


20.12.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief of the instant appeal. Adjourned. To come up for arguments before the D.B on 04.04.2022.


(Atiq Ur Rehman Wazir)
Member (E)


Chairman

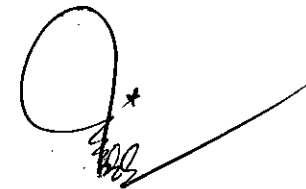
04th April, 2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

2. Learned counsel for the appellant requests for withdrawal of the appeal unconditionally. As a token of admission of his submission he signed the margin of order sheet. In view of the above, the appeal is dismissed as withdrawn. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 04th day of April, 2022.


4/4/22


(MIAN MUHAMMAD)
Member(E)


(KALIM ARSHAD KHAN)
Chairman



31/12.2020

Due to summer vacation, case is adjourned to
18.3.2021 for the same as before.



Reader

18.03.2021

Syed Numan Ali Bukhari Advocate on behalf of learned counsel for the appellant and Addl. AG alongwith Muhammad Fayaz, H.C for the respondents present.

Former states that learned counsel for the appellant is indisposed today and requests for adjournment. Adjourned to 20.05.2021 for hearing before the D.B.

The appellant shall provide a copy of complete brief well before the date next fixed.


(Salah-ud-Din)
Member (J)

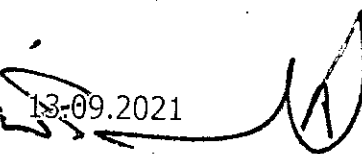

Chairman

20.5.21

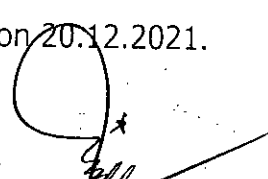
*Due to COVID 19, the case is
adjourned to 13.9.2021 for the
same.*



Reader

13-09.2021


Counsel for the appellant present. Mr. Riaz Khan Paindakheil, Assistant Advocate General for the respondents present.

Counsel for the appellant requested for adjournment on the ground that he has not prepared the brief of the instant appeal. Adjourned. To come for arguments before the D.B on 20.12.2021.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

13.11.2020

Nemo for the appellant, Mr. Kabirullah Khattak, Additional Advocate General and Mr. Fayaz, Head Constable, for the respondents are present.

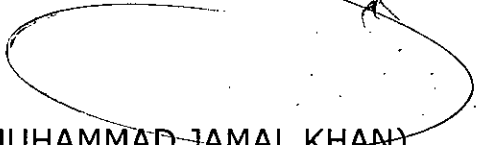
Representative of the department submitted written reply on behalf of respondents No. 1 to 4, which is made part of record. File to come up for rejoinder and arguments on 31.12.2020 before D.B.



(Muhammad Jamal Khan)
Member (Judicial)

23.07.2020

Neither security and process fees have been deposited by the appellant nor the appellant himself is present in the Tribunal today. Fresh notices be issued to appellant/learned counsel through registered post for attendance and deposition of security and process fee. To come up for further proceedings on 21.09.2020 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER

21.09.2020

Counsel for the appellant present.

After admission of appeal the appellant has deposited security and process fee but notices alongwith copy of memorandum of appeal and others documents have not been served upon the respondents. The requisite notices be issued to the respondents for submission of reply/comments on 09.10.2020 before S.B.


Chairman

09.10.2020

Appellant alongwith counsel and Addl. AG alongwith Fayyaz, H.C for the respondents present.

Representative of the respondents seeks further time to submit reply/comments. Adjourned to 13.11.2020 on which date the requisite reply shall be submitted without fail.


Chairman

Appeal No. 1152/2019

06.02.2020

Nemo for the appellant.

Security and process fee have not been deposited. Fresh notices be issued to appellant/learned counsel through registered post. To come up for further proceedings on 24.03.2020 before S.B.



(Ahmad Hassan)
Member

24.03.2020

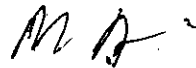
Due to public holidays on account of Covid-19; the case is adjourned. To come up for the same on 15.06.2020 before S.B.



Reader

15.06.2020

Clerk to counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondent submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit the written reply on the next date positively. Adjourned to 23.07.2020 for written reply/comments before S.B.



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

23.10.2019

Counsel for appellant present.

Contends that the order dated 10.02.1998 awarding penalty against the appellant by stopping of one (01) increment, without cumulative effect, was not conveyed to him at the relevant time. No departmental proceedings were taken before the issuance of impugned order by the respondents. In response to the question regarding delay in submission of departmental appeal against the impugned order, it was contended that the matter pertains to increment in monthly salary of the appellant, therefore, he had recurring cause of action and period of limitation was to be disregarded in the circumstances of the case.

21/12/2019

Appellant Deposited
Security & Process Fee

The appeal is admitted subject to all just exceptions in view of arguments by learned counsel and the available record. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/ comments on 24.12.2019 before S.B.



Chairman

24.12.2019

None for the appellant present. Addl: AG for respondents present. Notices be issued to the appellant and his counsel. Adjourned. To come up for further proceedings on 06.02.2020 before S.B.

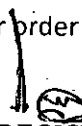


Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1152/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/09/2019	<p>The appeal of Mr. Muhammad Ashfaq presented today by Mr. Muhammad Arif Jan 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 <u>17/9/19</u> </p>
2-	18/09/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/10/19</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 1152 /2019

Muhammad Ashfaq, Constable No.218,
Nowshera District Police, Nowshera.....Appellant

VERSUS

Deputy Inspector General of Police,
Regional Police Officer, Mardan & others....Respondents

I N D E X

S.No.	Description of documents.	Annexure	Dated
1.	Memo of appeal with affidavit.		1-4
2.	Addresses of parties		5
3.	Copy of relevant page of service book	A	6
4.	Copy of order dated 10.02.1998 from the relevant page of service book <i>with better copy</i>	B	7-8
5.	Copy of memo of appeal and order dated 22.08.2019	C-D	9-10
6.	Wakalatnama		11

Appellant
Through 
Muhammad Arif Jan
Advocate High Court
Cell: 0333-2212213

Dated: 17.09.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 1152 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1262

Dated 17/9/2019

Muhammad Ashfaq, Constable No.218, Nowshera
District Police, Nowshera.

.....Appellant

VERSUS

1. Deputy Inspector General of Police, Regional Police Officer, Mardan
2. Superintendent of Police FRP, Peshawar.
3. District Police Officer, Nowshera.
4. Inspector General of Police, Police Headquarters, Police Line, Peshawar.

.....Respondents

SERVICE APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST IMPUGNED ORDER DATED 22.08.2019 PASSED BY RESPONDENT NO.1, WHEREBY THE ORDER DATED 10.02.1998 WAS MAINTAINED AND APPEAL OF THE APPELLANT WAS DISMISSED BEING WELL WITHIN TIME.

Filed to-day
Registrar
17/9/19

PRAYER

On acceptance of this instant appeal, the impugned order dated 22.08.2018 and order dated 10.02.1998 passed by respondents No.1 & 2 respectively may very graciously be set-aside and appellant be granted one year approved service alongwith arrear of stoppages of one year increments alongwith all back benefits

2

Respectfully Sheweth:-

Appellant humbly submits as under

- 1) That the appellant was initially appointed as Constable in FRP, Peshawar vide order dated 05.07.1994. (Copy of relevant page of service book is Annex "A")
- 2) That appellant was then transferred to District Police Office, Nowshera as a regular in the year 2001.
- 3) That the appellant completed his service with unblemished record and then submitted application for LPR, but was stunned, when the impugned order dated 10.02.1998 was brought into the knowledge regarding the forfeiture of one year approved service and stoppages of one year increment without accumulated effect. (Copy of order dated 10.02.1998 from the relevant page of service book is Annex "B")
- 4) That the appellant immediately filed an appeal before respondent No.1 on 31.07.2019, but the same was not entertained and filed vide impugned order 22.08.2019. (Copy of memo of appeal and order dated 22.08.2019 are Annex "C & D")
- 5) That being aggrieved of the impugned orders, the appellant approaches this Hon'ble Tribunal on the following grounds:-

GROUND

- A. Because the orders dated 22.08.2019 and 10.02.1998 (hereinafter impugned) passed by respondents No.1 & 2 respectively against the appellant are patently illegal, unlawful, without lawful authority, of no legal effect, hence having no value in the eyes of law, thus be set-aside and grant / count one year approved service alongwith one year increment into the services of appellant for his pension and pensionary benefits.
- B. Because, the impugned order dated 10.02.1998 is against the law/ rules and regulation governing the subject matter, as the appellant was neither communicated regarding the same, nor any

3

inquiry been conducted, furthermore, no any show cause notice or statement of allegation or personal hearing been carried out, which is violation of law and police rules.

- C. Because, the appellant in fact unaware of the impugned order dated 10.02.1998, but at the time he filed an application for LPR, after completion of about 25 years of service, was stunned, when came to know by the concern office, hence the instant appeal.
- D. Because, the delay if any in filing titled appeal is/ was not on the part of appellant, but rather it was the negligence of the then authority to communicate or hold proper procedure, hence the valuable rights of appellant in shape of pension and pensionary benefits are involved in the case in hand, thus needs consideration of this hon'ble Tribunal.
- E. Because, the respondent No.1 also badly failed, while passing the impugned order dated 22.08.2019, as neither perused the record nor heard the appellant in person, but impugned order passed merely on the basis of limitation and this act of the respondents is also against the directives of the august Supreme Court of Pakistan, that one should not be deprived from his legal right mere on the grounds of technicalities.
- F. Because, the financial benefits / rights are been involved from which the appellant has been deprived for no any good reason and justification.
- G. That any other ground, which has not specifically been mentioned may also be permitted to raise at the of hearing.

It is therefore, humbly prayed, On acceptance of this instant appeal, the impugned order dated 22.08.2018 and order dated 10.02.1998 passed by respondents No.1 & 2 respectively may very graciously be set-aside and appellant be granted one year approved service alongwith arrear of stoppages of one year increments alongwith all back benefits

4

Any other relief which this hon'ble Tribunal deems appropriate in the circumstances of the case though not specifically asked for may kindly also be granted.

Dated: 17.09.2019

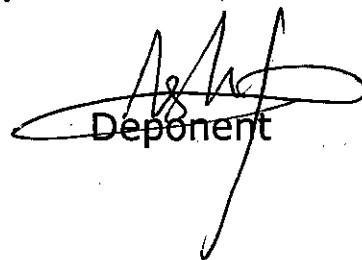

Appellant

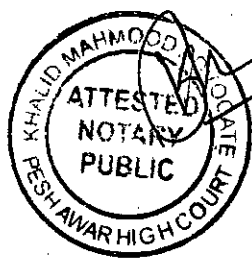
Through


Muhammad Arif Jan
Advocate High Court

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.


Deponent



8

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019

Muhammad Ashfaq, Constable No.218,
Nowshera District Police, Nowshera.....Appellant

VERSUS

Deputy Inspector General of Police,
Regional Police Officer, Mardan & others....Respondents

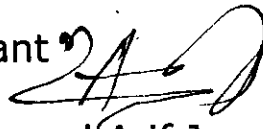
ADDRESSES OF PARTIES

APPELLANT

Muhammad Ashfaq, Constable No.218, Nowshera
District Police, Nowshera.

RESPONDENTS

1. Deputy Inspector General of Police, Regional
Police Officer, Mardan
2. Superintendent of Police FRP, Peshawar.
3. District Police Officer, Nowshera.
4. Inspector General of Police, Police
Headquarters, Police Line, Peshawar.

Appellant
Through 
Muhammad Arif Jan
Advocate High Court

6

Annex-A

2

CHARACTER ROLL OF

6. APPOINTMENTS, PROMOTION, REDUCTION, DISCHARGES, ETC.

(continue)

1	2	3	4	5
Appointed, promoted, suspended, reduced, discharged, dismissed, resigned or died	To what grade and pay Appointed, promoted or reduced	Date	No. of District Order	Full Signature of Superintendent of Police

Appointed as Temporary Constable
 in BPs No. 5 (1035-49-1770) at
 Rs. 1035/- PM w.e.f. 5/7/1994 vide
 M.O. No. 373 dt. 4/7/1994.

Allowed 20% Spl. Pay & Basic
 Pay w.e.f. 5/7/1994.

Pay fixed provisionally @ Rs. 1400/- PM
 w.e.f. 1/6/94 in BPs No. 5 (1035-49-1770) vide M.O. No. 10698-10138/1A2 dt. 1/7/1994.

Pay fixed @ Rs. 1400/- PM
 w.e.f. 5/7/94.

7. TRANSFERS BEYOND THE DISTRICT

1	2	3	4
Date	From	To	Authority for transfer

1/6/94
 FRP / Reshan

FRP / Reshan

ATTESTED
 Attested
 AG

ATTESTED

For M.O.

(7)

Amir - B

ORDER.

Constable Muhammad Ashfaq No. 362 of FRP/PR, Platoon No. 9 mis-behaved with BI/PC Fazal Mohammad Khan is hereby placed under suspension with immediate effect.

Charge Sheet and Summary of Allegations are being issued separately under the charge.

(MUHAMMAD AURANG ZEB)
Superintendent of Police,
FRP/PR, Peshawar.

No. 41/44 /FRP/PR/, dated Peshawar, the 16/1/1998.
Copy of above for information and n. action
to LO/OSI/SRC/Acctt: FRP/PR.

48

Award of punishment of
Forfeiture of 11 months service and stoppage
of one increment without retrospective
effect and Re-instated in Service
from the date of his suspension viz this
order no 97-99/FRP/PR/s dt 16/1/98

✓
Amir

Attested

AS

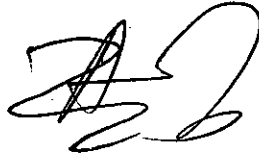
8

BETTER COPY

Awarded punishment of forfeiture of approved service and stoppage of one increment without accumulative effect and reinstated in service from the date of his suspension vide this office order No.9799/FRP/PR dated 10.02.1998

CSA -
SP FRP, Peshawar
AC

ATTESTED
Attested



9

Amir, C

To: - Deputy Inspector General of Police,
Mardan Region-I Mardan.

Through: - Proper Channel

Subject: - APPEAL

Sir,

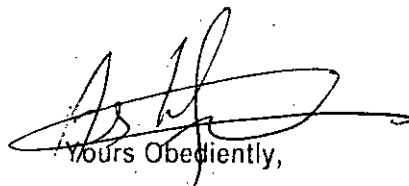
With due respect I beg to submit that it has been learnt during checking of my service record that while posted in FRP Peshawar Range Peshawar I was awarded a minor punishment of forfeiture of 1 year approved service and stoppage of 1 year increment without accumulative effect by the then SP FRP Peshawar Range Peshawar, vide his office Order No.97-99/FRP/PR dated 10/02/1998, for an indiscipline act, against which I am going to submit the present appeal for favorable consideration:-

1. I was issued/received CS/SOA, in response to which I have submitted a well convincing reply, but it was not paid due consideration.
2. During personal hearing in this case I have tried to satisfy my Boss, but it was also not given any consideration.
3. Due to this impugned order, I have put to great financial loss and my service career has also been damaged
4. The allegation was not proved against me.
5. I have a long service and am performing my duties up to the entire satisfaction of my superiors.
6. Delay in submission of Appeal is due to the fact that I have not yet been informed about the said punishment which may kindly be condoned.

Therefore, I approach your good self to kindly accept my Appeal; the order of punishment of forfeiture of 1 year approved service and 1 stoppage of year 1 increment without accumulative effect awarded by the then SP FRP Peshawar Range Peshawar vide his office Order No.97-99/FRP/PR dated 10-02-1998 may kindly be withdrawn, so that my service career may not be damaged.

I shall be highly obliged and will pray for your long life and prosperity.

ATTESTED
Attested
AS


Yours Obediently,

(Muhammad Ishfaq)

Constable No.218

Police Lines Nowshera

10
Amr-D

ORDER.

This order will dispose-off the departmental appeal preferred by **Constable Muhammad Ishfaq No. 218** of Nowshera District Police against the order of the then SP FRP, Range, Peshawar, wherein he was awarded Minor punishment of Forfeiture of one year approved service and stoppage of one year increment without accumulative effect vide order No. 97-99/FRP/PR dated 10.02.1998 on account of indisciplined act.

The undersigned perused his appeal and found that the Constable Muhammad Ishfaq No. 218 was awarded appropriate punishment in the year 1998 after conducting discrete enquiry. Therefore, I find no grounds to intervene into the order passed by the then SP FRP, Range, Peshawar. His appeal is also time barred for 20 years.

In the circumstances explained above his appeal is hereby filed.

ORDER ANNOUNCED.

Namun
(MUHAMMAD ALI KHAN)PSP.
Regional Police Officer,
Mardan.

No. 10651/ES, Dated Mardan the 22/08 /2018.

Copy to District Police Officer, Nowshera for information and necessary action w/r to his office Memo: No. 3508/PA dated 31.07.2019. The Service Record is returned herewith.

(*****)

ATTESTED
Attested
[Signature]

1. 2. 3. 4. 5. 6. 7. 8. 9. 10.

11.

12. 13. 14. 15. 16. 17. 18. 19. 20.

WAKALATNAMA

11

IN The Honble. Khyber Pakhtunkhwa
SVC Tribunal Peshawar

Muhammad Ashfaq (Petitioner)
(Plaintiff)
(Applicant)
(Complainant)
(Decree Holder)

VERSUS

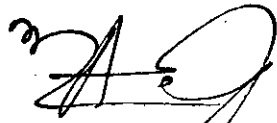
Police (Respondent)
(Defendant)
(Accused)
(Judgment Debtor)

Case SVC Appeal - 2018

I/We M. Ashfaq do hereby appoint and constitute **Muhammad Arif Jan Advocate** High Court, Peshawar, to appear. Plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted

CLIENT/S



Muhammad Arif Jan
Advocate, High Court, Peshawar.
Office No. 6, 1st Floor
Pabbi Medical Centre, G.T. Road
Peshawar.
Mobile: 0333-2212213



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

Service Appeal No. 1152/2019

Muhammad Ashfaq, Constable No. 218,
Nowshera District Police, Nowshera.

.....Appellant

V E R S U S

1. Deputy Inspector General of Police, Regional Police officer, Mardan.
2. Superintendent of Police, FRP, Peshawar.
3. District Police Officer, Nowshera.
4. Inspector General of Police, Headquarters, Police Lines, Peshawar.

.....Respondents

REPLY BY RESPONDENTS No.1,2,&4

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 instant 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.
6. That the appeal is bad for misjoinder and non joinder of necessary parties.

On Facts

1. Para pertains to enlistment of appellant as Constable in FRP Peshawar, hence, needs no comments.
2. Para pertains to transfer/posting of appellant hence, needs no comments.
3. Incorrect. Plea of the appellant regarding ignorance of punishment order passed vide order dated 10-02-1998 is not plausible because appellant had been properly issued charge sheet and statement of allegations. Besides, proper enquiry was conducted against the appellant and he was associated with the enquiry proceedings wherein he was provided opportunity of cross examination. (Copy of charge sheet and statement of allegation is annexed as annexure "A" while copy of enquiry report is annexed as annexure "B").
4. Incorrect. the appellant filed departmental appeal before respondent No. 01 with a delay of about 20 years hence, the same was dismissed being badly time barred. (Copy of order of appellate authority is annexed as annexure "C").

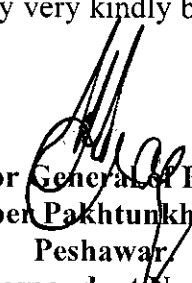
5. That the appeal of the appellant is liable to be dismissed on the following grounds: -

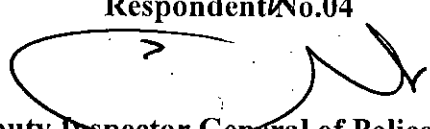
GROUND


- A. Incorrect. Orders passed by the competent authority dated 10-02-1998 as well as by the appellate authority dated 22-08-2019 are in accordance with facts, justice and rules.
- B. Incorrect. Before passing of punishment order against appellant vide order dated 10-02-1998, proper departmental enquiry was conducted and appellant was also associated with the enquiry proceedings.
- C. Para already explained hence, needs no comments.
- D. Incorrect. As explained in the preceding paras, appellant was issued charge sheet with statement of allegations. Besides, proper departmental enquiry was conducted and he was also associated with the proceedings wherein he was provided opportunity of cross examination which is evident from the enquiry report hence, plea of the appellant regarding delay in filing the titled appeal is not plausible.
- E. Para already explained needs no comments.
- F. Para not related hence, needs no comments.
- G. That the respondents also seek permission of this Honourable Tribunal to advance additional grounds at the time of arguments.

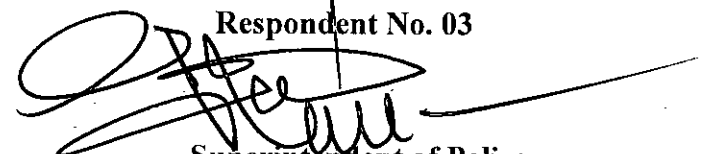
Prayer

Keeping in view the above stated facts, it is, humbly prayed that the appeal of the appellant is badly barred by law and limitation may very kindly be dismissed with costs, please.


Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No.04


Deputy Inspector General of Police,
Mardan Region-I, Mardan.
Respondent No. 01


District Police Officer,
Nowshera.
Respondent No. 03


Superintendent of Police,
FRP, Peshawar.
Respondent No. 02

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

Service Appeal No. 1152/2019

Muhammad Ashfaq, Constable No. 218,
Nowshera District Police, Nowshera.

.....Appellant

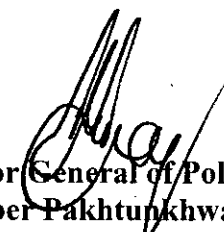
V E R S U S

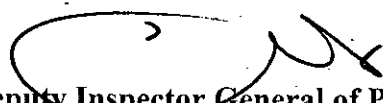
1. Deputy Inspector General of Police, Regional Police officer, Mardan.
2. Superintendent of Police, FRP, Peshawar.
3. District Police Officer, Nowshera.
4. Inspector General of Police, Headquarters, Police Lines, Peshawar.

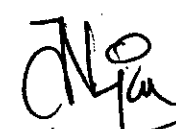
.....Respondents

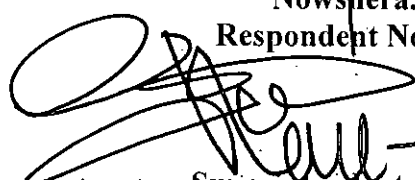
AFFIDAVIT

We the respondents No. 1,2,3 &4 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.


Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No.04


Deputy Inspector General of Police,
Mardan Region-I, Mardan.
Respondent No. 01


District Police Officer,
Nowshera.
Respondent No. 03


Superintendent of Police,
FRP, Peshawar.
Respondent No. 02

"A"

BETTER COPY

CHARGE SHEET.

WHEREAS, I am satisfied that a formal enquiry is contemplated in the NWFP Police Rules, 1975 is necessary and expedient; the allegations is established would call for Major Penalty as defined in the said rules.

NOW, THEREFORE, as required in the aforesaid rules, I, MUHAMMAD AURANG ZEB SUPERINTENDENT OF POLICE, FRP/FR, PESHAWAR charge you constable Muhammad Ashfaq No. 362 Platoon No. 9 on the basis of the summary of allegations attached to this charge sheet.

AND, I hereby direct you further under the aforesaid rules to put in written defence within 14 days of the receipt of this charge sheet as to why Major punishment should not be awarded. Also state at the same time whether you wish to be heard in person.

AND in case, your reply is not received within the specified period with sufficient cause, it shall be presumed that you have no defence to offer, failing which an ex-parte action will be taken against you.

Sd/-
(Muhammad Aurang Zeb)
Superintendent of Police, FRP,
Peshawar Range, Peshawar.

A2

CHARGE SHEET.

WHEREAS, I am satisfied that a Formal is contemplated in the NWFP Police Rules, 1975 is necessary and expedient; the allegations is established would call for Major penalty as defined in the said rules.

NOW, THEREFORE, as required in the aforesaid rules, I, MUHAMMAD AURANG ZEB SUPERINTENDENT OF POLICE, FIR/PR, PESHAWAR charge you constable Muhammad Ashraf No. 362 Platoon No. 9 on the basis of the summary of allegations attached to this Charge Sheet.

AND, I hereby direct you further under the aforesaid rules to put in written defence within 14 days of the receipt of this charge sheet as to why Major punishment should not be awarded. Also state at the same time whether you wish to be heard in person.

And in case, your reply is not received within the specified period with sufficient cause, it shall be presumed that you have no defence to offer, failing which an ex-parte action will be taken against you.

(MUHAMMAD AURANG ZEB)
Superintendent of Police, FR
Peshawar Range, Peshawar.

1A3
BETTER COPY

SUMMARY OF ALLEGATION

It is alleged that constable Muhammad Ashfaq No. 362 of FRP/PR, Peshawar Platoon No. 9 is addict of charas and usually sitting in the society of Loafers of the area which badly reflects on his other colleagues. Besides this he is an in-disciplined, intractable and not taking interest in discharge of his assigned duties. He is also in the habit of agitating other colleagues. Furthermore, his retention in such a disciplined force is nuisance for other, hence, this summary of allegations.

Sd/-

(Muhammad Aurang Zeb)
Superintendent of Police, FRP,
Peshawar Range, Peshawar.

(A3)

SUMMARY OF ALLEGATION.

It is alleged that constable Muhammad Ashfaq No. 362 of FRP/PR, Peshawar Platoon No. 9 is addicted to loafing and usually sitting in the society of loafers of the area, which badly reflects on his other colleagues. Besides that, he is an in-disciplined, intractable and not taking any interest in discharge of his assigned duties. He is also in the habit of agitating other colleagues. Furthermore, his retention in such a discipline force is a nuisance for the others, hence this Summary of Allegations.

(MUHAMMAD AURANG ZEB)
Superintendent of Police,
FRP/PR, Peshawar.

2 July

~~ASTD~~
16/1/98

جناب عالی:-

بجوالہ انکوائری رپورٹ ازان کنسٹیبل محمد اشفاق نمبر 362/FRP پلاٹون نمبر 09 حال متعینہ تھانہ بڈھ بیر معروض ہوں کہ پلاٹون کمانڈر فضل محمد SI نے بجوالہ نقلر پٹ نمبر روزنامچہ 12-01-1998 ایک رپورٹ برخلاف FC محمد اشفاق درج کی کہ وہ ہمراہ قادر شاہ 390/FC نادر شاہ 391/FC، کفایت حسین نمبر 374/FC اپنے رہائشی کمرے کے بالمقابل جوگپ شپ تھا کہ FC اشفاق نے آکر پلاٹون کمانڈر سے کہا کہ وہ اُسے فوری طور چوکی انقلاب روانہ کر دے بجواب فضل محمد PC نے FC مذکورہ کو بتلایا کہ چوکی انقلاب اور چوکی سائفن کی نفری 5-1 حسب الحکم SHO تھانہ بڈھ بیر 4-01-1998 کو جا چکی ہے اور باقی نفری تھانہ بڈھ بیر میں موجود رہے گی۔ اور تسلی دی کہ اگر دیگر نفری کی ضرورت پڑھ جائے تو وہ اُسے بھجوادے گا۔ جس پر FC مذکورہ کو PC کی بات ناگوارہ گزری اور FC مذکورہ نے کہا کہ تم یعنی (PC) نائی ہو اور پٹھان ہے اور بہ ہر طور چوکی جا کر رہے گا۔ چاہے FC کے جتنے روپے لگ جائے مزید آں کہ سابقہ حوالہ دیتے ہوئے PC مذکورہ نے تحریر کیا کہ قبل ازاں بھی FC مذکورہ کی بابت رپورٹ دے چکا ہے۔ جسکے خلاف کوئی ایکشن نہیں لیا گیا۔ جن میں سے غلط لوگوں سے روابط، چرس کا شائق اور ASP صاحب پی سی کے ہاتھوں مذکورہ کی گرفتاری اور بعد ازاں رہائی شامل ہے۔ شکایت افسران بالا کے پیش بھجوائی گئی تو FC مذکورہ کو چارج شیٹ اور خلاصہ الزامات سے مستفید کیا۔ FC مذکورہ نے بذریعہ تحریر جواب دہی کی مگر کسی طور سنگین الزامات سے مستثنیٰ ہونے کا شرف حاصل نہ کر سکا۔ اور محکمانہ کاروائی سے ہم کنار ہوا۔ SI فضل محمد پلاٹون کمانڈر کا بیان ہو اپنے سابقہ رپورٹ درج روزنامچہ کی تائید میں ہے۔ اور مذکورہ کے بیان میں کبھی بھی زیروہم نظر نہیں آ رہا۔ تاہم SI مذکورہ کا بیان روبرو ملزم FC محمد اشفاق بار دیگر ضبط تحریر میں لایا جا کر لف ہمراہ انکوائری رپورٹ ہے۔

قادر شاہ نمبر 390/FC جو واقعہ ہنا کا گواہ چشم دید ہے۔ جس کا ذکر SI مذکورہ نے اپنے سابقہ رپورٹ میں کیا ہے۔ ضبط تحریر ہو کر لف ہمراہ ہے۔

فضل الرحمان نمبر 401/FC متعینہ FRP تھانہ بڈھ بیر جسے SI نے اپنے رپورٹ میں واقع ہذا کا گواہ چشم دید بتلایا ہے۔ موقع پر موجودگی تسلیم کرتے ہوئے جس کا بیان ضبط تحریر میں لایا جا کر لف ہمراہ ہے۔

قادر شاہ نمبر 391/FC متعینہ FRP حال تھانہ بڈھ بیر جو بوقت وقوع ہر دوئی تکرار کے دوران موجود تھا کا بیان لیا جا کر ہمراہ ہے۔

کفایت حسین 374/FC جس کا SI نے روزنامچہ میں بوقت وقوع موجودگی جسے طلب کیا گیا تھا لیکن بوجہ بیماری بیان دینے سے قاصر رہا۔

بدوران محکمانہ انکوائری ملزم محمد اشفاق 362/FC کو اپنی صفائی کا پورا پورا موقع دیا جا کر باقاعدہ طور

جرح کا حق دیا گیا لیکن مذکورہ FC ماسوائے اس الزام کے کہ وہ SI مذکورہ کو جب تک Feed کرتا رہا تو اسکے خلاف SI مذکورہ نے کچھ شکایت نہیں کی لیکن جب Feeding رُکی تو SI مذکورہ کا انداز بھی تبدیل ہو کر FC کی مخالف کرنے لگا۔ لیکن اس الزام کو استغاثہ اور گواہان چشم دید نے یک لخت مسترد کرتے ہوئے لاعلمی بتلائی۔ جہاں تک استغاثہ اور گواہان کے بیانات کا تعلق ہے آپس میں اس قدر مماثلت رکھتے ہیں کہ ان میں تضاد کی رُمک نظر نہیں آرہی اور محکمانہ کارروائی میں بے حد معمولی شکوک و شبہات بے معنی ہیں۔

لہذا ضبط تحریر میں لائے ہوئے بیانات کی روشنی میں اس امر کی غمازی ہوتی ہے کہ واقعہ مذہبناہی برراست بازی ہے۔ جس میں Major Punishment سے استگاری محال ہے جو پولیس رولز کے قواعد و ضوابط کے عین زمرے میں عیاں ہے۔ چونکہ FC محمد اشفاق بلاشک و شبہ استغاثہ اور گواہان کے ٹھوس دلائل اور بیانات کے باعث چاروں شانے چٹ ہو کر سزائے کبیرہ کا مستحق ہے۔ لیکن تاہم صاحب فیصلہ کو مجرم محمد اشفاق کی غربت پر ترس کھاتے ہوئے تخفیف سزا کا باعث بننے کی سفارش بھی کی جاتی ہے۔ بہر حال فیصلہ بہ پیش افسران بالا رکھتے ہوئے انکوائری محکمانہ کی رپورٹ پیش خدمت ہے۔

دستخط

انسپکٹر/FRP پشاور

04-02-1998

علی

جولہ انٹرویو رپورٹ ازان کینٹنل محمد اشفاق 362 R.P. پیلاٹون نمبر 9
 حال سنیقہ تھا، بڑھ بیر عرصہ ہوئے پیلاٹون کانڈر نقل محمد SA 2
 - جولہ نقلیہ نمبر 8 اور نمبر 12 ایک رپورٹ برصاف ہے محمد اشفاق
 دفعہ کی ہے وہ ہمراہ قائد شاہ 390، نادر شاہ 391، کفایت حسین 374
 اٹھائیں گے کے مطابق جو ٹیپ شپ تھا ہے محمد اشفاق نے آکر پیلاٹون کانڈر
 سے کیا کہ وہ اسے توری طور چوٹی انقلاب روانہ کر دے۔ جواب نقل محمد SA
 نے ہے مذکورہ کو بتلایا کہ چوٹی انقلاب اور چوٹی رائف کی نفری 5-1
 ص 540 کے ساتھ بڑھ بیر 4 کو حاصل ہے اور باقی نفری تھا بڑھ بیر
 میں موجود رہی اور تری کی ہے اگر صدر نفری کی ضرورت پڑے تو وہ اس
 گھوڑا دیا۔ ص 540 کے ساتھ کو SA کی بات ناخوانگاری اور ہے مذکورہ نے
 کیا کہ تم نہیں (SA) نائی ہو اور پٹھان ہے اور یہ ہر طور چوٹی جانکر رہیگا
 ہے SA کے چند روپے ملے جائیں۔ مزید ان کے نالغہ حوالے دیئے ہوئے
 SA مذکورہ نے خبر کیا کہ میں لڑیں تھی ہے مذکورہ کی بات رپورٹیں دے چکا
 ہے ص 540 کے خلاف کوئی ریکشن نہیں ہوا گیا۔ میں نے عدو کووں سے
 روائے، جس کا شائق اور SA ہی کے ہاتھوں مذکورہ کی گرفتاری اور
 بعد ازاں اٹھائی حاصل ہیں یہ شائبہ اذعان بالا کے ہیں گھوڑا لئی و
 SA مذکورہ کو چارج شیٹ اور خلاصہ الزامات سے جتھید کیا ہے مذکورہ
 نے بذریعہ گورنر حوالہ دہی کی سیکرٹری فور ٹینگن الزامات سے سستی ہونے کا
 شرف حاصل نہ کر سکا اور حکام انٹواری سے ملنا ہوا۔
 SA نقل محمد پیلاٹون کانڈر کا بیان جو ابو اپنے واقعہ رپورٹ دے روایات
 کی تائید میں ہے اور مذکورہ کے بیان میں کہیں بھی تیردیم نظر نہیں آتا
 تاہم SA مذکورہ کا بیان زبردستی ہے محمد اشفاق بار دیگر صرف گورنر سے
 لانا جائز ہے ہمراہ انٹواری رپورٹ ہے۔
 قائد شاہ 390 جو واقعہ تھا کا ٹولہ چھپدے ہے۔ چھانڈ کر چکا
 نے اپنے نالغہ رپورٹ سے کیا ہے صرف گورنر سے ہمراہ ہے۔

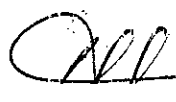
فصل الرحمن $\frac{401}{Fe}$ سیکہ FRP تھا بڑھ کر لے کر لے کر لے کر
 میں واقعہ صفا کا گواہ چھٹی بار ہے۔ سوچے ہوئے ٹیم نے جوڑے جس
 کا ایک صفا کٹر میں لیا جا کر لے لیا ہے۔

نادر شاہ $\frac{371}{Fe}$ سیکہ FRP حال تھا بڑھ کر جو لوٹ و خوف معزوری
 تیار کے دوران موجود تھا ایک اور جا کر لے لیا ہے۔

گرفت حسین $\frac{374}{Fe}$ جن کا لے کر لے کر لے کر لے کر واقعہ معزوری
 ہے طلب کیا گیا تھا۔ لیکن پھر جاری کیا دینے سے ماحصر رہا۔

مذکورہ اشخاص انٹرویو سیکڑا محمد اشفاق $\frac{362}{Fe}$ کو اپنی صفائی کا پورا پورا
 سوچے دیا جا کر باقاعدہ طور پر صرح کا حوالہ دیا گیا۔ لیکن مذکورہ جہاں سے
 اس الزام کے بارے میں جو مذکورہ کو جب تک Feed کرتا رہا تو ایک طرف کہ
 مذکورہ نے کچھ شکایت میں کی لیکن جب Feeding کر لی تو وہ مذکورہ کا ہمارے
 مذکورہ ہو کر ہے کہ وہ جا لے کر لے گا۔ لیکن اس الزام کو اشفاق اور گواہوں
 چشم دینے میں ایک لمحہ سزا دینے پورے لا علمی ہو گئی۔ جب تک اشفاق اور
 گواہوں کے بیانات کا تعلق ہے آپس میں اس قدر مماثلت رکھتے ہیں کہ ان
 میں تضاد کی ایک نظر میں آ رہی اور فیصلہ کاروائی میں بے حد عمومی شکر
 و شہادت ہے معنی میں۔

لیذا جہاں کٹر میں لے کر لے کر لے کر لے کر لے کر لے کر لے کر
 ہوئی ہے کہ واقعہ صفا عینی جو راست گواہی و راست باوری ہے جس میں
 MAJOR PUNISHMENT سے سزا داری حال ہے۔ جو Police Rules کے
 قواعد و ضوابط کے عین زبردستی میں عیاں ہے۔ چونکہ یہ محمد اشفاق اور ایک
 و شہادت اشفاق اور گواہوں کے عین دلالت اور بیانات کے باعث جاری ہونے
 جت ہو کر سزا کے کسیرہ کا معنی ہے۔ لیکن تاہم وہ صفا کٹر کو کٹر کے ساتھ
 کی عین ہر قسم کے ہونے تخمینہ سزا کا باعث بننے کی سفارش عمومی
 مانی ہے۔ ہر حال میں ہر پیشہ افراد بالاد واقعے ہوئے انٹرویو اشفاق کی
 رپورٹ پیش خدمت ہے۔

 17.11.20

2.12

"C"

ORDER.

This order will dispose-off the departmental appeal preferred by **Constable Muhammad Ishfaq No. 218** of Nowshera District Police against the order of the then SP FRP, Range, Peshawar, wherein he was awarded Minor punishment of Forfeiture of one year approved service and stoppage of one year increment without accumulative effect vide order No. 97-99/FRP/PR dated 10.02.1998 on account of indisciplined act.

The undersigned perused his appeal and found that the Constable Muhammad Ishfaq No. 218 was awarded appropriate punishment in the year 1998 after conducting discrete enquiry. Therefore, I find no grounds to intervene into the order passed by the then SP FRP, Range, Peshawar. His appeal is also time barred for 20 years.

In the circumstances explained above his appeal is hereby filed.

ORDER ANNOUNCED.

Muhammad
(Signature)

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

No. 10651 /ES, Dated Mardan the 22/08 /2018.

Copy to District Police Officer, Nowshera for information and necessary action w/r to his office Memo: No. 3508/PA dated 31.07.2019. The Service Record is returned herewith.

(*****)

EC/PMC
For action

NO - 1388/PA
dt 26/08/18

DRONS
23/08/18