

FORM OF ORDER SHEET

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

Appeal No. 303/2024

No. \_\_\_\_\_ of \_\_\_\_\_ order or other proceedings with signature of judge

3

1 21/02/2024

The appeal of Mr. Muhammad Tahir resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on ~~22-2-24~~ Parcha Peshi is given to counsel for the appellant.

By the order of Chairman

  
REGISTRAR

The appeal of Mr. Muhammad Tahir received today i.e on 09.02.2024 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- Annexures of the appeal are unattested.
- 3- Appeal has not been flagged/marked with annexures marks.
- 4- Affidavit be attested by the Oath Commissioner.
- 5- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondents no.1 is un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent be deleted/struck out from the list of respondents.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 300 /S.T.

Dt. 14/02 /2024.



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Tahir Ali Khan Adv.  
High Court Peshawar.

Respected Sir,

- 1- Removed
- 2- Removed
- 3- Removed
- 4- Removed
- 5- Removed
- 6- Removed

Resubmitted after compliance



21/02/2024.

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

SERVICE APPEAL NO. 303 /2024

Muhammad Tahir

VS

Police Department

**INDEX**

S.No.	Documents	Annexure	P. No.
1	Memo of Appeal	-----	01-04
2	Affidavit	-----	05
3	Copy of FIR	A	06
4	Copies of order dated 27.07.2023 and order dated 22.08.2023	B&C	07-09
5	Copies of Naqal Mad, show cause and reply to show cause	D,E&F	10-12
6	Copies of order dated 24.09.2023, departmental appeal and rejection order dated 16.01.2024	G,H&I	13-17
7	Copy of judgment dated 20.12.2023	J	18-19
8	Vakalat Nama	-----	20

THROUGH:

APPELLANT



**TAIMUR ALI KHAN**  
**(ADVOCATE HIGH COURT)**

Cell# 0333-9390916

②

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**SERVICE APPEAL NO. 303/2024**

Muhammad Tahir, Ex-Constable No.960,  
Police Lines, Kohat.

**(APPELLANT)**

**VERSUS**

1. The Regional Police Officer, Kohat Region Kohat.
2. The District Police Officer, Kohat.

**(RESPONDENTS)**

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**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974  
AGAINST THE ORDER DATED 24.09.2023, WHEREBY  
THE APPELLANT WAS DISMISSED FROM SERVICE  
AND AGAINST THE ORDER DATED 16.01.2024,  
WHEREBY THE DEPARTMENTAL APPEAL OF THE  
APPELLANT HAS REJECTED FOR NO GOOD  
GROUND.**

**PRAYER:**

**THAT ON THE ACCEPTANCE OF THIS APPEAL, THE  
ORDER DATED 24.09.2023 AND 16.01.2023 MAY  
KINDLY BE SET ASIDE AND THE APPELLANT MAY  
BE REINSTATED INTO HIS SERVICE WITH ALL  
BACK AND CONSEQUENTIAL BENEFITS. ANY  
OTHER REMEDY, WHICH THIS HONORABLE  
TRIBUNAL DEEMS FIT AND APPROPRIATE THAT,  
MAY ALSO, BE AWARDED IN FAVOUR OF  
APPELLANT.**

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant was appointed as Constable in the respondent department in the year 2019 and has performed his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed against him regarding his performing.
2. That the appellant while performing his duty in such capacity was falsely implicated in criminal case vide FIR No.686 dated 04.06.2023 U/S 302 PPC, PS Muhammad Riaz Shaheed, Kohat. **(Copy of FIR is attached as Annexure-A)**
3. That the competent court of law granted ad-interim pre-arrest bail to the appellant on 27.07.2023 in the above mentioned criminal case, however, his BBA was dismissed and appellant was arrested in the above criminal case and then he applied for post arrest bail, which was granted by the competent court of law on 22.08.2023. **(Copies of order dated 27.07.2023 and order dated 22.08.2023 are attached as Annexure-B&C)**
4. That when the appellant release from the jail on bail, he went to join his duty which is evident from Naqal Mad dated 28.08.2023 and on the same day show cause notice was issued to him which was replied by the appellant in which he clearly mentioned that he was falsely implicated in the criminal case and due to threat of his life on the basis criminal case he was compel to remain absent from his duty. **(Copies of Naqal Mad, show cause and reply to show cause are attached as Annexure-D,E&F)**
5. That on the basis of above baseless of criminal case and absence, the appellant was dismissed from service order dated 24.09.2023. The appellant filed departmental appeal on 19.10.2023 against the dismissal order dated 24.09.2023, which was rejected on 16.01.2024 for no good ground. **(Copies of order dated 24.09.2023, departmental appeal and rejection order dated 16.01.2024 are attached as Annexure-G,H&I)**
6. That the appellant now wants to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

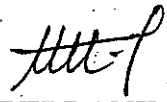
**GROUND:**

- A) That the impugned orders dated 24.09.2023 and 16.01.2024 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.

- B) That the inquiry is one-sided, if so conducted, against the appellant as the appellant was not associated with the inquiry proceeding, because the appellant was not appeared before the inquiry officer and 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 such the impugned order is liable to be set aside on this ground alone.
- C) That charge sheet along with statement of allegations were not communicated to the appellant, which is violation of law and rules.
- D) That the appellant was falsely implicated in criminal case and the respondent department should be placed the appellant under suspension till the conclusion of criminal case pending against him under Police Rules 1934 and CSR 194-A, but he was dismissed from service before conclusion of his criminal case pending against him, which is clear violation of Police Rules 1934 and CSR-194-A and as such the impugned orders are liable to be set aside.
- E) That the appellant was dismissed from service on the basis of his involvement in criminal case vide FIR No.686, dated 04.06.2023 u/s 302 PS MRS District Kohat, but he acquitted by the competent court of law on 20.12.2023 in that criminal case, therefore, there remain no ground to penalize the appellant on the basis of that criminal case. **(Copy of judgment dated 20.12.2023 is attached as Annexure-J)**
- F) That in the show cause notice it was also mentioned that the appellant has absent himself from official duty, but the appellant did not intentionally remain absent from his duty but due to threat to his life by falsely implicated his name in the FIR he was compel to remain absent from his duty and was unable to perform his duty for some time, however, when the matter was patch up with the complainant and the competent court of law granted the bail on 22.08.2023, he went to his office on 28.08.2023 to join his duty, which means that the absence of the appellant was not intentionally but to the compelling circumstances he remained absent from his duty for some time.
- 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 not been treated in accordance with law and rules and has been condemned unheard throughout.
- I) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

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It is, therefore most humbly prayed that on the acceptance of this appeal, the order dated 24.09.2023 and 16.01.2024 may kindly be set aside and the appellant may be reinstated into his service with all back and consequential benefits. Any other remedy, which this Honorable Tribunal deems fit and appropriate that, may also, be awarded in favour of appellant.



**APPELLANT**  
Muhammad Tahir

THROUGH:



**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT**

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

**SERVICE APPEAL NO. \_\_\_\_\_/2024**

Muhammad Tahir

**VS**

Police Department

**AFFIDAVIT**

I, Muhammad Tahir, Ex-Constable No.960, Police Lines, Kohat, (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**





IN THE COURT OF MUHAMMAD ISHAQ KHAN,  
ADDITIONAL SESSIONS JUDGE-II, KOHAT.

B 17

Tahir Khan  
vs  
State

ORDER-01  
27/07/2023



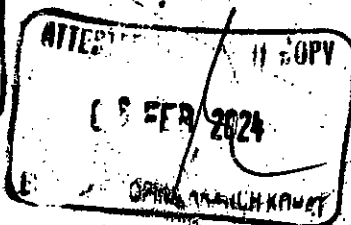
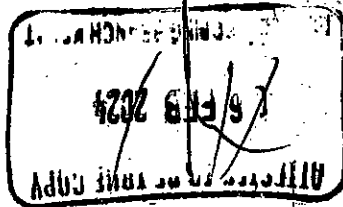
Instant BBA petition received from the Office of Hon'ble District and Session Judge, Kohat. Be registered.

Accused/petitioner Tahir Khan S/O Hawaldar Khan seeks ad-interim pre-arrest bail in case FIR No.868 dated 04.06.2023 U/S 302 PPC of Police Station MRS, Kohat and contends malafide and ulterior motive of the police and complainant.

At present, record of the case is not available; however, the contents of application are supported by an affidavit, attested accordingly. Therefore, in absence of record, considering the assertion of accused/petitioner contained in the application, which is supported by the affidavit, ad-interim pre-arrest bail is granted to the accused/petitioner, subject to furnishing bail bonds in the sum of Rs.100,000/- (One Lac Rupees), with two sureties each in the like amount to the satisfaction of this Court/SOD.

The accused/petitioner is directed to join the investigation, forthwith. He is further directed to attend the Court regularly and punctually. In case of absence, bail bonds furnished would be forfeited to the State. Notice and record for 04.08.2023

(Muhammad Ishaq Khan)  
Addl; Sessions Judge II,  
Kohat



**IN THE COURT OF FAZAL GUL  
ADDITIONAL SESSIONS JUDGE-IV, KOHAT**

*(Tahir Khan ... VS ... State)*

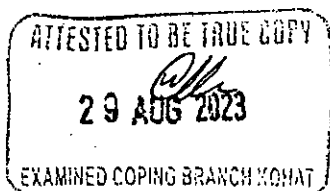
**Order---03  
22-08-2023**

Learned APP for state present. Accused / petitioner through counsel present. Record received.

Complainant Iqbal Khan s/o Niazbat Khan Tehsil Parachinar Kurram District Kurram also in person present. Accused / petitioner Tahir Khan s/o Hawaldar Khan r/o Dhal Behzadi Kohat seek his post arrest bail in FIR No. 686, dated 04-06-2023, u/s 302 PPC/15-AA, PS MRS, District Kohat.

Before proceeding with the case on merits, accused/petitioner alleged compromise. On 19.08.2023 complainant and legal heir/father of deceased appeared before the court and stated that they have patched up the matter with the accused and have got no objection on acceptance of instant petition. On the same day learned counsel for the accused/petitioner requested for appointment of local commission to record the statement of mother of deceased which was allowed and Miss. Maria Sardar Advocate was appointed as local commission. Local commission submitted her report and recorded her statement wherein, she stated that the mother/legal heir of deceased confirmed the factum of the compromise with the accused. they also submitted Qisas and Diyat proforma Ex-PB and certificate regarding legal heirs. According to father of deceased she died issueless, and her husband was charged for the commission of offence.

In view of the statements of legal heirs of deceased, as they have patched up the matter with the accused/petitioner outside the court and waived off their right of Qisas and Diyat and they are no more interested to pursue the



*[Handwritten signature]*

Additional Sessions Judge-IV

*[Handwritten signature]*

(8)

case against the present accused/petitioner as endorsed by them on the strength of compromise affidavit.

As the offence is compoundable in nature and the compromise is in the best future interest of both the parties, hence in the attending circumstances of the present case, as the parties are no more interested to pursue their case against each other, thus the compromise is allowed and on the sole ground of compromise, the accused/petitioner is held entitled to the grant of post arrest bail.

Consequently, on acceptance of this bail petition, the accused/petitioner is released on bail on the sole ground of compromise if he furnishes bail bonds in the sum of Rs 1,00,000/- (One lac) each with two sureties each in the like amount to the satisfaction of this court.

Requisitioned record alongwith a copy of order of this court be sent back to the quarter concerned whereas file of this court be consigned to record room after necessary completion and compilation.

Announced:  
22.08.2023

*Fazal Gul*  
(Fazal Gul)  
Addl: Sessions Judge-IV  
Kohat

76

ATTESTED TO BE TRUE COPY  
29 AUG 2023  
EXAMINED COPING BRANCH KOHAT

9

*[Handwritten signature]*

*[Handwritten signature]*

15

صالحی

نقل 35 روز تا 28-08-03

پورہ

35 جنوری 2003ء کو 16110 بجے اس وقت  
کنیٹنگ ٹارجرانہ 960 بھولہ 08518 PP خوشحال گریڈ  
صالحی پور سامان سہاری دہلی کے معطل  
صالحی آیا، جنہری دروازہ کھلی ہوئی تھی  
الفارمیشن دفتر پولیس ارسال کی جا رہی

جناب عالی  
لے آئیے اس کے  
28-08-03



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

Tel: 0922-920116 Fax 920125  
No. 4968 /PA dated Kohat the 28/8 /2023

**FINAL SHOW CAUSE NOTICE**

1. I, **Mr. Farhan Khan PSP, District Police Officer, Kohat** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you **Constable Muhammad Tahir No. 960** as follow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 3029-30/PA dated 08.06.2023.
- ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

- a. You while posted at Police Post Khushal Garh were found involved / charged vide in case FIR No. 686 dated 04.06.2023 u/s 302 PPC PS MRS.
- b. You were absented yourself from official duty vide Daily Diary Report No. 08 dated 29.05.2023 to till date.
- c. Your above act shows in-efficiency, irresponsibility and professional gross misconduct on your part.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules *ibid*.

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

4. If no reply to this notice is received within 07 days of its delivery in the 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.

5. The copy of the finding of inquiry officer is enclosed.

  
DISTRICT POLICE OFFICER,  
KOHAT

خدمت جناب ڈسٹرکٹ پولیس آفیسر صاحب کوہاٹ

جواب فائل شوکار نوٹس

۱۲

بحوالہ شوکار نوٹس جاریہ منجانب DFO صاحب کوہاٹ کی بابت معروض ہوں۔  
جناب عالی!

- ۱۔ یہ کہ من سائل اہلکار کے خائف شوکار نوٹس میں جو الزامات نامد کیئے گئے ہیں غلط بے بنیاد اور محتاج ثبوت ہیں۔
- ۲۔ یہ کہ بوجہ متزکرہ علت نمبر 686 میں من اہلکار پر جو جھوٹی دعوی داری کی گئی تھی میں اس مسغیث مقدمہ کو اپنی بے گناہی کر چکا ہوتی اور مسغیث مقدمہ عدالت سیشن جج میں بذریعہ عدالتی کمیشن مقرر کر کے بیانات قلمبند کیے اور عدالت ہائے سے رہا برضمانت ہو چکا ہوں۔
- ۳۔ یہ کہ بوجہ علت نمبر 686 میں بترکی معقول وجہ کے من سائل نے کوہاٹ جیل میں مورخہ 23-8-13 سے لے کر مورخہ 24-8-253 تک جیل میں تھا۔
- ۴۔ یہ کہ بعد از دعوی داری اہلکار بوجہ دشمنی اور جانی خطرہ کے بنا پر اپنی حفاظت کی غرض سے محفوظ مقام پر پناہ لینے پر مجبور تھا اور حالات کے پیش نظر باقاعدہ طور پر خود ہی گرفتاری دئی۔ بدیں وجہ غیر حاضری دانستہ نہ تھی۔
- ۵۔ یہ کہ من اہلکار اس تمام تر معاملات میں بے گناہ تھا اور ہرگز قصداً ملوث نہ تھا۔ بدیں وجہ عدالت حضور نے باعزت طور پر رہا کیا ہے۔
- ۶۔ یہ کہ سائل کو ایک سازش کے تحت ملوث کیا گیا تا کہ سائل اہلکار کی ملازمت بھی مجروح ہو اور دیگر نقصان بھی پہنچے اس کے علاوہ دیگر معاملات سے لاعلم ہونے اور ذاتی شنوائی کے وقت اپنی بے گناہی پیش کر دیں گے۔ لہذا استدعا ہے کہ حسب ضابطہ جاریہ شوکار نوٹس کو مزید کسی کارروائی کے داخل دفتر کر کے فائل فرمایا جائے۔

العرض

اہلکار کا نیبل طاہر خان

بیلٹ نمبر 960

حال متعین پولیس لائن کوہاٹ



OFFICE OF THE  
DISTRICT POLICE OFFICER  
KOHAT  
Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry against Constable Muhammad Tahir No. 960 under the Khyber, Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that he while posted at Police Post Khushal Garh was found involved / charged vide in case FIR No. 686 dated 04.06.2023 u/s 302 PPC PS MRS.

- ii. He was absented himself from official duty vide Daily Diary Report No. 08 dated 29.05.2023 to 28.08.2023 (absence period 90 days)
- iii. His above act shows in-efficiency, irresponsibility and professional gross misconduct on his part.

He was served with charge sheet & statement of allegations. SP Investigation Kohat was appointed as enquiry officer to conducted proper departmental enquiry and to submit his finding within stipulated period. The accused official was associated with the proceedings and afforded ample opportunity of defense by E.O. The accused official was held guilty of the charges vide finding of the enquiry officer and recommended for major punishment.

He was served with Final Show Cause Notice, reply of Final Show Cause Notice received and found unsatisfactory. He was called in O.R held in this office on 20.09.2023, heard in person, but he did not submit plausible explanation in his defense.

In view of the above and available record, I agree with the findings of enquiry officer, therefore, in exercise of powers conferred upon me under the rules ibid I, Farhan Khan, District Police Officer, Kohat is hereby awarded a major punishment of dismissal from service. The absence period is treated as leave without pay. Kit etc issued be collected.

DISTRICT POLICE OFFICER,  
KOHAT

OB No.

807

Dated

24.9.23

No.

5534-35/PA dated Kohat the 24-9-2023.

Copy of above to the:-

1. Reader/Pay officer/SRC/OHC for necessary action.



BEFORE THE DEPUTY INSPECTOR GENERAL OF KP POLICE KOHAT

SUBJECT: APPEAL AGAINST THE IMPUGNED ORDER OF DPO KOHAT VIDE OB NO 807  
DATED 24-09-2023 IN WHICH THE APPELLANT WAS AWARDED MAJOR  
PUNISHMENT OF DISMISSAL FROM SERVICE WITH OUT FOLLOWING THE  
PRESCRIBE RULE AS WELL AS WITHOUT ANY LAW FUL JUSTIFICATION.

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

1:- Briefly facts as per Impugned order are that while posted at police post Khushal Ghar was found involved/charged vide in case FIR No.686 Dated 04.06.2023 U/S 302 PPC PS MRS Kohat. and the appellant was absented himself from, official duty vide daily dailry report no 08 dated 29.05.2023 to 28.08.2023 absence period 90 days. (Copy of Impugned order etc is annexed as annexure A).

That as per Impugned order only show cause notice was served and the appellant duly submit his reply which was not considered and without enquiring the allegation directly impose major punishment without any law full justification (copy of show cause and reply is annexed as annexure B)

That from 29.05.2023 the appellant was on (SHAHBASHI LEAVE) and was falsely indulge in to a criminal case mentioned above and the appellant took save shelter for saving his life and from 13.08.2023 to 20.08.2023 the appellant was in jail and this fact has been mentioned in the reply to show cause notice.

That after proving innocent before the court of law as well as before the complaint the appellant was released on bail on dated 22.08.2023 (Copy of order of ASJ 4 is annexed as annexure C).

That all the circumstances were beyond the control of the appellant and the appellant was in jail and all these facts were not in control of appellant and appellant prefer witness who testify this factum that appellant was deliberately absent but due to the poor legal system of the state the appellant remains in jail for sufficient time which is apparent from the criminal case.

That no proper departmental enquiry was conducted as the appellant was not served with necessary documents as per enquiry rules which dose suggested no proper enquiry as ever been conducted hence feeling aggrieved from the Impugned order the appellant preferred departmental representation.

That the no proper enquiry proceedings were conducted against the appellant, as the appellant had served the department from the date of his appointment i.e

That the all the circumstance were beyond the control of the appellant and appellant is still confronted poverty and badly indulge in financial crises.

That no enquiry findings report were given to the appellant nor any opportunity of personal hearing were given to the appellant to advance sufficient evidence in his defense as well as no publication had ever made in any leading news paper regarding absence from duty.

That the appellant having more than (4 years) service and the appellant never ever deliberately indulge in any activity which speaks about any will full misconduct.

That there is nothing is on the record which connect the appellant with the allegation nor proved and the appellant is blessed with impugned punishment which is not warranted by law.

That an unjust has been done with the appellant by not giving ample opportunity of cross examination as well as not heard in person nor properly enquired the allegation and so called proceedings conducted against the appellant without probing held guilty the appellant without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).

That nothing has been proved beyond any shadow of doubt that the appellant has committed any misconduct or tarnished the image of Police department.

That the appellant was neither provided an opportunity to cross examine the witnesses nor to produce defense evidence and the enquiry proceedings accordingly defective. Furthermore the requirements of rules regarding enquiry have not been observed while awarding the impugned punishment.

Grounds:

- a. That no enquiry has been conducted none from the concerned officials was examined in support of the charges leveled against the appellant. No allegation mentioned above are practiced by the appellant nor proved against any cogent reason against the appellant.
- b. That it is not ascertainable that what element had promoted the competent authority to award punishment to the appellant in hasty manner.
- c. That as per the constitution of Islamic Republic of Pakistan clearly speaks about the fundamental rights that the fair and transparent enquiry is the right of any civil servant.
- d. That the punishment is harsh in nature and the appellant is vexed for undone single offence which is against the constitution of Islamic republic of Pakistan 1973.
- e. That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.


- (16)
- f. That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.
  - g. That the DPO Kohat has acted whimsically and arbitrary, which is apparent from the impugned order as the punishment is too harsh as the appellant had served the department more than 4 years .
  - h. That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.
  - i. That the departmental enquiry was not conducted according to the rules.
  - j. That the impugned order is outcome of surmises and conjecture.

**Pray:**

In the view of above circumstances it is humbly prayed that the impugned order of DPO date 24-09-2023 Kohat may please be set aside for the end of justice and the appellant may please be graciously re-instate in service or blessed with any other remedy for the end of justice.

Date: 19/10/2023

(Appellant)

  
Muhammad Tahir  
(Ex-Police Constable No-960  
Kohat.

**ORDER.**

This order will dispose of the departmental appeal preferred by Ex-Constable Muhammad Tahir No. 960 of district Kohat against the order of District Police Officer, Kohat whereby he was awarded major penalty of dismissal from service vide OB No. 807 dated 21.09.2023. Brief facts of the case are that the accused official while posted at PP Khushal Garh was found involved in criminal case vide FIR No. 686 dated 04.06.2023 u/s 302 PPC PS MRS Kohat. He absented himself from his lawful duty vide DD No. 08 dated 29.05.2023 to 28.08.2023 (absence period 90 days).

Proper departmental enquiry proceedings were initiated against him and SP Inv: Kohat was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of codal formalities submitted his findings wherein the appellant was found guilty of the charges leveled against him. He was, therefore, recommended for major penalty under the relevant rules.

Keeping in view the recommendations of the Enquiry Officer and the above cited circumstances, the delinquent official was awarded major punishment of dismissal from service under the relevant rules by the District Police Officer, Kohat vide OB No. 807 dated 21.09.2023.

Feeling aggrieved from the order of District Police Officer, Kohat, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 09.01.2024. During personal hearing the appellant could not advance any plausible explanation in his defense.

Foregoing in view, I, Sher Akbar, PSP, S.St, Regional Police Officer, Kohat, being the appellate authority, am of the considered opinion that the allegations leveled against him have been fully established. The punishment of Dismissal from Service awarded by District Police Officer, Kohat to the appellant is justified and, therefore warrants no interference. Hence, appeal of Ex-Constable Muhammad Tahir No. 960 is hereby rejected, being devoid of substance and merit.

**Order Announced**  
**09.01.2024**

  
Regional Police Officer,  
Kohat Region

No. 308 /EC, Dated Kohat the 16/01 /2024

Copy forwarded to District Police Officer, Kohat for information and necessary w/r to his office Memo: No. 7897/LB, dated 06.12.2023. His Service Record and Fauji Misal are returned herewith.

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J. 18

O - 7  
20.12.2023

Present: Deputy PP Amir Shah for the State.

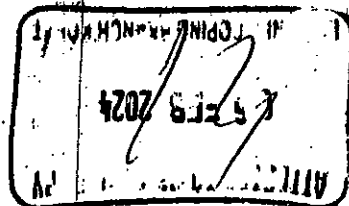
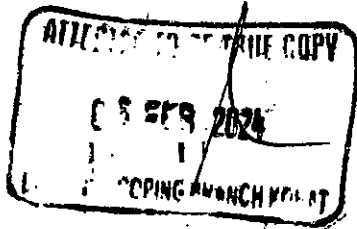
Accused on bail with Muhammad Ali Advocate.

Arguments on application submitted under *Section 265-K Cr.P.C* were heard and record perused.

Accused Tahir Khan S/O Hawaldar Khan having been charged in case FIR # 686 dated 04.06.2023 under *Section 302 of Pakistan Penal Code, 1860, and 15 of Khyber Pakhtunkhwa Arm Act, 2013*, Police Station Muhammad Riaz Shaheed (MRS), Kohat is facing trial before this Court.

Perusal of the record shows that during the course of bail of the accused, Complainant Iqbal Khan and Salomir, father/legal heir of the deceased appeared and submitted proforma of compromise and affidavit and to this effect their statements were also recorded wherein they expressed their no objection upon acceptance of bail petition as well as upon the acquittal of the accused at trial stage. Statement of other legal heir of deceased i.e. mother Kalama Bibi was recorded through local commission wherein she also verified the factum of the compromise.

Accused facing the trial was also charged under *Section 15 AA* for the recovery of Pistol 30 bore bearing # 4315 alongwith fix charger containing three (3) live rounds, however he produced a valid licence, copy of the same is



Case No. 11/2023


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already placed on file, therefore, the said *Section* is not applicable against him.

In view of the above, it is this Court's firm view that it is improbable for the prosecution to bring guilt home to the accused on the basis of the foregoing facts of the case, and hence while invoking the provision of section 265-K Cr.PC, the accused is acquitted from the charges levelled against him. He is on bail. His bail bonds are cancelled and sureties discharged of their liabilities.

Case property i.e. Pistol 30 bore bearing # 4315 alongwith fix charger containing three (03) rounds be returned to the accused facing the trial while the remaining case property be disposed after expiry of the period of appeal/revision. File be consigned to the record room after completion.

**ANNOUNCED**  
20.12.2023

  
(Altaf ur Rehman Khan)  
Sessions Judge, Kohat

ATTENTION  
COPIES  
05 SEP 2024  
CPIN

20

**VAKALAT NAMA**

NO. \_\_\_\_\_/2024

IN THE COURT OF KP Service Tribunal, Peshawar

Muhammad Tahir

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Police Department

(Respondent)  
(Defendant)

I/We, \_\_\_\_\_

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 \_\_\_\_\_/2024

Htt P

(CLIENT)

ACCEPTED

Tahir

**TAIMUR ALI KHAN**  
**Advocate High Court**

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

**ATTSTED**