewith.
 3. District Police Officer, Nowshera w/r to his office Memo: No. 482/PA dated 06.02.2019.
- (*****)

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عزت مآب جناب انسپکٹر جنرل صاحب آف پولیس صوبہ خیبر پختونخواہ پشاور

جناب عالی!

نگرانی Revision Under Rule 11-A پولیس رولز 1975 برخلاف حکم محررہ آرڈر OB No.18

DPO ، Dated: 07-01-2019 / 57-60/PA dated: 07-01-2019 صاحب نوشہرہ

اور آرڈر نمبر RPO ، 1412-14 dated: 18-02-2019 صاحب مردان ریجن-امردان

استدعا ہے کہ بمنظوری نگرانی ہذا حکم مذکورہ کو منسوخ / کالعدم فرمایا جا کر من سائل کو سابقہ پوزیشن بحیثیت SI بمعہ دیگر منسلک مراعات بحال فرمانے کا حکم حسب ضابطہ صادر فرمایا جاوے۔

یہ کہ سائل محکمہ پولیس میں بحیثیت کانسٹیبل مورخہ 22-05-1985 کو بھرتی ہو کر وقت کے ساتھ ساتھ اپنی قابلیت کی بنیاد پر سب انسپکٹر پروموٹ ہوا۔

یہ کہ سائل کا ماضی بے داغ ہے۔ سائل نے تمام ملازمت میں محنت اور دیانتداری سے کام لے کر اس عہدے پر پہنچا ہے۔

یہ کہ انکوائری افسر نے جتنے گواہان انکوائری کے دوران پیش کیے ہیں۔ ان کے بیانات سائل کے غیر موجودگی میں قلم بند کیا گیا ہے اور سائل کو ان گواہان پر جرح کا موقع فراہم نہیں کیا گیا ہے۔ بلکہ خانہ پوری کی گئی ہے۔ جو کہ قانون و ضوابط کے روگردانی کے مانند ہے۔

یہ کہ سائل کی کارکردگی کسی سے ڈھکی چھپی نہ ہے۔ بدیں وجہ افسران بالا نے سائل کو مختلف اوقات میں زیادہ تر تھانہ جات میں بحیثیت SHO تعینات کیا ہے۔ اور ہر بار افسران بالا کے معیار پر پورا اترتے ہیں۔

یہ کہ من سائل کو بہ دوران تعیناتی SHO از تھانہ نظام پور ایک ناکردہ جرم کی بھینٹ چڑھ کر جس میں جناب DPO صاحب ضلع نوشہرہ نے میجر سزا بصورت تنزیلی بہ عہدہ SI سے ASI بنا دیا گیا ہے۔ جو کہ نا انصافی پر مبنی ہے۔

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یہ کہ من سائل نے چھاپہ زنی ایک سینئر افسر DSP اکوڑہ سرکل محمد فاضل خان کی حکم اور ان کی موجودگی اسر براہی میں لگایا گیا ہوں۔ چھاپہ زنی کے متعلق تمام پولیس ضلع نوشہرہ اور اہلیان خوڑہ نظام پور گواہ ہیں۔

یہ کہ دوران چھاپہ زنی DSP اکوڑہ سرکل خود چھاپہ زنی کا سر براہی کر رہا تھا۔ جن کو تادیبی کارروائی سے مبرا قرار دیا جا کر جو کہ خلاف قانون اور خلاف دستور ہے۔ (نوٹ اس وقت جناب سابقہ DPO صاحب ڈاکٹر زاہد اللہ خان نے موقع پر آ کر تمام حالات و واقعات و موجودہ گان DSP صاحب اکوڑہ سرکل سفید پرچات اور دیگر پولیس افسران باوردی کو موقع پر پیشم خود دیکھیں ہیں۔ اور ان کے حکم پر جائے موقع چھوڑ کر نیچے اترے ہیں۔

جناب عالی! یہ امر قابل ذکر ہے کہ جملہ انکواری کے دوران قانون و ضوابط سے روگردانی کی گئی ہے۔ اور اصل حقائق منظر عام پر لانے سے چشم پوشی کی گئی ہے۔ بلکہ تمام بیانات بھی من سائل کی بے گناہی پر دلالت کرتی ہے اور انکواری رپورٹ کا بغور جائزہ لیا جائے اور گہرائی میں جانچا جائے تو من سائل کی بے گناہی مکمل طور پر عیاں ہو جاتی ہے۔ مگر بد قسمتی سے من ASI کونا کردہ جرم کی سزا دی گئی ہے۔

لہذا استدعا ہے کہ مندرجہ بالا معروضات کو مد نظر رکھ کر نگرانی Revision Under Rules 11-A پولیس رولز 1975 کی روشنی میں مذکورہ تنزیلی بہ عہدہ SI سے ASI کو کالعدم قرار کر کے من سائل کو واپس اپنی پوزیشن SI پر بحال کرنے کا حکم صادر فرما کر مشکور فرمایا جائے۔

سائل بمعہ اہل و عیال تا عمر دعا گور ہے گا۔

المرقوم 01-03-2019

د درخواست کنندہ
بہروز خان ASI متعینہ حال پولیس لائن چارسدہ

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نوٹ: دونوں آرڈر ہمراہ لف بند کیے گئے۔

جناب عالی!

(بیان اذان محمد فاضل خان DSP اکوڑہ سرکل)

مورخہ 03.09.2018 کو تقریباً 3 بجے دوپہر میں SP انوسٹی گیشن صاحب نوشہرہ کے دفتر میں کمپیوٹر لیب میں خاص مقدمات کی CDR کی ڈسکشن کے سلسلے میں موجود تھا۔ کہ میرے ریڈر لعل حسن نے مجھے بذریعہ فون اطلاع دی کہ گل مت شاہ PO کے مخالف فریق شہریار ولد عیان الدین سکند کا ہی نظامیوز خال جہا نگیرہ جو کہ مقدمہ علت 80 مورخہ 31.07.2018 جرم 34-449-302 تھا نہ نظامیوز میں قتل شدہ مقتولہ مسماة وحیدہ بی بی کا بھائی جنہوں نے کچھ یوم قبل مقتولہ مسماة وحیدہ کی لاش DPO صاحب کے آفس کے سامنے روڈ پر رکھ کر احتجاج کیا تھا۔ آفس میں آیا ہوا ہے اور بیٹھا ہے اور آپ سے ملاقات چاہتا ہے۔ میں نے ریڈر کو کہا کہ انکو چائے پانی پلاؤ میں آتا ہوں۔ تقریباً 30 منٹ میں میں دفتر پہنچا۔ شہریار میرے دفتر میں موجود تھا۔ جس نے مجھے بتلایا کہ گل مت شاہ PO کے ساتھ اپنے بیٹے داؤد کے ساتھ کا ہی روڈ کے نزدیک اسکے یعنی شہریار کے خالی گھر کیساتھ بیٹھے ہیں۔ داؤد جس فروخت کرنے میں کھلے عام لگا ہوا ہے۔ جبکہ اسکا والد بھی ساتھ کچھ فاصلے پر بیٹھا ہے۔ مزید بتلایا کہ ہم نے بہروز خان SHO کی بھی اطلاع دی ہے۔ میں نے بہروز خان SHO سے کہا تھا کہ نظامیوز کو کال کر کے بتلایا کہ آپ چیک کریں کہ آیا یہ اطلاع صحیح ہے کہ نہیں۔ SHO مذکورہ نے کہا کہ مجھے بھی اطلاع ملی ہے۔ تاہم میں چیک کرتا ہوں۔ کچھ دیر بعد SHO مذکورہ نے مجھے فون کیا اور بتلایا کہ اطلاع صحیح ہے۔ تاہم آپ جو جگہ بتلا رہے ہیں یعنی شہریار کے مکانات کے نزدیک موجود نہیں ہے۔ البتہ تقریباً 10/15 یوم قبل میں نے آپکو اسکے گھر سے تقریباً ایک کلومیٹر دور بطرف شمال ٹیوب ویل کی جو جگہ دکھائی تھی کہ یہاں داؤد جس فروخت کر رہا ہے۔ اس سے بھی آگے بطرف شمال میدان میں موجود ہے۔ میں نے SHO کو فون پر کہا کہ یہ تو بڑی شرم کی بات ہے کہ ایک بندہ PO بھی ہے اور وہ بھی کھلے عام دیر تیر میلے آ کر ادھر دیر کا ہی میں میں روڈ کے پیوست تھا نہ کے نزدیک جس فروخت کر رہا ہے۔ میں نے SHO کو کہا کہ چکی صابرا آباد اور تھاڈکی پوری نفری اکٹھا کر دو اور ان پر چھاپہ مارو اور میں بھی آپکی مدد کیلئے پہنچ رہا ہوں۔ اسکے بعد میں فوراً روانہ ہوا اور عصر کی نماز کی ادائیگی کے وقت میں کا ہی بارانی خود میں پہنچا۔ میں نے SHO کو فون کیا کہ وہ آپ کہاں پہنچے۔ SHO نے مجھے بتلایا کہ میں نے شکی موڈ کر اس کیا ہوا ہے ایک منٹ میں پہنچتا ہوں نفری ہمراہ ہے۔

میں نے فون پر SHO کو کہا کہ میں آپ کے بتائے ہوئے جگہ کی طرف بمعاً اپنے گھرنے کے بارانی خود کے راستے بطرف شمال ٹیوب ویل جا رہا ہوں اور تم شہریار کے گھر کی طرف سے جنوب کی طرف سے آؤ۔ اگر تم سے بھاگینگے تو میرے طرف آئیگی اور اگر مجھ سے بھاگینگے تو آپکی طرف آئیگی چونکہ میرا ٹاسک انارگٹ یعنی ٹیوب ویل دور تھا تو میں SHO کے پہنچنے سے قبل ہی ایسے ٹاؤگٹ (ٹیوب ویل) کی طرف روانہ ہوا۔ (مگر اس دوران SHO مذکورہ نے مجھے یہ نہیں کہا کہ میرے ساتھ نفری کم ہے اگر وہ اس دوران بھی مجھے نفری کی کمی کا کہتے تو میں چھاپہ ملتوی کرتا، اپنا پلان تبدیل کرتا۔ میں نے تو SHO کو یوٹی اور تھا نہ کی تمام نفری ترتیب دے دی اور ساتھ لانے کی ہدایت دی تھی۔ جو کہ قبل ازیں بھی ہچوں قسم کی چھاپہ زنی ہم نے تھا نہ اور چوکی کی نفری سے کی تھی) جب میں ٹیوب ویل کے قریب پہنچا تو SHO کی پارٹی کی مقام کی طرف

ATTESTED

Appellant

سے میں نے فائرنگ کی آواز سنی۔ تو میں نے SHO کو فون کیا تو SHO نے فون پر بتلایا کہ بحرمان اشتہاریوں میں سے ایک PO نے کالے کپڑے پہنے ہیں۔ اور اپنے کنڈر نما گھر سے بطرف ٹیوب ویل آپ کی طرف بھاگ رہا ہے۔ ہم اسکے پیچھے ہیں۔ یعنی جس طرف آپ موجود ہیں۔ میں نے SHO کو حکم دیا کہ اسکو گولی مارو SHO کا سوا بل آن تھا کہ اس نے مجھے بتلایا کہ سرجی کنشٹیبل کو گولی لگی ہے۔ میں نے بتلایا کہ فوراً کنشٹیبل کو اٹھاؤ۔ SHO نے بتلایا کہ میں نہیں اٹھا سکتا فائرنگ ہو رہی ہے۔ آپ آجائے۔ میں نے فوراً گاڑی موڑی اور بارانی خور کے راستے پر SHO کی طرف فوراً روانہ ہوا۔ اور SHO کے ساتھ آن بلاں تھا۔ اسی دوران SHO نے مجھے کہا کہ دو کنشٹیبل آن کو گولی لگی ہے۔ میں نے اسکو کہا کہ SHO صاحب سب کچھ چھوڑ دو اور زخمی کنشٹیبل آن کو اٹھاؤ میں آ رہا ہوں۔ اور SHO کو حواس قابو میں رکھنے کی ہدایات دیتا رہا اور SHO سے فون بند کر کے پھر فوراً راستے راستے میں جناب DPO صاحب کو فون کیا اور کہا کہ اس طرح معاملہ ہوا ہے۔ فوراً IRRF اور سڑک پولیس بھیج دیں۔ جناب DPO صاحب نے مجھے کہا کہ میں خود بھی آ رہا ہوں۔ آپ اپنا خیال رکھیں۔ جو بھی میں اس جگہ پہنچا جاؤں SHO اور زخمی کی گاڑی کھڑی تھی۔ تو میں نے گاڑی سے فوراً آڑ کر سمجھنے کے لئے گھڑی کی طرف جو کہ سامنے اراضیات میں ذور نظر آ رہا تھا روانہ ہوا۔ تو مجھ پر بھی بطرف مغرب سے جنگل نما جھاڑیوں سے اندھا دھند فائرنگ ہوئی۔ تاہم کھت میں روٹنگ کرتے ہوئے ہم PO کے کنڈر نما گھر کے دیواروں کو پہنچے اور پھر دیوار کے ساتھ ساتھ SHO کی طرف گئے۔ میں نے SHO کے نزدیک وہاں لکھت کے قریب پہنچ کر SHO کو فون کیا کہ کنشٹیبل آن کو چیک کرو کہ کہاں گولیاں لگی ہوئی ہے۔ تو SHO نے بتلایا کہ ایک کنشٹیبل شہید ہو چکا ہے اور دو سزا زخمی ہے۔ اور ساتھ بتلایا کہ میں نے پرائیویٹ لوگوں کو فون کیا ہے۔ وہ چار پائی لے کر آتے ہیں۔ میں نے SHO کو کہا کہ کوئی پاگل اور ساٹھ بتلایا کہ میں نے پرائیویٹ لوگوں کو فون کیا ہے۔ وہ چار پائی لے کر آتے ہیں۔ اس کے بعد میں نے اپنے ڈرائیور کو کہا کہ اس وقت ایسی حالت میں یہاں آئے گا۔ جو کچھ کرنا ہے۔ ہم نے ہی کرنا ہے۔ اس کے بعد میں نے اپنے ڈرائیور کو کہا کہ جہاں تک کو فون کیا اور کہا کہ چاہے جیسے بھی ہو میری گاڑی سرکاری کو کھیتوں کھیتوں میں میری طرف پہنچاؤ۔ جو بھی جہاں تک میری گاڑی سرکاری کو کھیتوں میں بڑی مشکل سے پہنچائی۔ میں سمجھتا ہوں کہ بڑھ کر فائرنگ کرتے ہوئے SHO کے ڈرائیور کو گولی لگی ہوگی۔ پھلانگ کر جو گرائنگ کرتے ہوئے SHO کے نزدیک پہنچے جبکہ میں انکو کور دے رہا تھا۔ تو وہاں پر SHO کے ڈرائیور اور گنر کنشٹیبل آصف کی مدد سے زخمی کو میرے قریب والے دیوار تک پہنچایا اور دیوار پر اس طرف میں نے زینو کیا اور پھر یہ تینوں بھی دیوار پھلانگ کر میرے طرف آئے اور پھر ہم چاروں نے زخمی کنشٹیبل کا گاڑی کے قریب لگا کر گاڑی کے فرٹ سیٹ میں زخمی کو لیٹایا اور پیچھے SHO کا ڈرائیور اور گنر آصف کو حفاظت کیلئے بٹھایا اور جہاں تک ڈرائیور کا کہا کہ فوراً نکل جاؤ اور انکو فوراً ہسپتال پہنچاؤ۔ تاہم جونی وہ کا ہی خور پہنچے۔ تو وہاں جنگل نما جھاڑیوں سے ان پر فائرنگ ہوگی۔ تاہم وہ بال بال بچ گئے اور میری گاڑی سرکاری لگ کر اسکو نقصان پہنچا۔ زخمی اٹھانے کے بعد میں سمجھتا ہوں کہ گنر دو بارہ شہید کو اٹھانے کے لئے SHO کی طرف گئے۔ جو اس وقت میرے گنر پر دوبارہ بطرف مغرب سے فائرنگ ہوئی۔ جو کچھ دیوہاں لکھت میں مورچہ زن رہے اور جب کچھ دیر بعد میں نے SHO کو فون کیا کہ تم کہاں ہو تم تو نظر نہیں آ رہے ہو۔ تو SHO نے کہا کہ میں تو پیچھے منظر شاہ کے کنڈر نما گھر کو سائیڈ سائیڈ سے پہنچا ہوں اور آپ کسے پیچھے آیا ہوں اور جب

ATTESTED
Appellant

جہاں تک کو فون کیا اور کہا کہ چاہے جیسے بھی ہو میری گاڑی سرکاری کو کھیتوں کھیتوں میں میری طرف پہنچاؤ۔ جو بھی جہاں تک میری گاڑی سرکاری کو کھیتوں میں بڑی مشکل سے پہنچائی۔ میں سمجھتا ہوں کہ بڑھ کر فائرنگ کرتے ہوئے SHO کے ڈرائیور کو گولی لگی ہوگی۔ پھلانگ کر جو گرائنگ کرتے ہوئے SHO کے نزدیک پہنچے جبکہ میں انکو کور دے رہا تھا۔ تو وہاں پر SHO کے ڈرائیور اور گنر کنشٹیبل آصف کی مدد سے زخمی کو میرے قریب والے دیوار تک پہنچایا اور دیوار پر اس طرف میں نے زینو کیا اور پھر یہ تینوں بھی دیوار پھلانگ کر میرے طرف آئے اور پھر ہم چاروں نے زخمی کنشٹیبل کا گاڑی کے قریب لگا کر گاڑی کے فرٹ سیٹ میں زخمی کو لیٹایا اور پیچھے SHO کا ڈرائیور اور گنر آصف کو حفاظت کیلئے بٹھایا اور جہاں تک ڈرائیور کا کہا کہ فوراً نکل جاؤ اور انکو فوراً ہسپتال پہنچاؤ۔ تاہم جونی وہ کا ہی خور پہنچے۔ تو وہاں جنگل نما جھاڑیوں سے ان پر فائرنگ ہوگی۔ تاہم وہ بال بال بچ گئے اور میری گاڑی سرکاری لگ کر اسکو نقصان پہنچا۔ زخمی اٹھانے کے بعد میں سمجھتا ہوں کہ گنر دو بارہ شہید کو اٹھانے کے لئے SHO کی طرف گئے۔ جو اس وقت میرے گنر پر دوبارہ بطرف مغرب سے فائرنگ ہوئی۔ جو کچھ دیوہاں لکھت میں مورچہ زن رہے اور جب کچھ دیر بعد میں نے SHO کو فون کیا کہ تم کہاں ہو تم تو نظر نہیں آ رہے ہو۔ تو SHO نے کہا کہ میں تو پیچھے منظر شاہ کے کنڈر نما گھر کو سائیڈ سائیڈ سے پہنچا ہوں اور آپ کسے پیچھے آیا ہوں اور جب

میں نے کہا کہ میرے گزر کہاں ہیں۔ تو اس نے کہا کہ آپ کے گزر کو بھی میں اپنے ساتھ لے آیا ہوں اور آپ بھی آبادی میں آجائے۔ میں نے کہا کہ میں شہید کو کیلے نہیں چھوڑوں گا۔ چاہے کچھ بھی ہو میں شہید کے پاس رہوں گا۔ کیسے کھیتوں میں شہید کو کیلا چھوڑ دوں۔ اب آہستہ آہستہ اندھیرا چھا گیا تھا اور اسی دوران DSP ہیڈ کوارٹر APC میں میرے جہانگیر ڈرائیور کے نشانہ ہی پر پہنچا جو DSP ہیڈ کوارٹر اور ساتھ ایلینٹ نفری کی مدد سے ہم نے شہید کو اٹھایا اور APC میں ڈالا اور میں بھی ان کے ساتھ گاڑی میں بیٹھ گیا اور نیچے خور پیچھے تو خور میں جناب DIG صاحب اور جناب DPO صاحب بمعہ کافی نفری کے موجود تھے۔ انکو سارے حالات واقعات زبانی سنائے اور انہوں نے ہدایت کی کہ اب اندھیرا ہے اور سرج کرنا مزید نقصان کا باعث بنے گا۔ اب نفری کو لے جاؤ۔ اسکے بعد میں پولیس لائن پہنچا اور شہید کا جنازہ ادا کیا۔ جملہ حالات واقعات میں نے حرف بہ حرف درج کئے ہیں۔ میں نے بطور ایک ذمہ دار افسر کے ایک فریادی کے فریاد پر بروقت دن کی روشنی میں کارروائی کی ہے۔ اور نہ یہ کہ صرف SHO کو کیلے چھاپہ زنی کیلئے بھیجا ہے بلکہ خود بھی موقع پر اسکی امداد کیلئے پہنچا ہوں۔ ہم نے جو چھاپہ زنی کی ہے نیک نیتی اور جرم کی بروقت اسد کیلئے کی ہے۔ کسی قسم کی بزدلی کا مظاہرہ نہیں کیا ہے۔ مجھے جو انفارمیشن جس مقام کی موصول ہوئی تھی۔ تو وہ صحیح تھی۔ البتہ جب میں نے مذکورہ انفارمیشن SHO کیساتھ شیئر کیا اور اس سے تصدیق مانگی تو SHO نے مجھے شہریار کے گھر کے نزدیک مقام کے بجائے ٹیوب ویل کے مقام پر ملزمان کی موجودگی بتلائی۔ حالانکہ ملزمان ابتدائی انفارمیشن کے مطابق شہریار کے گھر کے قریب ہی موجود پائے گئے۔ مزید معروضات ہوں کہ مذکورہ مجرمین سے قریب دو ماہ قبل میرا تبادلہ ضلع مردان سے سرکل ہذا ہوا ہے۔ مذکورہ مجرمین اشتہاریوں/انشیاتی فروشان کے خلاف مورچہ لگا دیا گیا ہے اور پناہ گاہیں مسمار کئے تھے اور انکے سہولت کاروں پر بھی زمین تنگ کی تھی جسکی وجہ سے مذکورہ مجرمین اشتہاری خاص کر گل مت شاہ عرف گل متی اور داؤد مجھے کسی بھی طریقے سے نقصان پہنچانے کے درپے تھے۔ کیونکہ بعد وقوع کے معلومات ہونے پر معلوم ہوا ہے کہ ملزمان صرف DSP کو نقصان پہنچانے کا ارادہ رکھتے تھے۔ اور ملزمان کو پہلے سے معلوم تھا کہ DSP ہم پر چھاپہ مارنے کیلئے آرہا ہے اور مجھے نقصان پہنچانے کیلئے انہوں نے میری گاڑی اور مجھے زیادہ مار گٹ کیا تھا۔ یہی میرا بیان ہے جو کہ حقیقت پر مبنی ہے۔



محمد فاضل خان

(سابقہ) ڈی۔ ایس۔ پی اکوڑہ سرکل

ATTESTED



Appellant

بیان اذان حضرت علی خان آسی کے تعلق سے

صدا عالی

حوالہ مذکورہ صحت 105 احوال 9/10 302-324-353-427-342

تھانہ تھانہ پور سے صحت خوں کے تیز و توند میں تھانہ میں موجود کالم S.H.O

سے آواز دی کہ جلد ہی تیار ہو جاؤ صاب S.P اسکے اڈرہ آ رہا ہے چاہے

رہی کیلئے جاننا ہے۔ میں نے جلد ہی درمی میں کڑکوت اسلمہ الموشین و جلیٹ

دھلیٹ لے کر S.H.O نے خود ہی جلیٹ میں کڑ اور ہم تمام لغزی کی جلیٹ

سنگری صوبائیل میں بیٹو کڑ چھاپ رہی تھانہ کے روانہ ہوئے۔ جسے جی غم کو لیں یا رہی جانے

موجودہ پیر سے کڑ کڑ چھاپ رہی تھانہ کے روانہ ہوئے۔ جسے جی غم کو لیں یا رہی جانے

نہر و جلیٹ از قسم نیگروں صوبائیل میں کڑ کڑ چھاپ رہی تھانہ کے روانہ ہوئے۔ جسے جی غم کو لیں یا رہی جانے

یہی صحت صحت خود اختیاری کا استعمال کرتے ہوئے ان پیر فائرننگ شروع کی جلیٹ

فائرننگ سے کیشل نہر حسین 826 تک کڑ کڑ چھاپ رہی تھانہ کے روانہ ہوئے۔ جسے جی غم کو لیں یا رہی جانے

3 تک نہر شہید نہر جی ہوا۔ یہی بیان ہے جو حقیقت ہے نہر جی

0312-9080647

ASI P.S. NP

12-11-018

Attested

Deputy Superintendent of Police

HQ.R.s NSR

XXI - آپ سے کڑ کڑ چھاپ رہی تھانہ کے روانہ ہوئے۔ جسے جی غم کو لیں یا رہی جانے

اسلمہ الموشین سے کیشل نہر حسین 826 تک کڑ کڑ چھاپ رہی تھانہ کے روانہ ہوئے۔ جسے جی غم کو لیں یا رہی جانے

XXII - آپ سے کڑ کڑ چھاپ رہی تھانہ کے روانہ ہوئے۔ جسے جی غم کو لیں یا رہی جانے

XXIII - آپ سے کڑ کڑ چھاپ رہی تھانہ کے روانہ ہوئے۔ جسے جی غم کو لیں یا رہی جانے

XXIV - آپ سے کڑ کڑ چھاپ رہی تھانہ کے روانہ ہوئے۔ جسے جی غم کو لیں یا رہی جانے

XXV - آپ سے کڑ کڑ چھاپ رہی تھانہ کے روانہ ہوئے۔ جسے جی غم کو لیں یا رہی جانے

APPRECIATED

بیان ازان ڈرائیور کنسٹیبل جمانہ 1313 ڈرائیور DSP تا اوڑھ

جناب عالی! معروض خدمت ہے کہ DSP تا اوڑھ کیساتھ مع کنران ٹیمہ ایجاز S88 کاٹھ بندھا
 لغرض چھاپہ زالی سپورڈانہ جوت بسواری گاڑی کہ گاڑی تک اب جاتے ہیں DSP تا
 S88 لگا سپورڈانہ آئے لیکن جے جب موقع نیچے تو DSP تا نے اینڈ والس ٹیوب ویل
 خود جانے اور S88 کو ملنے مان پر اینڈ والس کا صلح دیا اور لیا کہ آئروہ خراب اختیار کر لی
 تو میں مع لغوی ٹیوب ویل کے راستے میں موجود ہیں۔ اسی طرح کنران ٹیبل میں لگا
 گیا جو میں ہم ٹیوب ویل نیچے تو DSP تا اور کنران گاڑی سے اتر گئے اور میں گاڑی
 ساتھ بائیلنگ ہڈی ٹکڑے تیار کر دیا۔ اسی دوران DSP تا نے جھے آواز دی کہ گاڑی آتے
 آؤ یہ خور باگی فورس کھینوں میں جا لیں یہ زخمی کو اٹھاتے ہیں۔ ایک بعد زخمی کو اٹھانے
 تے زخمی کو گاڑی میں ڈالکر میرے ساتھ کنران DSP تا سپورڈانہ مع جوتھے۔ کھینوں سے
 اور اسے میں درختوں کے جھنڈے میں بھارے لٹا کر میں بیٹھے افراد نے گاڑی کے سامنے اکر
 ہادھند فائرنگ شروع کی۔ جس سے گاڑی کے سامنے ٹوٹ گئے اور ماہی نقصان پہنچا۔ میں نے
 ان پر جھڑپا ڈرائی اور بہت مسئلے سے موقع سے زخمی اور گاڑی کو نکلنے میں
 اب ہوا۔ میں نے سرائی انکر ریل پر زخمی کو اور کنران S88 لگا سپورڈانہ کو 112
 میں کے حوالہ کیا۔ واپس DSP تا جھڈے کو اٹھانے صلح دیا کہ ہمارے ساتھ APC سے
 ساتھ بیٹھ کر ہمیں موقع کو بچاؤ ہمیں راستے کا ساتھ ہے DSP تا جھڈے کو اٹھانے
 موقع نیچے۔ سپورڈانہ کو اٹھایا۔ سپورڈانہ DSP تا اکر رہے ہیں اور جوتھے۔ اس کے
 میں ساتھ بھایا۔ کھینوں سے باہر نکل کر بہ طرف گاڑی خود روانہ ہیں۔ سپورڈانہ کو
 میں میں ڈالے۔ گاڑی فورس میں بالا افسران صاحبان اور صلح بھری فوجی اور موٹو سیکر
 یعنی دونوں APC بقایہ فوجی کو موقع سے نکلنے چلی تھی۔ تمام فوجی والیں سپورڈانہ بالا
 اندھارے میں ابھی آ رہی تھیں کا ٹانگے نہیں تھے۔ اور تمام فوجی والیں رواں چلی۔

ATTESTED
 Appellant

Mob 0333 9316809
 الی علی علی
 ڈرائیور کنسٹیبل جمانہ 1313 ملحقہ ڈرائیور DSP تا اوڑھ

XXX کیا یہی کارٹنگ آپ کے لکروں کے سامنے نہیں تھی؟

جواب = جی ہاں اس وقت تک دوسرے سائڈ پر تھے

XXX آپ کے کچھ عوامی کارٹنگ تھی؟

جواب = جی ہاں اس وقت تک سٹیڈیشن کو آگیا آپ تھے تو

اس وقت تک یہ کارٹنگ نہیں تھی اور ہم نے بھی فی عہدہ ضمانت

اختیاری تھی خاطر عوامی کارٹنگ تھی XXX

آپ اسٹیشن یا مینجمنٹ کی ریسپونسیبل تھے؟
جواب = جی ہاں بالکل

XXX پوائنٹ لائن سے RRF لٹری اس وقت طلب کی تھی؟

جواب = جی ہاں SHD کے کارٹنگ نہیں اور ہم لاک ٹیوٹ ویل

سے لٹری سیکورٹی کے لئے تو DSP صاحب اڈرہ سے ہون پر لٹری

کلیے کال کیا

DSP اڈرہ چھاپے اس وقت باوردی تھے؟ XXX

جواب = جی ہاں بعد پارچہات میں تھے

عبدال

جوائنٹر سب ڈیویژنل DSP 1313

ATTESTED
Appellant

میراں ازان کنیشنل عطا علی شاہ 854 گنر DSP اکوڑہ سرکل
FC

جہاں عالی
میراں خدیجہ بیوی کہ وقوعہ ہوا کے اور عمر کم وقت گھنٹہ کی مقدمہ جہاں DSP
سہ ماہی اور کچھ دیر بعد جہاں سے بیماری کرنے کا کہہ بیٹھ جینٹ اور اسلم اچھویش میں برابر
مگر کے لغزش جہاں زہنی روانہ ہوئے میں معہ کنیشنل اعجاز 588 اور ڈرائیور کنیشنل عطا علی شاہ 1313
جہاں DSP معہ نسواری گاڑی سرکاری ایک روانہ ہوئے ہوئے۔ جہاں سے SH40 کا لٹا ہوا
کنیشنل DSP آئے لہذا تھے۔ جب وقوعہ ہونے لگا تو DSP سے ایڈوائس ہوئی وہاں سے وہاں
اور SH40 کو ملزمان پر زبرد کرنے کا حکم دیا۔ اور کہا کہ اگر وہ قرار ہو گیا تو میں معہ لوی
ٹیوب دینے کے راستے پر موجود ہوں گے۔ اسی طرح آفیسر جہاں میں لڑائی جانی ہوئی جو یہی ہم
ٹیوب دینے لگے تو فائرنگ کی آواز آئی۔ اسی دوران SH40 سے ہر گز جوں DSP کو
اطلاع کیا کہ وہ کنیشنل فائرنگ سے زخمی ہوئے۔ کچھ دیر بعد دوبارہ حال کرنے کہا کہ
ایڈ کنیشنل شہید ہوا اور دوسرا زخمی ہے۔ جہاں DSP سے ہر گز کنیشنل فورا اجیٹل
DHA فوٹو روانہ کرنے کا حکم دیا تو SH40 سے جواٹا کہا کہ اب کھلی فائرنگ نہ شروع
کاری ہے ہم زخمی اور شہید ہیں اٹھا سکتے چونکہ ہم نے ٹیوب دینے سے والی کر لی تھی
وہ DSP سے SH40 سے کہا کہ آپ جو حکم رکھو میں بھی کر رہا ہوں۔ جب ہم سب نے اور زخمی
اور شہید کو اٹھانے کی عمر میں سے آئے پڑے تو ہم سب کھلی فائرنگ شروع ہوئی لیکن
کھلی فائرنگ ہم سب کو اٹھانے میں کامیاب نہ ہوئی اور DSP کی گاڑی میں ڈال کر
ایڈ کنیشنل جہاں سے حکم دیا کہ وہ روانہ ہوئے تو DSP سے لڑائی سرکاری سے راستے
ڈرائیور عطا علی شاہ 1313 گنر SH40 آصف اور زخمی موجود
لیکن وہ زخمی وقوعہ سے لگانے میں کامیاب نہ ہوئے۔ پھر DSP سے کہا کہ اب
شہید کو کھلی اٹھانے سے۔ جسے میں ہم شہید کو اٹھا رہے تھے ہم سب دوبارہ فائرنگ
کرنے لگے۔ ہم نے کھلی اٹھانے کی۔ ہم نے وہاں آڑی۔ تو یہاں آٹھ گھنٹہ 45 منٹ
گنر DSP سے فوٹو کنیشنل APC میں آئے۔ انہوں نے شہید کو APC میں ڈالا اور راستے
میں وہاں سے لٹا کر لیا۔ اور وہاں کے ہمدانے دوبارہ APC آئے۔ ہم APC میں ہوئے

ATTESTED

سر دائرہ برطرف کا یہ خورروا ہے۔ وہاں سے تو بالا افسران صاحبان اور بہت
بولوں میں ٹیکسٹ لکھی وہاں موجود ہے۔ افسران صاحبان نے کہا کہ اندر ہر ایک
دیکھ کر ان کا نام نہیں ہے اور سب وہاں سے والی کر لیں۔

Ashah

عاطف علی شاہ 2054 سٹر DSP اور
0316-1939548

XXX - آپ گاڑی میں DSP کیا تو اندر بیٹھے تھے یا بیٹھے؟
جواب - جی ہاں دی گئی اندر بیٹھے تھے۔
XXX - DSP صاحب اور صاحب کے درمیان جو باتیں ہوئی ہیں وہ کیا تھیں؟
جواب - معلوم نہیں ہے کہ کیا بات ہوئی تھی۔ تاہم دونوں مسلسل بات
میں تھے۔

XXX - DSP صاحب نے چھاپے کیلئے جانے وقت ہاں سے دو ٹیبلٹیں لے کر
آپ گھر ان کو جوئی خدمات دے کر لے گئے؟
جواب - جی ہاں خدمات دی تھی۔ آج اسلم داغوشیہ اپنا ہاتھوں اور
تھناڑا رہ کر چھاپے کیلئے گیا ہے۔ صبح وقت میں خدمات دی تھی۔
XXX - جیلٹ جیلٹ کے متعلق کیا کچھ بتایا تھا۔ اور کیا آپ نے جیلٹ بتایا تھا؟
جواب - جی ہاں میں نے جیلٹ جیلٹ نہیں دیکھا تھا۔

Attested
Deputy Sub-Inspector
HQs NSR

XXX - DSP صاحب چھاپے کے وقت خود باوردی تھا؟
جواب - جی نہیں، میرا ہاتھ میں تھا۔
XXX - DSP صاحب کیا کوئی آپ کے پاس تھا؟
جواب - SMG تھا اور ایجوٹیشن میرا موجود تھا۔
XXX - DSP صاحب اور SHO چھاپے سے پہلے آگے کس وقت گئے تھے؟
جواب - نہیں صرف وہاں پہنچے تو ان کے پاس گئے۔

ATTESTED

Signature
Appellment

XXX - SHO تو DSP جانے کے بعد DSP صاحب نے مزید تعہد کیا ہے
میں RRF کی ایکٹ وغیرہ طلب کی تھی؟
جواب - جی نہیں، صلیح ہے۔ لیکن جب درخواست ہوئی اور اس کے
تک گئے تو بعد تعہد طلب کیا گیا تھا۔ اور تعہد DSP صاحب کو
کی خدمات میں بروقت دینا چاہیے تھا۔

XXX سے فائرنگ کے تھریں کے لئے ہو گیا ہے
جواب :- یہ نہیں ہے، یہ دو سہ سال پہلے ہی اس وقت

XXX - آج آپ DSP کے پاس واقعہ پر موجود ہیں
، تھریں کے متعلق اطلاع پر دو سہ سال پہلے ہے

جواب :- فائرنگ کے آثار اور DNA کے اطلاع پر فوری طور پر تھریں
سائبر سے والی کی وضع ہوئی ، اور خود اہل و عیال کے
سے فائرنگ ہوئی

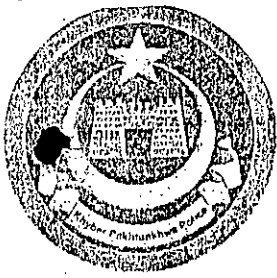
سے فائرنگ ہوئی

XXX - آپ کے پاس جو بھی فائرنگ کی تھی
جواب :- یہ تھریں سے نہیں ہوئی ، اس وقت فائرنگ
سے فائرنگ ہوئی ، اور یہ ہے جو فائرنگ کی تھی

Ashah
FC/ Atif Ali Shah

ATTESTED

Am
Appellant



Annex-N

(44)

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR
Fax: 091- 9210927

Dated Peshawar the 13 December, 2018.

NOTIFICATION

No. 1132 /SE-I, Mr. Muhammad Fazil Inspector (BS-16) suspended vide Notification No.927/SE-I dated 15.10.2018 is hereby re-instated in service with immediate effect. His suspension period may be treated as duty. The officer will go undergo mandatory Advance Course and will not be posted as SDPO for a period of 1 year including the training period.

Sd/-
SALAH-UD-DIN KHAN,
Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Endst: No. & date even.

Copy forwarded to the:-

1. All Addl: IsGP in Khyber Pakhtunkhwa.
2. Accountant General Khyber Pakhtunkhwa Peshawar.
3. DIG Training Khyber Pakhtunkhwa.
4. Regional Police Officer Mardan.
5. DiG Enquiry & Inspection/Internal Accountability Bureau Khyber Pakhtunkhwa.
6. District Police Officer Nowshera.
7. AIG Establishment Khyber Pakhtunkhwa Peshawar.
8. PSO to IGP Khyber Pakhtunkhwa Peshawar.
9. Director Public Relation Khyber Pakhtunkhwa.
10. District Accounts Officer Nowshera.
11. Registrar CPO Peshawar.
12. Supdt: Secret, Supdt: E-II & Accountant CPO Peshawar.
13. Central Registry CPO Peshawar.
14. U.O.P File.

ATTESTED

[Signature]
Appellant

(DR. MUHAMMAD ABID KHAN)^{PSP}
Deputy Inspector General of Police, HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

Before the Honorable Chairmen, Service Tribunal
Peshawar.

بعدالت

Service Appeal

Appellant

بنام (Appellant) 2 جناب

Behroz Khan

مورخہ

مقدمہ

دعویٰ

جزم

VS
Provincial Police Officers etc
باعث خریانکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ
آن مقام Peshawar کیلئے Ripwanulla

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپ یہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور دیکل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دیکل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

Attested & accepted
2019

المترجم 8
واہ الع

بمقام Peshawar کے لئے منظور ہے۔

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 369/2019

Behroz Khan Assistant Sub-Inspector Police Lines, District Nowshera.

.....Appellant

V E R S U S

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. District Police Officer, Nowshera.

.....Respondents

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Reply to the appeal	-	1-4
2.	Affidavit	-	5

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 369/2019

Behroz Khan Assistant Sub-Inspector Police Lines, District Nowshera.

.....Appellant

V E R S U S

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. District Police Officer, Nowshera.

.....Respondents

REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action.
2. That the appeal is badly time-barred.
3. That the appellant has been estopped by his own conduct to file the appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.

On Facts

1. Para to the extent of enlistment of appellant in Police Department as constable pertains to record needs no comments, while rest of the para is not plausible because every Police Officer/Official is under obligation to discharge his duties with dedication, devotion and commitment because in this department no room lies for lethargy.
2. Correct to the extent that the appellant while posted as SHO Police Station, Nizampur conducted raid over notorious P.Os namely Gul Muhammad alias Gulmati, Zard Ali Shah sons of Momin Shah and Daud s/o Gulmati as a result of which constable Nazir Hussain No. 826 got hit and embraced martyrdom while SPO Noorul Wahab No. 03 received built injuries therefore, a case vide FIR No. 105 dated 03-09-2018 u/s 302/324/353/427/34 PPC/7ATA Police Station, Nizampur was registered.
3. Correct to the extent that in order to ascertain facts vide above quoted FIR, preliminary enquiry was conducted through ASP Cantt: Nowshera who after probing into the matter, submitted his report

wherein the enquiry officer has suggested for initiation of departmental proceeding against the appellant.

4. Para already explained hence, no comments.
5. Correct to the extent that the appellant was proceeded against departmentally through DSP Hqrs: Nowshera who during the course of enquiry fulfilled all legal and codal formalities.
6. Correct to the extent that the appellant submitted reply which was paid due consideration but found unsatisfactory. Moreover, he has also been provided full-fledged opportunity of defending himself but he failed to produce even a single iota of evidence in his defense.
7. Correct to the extent that reply submitted by appellant was found unsatisfactory because the same was given due consideration while rest of the para is incorrect hence, denied. Because, the respondent department has no grudges or ill-will against the appellant. Therefore, stance of the appellant regarding enquiry in sheer violation of law is devoid of any legal footing.
8. Correct to the extent that the appellant was issued final show cause notice and after providing ample opportunities for defending himself during the course of enquiry as well as he was also heard in person through Orderly Room but the appellant failed to prove his innocence while rest of the para is incorrect. Because the appellant was issued final show cause notice vide No. 435/PA, dated 05-12-2018 and till the order of dismissal i.e 07-01-2019 the appellant did not bother to submit his reply for the reasons that he had nothing to offer in his defense. Hence, he propounded this tailored one story which has no footing to stand on.
9. Correct to the extent that the appellant approached appellate authority by filing departmental appeal and the appellate authority also provided full-fledged opportunity of defending himself through Orderly Room but the appellant has bitterly failed to produce any cogent proof regarding his innocence while rest of the para regarding filing of revision petition before the Inspector General of Police, Khyber Pakhtunkhwa pertains to record, needs no comments.
10. That the order ~~passed~~ competent authority as well as by the appellate authority is in accordance with law, facts and principles


of justice hence, the same is liable to be maintained on the following grounds amongst the others.

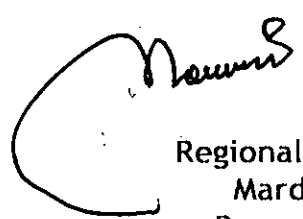
GROUNDS


- A. Para is incorrect. As discussed earlier, the respondent department has no grudges or ill-will against the appellant therefore, stance of the appellant regarding treatment against law, rules and violation of article of grund norm is totally baseless hence, denied.
- B. Incorrect. As discussed earlier, during the course of enquiry all legal and codal formalities were fulfilled and the appellant was provided ample opportunities to defend himself, but to no avail. Hence, in order to save his skin, he propounded the instant cooked one story which is completely devoid of any merit.
- C. Incorrect. Neither the competent authority has overlooked the important aspect of the case nor has awarded the appellant harsh and extreme penalty rather after taking into consideration, the entire material available on record, the appellant was awarded appropriate punishment which does commensurate with the gravity of misconduct of appellant.
- D. Para already explained hence, no comments.
- E. That the appellant while posted as SHO Police Station, Nizampur conducted raid over notorious P.Os namely Gul Muhammad alias Gulmati, Zard Ali Shah sons of Momin Shah and Daud s/o Gulmati as a result of which constable Nazir Hussain No. 826 got hit and embraced martyrdom while SPO Noorul Wahab No. 03 received built injuries therefore, a case vide FIR No. 105 dated 03-09-2018 u/s 302/324/353/427/34 PPC/7ATA Police Station, Nizampur was registered. Hence, in order to ascertain facts vide above quoted FIR, preliminary enquiry was conducted through ASP Cantt: Nowshera who after probing into the matter, submitted his report wherein the enquiry officer has suggested for initiation of departmental proceeding against the appellant. Therefore, the appellant was proceeded against departmentally through DSP Hqrs: Nowshera who during the course of enquiry fulfilled all legal and codal formalities. Keeping in view the above, plea taken by the appellant is not plausible because the respondent department has no grudges/ill-will against the appellant therefore, stance of appellant by making him scapegoat is devoid of any legal footing.

- F. Correct to the extent that the appellant was awarded major penalty of reduction in rank from the post of Sub Inspector to his substantive rank of Assistant Sub Inspector of Police which does commensurate with the gravity of misconduct of appellant. Therefore, order passed by the competent authority as well as appellate authority is in consonance with the legal norms of justice.
- G. Para to the extent of conducting raid and eradicating evils from the root of society is correct hence, no comments while rest of the para is not plausible because the appellant bitterly failed to take precautionary measures at the time of conducting raid.
- H. Incorrect. That the orders passed by competent authority as well as appellate authority are in accordance with law, facts, and norms of natural justice hence, tenable in the eye of law.
- I. Incorrect. The orders passed by the competent authority and that of appellate authority are speaking one hence, liable to be maintained.
- J. Para already explained needs no comments.
- K. The respondents also seek permission of this Honourable Tribunal to advance additional grounds at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of above submissions the appeal of the appellant may very kindly be dismissed with cost.


 Provincial Police Officer,
 Khyber Pakhtunkhwa,
 Peshawar.
 Respondent No.1


 Regional Police Officer,
 Mardan Region
 Respondent No.02


 District Police Officer,
 Nowshera.
 Respondent No.03

(5)

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 369/2019

Behroz Khan Assistant Sub-Inspector Police Lines, District Nowshera.

.....Appellant


V E R S U S


1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. District Police Officer, Nowshera.


.....Respondents

AFFIDAVIT

We the respondents do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No.1


Regional Police Officer,
Mardan Region
Respondent No.02


District Police Officer,
Nowshera.
Respondent No.03

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

Service Appeal No. _____/2019

1. Behroz Khan Assistant Sub-Inspector Police Line, District Charsadda.

APPELLANT

VERSUS

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa.
2. The Deputy Inspector General of Police, Mardan Region, Mardan.
3. The District Police officer, Nowshera.

RESPONDENTS

**REJOINDER ON BEHALF OF
APPELLANT IN THE ABOVE
CAPTIONED APPEAL**

RESPECTFULLY SHEWETH,

PRELIMINARY OBJECTIONS

- 1-5. All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped by their own conduct to raise any objection.

ON FACTS

1. Para-1 is incorrect as the respondents were legally bound to have scanned the relevant record and confirmed the real position in respect of appellant. But they took no pain and beat around the bush. Hence, Para is deemed as admitted by them.

2. No rejoinder is offered as Para is admitted as correct by the respondents.
3. Same reply as offered in Para-2 above.
4. Para-4 is incorrect and that of appeal is correct.
5. In response to Para-5, it is stated that both the inquiries (preliminary inquiry and regular inquiry) have not been conducted in a manner prescribed by law as neither any witness was examined in the presence of appellant nor he was provided any opportunity of cross examination. Similarly, he was also not provided any chance to produce his defence in support of his version. The above defect in enquiry proceeding is sufficient to declare entire process as sham and distrustful. Right of fair trial is a fundamental right by dint of which a person is entitled to a fair trial and due process of law. The appellant has been deprived of his indispensable fundamental right of fair trial as enshrined in **Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973**. It is curious to note that the right of cross-examination of appellant was exercised by the Enquiry Officer and as such he has committed gross-illegality on this count. Therefore, the findings of the Enquiry Officers are perverse and are not sustainable under the law. Hence, the impugned orders passed on the basis of such findings are against the spirit of administration of justice
6. Para-6 is incorrect, misconceived and is denied as the reply furnished by appellant in support of his view point was based on sound reasons and correct appreciation of law. But the Competent Authority did not bother to consider it in its true perspective and also in accordance with law.
7. Para-7 is incorrect and detail reply offered in Para-5 and 6 respectively.
8. Para-8 is incorrect and that of appeal is correct.

9. Para-9 is incorrect, misleading and hence, denied as departmental appeal was decided on flimsy grounds as well as misconception of law. Moreover, the respondent No. 1 was legally bound to have decided his revision petition but he failed to do so.
10. Para-10 is incorrect as both the orders were passed against the spirit of administration of justice.

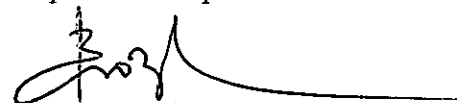
ON GROUNDS

- A. Para-A is incorrect and that of appeal is correct.
- B. Para-B is incorrect and detail reply furnished in Para-5 of the facts above.
- C. Para-C is incorrect and that of appeal is correct.
- D. Para-D is incorrect and that of appeal is correct.
- E. Para-E is also incorrect and that of appeal is correct.
- F. Para-F is incorrect and that of appeal is correct.
- G. Same reply as offered in Para-10 of the facts above.
- H. Para-H is incorrect and that of appeal is correct.
- I. Same reply as furnished in Para-10 of the facts above.
- J. Para-J is incorrect and that of appeal is correct.
- K. Arguments are restricted to the positions taken in the pleadings.

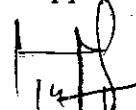
It is therefore, respectfully prayed that while considering the above rejoinder, the appeal may kindly be accepted with special costs.

Through

Dated: 03-09-2019



Appellant



Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar.

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

Service Appeal No. _____ /2019

1. Behroz Khan Assistant Sub-Inspector Police Line, District Charsadda.

APPELLANT

VERSUS

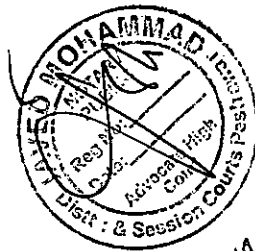
1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa and others.

RESPONDENTS

AFFIDAVIT

I, Behroz Khan Assistant Sub-Inspector Police Line, District Charsadda do hereby solemnly affirm and declare that the contents of the accompanied rejoinder are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

ATTESTED



04 SEP 2019

DEPONENT