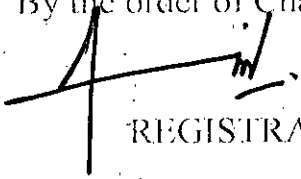


FORM OF ORDER SHEET

Court of _____

Appeal No. 93/2024

S.No.	Date of order, proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/01/2024	<p>The appeal of Mr. Ihtisham resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

The appeal of Mr. Ihtisham received today i.e on 01.01.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Memorandum of appeal is not signed by the appellant.
- 4- Affidavit is not attested by the Oath Commissioner.
- 5- Annexures of the appeal are unattested.
- 6- Annexures-A, B, C, D and F-of the appeal are illegible.
- 7- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 13 /S.T,

Di. 2/1 /2024.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv.
High Court Peshawar.

Respected Sir,

1- Removed

2- Removed

3- Removed

4- Removed

5- Removed

6- Annexure A, B, C, D and better copy of Annexure-F is prepared

7- Removed

Resubmitted after compliance



8/01/2024.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 93 /2023

Ihtisham

V/S


Police Department

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S.No.	Documents	Annexure	Page No.
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2.	Affidavit	-----	05
3.	Copies of charge sheet, statement of allegations and reply to charge sheet	A&B	06-08
4.	Copy of inquiry report	C	09
5.	Copies of show cause notice and reply to show cause notice	D&E	10-11
6.	Copies of order dated 18.05.2023 and order dated 06.06.2023	F&G	12-14
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THROUGH:

APPELLANT


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
03339390916

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 93 /2024

Khyber Pakhtunkhwa
Service Tribunal

Entry No. 10140

Dated 1-1-2024

Ihtisham, Ex-Constable No. 3173,
FRP, Peshawar Range.

(APPELLANT)

VERSUS

1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
2. The Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent of Police FRP Peshawar Range, Peshawar.
4. The Superintendent of Police Headquarter, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 12.06.2023, WHEREBY THE APPELLANT WAS DISMISSED FROM THE SERVICE AND AGAINST THE ORDER DATED 06.09.2023, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS AND AGAINST NOT TAKING ACTION ON THE REVISION OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

4
5/1/24

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 12.06.2023 AND 06.09.2023 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed in the respondent department as Constable in the year 2018 and has performed his duty with devotion and honesty, whatsoever, assigned to him and no complaint has been filed by his superiors regarding his performance.
2. That the appellant was posted at Concertina Point Main Gate-1 security in Police Lines when the horrible incident of suicide attacked occurred in the Masjid of Police lines Peshawar. It is pertinent to mention here that there are 02 Gates for entrance to Police Lines from the side of Police Station Sharqi where many officials deploy for security purpose from Gate No.2 to Gate No.1 and on the day of incident, 13 officials have assigned security duty at Main Gate-1.
3. That on the basis of above incident, charge sheet along with statement of allegations were issued to the appellant which was properly replied by the appellant in which he denied the allegations and mentioned that the concertina wire was not present and he was performing his duty efficiently and did not show any negligence, irresponsibility and cowardice and also clearly mentioned in his reply that in Police Lines different units of Police Officials are performing their duty and no direction has given to him to also check uniformed personal as in the video it shows that suicide bomber was entered to the Police Line in Police uniform. **(Copies of charge sheet, statement of allegations and reply to charge sheet are attached as Annexure-A&B)**
4. That on the basis of above allegation inquiry was conducted against the appellant, however, no opportunity of defence was provided to the appellant as neither statement were recorded in the presence of the appellant nor gave him opportunity of cross examination, but despite that the inquiry officer found him guilty on presumption basis. **(Copy of inquiry report is attached as Annexure-C)**
5. That final show cause notice was issued to the appellant which was replied by the appellant in which he again denied the allegations and gave the same stance as given in reply to the charge sheet. **(Copies of show cause notice and reply to show cause notice are attached as Annexure-D&E)**
6. That on the basis of above allegation and without conducting regular inquiry to dig out the reality about the allegations, the appellant was dismissed from service by the respondent No.4 vide order dated 18.05.2023, however, as the appellant was the employee of FRP and but he was lent to CCP Peshawar and being the employee of RFP, the penalty imposed upon the appellant by respondent No.4 Peshawar was illegal, therefore, the respondent No.2 withdraw the order dated 18.05.2023 and directed the respondent No.3 to decide the case of the

appellant after proper opportunity to the appellant vide order dated 06.06.2023. (Copies of order dated 18.05.2023 and order dated 06.06.2023 are attached as Annexure-~~F&G~~)

- 7. That with ^{out} providing opportunity of defence, the appellant was again dismissed from service by respondent No.3 vide order dated 12.06.2023. The appellant filed departmental appeal on 16.06.2023, which was rejected on 06.09.2023 and then he filed revision on 06.09.2023, which was not responded within the statutory period of ninety days. (Copies of order dated 12.06.2023, departmental appeal, rejection order dated 06.09.2023 and revision are attached as Annexure-H, I, J & K.)
- 8. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUNDS:

- A) That the orders dated 12.06.2023 and 06.09.2023 are against the law, rules, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That no proper and regular inquiry was conducted against the appellant as no proper opportunity of defence was provided to the appellant neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, which is violation of law and rules and as such the impugned orders are liable to be set aside.
- C) That on the day of incident 13 officials have assigned security duty at Main Gate-1 and departmental proceeding was also initiated them, but no adverse order has been against them, but only the appellant along with other official namely Ilyas Khan was dismissed from service, which means that the appellant was discriminated, which is clear violation of Article-25 of the Constitution of Pakistan.
- D) That there are 02 Gates for entrance to Police Lines from the side of Police Station Sharqi, where many officials deploy for security of the Police Line from Gate No.2 to Gate No.1 and in video shows that the suicide bomber was entered to Gate No.2 from the side of PS Sharqi and the suicide bomber can be stopped at Gate No.2 before entering to Gate No.1 by the officials deployed at Gate No.2 and the departmental proceeding was also initiated against them, but no adverse order has passed against them, but only the appellant was held responsible and made scape goat by imposing the major punishment of dismissal from service which is against the norms of justice and fair play.

4

- E) That in Police Lines different units of Police Officials are performing their duty and the suicide bomber shown in video wearing Police uniform, but no direction has given to the appellant to also check Police Officials and as such due to fault of the department the appellant should not be suffered by not giving direction of checking every person including police officials.
- F) That the appellant clearly mentioned in his reply to charge sheet that he was performing his duty efficiently and did not show any negligence, irresponsibility and cowardice during performing his duty and denied the allegation leveled against him, but the inquiry officer without observing reply to charge sheet and without conducting regular and proper inquiry found him guilty.
- G) That the opportunity of proper defense was not provided to the appellant, which is against the spirit of Article 10-A of the Constitution.
- H) That the appellant has been condemned unheard and has not been treated according to law and rules.
- I) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that on the acceptance of this appeal, the order dated 12.06.2023 and 06.09.2023 may please be set aside and the appellant may kindly be reinstated into service with all back and consequential benefits. Any other remedy which this august tribunal deems fit and appropriate that may also be awarded in favour of appellant.

THROUGH:


APPELLANT
Ihtisham


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____ /2023

Ihtisham

V/S

Police Department

AFFIDAVIT

I, Ihtisham Ex-Constable No. 3173, FRP, Peshawar, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.


DEPONENT

6

"A"

CHARGE SHEET

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, do hereby, charge you Constable Ihtisham No.3173/FRP of Capital City Police Peshawar with the following allegation.

"That on 30.01.2023, you Constable Ihtisham No.3173/FRP while posted at Concertina Point Main Gate-1 security Malak Muhammad Saad Shaheed Police Lines Peshawar have miserably failed to check and stop the entry of suspected suicide bomber into Police Lines. In this horrible incident more than 80 Police officers/officials have been martyred and hundreds have been injured. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit to this office or the Enquiry Officer your written reply within 07-days of the receipt of this charge sheet.

Your written defence, if any, should reach this office or the Enquiry Officer within the specified period, failing which it shall be presumed that you have nothing to put in your defence and in that case an ex-parte action shall follow against you.

Intimate whether you desire to be heard in person

A statement of allegation is enclosed.

SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

7

DISCIPLINARY ACTION

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Ihtisham No.3173/FRP has rendered himself liable to be proceeded against under the provision of Police Disciplinary Rules-1975

STATEMENT OF ALLEGATION

"That on 30.01.2023 Constable Ihtisham No.3173/FRP while posted at Concertina Point Main Gate-1 security Malak Muhammad Saad Shaheed Police Lines Peshawar has miserably failed to check and stop the entry of suspected suicide bomber into Police Lines. In this horrible incident more than 80-Police officers/officials have been martyred and hundreds have been injured. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and Mr. Muhammad Sultan Sher is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

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

SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 06 /E/PA, dated Peshawar the 04/2 2023

1. DSr W. Tsw is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975

2. Official concerned

8

جناب عالی؛

B

بحوالہ مشمولہ چارج شیٹ نمبری 06/E/PA معروض خدمت ہوں کہ میں FRP پشاور ریجن کی طرف سے CCP لائن پشاور
04-02-2023
میں گیٹ 1 پر کرسٹینا تار لگانے اور ہٹانے پر ڈیوٹی سرانجام دے رہا ہوں جبکہ امروز میں گیٹ 1 پر کرسٹینا تار موجود نہ تھی پھر بھی میں نے
اپنی ڈیوٹی پوری ایمانداری سے سرانجام دی ہے پولیس لائن پشاور میں مختلف یونٹ تعینات ہیں جن میں ریزرو پولیس، CTD، ٹیلی ایلیٹ
فورس، ڈسٹرک پشاور، سینٹرل یونٹ، ریفریشنگ کورس تلاشی وغیرہ نہیں کجاتی تھی اور نہ ہی باوردی پولیس کی تلاشی کے بارے میں ہدایات
افسران بالا کی طرف سے موصول نہیں ہوئی۔

جہاں تک پولیس لائن میں مسجد دھماکے کا تعلق ہے تو اس بارے میں خدا بہتر جانتا ہے کہ یہ واقعہ کیسے رونما ہوا۔
علاوہ ازیں میں حلقہ اور قسما بیان کرتا ہوں کہ اگر یہ خودکش مجھے معلوم ہوتا یا مجھے اس پر شک پڑتا تو اگر میں 100 ٹکڑے ہوتا
تو تب بھی اسے جانے نہیں دیتا۔

اس لیے عرض گزار ہوں کہ میں بلکل بے گناہ ہوں اور اپنے بچوں کا واحد کفیل ہوں اس سگین اور خوریز حادثہ سے بری الزمہ قرار
دیگر مشکور فرماویں۔
دعا گو رہوں گا

آپ کا تابعدار کنسٹیبل احتشام الحق 3173 F.R.P پشاور ریجن

مورنہ 21/02/2023

03429065078



9

OFFICE OF THE
DY: SUPERINTENDENT OF POLICE
SUBURB PESHAWAR.
091-2569997

No. 02/E/PA

dated 06/08/2023

To: Superintendent of police HQrs,
CCP, Peshawar.

Subject: DEPARTMENTAL ENQUIRY REPORT

Memo:

Kindly refer your good self Office Diary No. 06/E/PA, dated 04-02-2023 (attached in original).

Background:

The above memo Enquiry was marked to the under signed to dig out the actual facts about the role of FC Ihtisham No. 3173 FRP in the aftermath of miserably failing to check and stop the entry of suspect suicide bomber into the Main Gate No. 1 at Police Lines on dated 30-01-2023; which resulted in the loss of more than 80 police officers/ officials as envisaged in Charge Sheet issued to him vide the above quoted Memo.

During the course of enquiry, the concerned official was called to the office and was heard patiently. He also submitted written reply to the Charge Sheet and was cross questioned.

Statement of Alleged official:

FC Ihtisham No. 3173 FRP stated in his written statement that he was deputed on Concertina Point Main Gate No. 1 (exit) where the concertina wire was not installed. He further showed ignorance from the entry of any suspect from the point where he was deputed.

Critical Analysis of Statement:

During the cross questioning, he failed to satisfy the E.O. suggesting that he is not in a position to face the questioned raised during the session rather he was not present on the duty point as seen in the video recorded at 1238 hrs.

Findings:

Keeping in view the above position of alleged official as well the cross questions faced by him during enquiry, it has been established that the alleged constable was deputed keeping close watch on suspects and he left his point of duty at that specific time.

Conclusion:

In the bottom lines of this enquiry and as Enquiry Officer, I am of the view that FC Ihtisham No. 3173 FRP has been found guilty in the matter at hand.


Sub Divisional Police Officer
Suburb Sub Division
Peshawar

10

"D"

FINAL SHOW CAUSE NOTICE

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Ihtisham No.3173/FRP the final show cause notice.


The Enquiry Officer, SDPO Suburb, after completion of departmental proceedings, has declared you guilty for the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you Constable Ihtisham No.3173/FRP deserve the punishment in the light of the above said enquiry report.

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

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 06 /PA, SP/HQrs: dated Peshawar the 14-4-2023.

Copy to official concerned

بخدمت جناب ایس پی ہیڈ کوارٹر صاحب پشاور

عنوان: تحریری دفاع بجناب آخری وجوہ نوٹس؛

جناب عالی؛

بحوالہ چھٹی نمبر 06/PA/SP/HQRS مورخہ 14.04.2023 بسلسلہ آخری وجوہ نوٹس معروض خدمت ہوں کہ میں FRP

پشاور ریجن کی طرف سے CCP لائن پشاور مین گیٹ 1 پر کرسٹینا تار لگانے اور ہٹانے پر ڈیوٹی سرانجام دے رہا تھا جبکہ امروز میں گیٹ 1 پر کرسٹینا تار موجود نہ تھی پھر بھی میں نے اپنی ڈیوٹی پوری ایمانداری سے سرانجام دی ہے اور میں نے کسی قسم کی غفلت، لاپرواہی اور بزدلی کا مظاہرہ نہیں کیا ہے پولیس لائن پشاور میں مختلف یونٹ تعینات ہیں جن ریزرو پولیس، CTD، ٹیلی ایلٹی فورس، ڈسٹرک پشاور، سپیشل یونٹ، ریفریشر کورس اور اسکے علاوہ دیگر پولیس اہلکار باوردی پولیس لائن میں آتے جاتے ہیں جن کی کوئی تلاشی وغیرہ نہیں کجاتی تھی اور نہ ہی باوردی پولیس کی تلاشی کے بارے میں ہدایات افسران بالا کی طرف سے موصول نہیں ہوئی۔

جناب عالی، جہاں تک پولیس لائن میں مسجد دھماکے کا تعلق ہے تو اس بارے میں خدا بہتر جانتا ہے کہ یہ واقعہ کیسے رونما ہوا۔ علاوہ ازیں میں حلفاً اور قسماً بیان کرتا ہوں کہ اگر یہ خود کش مجھے معلوم ہوتا یا مجھے اس پر شک پڑتا تو اگر میں 100 لکڑے ہوتا تو تب بھی اسے جانے نہیں دیتا۔

اس لیے عرض گزار ہوں کہ میں بالکل بے گناہ ہوں اور اپنے بچوں کا واحد کفیل ہوں اس سنگین اور خونریز حادثہ سے برای الزمہ قرار دیگر مشکور فرماویں۔

دعا گو رہوں گا

آپ کا تابعدار کنشیل احتشام الحق 31 73 F.R.P پشاور ریجن

مورخہ 19/04/2023

03429065078

ORDER

This is a formal departmental proceedings against Constable Ihtisham No. 3173/FRP on the allegations/charges that he while posted as Concertina Point Main Gate 1 security malik saad Muhammad Saad Shaheed Police Line Peshawar has miserably failed to check and stop the entry of suspected suicide Bombs into Police Line on 30.01.2023 in this horrible incident more than 80 Police officers/officials and hundreds have been injured.

In this regard he was issued charged sheet and summary of allegation, SDPO Suburb was appointed as E.O. He conducted the inquiry and submitted his report/finding that alleged official found guilty vide Report No. 02-E/PA dated 30.03.2023.

Upon the further of E.O he was issued final show cause notice to which he received and replied.

He was heard in person. He states that he was recruited in 2018 in CCP Peshawar as his domicile District in Peshawar. That he was transferred to FRP Peshawar range and deputed to CCP for duty. Before his transfer he was allotted belt No. 5225.

Further stated that on 30.01.2023, he was performing duty on concertina wire at main gate and where entry of pedestrians & vehicles was banned. He could not prevent suicider from entry into Police Line through main gate and specifically through that point.

In this terrifying incident more than 80 Police Officers and civilian were martyred and more than 240 persons were critically injured. He could not prevent suicide entry gate of the main gate he was assigned to therefore, in exercise of the powers conferred upon his office under sub-rule (4) & (5) of Rule-5 being a lending authority under Rule-9 of Khyber Pakhtunkhwa Police Rules 1975, in light of the finding report and circumstances of the incident he is dismissed from service with immediate effect.

SUPERINTENDENT OF POLICE
HEADQUARTER, PESHAWAR

OB No. 1164/

Dated 18/5/2023

No. 1643-53/P/SP dated Peshawar the 18/05/2023

Copies to

1. The Capital City Police Officer Peshawar.
2. The SSP Operation & Coordination, Peshawar.
3. The Deputy Commandant, FRP KPK Peshawar.
4. The SP/FRP Peshawar, Range, Peshawar along with complete departmental file.
5. DSP/HQRS Peshawar.
6. AD-IT, CCP Peshawar.
7. Pay Officer, OASI, Peshawar.
8. Ihtisham, Ex- Belt No. 3173/FRP (Peshawar).

12

F

ORDER

This is a formal departmental proceeding against Constable Ihtisham No.3173/FRP on the allegations/charges that he while posted at Concertina Point Main Gate-1 security Malak Muhammad Saad Shaheed Police Lines Peshawar has miserably failed to check and stop the entry of suspected suicide bomber into Police Lines on 30.01.2023. In this horrible incident more than 80-Police officers/officials have been martyred and hundreds have been injured

In this regard, he was issued charge sheet & summary of allegation. SDPO Suburb was appointed as E.O. He conducted the enquiry & submitted his report/findings that the alleged official found guilty vide Enquiry Report No.02-E/PA, dated 30.03.2023.

Upon the finding of E.O, he was issued final show cause notice to which he received & replied.

He was heard in person. He states that he was recruited in 2018 in CCP Peshawar as his domicile is Peshawar. That he was transferred to FRP Peshawar Range & deputed to CCP for duty. Before his transfer he was allotted belt No.5225.

Further stated that on 30.01.2023, he was performing duty on concertina wire at main gate where entry of pedestrians & vehicles was banned. He could not prevent suider from entry into Police Lines through main gate & specifically through that point.

In this terrifying incident more than 80-Police officers and officials were martyred and more than 240 persons were critically injured. He could not prevent a suider at entry gate of the main gate he was assigned to. Therefore, in exercise of the powers conferred upon this office under sub-rules (4) & (5) of Rules-5 and being a lending authority under Rules-9 of Khyber Pakhtunkhwa Police Rules-1975, in light of the finding report & circumstances of the incident, he is dismissed from service with immediate effect.

**SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR**

OB No. 1164 /

Dated 18/5 /2023

No. 1654-64 /PA/SP/dated Peshawar the 18/5 /2023

Copies to:

1. The Capital City Police Officer, Peshawar.
2. The SSP Operation & Coordination, Peshawar
3. The Deputy Comandant, FRP KPK Peshawar
4. The SP FRP Peshawar Range, Peshawar along-with complete departmental file
5. DSP/HQrs, Peshawar.
6. AD-IT CCP, Peshawar.
7. Pay Officer, OAS, & CRC.
8. Ihtisham E-X No. 173 FRP (Peshawar Range)



13

FRONTIER RESERVE POLICE
KHYBER PAKHTUNKHWA, PESHAWAR
Ph: No. 091-9214114 Fax No. 091-9212602

4
G
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No. 5559-60/Sl Legal, dated 6/16/2023.

ORDER

This order will dispose of the dismissal orders in respect of IHC Muhammad Ilyas No. 2723 and Constable Ihlsham No. 3173 of FRP Peshawar Range, issued by the office of SP HQrs; CCP Peshawar, respectively vide order Endst: No. 1643-53 and vide No. 1654-64 PA/SP/dated 18.05.2023.

Brief facts of the case are that the delinquent officials were proceeded against departmentally, on the allegations that they while posted at main gate of Police Lines, Peshawar has miserably failed to check and stop the entry of suspected suicide bomber on 30.01.2023. During the course of enquiry, they were found guilty of the charges leveled against them and awarded major punishment of dismissal from service.

In this regard Police rules-1975 amended 2014 clause -9 provided that:-

Procedure of enquiry against officer lent to other government or authority.

- i. Where the services of police officer to whom these rules apply are lent to any other government or to a local or other authority, in this rule referred to as the borrowing authority, the borrowing authority shall have the power of the authority for the purpose of placing him under suspension or requiring him to proceed on leave and initiating proceedings against him under these rules.
- ii. Provided that the Borrowing Authority shall forthwith inform the authority which his lent is services, here in after this rule referred to as Lending authority, of the circumstances leading to order of his suspension or the commencement of the proceedings, as the case may be.
- iii. If in the light of the findings in the proceedings taken against the police officer in terms of sub-rule (1) the Borrowing Authority is of opinion that any punishment should be imposed on him, it shall transmit to the lending authority the record of the proceedings and there upon the lending authority shall take action as prescribed in these rules.

Besides, according to standing order No. 02/2014 the strength of FRP, which placed with the district, the operational command of the FRP strength so placed rest with the District Head of Police concerned, otherwise the Deputy Commandant and SPs FRP Ranges are the competent authorities and responsible for the general administration, welfare and discipline of the FRP strength placed in the region.

Keeping in view the above mentioned rules and circumstances, the SP HQrs; CCP Peshawar is not a competent authority to impose any punishment upon the officials concerned to FRP. Hence, the punishment orders passed by the office of SP HQrs; CCP Peshawar vide orders quoted above are found illegal and without lawful authority.

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Based on the findings narrated above, I, Commandant FRP, Khyber Pakhtunkhwa, Peshawar being the competent authority, the punishment orders in respect of IHC Muhammad Ilyas No. 2723 and constable Ihtisham No. 3173 of FRP Peshawar Range, passed by the Superintendent of Police, Headquarter CCP Peshawar quoted above are hereby withdrawn. However, the SP FRP Peshawar Range, Peshawar is hereby directed that in the light of enquiry, so far conducted by SP HQrs; CCP Peshawar decide the case in accordance with law, after providing fair opportunity of defense to the officials concerned with intimation to this office.

COMMANDANT
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

No. & Date Even:-

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

1. SP FRP Peshawar Range, Peshawar.
- ✓ 2. SP HQrs; CCP, Peshawar w/r to his office orders quoted above.

ORDER

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This order is passed to dispose of the De-novo Inquiry Proceedings initiated against Constable Ihtisham No.3173 of FRP Peshawar Range.

Brief facts of the case are that Constable Ihtisham No.3173 proceeded against proper departmentally, on the allegation that he while posted at main gate of Police Lines, Peshawar has miserably failed to check and stop the entry of suspected bomber on 30.01.2023. In this horrible incident more than 80-Police officers/Officials have been martyred and more than hundreds have been injured.

In this regard he was issued charge sheet along with summary of allegation vide SP/HQrs; CCP Peshawar No.06/E/PA, dated 04.02.2023 and SDPO Town Mr. Luqman Khan was appointed as Inquiry Officer. During the course of inquiry, the alleged officials found guilty in the charges levelled against him. Upon the finding of Inquiry Officer, he was issued Final Show Cause Notice to which he received and replied but his reply was found unsatisfactory. Therefore, he was awarded major punishment of dismissal from service vide SP/HQrs: CCP Peshawar Order No.1654-64/PA/SP dated 18.05.2023.

However, later on the above punishment order as according to standing order No.02/2014 the SP HQrs: CCP Peshawar is not a Competent Authority to impose any punishment upon the Officials of FRP. Therefore, the worthy Commandant FRP/KP Peshawar has been withdrawn vide Order No.5559-60/SI/Legal dated 06.06.2023 and the undersigned is directed to decide the case in accordance with law.

In the light of directions of the competent authority, the accused Constable was summoned in Orderly Room held on 09.06.2023 and heard in person, but he failed to present any justification regarding to his innocence.

Keeping in view all of the above facts as well as recommendation of E.O, therefore, I Rahmat Ullah superintendent of Police, FRP Peshawar Range, Peshawar the exercise of power vested upon me under 5(5) of Khyber Pakhtunkhwa Police Rules 1975 (amended in 2014) Constable Ihtisham No.3173 of FRP Peshawar range, is hereby award him Major Punishment of "Dismissal from Service" with immediate effect.

[Signature]
Superintendent of Police FRP,
Peshawar Range, Peshawar.

No.680-84/PA-dated Peshawar Range the 12.06.2023.

Copy of the above is forwarded to Worthy Commandant Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar for favor of information Please.

1. Superintendent of Police, HQrs: CCP Peshawar w/r to his Office Order No. No.1654-64/PA/SP dated 18.05.2023.
2. The Accountant FRP/PR
3. The SRC/FRP/PR.
4. The OASI/FRP/PR.

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بخدمت جناب کمانڈنٹ فرٹیر ریڈرو پولیس، پشاور
مضمون: ہتھیاروں کی پیدائش اور استعمال کے خلاف کارروائی اور پولیس کے ممبروں کی تربیت کے بارے میں
12.06.2023 جسکی بنیاد پر مسائل کو ملازمت سے برخواستہ کیا گیا ہے۔

جناب عالی!

مذکورہ گزارش ہے کہ مسائل حسب احکم افسران بالا مورخہ 30.01.2023 کو پولیس لائن کے مین گیٹ پر مع دیگر اہلکاران برائے ڈیوٹی
تعمیرات تھیں۔

۲- یہ کہ بد قسمتی سے اسی روز پولیس لائن مسجد میں بم دھماکہ ہو کر جسمیں کافی تعداد میں پولیس اہلکاران شہید اور زخمی ہو کر جس سے کافی صدمہ اور غم پیدا
ہوا۔

۳- یہ کہ اس سلسلہ میں ہمارے خلاف محکمانہ کارروائی ہو کر جسمیں من مسائل نے ٹھوس ثبوت پر مبنی اپنا تحریری بیان دیا۔

۴- یہ کہ دوران انکوائری مسائل کے خلاف کوئی مواد اکٹھا نہیں کیا گیا ہے۔ جسکی روشنی میں مسائل کو قصور وار گرداندہ جائے۔

۵- یہ کہ دوران انکوائری مسائل کو سماعت اور نہ ہی جرح کرنے کا موقع دیا گیا۔

۶- یہ کہ مسائل نے محکمہ پولیس میں تقریباً 5 سال بے داغ ملازمت انجام دی۔

۷- یہ کہ مسائل ایک غریب اور معزز خاندان کا ممبر ہے اور اس عملگین اور خوفناک حادثہ سے نسبت و منسوب کرنے سے مسائل انتہائی ذہنی پریشانی کا شکار
ہوا ہے۔

۸- یہ کہ مسائل ایک غریب اور مظلوم اہلکار ہے اور برخواستگی آرڈر سے موجودہ مہنگائی کے دور میں سخت معاشی بد حالی کا شکار ہوا ہے۔ بال بچہ وار ہے اور
بوڑھے والدین کی کفالت بھی مسائل کے ذمہ ہے۔

۹- یہ کہ مسائل حلقاً عرض گزار ہے کہ مسائل نے نہ کوئی غفلت کی ہے اور نہ ہی بزدلی کا مظاہرہ کیا ہے بلکہ دھماکہ سے پہلے اور بعد اپنی ڈیوٹی پر موجود رہا۔
اس لئے درخواست بحضور انور ہے کہ درج بالا حقیقت کی روشنی میں مسائل کو ملازمت پر دوبارہ بحال فرما کر برخواستگی کے حکم کو منسوخ کر کے منسکور
فرمائیں۔

عمر بھر دعا گو رہوں گا۔

العارض۔

مورخہ۔ 16/06/2023

آپکا تاجدار احتشام
Belt No. 3173/Constable FRP Peshawar

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ORDER

This order will dispose of the departmental appeal preferred by ex-constable Ihtisham No. 3173 of FRP Peshawar Range, against the order of SP FRP Peshawar Range, Peshawar issued vide Order Endst; No. 680-84/PA, dated 12.06.2023, wherein he was awarded major punishment of dismissal from service.

Brief facts of the case are that the delinquent constable was proceeded against departmentally on the allegations that he while posted at main gate of Police Lines, Peshawar has miserably failed to check and stop the entry of suspected suicide bomber on 30.01.2023, which he successfully targeted the Jamia Masjid of Police Line Peshawar.

In this regard, the above named accused official was issued Charge Sheet alongwith Summary of Allegations vide SP HQrs; CCP Peshawar No. 06/E/PA, dated 04.02.2023 and SDPO Town Mr. Luqman Khan was appointed as Enquiry Officer to conduct proper enquiry into the matter. After fulfilling necessary process, the Enquiry Officer submitted his finding report, wherein the accused constable was found guilty of the charges leveled against him.

Upon the finding of Enquiry Officer, he was issued Final Show Cause Notice, to which he replied, but his reply was found unsatisfactory. Hence, he was awarded major punishment of dismissal from service by the SP HQrs; CCP Peshawar vide his office OB No. 1164, dated 18.05.2023.

However, the above punishment order was found against Standing Order No. 02/2014 as well as Police Rules 1975 amended in 2014, which the SP HQrs; CCP Peshawar is not a competent authority to impose any punishment upon the official of FRP unit. Therefore, in the light of above rules the above punishment order has been withdrawn vide this office order Endst; No. 5559-60/SI Legal, dated 06.06.2023.

For completion of enquiry the above named accused IHC was summoned and heard in person in orderly room held on 09.08.2023 by the competent authority, but he failed to prove himself innocent.

Keeping in view all of the above facts as well as recommendation of Enquiry Officer, he was awarded major punishment of dismissal from service vide Order Endst; No. 680-84/PA, dated 12.06.2023.

Feeling aggrieved against the impugned order of SP FRP Peshawar Range, Peshawar, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 05.09.2023.

During the course of personal hearing, the applicant failed to present any justification regarding to his innocence. From perusal of enquiry file it has been found that the allegations leveled against the appellant were fully established by the Enquiry Officer during the course of enquiry. There doesn't seem any infirmity in the order passed by the competent authority, therefore no ground exist to interfere in same.

Based on the findings narrated above, I, Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being meritless.

Order Announced.

Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No. 8660-61/SI-Legal, dated Peshawar the 6/10/2023.

Copy of above is forwarded for information and further necessary action to the:-

1. SP FRP Peshawar Range, Peshawar. His service record alongwith D-file sent herewith.
2. Ex-constable Ihtisham No. 3173 FRP Peshawar Range S/o Hayat Ullah Jan R/o Village-Gari-Karim-Dad, Police-Station Daudzal, District Peshawar.

بخدمت جناب انسپکٹر جنرل آف پولیس (خیبر پختونخوا) سی پی او پشاور

موضوع: درخواست برائے بحالی ملازمت و بر خلاف آرڈر بک نمبر 8660-61/S Legal مورخہ 06-04-2023 جسکی

جسکی بنا پر سائل کو ملازمت سے برخواستہ کیا گیا ہے۔
جناب عالی!

مذکورہ گزارش ہے کہ سائل حسب الحکم افسران بالا مورخہ 30.01.2023 کو پولیس لائن کے مین گیٹ پر مع دیگر اہلکاران برائے ڈیوٹی تعینات تھا۔

۲- یہ کہ بد قسمتی سے اسی روز پولیس لائن مسجد میں بم دھماکہ ہو کر جسمیں کافی تعداد میں پولیس اہلکاران شہید اور زخمی ہو کر جس سے کافی صدمہ اور غم پیدا ہوا۔

۳- یہ کہ اس سلسلہ میں ہمارے خلاف محکمہ کارروائی ہو کر جسمیں من سائل نے ٹھوس ثبوت پر مبنی اپنا تحریری بیان دیا۔

۴- یہ کہ دوران انکوائری سائل کے خلاف کوئی مواد اکٹھا نہیں کیا گیا ہے۔ جسکی روشنی میں سائل کو قصور وار گردانہ جائے۔

۵- یہ کہ دوران انکوائری سائل کو سماعت اور نہ ہی جرح کرنے کا موقع دیا گیا۔

۶- یہ کہ سائل نے محکمہ پولیس میں تقریباً 5 سال بے داغ ملازمت انجام دی۔

۷- یہ کہ سائل ایک غریب اور معزز خاندان کا ممبر ہے اور اس غمگین اور خوفناک حادثہ سے نسبت و منسوب کرنے سے سائل انتہائی ذہنی پریشانی کا شکار ہوا ہے۔

۸- یہ کہ سائل ایک غریب اور مخلص اہلکار ہے اور برخواستگی آرڈر سے موجودہ مہنگائی کے دور میں سخت معاشی بد حالی کا شکار ہوا ہے۔ بال بچہ دار ہے اور بوڑھے والدین کی کفالت بھی سائل کے ذمہ ہے۔

۹- یہ کہ سائل حلقاً عرض گزار ہے کہ سائل نے نہ کوئی غفلت کی ہے اور نہ ہی بزدلی کا مظاہرہ کیا ہے بلکہ دھماکہ سے پہلے اور بعد اپنی ڈیوٹی پر موجود رہا۔ اس لئے درخواست بحضور انور ہے کہ درجہ بالا حقیقت کی روشنی میں سائل کو ملازمت پر دوبارہ بحال فرما کر برخواستگی کے حکم کو منسوخ کر کے مشکور فرمائیں۔

عمر بھر دعا گور ہوں گا۔

العارض۔

مورخہ۔ 06/09/2023

آپکا تاجدار احتشام Belt No. 3173/(Ex-Constable) FRP Peshawar

19

VAKALAT NAMA

NO. _____/2023

IN THE COURT OF KP Service Tribunal, Peshawar

Ibrahim

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Department

(Respondent)
(Defendant)

I/We, Ibrahim

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2023

Ibrahim
(CLIENT)

ACCEPTED



TAIMUR ALI KHAN
Advocate High Court

BC-10-4240
CNIC: 17101-7395544-5
Cell No. 03339390916