

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 07/2016

Date of institution ... 01.01.2016

Date of judgment ... 20.04.2017

Rahim Ullah S/o Karim Ullah, Ex-Driver Constable No. 616
(Elite Force) CTD HQ Peshawar,
R/o Village Surizai Payan Tehsil & District Peshawar.

... (Appellant)

VERSUS

1. Superintendent of Police, Head Quarter, Police Line Peshawar.
2. Chief Capital City Police Officer, Peshawar.
3. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT,
1974 AGAINST THE IMPUGNED OFFICE ORDER NO. OB NO.193
DATED 14.01.2015 OF RESPONDENT NO. 1 (SP HEADQUARTER
PESHAWAR) WHEREBY THE APPELLANT WAS DISMISSED
FROM SERVICE AND AFFIRM ORDER NO. 2264-69 DATED
29.04.2015 OF RESPONDENT NO. 2 (CCPO PESHAWAR)
WHEREBY APPLICATION AGAINST THE ORIGINAL ORDER
WAS REJECTED AND OFFICE ORDER NO. 5824/15 DATED
08.12.2015 OF RESPONDENT NO. 3 IGP KPK, WHEREBY
REVISION PETITION/MERCY APPEAL WAS DISMISSED FOR NO
LEGAL REASON.

Mr. Abdul Jabbar, Advocate.

.. For appellant.

Mr. Ziaullah, Government Pleader

.. For respondents.

MR. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. AHMAD HASSAN

.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: This service appeal has
been directed against the order dated 14.01.2015 passed by respondent No. 1 whereby

the appellant Rahim Ullah was dismissed from service. The appellant challenged the same through departmental appeal but his departmental appeal was dismissed by the respondent No. 2 and thereafter the appellant challenged the orders of respondent no. 1 and 2 before respondent no. 3 i.e Inspector General of Police, which was also dismissed vide order dated 08.12.2015, hence the present service appeal.

2. Brief facts of the present case are that appellant was appointed as Driver in the Police Department of Elite Force on 08.07.2009. That in 2014 the local police (CTD) involved the uncle of the appellant in untraced case vide FIR No. 218 dated 10.08.2014 under section 387 PPC P.S Michini Gate. There-after the appellant was also charge sheeted by the competent authority ~~because~~ ^{on the charge that} he was supporting the outlaws residing in his native village and surrounding area and the majority of his close relatives were also involved in the heinous crimes and ~~as~~ ^{as} being police official were also found leaking important secret information of the local police to outlaws. The competent authority appointed Bahadar Khan Police CTD as inquiry officer, after inquiry he was found guilty of misconduct and dismissed him from service by the competent authority vide order dated 14.01.2015.

3. Learned counsel for the appellant argued that neither the appellant was involved in any criminal case nor any complaint was preferred by anyone against the appellant but the local police involved his uncle in a fabricated case vide FIR No. 281 dated 10.08.2014 under section 387 PPC wherein the complainant had charged the unknown accused for commission of offence. It was further contended that later on after arrest of the uncle of the accused the said complainant also submitted affidavit to the effect that neither he had charged uncle of the appellant namely Hazrat Ullah in the FIR nor he had nominated him in the FIR. He further stated in the affidavit that the said Hazrat Ullah uncle of the appellant was totally innocent and on the basis of said affidavit the learned trial court also granted bail to the uncle of the appellant. It was further contended that since Hazrat Ullah accused involved in the aforesaid case

M. Amin
20.4.2017

was a close relative of the appellant therefore the local police also conducted departmental inquiry against the appellant and on the basis of the aforesaid baseless allegations he was dismissed from the service. It was further contended that neither proper inquiry was initiated against the appellant nor any opportunity of reply to the charge-sheet/statement of allegations was given to the appellant nor statement of witnesses were recorded by the inquiry officer nor any opportunity of cross examination was provided to the appellant. It was further contended that neither the appellant was given opportunity of personal hearing nor any opportunity of proper defence was given to the appellant, therefore, entire inquiry proceedings were conducted in violation of rules and the appellant was illegally dismissed from service, therefore, prayed that the appeal may be accepted and appellant may be reinstated in service.

4. On the other hand learned Government Pleader for the respondents opposed the contention of learned counsel for the appellant and argued that the appellant was serving in Police Department but his relatives were involved in heinous crimes and the appellant also supported the outlaws residing in the vicinity and he was also found leaking secret information of the department to the outlaws due to which performance/activities of the department were likely to suffer. It was further contended that a proper inquiry was initiated against the appellant and after recording the statement of official witnesses, the inquiry officer came to the conclusion that the appellant had violated the Police Disciplinary Rules 1975 therefore the inquiry officer recommended him for major punishment of dismissal from service and on the basis of inquiry report the competent authority has rightly dismissed him from service. It was further contended that the appeal is also time barred and prayed for dismissal of appeal.

5. We have heard the arguments of both the sides and gone through the record.

M. Amin
20-4-2017

6. Perusal of the record revealed that the appellant was appointed in Elite Force, Police Department as Driver on 08.07.2009. In 2014 complainant Hajji Hamdad lodged a report against unknown accused for demanding Bhatta through Mobile Phone vide FIR No. 281 dated 10.08.2014 under section 387 PPC P.S Michni Gate and after registration of the said case the local police arrested the uncle of the appellant namely Hazrat Ullah in the said case. The record further reveals that brother of the accused also filed a Habeas Corpus Petition in the court of Learned Additional Sessions Judge-I Peshawar and the learned Additional Sessions Judge directed the bailiff for search of uncle of the appellant. He was also charged by the local police for helping the court bailiff in searching his uncle therefore he was also charge sheeted for supporting the outlaws residing in the vicinity, involvement of close relatives of the appellant in the heinous cases and leakage of secret information of the department to those outlaws, therefore, the inquiry was initiated and was dismissed from service but the record shows that the inquiry officer has stated in the inquiry report that he had recorded the statement of Sher Afzal Khan, Inspector CTD as well as Waqar Ali, MASI PS CTD and they have supported the allegations leveled against the appellant but neither their statements are available on the record nor any proof to show that the appellant was given opportunity of cross examination by the inquiry officer, though he was bound to give opportunity of cross examination to the appellant. In this regard section-11 (1) of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Disciplinary) Rules 2011 is reproduced as under:-

“On acceptance of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry office or the inquiry committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charges or in defense of the accused as may be considered necessary and where any

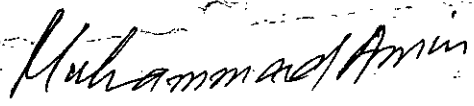
M. Anwar
20-4-2017

witness is produced by one party, the other party shall be entitled to cross-examine such witnesses”.

Opportunity of cross examining the witnesses being a mandatory requirement of the rules was not afforded to the appellant. Major penalty of removal from service was imposed by the respondents but neither any opportunity of personal hearing or defence ^{was} provided to the appellant, therefore, the impugned orders are illegal, void and liable to be set-aside. Hence, we are constrained to accept the appeal set-aside the impugned order reinstate the appellant into service from the date of dismissal from service. However, the respondents are directed to conduct de-novo inquiry within a period of two months from the date of receipt of this judgment. The inquiry should be conducted in the mode and manner prescribed in the rules and the appellant be fully associated with inquiry proceedings. In case inquiry is not conducted within the stipulated period, the appellant shall be deemed to have been reinstated in service from the date of dismissal from service. The issue of back benefits shall be subject to the outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
20.04.2017


(AHMAD HASSAN)
MEMBER

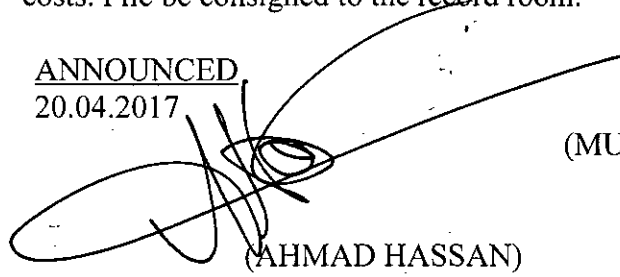

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

20.04.2017

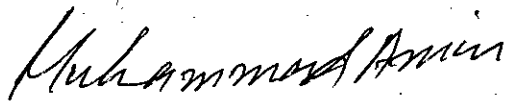
Counsel for the appellant present. Mr. Muhammad Raziq, Head Constable alongwith Mr. Ziaullah, Government Pleader for the respondents also present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of five pages placed on file, we are constrained to accept the appeal set-aside the impugned order reinstate the appellant into service from the date of dismissal from service. However, the respondents are directed to conduct de-novo inquiry within a period of two months from the date of receipt of this judgment. The inquiry should be conducted in the mode and manner prescribed in the rules and the appellant be fully associated with inquiry proceedings. In case inquiry is not conducted within the stipulated period, the appellant shall be deemed to have been reinstated in service from the date of dismissal from service. The issue of back benefits shall be subject to the outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
20.04.2017



(AHMAD HASSAN)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

12.07.2016

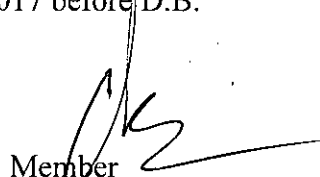
Appellant in person and Mr. Muhammad Raziq, H.C alongwith Mr. Muhammad Jan, GP for respondents present. Appellant requested for adjournment. To come up for arguments on 27.10.2016.


Member


Member

27.10.2016

Appellant in person and Aziz Shah, Reader alongwith Assistant AG for respondents present. Learned Assistant AG requested for adjournment as he intense to produce the said record of inquiry. To come up for such record and arguments on 28.02.2017 before D.B.


Member


Chairman

28.02.2017

Counsel for the appellant and Mr. Muhammad Jan, GP alongwith Mr. Abdur Raziq, H.C for respondents present. Representative of the respondents submitted copy of record which is placed on file. To come up for arguments on 20.04.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMER

07.01.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Driver Constable when subjected to inquiry on the allegations of involvement in illegal activities and extended support to extortionists, terrorists and kidnappers and dismissed from service vide impugned order dated 14.1.2015 where-against he preferred departmental appeal which was rejected on 29.4.2015 followed by mercy petition dated 26.5.2015 which was also rejected on 8.12.2015 on the grounds that the appellant has preferred appeal in service Tribunal and hence this appeal on 1.1.2016.

Appellant Deposited
Security & Process Fee


That the allegations were unfounded and not substantiated during the inquiry and that no opportunity of cross-examination was extended to the appellant nor opportunity of hearing was afforded.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 22.3.2016 before S.B.


Chairman

22.03.2016

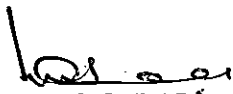

Appellant in person and Mr. Hayat Muhammad, Reader alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 12.7.2016.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ 07/2016 _____

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01.01.2016	<p>The appeal of Mr. Rahim Ullah presented today by Mr. Akhunzada Syed Pervez Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	04-1-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>07-1-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 07 of 2016

Rahim Ullah Appellant

VERSUS

Superintendent of Police, Head Quarter, Police Line
Peshawar and other Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Memo of appeal with affidavit		1-8
2.	Application for condonation of delay if any with affidavit		9-10
3.	Copy of appointment order etc	"A"	11-14
4.	Copy of FIR and Habeas petition and Court orders and affidavit	"B"	15-29
5.	Copy of show cause notice dated 18/08/2014	"C"	30
6.	Copy of reply to the show cause notice	"D"	31
7.	Copy of inquiry, summary and charge sheet etc	"E"	32-38
8.	Copy of final show cause notices along with reply	"F"	39-41
9.	Copy of dismissal order dated 14/01/2015 passed by the SP HQ Peshawar	"G"	42
10.	Copy of Departmental appeal along with order dated 29/04/2015 passed by the CCPO Peshawar	"H"	43-44
11.	Copy of revision petition / mercy petition / appeal	"I"	45-50
12.	Wakalat Nama	In original	51

Dated 01/01/2016

Appellant
Through



Akhunzada Syed Pervez
Advocate, High Court,
Peshawar
Cell # 0300-3160098

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 07 _____ of 2016

K.P.F. Province
Service Tribunal
Duty No. 04
dated 01-01-2016

Rahim Ullah S/o Karim Ullah, Ex-Driver Constable
No.616 (Elite Force) CTD HQ Peshawar presently
residing at Village Surizai Payan Tehsil & District
Peshawar.

..... Appellant

VERSUS

- 1- Superintendent of Police, Head Quarter, Police Line Peshawar.
 - 2- Chief Capital City Police Officer, Peshawar
 - 3- Inspector General of Police, KPK, Peshawar
- Respondents

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED OFFICE ORDER NO. OB NO.193 DATED 14/01/2015 OF RESPONDENT NO.1 (SP HEADQUARTER PESHAWAR) WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE AND AFFIRM ORDER NO.2264-69 DATED 29/04/2015 OF RESPONDENT NO.2 (CCPO PESHAWAR) WHEREBY APPLICATION AGAINST THE ORIGINAL ORDER WAS REJECTED AND OFFICE ORDER NO.5824/15 DATED 08/12/2015 OF RESPONDENT NO.3 IGP KPK, WHEREBY REVISION PETITION/MERCY APPEAL WAS DISMISSED FOR NO LEGAL REASON.

Filed to file
11/1/2016

Prayer;

On acceptance of this appeal, the impugned orders passed by the respondent No.1 (SP HQ Peshawar) dated 14/01/2015, the order passed by the Respondent No.2(CCPO Peshawar) dated 29/04/2015 and order dated 08/12/2015 passed by the Respondent No.3 (IGP KPK Peshawar, may kindly be declare null and void and be set aside and the appellant may also be reinstated to his service with all back benefits.

Respectfully Sheweth;

The appellant respectfully submits as under;

- 1- That the appellant was appointed as Driver in the Police Department of Elite Force on 08/07/2009. (Copy of appointment order dated 08/07/2009 is annexed as Annexure "A").
- 2- That the appellant throughout his whole service has satisfactorily performed his duties to the entire satisfaction of his superior.
- 3- That in the year 2014, the local police (CTD) involved the uncle of appellant in untraced case FIR No.218 dated 10/08/2014 U/S 387 PPC PS Michini Gate, and the CTD Police raided the house of appellant's uncle, and they picked and took away appellant uncle to PS East Cantt (Sharqi), hence the brother of appellant's uncle filed a Habeas Corpus Petition in the Court of learned District & Sessions Judge, Peshawar and the learned District & Sessions Judge, Peshawar was please to directed the bailiff of his Court for search of appellant's uncle in concerned police station and the appellant along with other relative accompanied with the said bailiff to the concerned police station. It is pertinent to mention here that the uncle of the appellant was released on bail by the learned Addl: Sessions Judge, Peshawar vide order dated 26/08/2014, during the pendency of the said bail petition the complainant appeared before the Court and has given his statement about the innocence of the appellant's uncle. (Copies of FIR, Habeas Corpus Petition order and bail petition along with order sheet dated 26/08/2014 and affidavit of complainant are annexed Annexure "B").
- 4- That the appellant was on the plea of helping the Court bailiff in search of his detenue uncle charged and punished for six days quarter guard, meanwhile a show cause notice No.9364/CTD dated 18/08/2014 was also given to the appellant whereby the vague and groundless allegations were made against the appellant the said allegations are as under:

- i- That you (appellant) supporting the outlaw having residing in your native village as well as in the surrounding area.
- ii- It has been noticed that majority closed relatives are also involved in heinous crimes i.e. Extortion, terrorism, kidnapping for ransom etc and you facilitates them in connection with committing of such illegal activities.
- iii- You (Appellant) also found in leakage the important secret information of this Unit to these outlaws due to which function of this important Unit is likely to be suffered from your this act.

It is, pertinent to mention here that the above mentioned allegations are vague and groundless and the appellant had never been involved in such like activities.

(Copy of the Show Cause Notice is annexed as Annexure "C")

- 5- That the appellant submitted his reply in respect of above mentioned show cause notice, wherein the appellant denied all the frivolous and baseless allegations. (Copy of the reply is annexed as Annexure "D").
- 6- That on the back of appellant the respondents/ department summery of allegations and charge sheet was made and thereafter on 10/10/2014 an illegal, unlawful and exparte formal inquiry was initiated against the appellant at his back and the respondents in fill-in-the-blank manner without providing him opportunity of his defence or explaining his position, even no opportunity was given to the appellant to face and cross examined the witnesses etc, hence the respondents violated the basic law of principle and right of appellant to participate the inquiry and cross examined the witnesses no regular inquiry is conducted by the respondents/department. (Copy of summery of allegations, charge sheet and inquiry report are annexed as Annexure "E").
- 7- That after conducting the above mentioned inquiry by the respondents, they on 29/10/2014 transferred

(4)

the appellant from CPO CTD HQ Peshawar to CCP Peshawar, the said transferred order was / is also illegal and based on malafide intention on the part respondents.

8- That on 13/10/2014 the appellant was given a final show cause notice by respondents and similarly on 18/11/2014 the respondents again given a final show cause notice and the appellant has also submitted his written reply in respect of above mentioned final show cause notices whereby the appellant totally denied all the allegations. (Copies show cause notices and reply are annexed as Annexure "F").

9- That on 14/01/2015 the respondent No. 1 unilaterally proceeded against the appellant in his absence and passed the impugned order thereby imposing major penalty of dismissal from service without confirming to the legal requirement of law which has thus prejudiced the appellant. (Copy of the dismissal order dated 14/01/2015 is annexed as Annexure "G").

10- That the appellant feeling aggrieved from the above said dismissal order filed a departmental appeal before the respondent No. 2 But on 29/04/2015 the respondent No. 2 illegally and unlawfully dismissed the said departmental appeal without hearing the appellant. (Copy of grounds of appeal and order dated 29/04/2015 is annexed as Annexure "H").

11- That thereafter on 26/05/2015 through Dairy No.3181/E-4 the appellant filed a revision petition/ mercy appeal before the respondent No.3 but on 08/11/2015 the respondent No.3 had also without hearing the appellant illegally and unlawfully dismissed the appellant's revision / mercy appeal only on a very illegal and unlawful ground that the appellant had already approached this Hon'ble Tribunal, it is worth mentioning that the appellant never given such statement to the respondents that his case is pending before this Hon'ble Tribunal and had never been filed such like appeal before this Hon'ble Tribunal prior to the instant appeal. (Copy of the Dairy No. 3181/E-4, revision petition/ mercy appeal and office order No. 5824/15 dated 18/12/2015 are annexed Annexure "I").

5

12-That the appellant has no other adequate remedy except to approach this Hon'ble Tribunal on service appeal for redressal of his grievances on the following grounds:

GROUND:

- A- That the respondents have not treated appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of the Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.
- B- That respondents in absence of appellant passed the impugned orders thereby imposing major penalty of dismissal from service without confirming to the legal requirements of law which has thus prejudice the appellant.
- C- That no opportunity of personal hearing afforded to appellant, which also the mandatory requirement of law as well as principle of natural justice. The appellant was condemned unheard and accordingly the impugned orders are void, ab-initio, arbitrary and hence not sustainable.
- D- That the orders of the respondents are based upon malafide intention just to deprive the appellant from his service the appellant has rendered about five years long service during which period no disciplinary action has ever been initiated against him.
- E- That the appellant never committed any misconduct, hence the punishment is against the law and police rules even the respondents have got no jurisdiction because the appellants parental unit is Elite Force not the respondents office/department.
- F- That no opportunity was given to the appellant to be heard a cross examined the witnesses.
- G- That the all allegations are general and vague.

- H- That the appellant never committed any criminal act or omission and had never been involved in criminal activities.
- I- That the appellant is innocent and there is no direct or circumstantial evidence available against the appellant for his involvement in criminal activities.
- J- That appellant has no criminal history.
- K- That the show cause notice and final show cause notices were not given according to law.
- L- That the case of the appellant does not come under the misconduct and therefore, not liable to be major punishment i.e. dismissal from his service.
- M- That the case of the appellant comes under the principle of double jeopardy because the appellant had already been punished and was given six day imprisonment in quarter guard.
- N- That the impugned order dated 15/11/2007 at Annexure "A" has been given retrospective effect which is patently an illegal order which cannot be given any effect to under the law.
- O- That the all impugned orders passed by the respondent No.1 to 3 are illegal, malafide, without jurisdiction and without lawful authority and are liable to be set aside.
- P- That the appellant never helped and abetted any criminal even the appellant never disclosed any secrecy or information of the department to any other person/persons.
- Q- That according to the statement of witnesses and inquiry the respondents badly failed to proof any involvement of appellant in any criminal case or activities, moreover, the appellant never committed any misconduct through in his service.
- R- That it is, also pertinent to mention here that the uncle of appellant has never been involved in any criminal case but the local police on the basis of malafide involved him in untraced case FIR No.218 dated 10/08/2014 U/S 387 PPC PS Michini

7

Gate, moreover, the complainant of that case FIR appeared before the Court of learned District & Sessions Judge, Peshawar at his bail stage and has given an affidavit about the innocence appellant's uncle, he further stated that he never charge the appellants uncle in the said FIR and now the appellant's uncle is already on bail.

- S- That the instant appeal is will within time if otherwise the instant appeal is barred by limitation then such delay may kindly be condoned because there is no willful delay on the part of the appellant.
- T- That the appellant seeks leave of this Hon'ble Tribunal to rely on additional grounds at the time of arguments.


It is, therefore, prayed that on acceptance of this appeal, the impugned orders passed by the respondent No.1 (SP HQ Peshawar) dated 14/01/2015, the order passed by the Respondent No.2(CCPO Peshawar) dated 29/04/2015 and order dated 08/12/2015 passed by the Respondent No.3 (IGP KPK Peshawar, may kindly be declare null and void and be set aside and the appellant may also be reinstated to his service with all back benefits.

Any other relief deem proper in the circumstance of the case may also be granted to the appellant.

Dated 01/01/2016


Appellant

Through


Akhunzada Syed Pervez
Advocate, High Court,
Peshawar

(8)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. _____ of 2015

Rahim Ullah Appellant

VERSUS

Superintendent of Police, Head Quarter, Police Line
Peshawar and other Respondents

AFFIDAVIT

I, Rahim Ullah S/o Karim Ullah, Ex-Driver
Constable No.616 (Elite Force) CTD HQ Peshawar
do hereby solemnly affirm and declare on oath that
the accompanying appeal are true and correct to the
best of my knowledge and belief and that nothing
has been concealed from this Hon'ble Court.



DEPONENT



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Misc Application No. _____ of 2015

Rahim Ullah Appellant

VERSUS

Superintendent of Police, Head Quarter, Police Line
Peshawar and other Respondents

APPLICATION FOR CONDONATION OF DELAY
IF ANY.

Respectfully Sheweth:

- 1- That the applicant / appellant filing the instant appeal before this Hon'ble Tribunal in which no date of hearing has yet been fixed.
- 2- That the instant appeal well within time but if otherwise the instant appeal of applicant / appellant is barred by limitation law then such delay may kindly be condoned because there is no such willful delay on the part of appellant.
- 3- That the appellant has got a good arguable as well as prima facie a good case on merits and in the interest of justice the delay may graciously be condoned if any, because it is a well celebrated principle of law that causes, cases and right of the parties should be decided on merits other than technicalities.

It is, therefore, humbly prayed that on acceptance of this application, if the instant appeal is time barred then the delay if any may graciously be condoned such delay for the ends of justice.

Any other relief deem proper in the circumstance of the case may also be granted to the appellant.

Dated 01/01/2016

Applicant/Appellant

Through



Akhunzada Syed Pervez
Advocate, High Court,
Peshawar.

10

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. _____ of 2015

Rahim Ullah Appellant

VERSUS

Superintendent of Police, Head Quarter, Police Line
Peshawar and other Respondents

AFFIDAVIT

I, Rahim Ullah S/o Karim Ullah, Ex-Driver
Constable No.616. (Elite Force) CTD HQ Peshawar
do hereby solemnly affirm and declare on oath that
the accompanying application for condonation of
delay if any are true and correct to the best of my
knowledge and belief and that nothing has been
concealed from this Hon'ble Court.



DEPONENT



(11)

**FOR THE PUBLICATION IN NWFP POLICE GAZETTE PART-II
ORDERS BY THE PROVINCIAL POLICE OFFICER, NWFP**

Amex
A

NOTIFICATION

Dated / /2009

No. /E-~~F~~ APPOINTMENT/POSTING: Having been approved by the Departmental Selection Committee the following candidates are hereby appointed/absorbed as Constable Driver BPS-05 (3340-160-8140) purely on temporary basis in the NWFP, Police with effect from the date they actually reports for duty their place of posting subject to medical fitness and verification of character and antecedents etc. On appointment they are posted to various Region/District/Unit. Where, their services are required.

The condition of their services will be as under:-

1. Their services are liable to be terminated within 14 days notice without assigning any reason.

S. #	Name	Father Name	Qualification	Driving License	Place of Posting
1.	Rahat Shah	Said Muhammad	Metric	LTV	Elite Force
2.	Tahir Khan	Muhammad Salam	Under Metric	LTV	Elite Force
3.	Asad Hayat	Umar Hayat	Under Metric	HTV	Elite Force
4.	Imtiaz Ahmad	Wazir Zada	Under Metric	M/Car	Elite Force
5.	Amjad Kan	Dilbar Khan	Metric	HTV	Elite Force
6.	Bahadar Khan	Khan Zada	Under Metric	HTV	Elite Force
7.	Kamran Khan	Jamshad Khan	Metric	LTV	Elite Force
8.	Sikandar Khan	Hashim Khan	F.A	M/Car	Elite Force
9.	Niaz Ali Khan	Sabz Ali Khan	Metric	M/Car	Elite Force
10.	Ziad Khan	Khan Bahadar	Under Metric	M/Car	Elite Force
11.	Adeel Mushtaq	Mushtaq	Under Metric	M/Car	Elite Force
12.	Asif Gul	Habib Gul	Metric	M/Car	Elite Force
13.	Muhammad Israr	Hidayat Ullah	Metric	LTV	Elite Force
14.	Asfandyar	Aurang Zeb Khan	Under Metric	M/Car	Elite Force
15.	Sher Alam	Mumtaz	Metric	M/Car	Elite Force
16.	Fawad Shakir	Shakir Ullah	Under Metric	M/Car	Elite Force
17.	Fasih-ur-Rehman	Sharif Ullah	Under Metric	M/Car	Elite Force
18.	Asad Jan	Ayub Khan	Metric	LTV	Elite Force
19.	Fazal Ullah	Jehan Zeb	Metric	LTV	Elite Force
20.	Habib-ur-Rehman	Abdul Majeed	Under Metric	LTV	Elite Force
21.	Yasin Khan Khalil	Niaz Ali Khan	Under Metric	M/Car	Elite Force
22.	Ali Muhammad	Habib Ullah	Under Metric	LTV Learner	Elite Force
X 23.	Kalim Ullah (Police Sons) X	Wisal	-	-	Elite Force
24.	Rahim Ullah (Police Sons)	Karim Ullah	-	-	Elite Force

O/B no 1
9/7/09

M. M. Khan
(MUHAMMAD SALAMAN KHAN)
Commandant
Elite Force, NWFP, Peshawar

No. /E- Dated Peshawar the /06/2009.

1. Assistant Inspector General of Police, Establishment, NWFP, Peshawar.
2. Deputy Commandant, Elite Force, NWFP, Peshawar.
3. Senior Superintendent of Police, Operations, Elite Force, NWFP, Peshawar.
4. Superintendent of Police, Headquarters, Elite Force, NWFP, Peshawar.
5. SP/Camp Commander, Jallozai Training Centre, Nowshera.
6. Office Superintendent, Elite Force, NWFP, Peshawar.
7. Accountant, Elite Force, NWFP, Peshawar.
8. OASI / EC Elite Force NWFP, Peshawar.

72



Office of the Addl: Inspector General of Police
Elite Force Khyber Pakhtunkhwa Peshawar

Dated 12/03/2015.

No. 3026/EF

To : The Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa Peshawar.

Subject: SERVICE RECORD

Memo

Please refer to the Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar Order Endst: No. 2029-30/-IV, dated 25.04.2014.

The service record in respect of the following driver are sent herewith
which may please be acknowledged:-

1. Ijaz Ahmad No. 1711
2. Fawad Shakir No. 1712
3. Ghufran No. 1732
4. Rahim Ullah No. 1717
5. Dilawar Khan No. 1775
6. Fasih-ur-Rehman No. 1718
7. Sardar Khan No. 1779
8. Zohaib Ali-No. 1733
9. Mohammad Khan No. 1734
10. Rizwan Abbas No. 1776

Encl:	Service Roll	=	10
	Fuji Misal	=	09
	Service Book	=	04

A. Ahmad

OFFICE SUPERINTENDENT
For Deputy Commandant
Elite Force, Khyber Pakhtunkhwa Peshawar

12-03-15

(13)

ORDER

This office order issued vide No. 2029-30/E-IV dated: 25.04.2014
2445-47/E-IV dated: 09.05.2014 so far it relates to the transfer of
constables from Elite Force Khyber Pakhtunkhwa on loan to CTD
Pakhtunkhwa are hereby withdrawn.

(SYED FIDA HASSAN SHAH)
AIG/Establishment
For Inspector General of Police
Khyber Pakhtunkhwa
Peshawar.

No. 2715-17 /E-IV dated Peshawar the 19/5/2014

Copy of above is forwarded for information and necessary action

1. Addl: IGP/HQs Khyber Pakhtunkhwa, Peshawar.
2. Addl: IGP/Elite Force Khyber Pakhtunkhwa Peshawar w/r to his /
6227/EF dated: 14.05.2014.

ORDER


(157)

Being involved in illegal activities and giving support to the extortionists, terrorists and Kidnapper Constable Driver Raheemullah No 616 of this Unit is hereby place under suspension with immediate effect.

Proper Departmental Proceedings will be initiated against him separately.

OB No...179...../CTD.

Dated...8...../08/2014.


(Muhammad Alam Shinwari)PSP
Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar

No. 9306-10 /OASI/CTD, dated Peshawar the 18 /08/2014.

Copy of above is forwarded for information and necessary action to all concerned in CTD, Khyber Pakhtunkhwa Peshawar.

رفائیل Anwar B

ابتدائی اطلاعی رپورٹ

فارم نمبر 23-5 (1)

03009350151

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 152 مجموعہ ضابطہ فوجداری

NIC-1730165374777 لیسٹا

جنس گیت

ضلع

تاریخ 14/6/14 وقت نا جلعو

12 عدد 281

تاریخ و وقت رپورٹ	14/8/14 وقت 17:50 بج
1- نام و سکونت اطلاع دہندہ مستغیث	حاجی محمد ارولہ محمد سیرتکنہ حیدرہ سوئٹس ٹاؤن سبات
2- مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو۔	PPC 387
3- جائے وقوعہ فاصلہ تھانہ سے اور سمت	سائی روڈ نزد جان باخیہ
4- نام و سکونت ملزم	
5- کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کر دو	تعمیراتی دروازے پر حقد عام لایا
6- تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل عام

ابتدائی اطلاع نیچے درج کرویلوختہ پر راجم مستغیث ظاہر نمبر 2 کا سر
 لغات آرٹھیری درخو است پس آخ درج ذیل سے خدمت حیات 5145 نام جنس گیت
 صابن کی آگرائش دستیلا سیرا سرغیوں کا کام چیدھا نو چونک نشاہ سور میں ریا یور
 حرم 19/14 کو سپر س ہو بائیل نمبر 03009350151 پر وہاں نمبر 275775775775
 اور 71471420150935 سے کمال اتی اور بتایا کہ آیت کرور روپے کا مطالبہ کیا
 اور دیکھی یعنی کہ آس سے ادانہ لے لو ایلو جان سے مار دینگے اس وقت
 حیدرہ اس بات کو نظر انداز کیا جو 3 کو لقمہ تیاران کے لیا رکھے
 شیار حرم ہو بائیل نمبر 03054925473 سے خون آئے اور بتایا کہ اسے مار دیکو
 کرور کا مطالبہ کیا اور اسے ملوہ حیدرہ دوکان سے ملنے دو خطوط لکھے
 جو کہ حیدرہ یا میں جو پر ہیں اور اس خطوط میں لکھا ایلو طالبان ظاہر اور اس
 خطوط حیدرہ پر ہے کہ یہ رسم تارکی سمجھا رکھو کہ موہ تو حد کا سبھا ایلو
 اسکورے دو دن ہمارے تک پہنچا دھکا ملکر تارکی سمجھا رکھو یہ دیا اور پھر
 نون نمبر 2 طرف دیکھیاں اور کھتر مانگنے کا رسوہ اریوں دستخط طرہ اور نمبر 10
 کارروائی لغات حاصل ہیں کرور ایلو اسٹا حصف حرف ایلو بالہ بیوی معقول رپورٹ
 سے صورت جسم ناہ کا بائی جائے حد خرما مال راجہ رصطہ سے رتقول برطات
 برصا نسبتا جو الہ حاسبہ کان لکھ کر جانے پر ح زائیسے لکھ
 10

sj.Ps.M.gate 10.8.14

کے نام سے ایک ایسے شخص کے والدین کے لئے

**IN THE COURT OF
LEARNED SESSIONS JUDGE, PESHAWAR** (16)

Hazrat Ullah S/O Haji Banat Khan

R/O Banat Kalay, Sorezi Pshawar.....

26/8/2014

SOS
BA

Versus



1. Haji Hamdad S/O Muhammad Sher
R/O Banat Kalay, Sorezai District Peshawar.

2. The State.....

Respondents

Case FIR No: 281, Dated: 10-08-2014
Registered U/S: 387 PPC
Police Station: Michni Gate

**PETITION FOR RELEASE OF THE PETITIONER
ON BAIL TILL THE DECISION OF THE CASE**

Respectfully Sheweth:

- A. That the petitioner has been arraigned as accused in the captioned case registered in PS Michni Gate U/S. 387 PPC on 10-08-2014 at the instance of one Haji Hamdad (Respondent No.1) vide FIR No. 281. Attested copy of FIR is annexed-"A".
- B. That the petitioner applied to the Court of learned Judicial Magistrate Peshawar for his release on bail which was turned down by the learned Magistrate vide order dated 19-08-2014. Attested copies of bail application and order there on are annexed-"B" & "C" respectively.

ATTESTED

(Examiner)

Sessions Court Peshawar

Now the petitioner begs to seek the same relief in this learned Court inter-alia on the following grounds.

GROUND:

(17)

- I. That, the petitioner is quite innocent. There is absolutely no evidence ocular or circumstantial regarding his complicity in the alleged transaction.
- II. That, the delay in reporting the matter to the police speaks volume regarding the concoction of the case.
- III. That admittedly the petitioner has not been nominated in the FIOR, rather name of one Qari Shahbaz is floating on surface who has not been made accused in the case.
- IV. That the petitioner was illegally picked by the police from his house on 10-08-2014, kept him in illegal confinement and brother of the petitioner namely Afzal Khan has filed *Habeas Corpus* petition before the learned Sessions Judge on 10-08-2014 and the police in order to save their skin from the legal liabilities arraigned the petitioner as accused in the instant case. Copy of the Same is attached. I
- V. That neither, the SIMs in question registered in name of the petitioner nor was in his possession/use. Likewise none of the SIM mentioned in the FIR has been recovered from the personal possession of the petitioner or at his instance from any premises.
- VI. That the police have planted the alleged recovery against the petitioner at the behest of the complainant party and also to save their skins.
- VII. That the so-called mobile data is fabricated one and maneuvered by the police.

[Handwritten signature]

[Handwritten signature]

ATTESTED
[Handwritten signature]
(Examiner)
Sessions Court, Faisalabad

- VIII. That section of law appended by the police is not at all applicable to the case of the petitioner.
- IX. That the complainant of the case is also satisfied regarding the innocence of the petitioner and in this regard he is ready to furnish his sworn affidavit and record his statement before this learned Court.
- X. That, be that as it may, the case does not fall within the prohibitory clause of section 497 Cr.P.C.
- XI. That anyhow, case of the petitioner is covered by clause (2) of section 497 Cr.P.C and he is entitled to be release on bail.

It is, therefore, humbly prayed that on acceptance of this petition, the petitioner may graciously be allowed bail till the decision of the instant case.

[Handwritten Signature]
 21/8/14
 Sessions Judge, Peshawar

Hazrat Ullah (Petitioner)

Through

Jalal Khan

1. Jalal-ud-Din Akbar Azam Khan (Gara)

[Handwritten Signature]
 2. Shabbir Hussain Gigyani

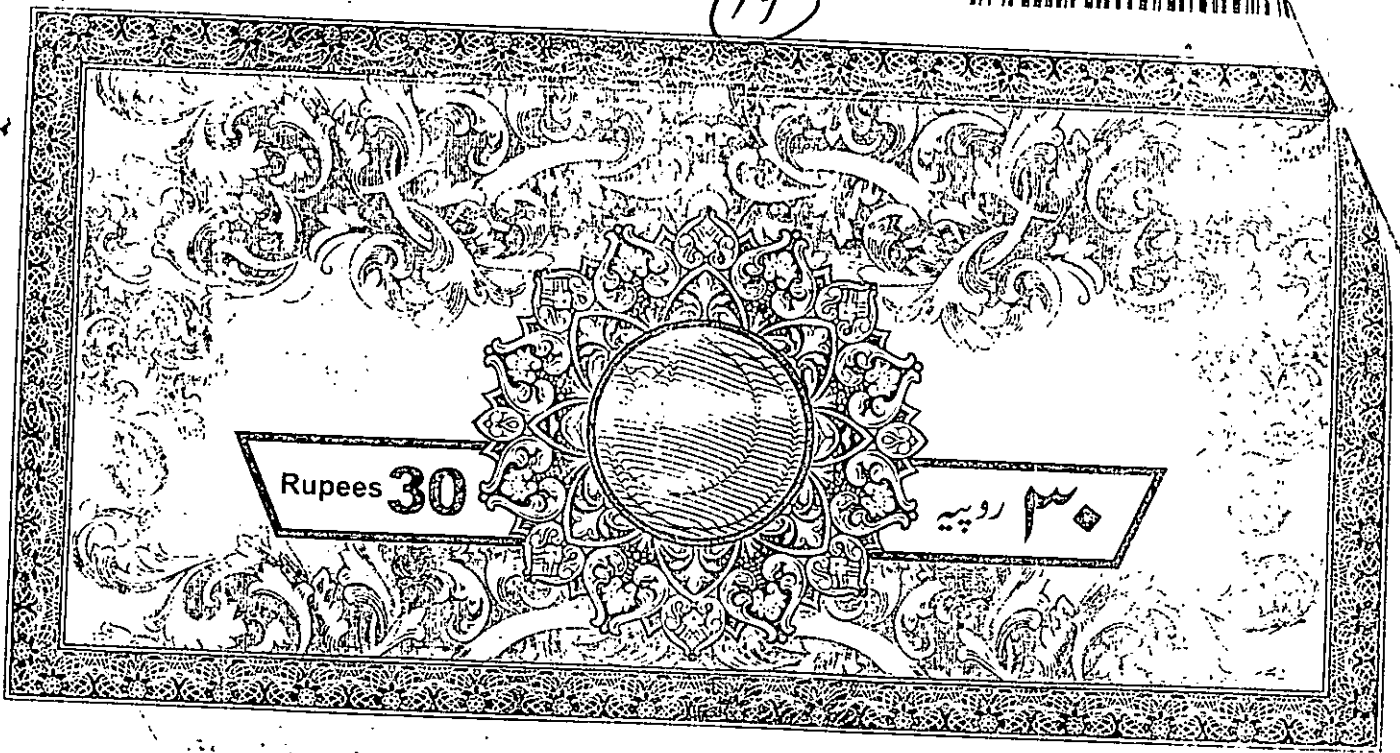
3. M. Yousaf Khan
 Advocate, Peshawar

ATTESTED
[Handwritten Signature]
 (Examiner)
 Sessions Court Peshawar

Dated: 21-08-2014

Note:

➤ Except the present one, no such like petition has earlier been filed in this learned Court by or on behalf of the petitioner.



بیتا
28-08-2014
بیتا

بعدالت جناب ایڈیشنل سیشن جج صاحب پشاور

سرکار

نام

حضرت اللہ

بیان حلفی

متممہ حاجی جامداد ولد محمد شیر سکنہ میرہ سوٹریزی گاؤں بنات حلفا کر کے لکھ دیتا ہوں کہ میں مقدمہ علت نمبر 281 مورخہ 10-08-2014 زبردفعہ 387 تھانہ مچنی گیٹ کاڈی ہوں پولیس نے مقدمہ ہڈانے ملزم حضرت اللہ ولد حاجی بنات سکنہ میرا سوٹریزی گاؤں بنات کو گرفتار کر کے نامزد کیا ہے میں نے نہ FIR میں اور نہ ان کو نامزد کیا ہے اور نہ ان پر دعویٰ داری کرتا ہوں مجھے یقین و تسلی ہے کہ مذکورہ حضرت اللہ بہ گناہ ہے اور اس جرم میں ملوث نہیں ہے میں ان کے خلاف کیس دعویٰ داری نہیں کرنا چاہتا اور اگر یہ معزز عدالت ان کو ضمانت پر رہا کرے ابری کر تو مجھے کوئی اعتراض نہ ہوگا۔

العبد

حاجی جامداد ولد محمد شیر

شناختی کارڈ نمبر 7-17301-6537477

ATTESTED

(Exam
Sessions Court

17301-1629625-1 شناختی کارڈ نمبر

گواہان

بہادر شاہ ولد محمد دین شاہ

گواہ

عبدالخالق ولد غلام جان

17301-1552785-3 شناختی کارڈ نمبر


Hazrat Ullah ...vs....The State
518/BA

Statement of Haji Jamdad son of Muhammad Sher r/o Surizai, Musazai, Peshawar on oath:-


Stated that I am complainant in the instant case FIR No.281 dated 10/08/2014 u/s 387 PPC registered at P.S. Machni Gate, Peshawar, wherein I have charged un-known accused for the commission of offence. However, on investigation carried out by the police, the present petitioner/accused was shown as associated with the instant crime and thereafter I charged the petitioner/accused in my supplementary statement.

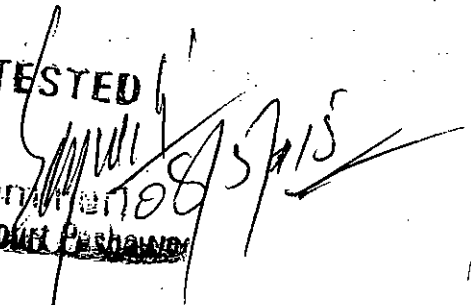
Now, through the intervention of elders of locality I have effected a genuine compromise with the petitioner-accused, as he satisfied me regarding his innocence and so I doubt his involvement in commission of the crime and hence, I am no more interested in prosecution of the case. The compromise deed is Ex:PA, which is without any force and coercion. I have got no objection if this learned court releases the petitioner-accused on bail.

R.O.&A.C.
26/08/2014


(Inam Ullah Wazir)
ASJ-I, Peshawar.


Jamdad Khan
NIC No.17301-6537477-7

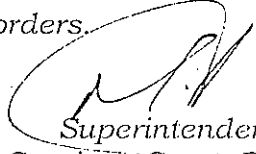
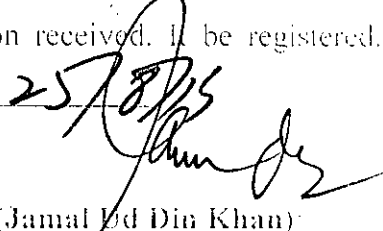
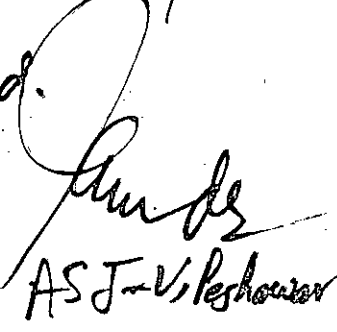
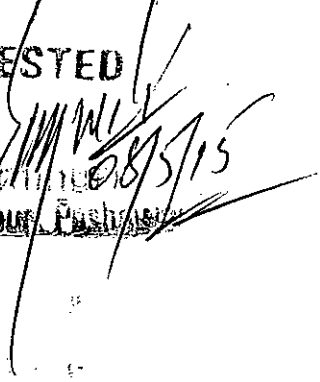

(ASJ-I, Peshawar)

ATTESTED

(Examined)
Sessions Court Peshawar

FORM OF ORDER SHEET

(21)

Court of _____
Case No _____ of _____

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
	20/8/2014	<p>Bail Before Arrest Application/Bail Application/Bail cancellation application presented by Mr. <u>Jalal ud Din</u> Advocate. To be put up before Mr. <u>Tamasha Din</u> Learned Addl: District & Sessions Judge, Peshawar for further orders.</p> <p style="text-align: right;">  Superintendent, Sessions Court, Peshawar </p>
Or.....01	20.08.2014	<p>Bail Application received. To be registered. Notice and Record for 25/8/15</p> <p style="text-align: right;">  (Jamal Ud Din Khan) Addl; Sessions Judge-V, Peshawar </p>
Or...-02	25.8.2014	<p>Counsel for Accused/Petitioner present Record received. complainant be summoned for 26/8/2014 before the court concerned.</p> <p style="text-align: right;">  ASJ-V, Peshawar </p> <p style="text-align: center;"> ATTESTED  (Exacting Officer) Sessions Court, Peshawar </p>

(22)

IN THE COURT OF INAM ULLAH WAZIR,
ADDL: SESSIONS JUDGE-I/JSC, PESHAWAR.

Hazrat Ullah Vs State etc
(BA No. of 2014)

Ord.... 26/08/2014.

Instant bail petition received from the court of learned Duty Judge, Peshawar. It be checked and registered..

2. Counsel for accused-petitioner present. Complainant *Haji Jamdad* in person present. Dy. PP for the State present as well.
3. Accused-petitioner *Hazrat Ullah s/o Haji Banat Khan* seeks his post arrest bail in case F.I.R No.281 dated 10/8/2014 registered u/s 387 PPC, P.S *Michni Gate, Peshawar* for his similar petition was turned down by the court of learned Judicial Magistrate, *Peshawar* vide order dated 19/8/2014.
4. Arguments heard and record perused.
5. Today, at the very outset of hearing in the petition, complainant stated at the bar

ATTESTED
(Examiner)
Sessions Court Peshawar

(23)

Contd. Or. 26/8/14. that, through intervention of the local elders, he has patched up the matter with accused-petitioner *Hazrat Ullah* as, he has satisfied him regarding his innocence, and he i.e. complainant doubts his involvement in commission of the crime, and hence is no more interested in prosecution of case against accused-petitioner. To this effect, he submitted affidavit Ex.PA, and in support whereof, his statement is recorded before the court, wherein alike submission is reiterated.

6. The offence accused-petitioner is charged for, cannot be compounded. Still, the compromise *inter-se* the parties is taken as a redeeming factor and hence, without touching merits of the case, instant bail petition is accepted, and thus, accused-petitioner is admitted to post arrest bail, provided he furnishes bail bonds in the sum of Rs. 200,000/- with two sureties each

ATTESTED
 (Examinee)
 Sessions Court, Peshawar

(24)

Contd. Or. 26/8/14. in the like amount to the satisfaction of this court/duty Judge.

Sureties must be local, reliable and affluent persons.

File be consigned to the record room after completion and compilation, whilst, requisitioned record be returned forthwith.

Announced.
26/08/2014.

Inam
(Inam Ullah Wazir)
ASJ-I/JSC, Peshawar

CERTIFIED TRUE COPY

Copying Agency Services Court
Peshawar.

No:	5583
Dated of / /	7/5/15
Name of /	SP 262121
Value	4000/-
Signature	<i>Inam Ullah Wazir</i>
Dated of / /	08/4/15
Date of Delivery	08/4/15

25

IN THE COURT OF LEARNED SESSIONS JUDGE, PESHAWAR

Afzal Khan S/O Haji Banat Khan

R/O Banat Kalay, Sorezai, Peshawar... .. **P**etitioner

Versus

1. Inspector Sher Afzal

Counter Terrorism Department (CTD), PS East Cantt, Peshawar

2. The State... .. **R**espondents

HABEAS CORPUS PETITION U/S 491 CR.P.C.
FOR THE PRODUCTION AND RELEASE OF
THE DETUNUE NAMELY HAZRAT ULLAH, BROTHER
OF THE PETITIONER FROM THE ILLEGAL AND
UN-LAWFUL DETENTION OF RESPONDENT No.1
AND ISSUING DIRECTION FOR APPROPRIATE
ACTION AGAINST THE PERSONS AT FAULT

O-1
Superintendent
Sessions Judge Peshawar

RESPECTFULLY SHEWETH:

1) **T**hat, the petitioner's family by forefather is the bonafide residents of Banat Kalay, Sorezai, Peshawar, are loyal and law-abiding citizens.

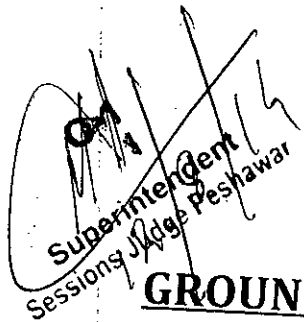
2) **T**hat, on 10-08-2014 at 11:00 am one Inspector Slier Afzal of Counter Terrorism Department (CTD), District Peshawar raided the house of the petitioner, picked and took away his brother namely Hazrat Ullah "the detainee" to PS East Cantt (Sherqi).

3) **T**hat, the aforementioned act of the police party was witnessed by the petitioner and his brother namely Khan Faraz. In this regard their sworn affidavits are annexed-"A"

2

4) **That**, on the very day the petitioner and his family approached to the Respondent and the local PS East Cantt (Sherqi) for release of the "*the detainee*" but they were kept on standby with different pretext, giving the impression to the petitioner that "*the detainee*" will be set free or will be produced before the learned local Magistrate, but in vain.

Now the petitioner, being aggrieved, having no alternative, efficacious, and adequate remedy, approaches this learned Court for the enforcement of "*the detainee's*" Fundamental Rights, inter-alia on the following grounds.


Superintendent
Sessions Judge Peshawar

GROUNDS:

- A) **Because**, the *detainee* is a law abiding citizen and has never involved or wanted to any law enforcing agency in any case.
- B) **Because**, detention of the *detainee* is against his will by Respondents, being flagrantly violative of law and Constitution is liable to be declared illegal, un-lawful and un-constitutional.
- C) **Because**, the *detainee* has no nexus with any militant group nor has been involved in any activity prejudicial to the integrity of the Country.
- D) **Because**, detention/confinement of the *detainee* is illegal, un-lawful, in violation of the express provisions of the Constitution of the Islamic Republic of Pakistan, principle of natural Justice, Islamic injunctions and international Convention on Human Rights.

3

(27)

E) **Because**, the Respondent has violated the provisions of section 61 Cr.P.C. and no one can deprive any citizen of his Fundamental Rights of life and liberty as enshrined in Articles 2-A, 4, 9, 10 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973.

F) **Because**, the *detainee* is tricked by Respondent and his confinement for indefinite period, torture at the hands of concerned agencies cannot be ruled out. Such incarceration of the *detainee* is simply inhumane and appalling which could not and should not be permitted in any circumstances, whatsoever.

G) **Because**, at any rate, the petitioner is entitled for the relief sought.

PRAYER:

For the above grounds and those as may be taken at the Bar, it is most respectfully prayed that this learned Court may graciously be pleased;

- 9
- i) **To** direct the Respondent to produce the *detainee* before this learned Court;
 - ii) **To** set the *detainee* at liberty and restrain the Respondent from any further illegal and un-lawful action against him;

Superintendent
Sessions Judge
Faisalabad

iii) **To** direct the State machinery for taking drastic action against the persons at fault;

iv) **To** grant any other relief as this learned Court may deem fit.

Afzal Khan (Petitioner)

Through

Jalal Khan

1. Jalal-Ud-Din Akbar Azam Khan (Gara)

[Signature]

2. Shabbir Hussain Gigyani

[Signature]

3. M. Yousaf Khan
Advocates, Peshawar

[Signature]
Superintendent
Sessions Judge Peshawar
12

Dated: 12-08-2014

[Signature]

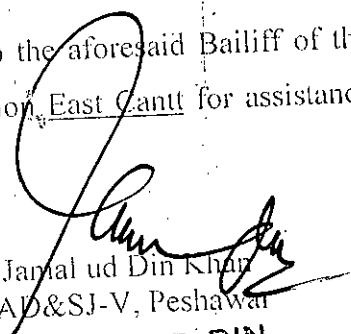
Order.....1
12.08.2014

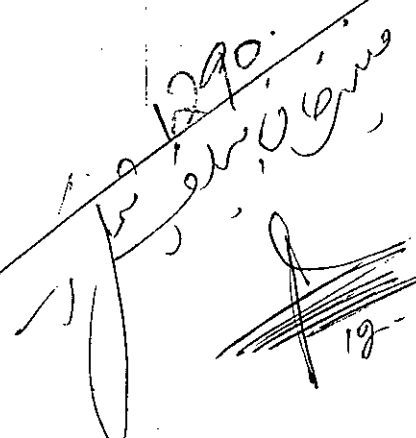
Application u/s 491 Cr.PC received. It be registered.

Petitioner **Afzal Khan** son of Haji Banat Khan, R/o Banat Kalay, Sorezai, Peshawar has submitted this application us/ 491 Cr.PC for the recovery/release of his brother namely **Hazrat Ullah** allegedly illegally taken and detained by Respondent No.1 Inspector Sher Afzal Counter Terrorism Department (CTD) Police Station East Cantt, Peshawar.

In view of the application and aforesaid allegations Civil Nazir is directed to depute a bailiffs to visit Police Station of respondent No.1 named above along with the petitioner Afzal Khan brother of alleged detainee for search of the detainee and if found be produced before this Court.

Copy of this order be handed over to the aforesaid Bailiff of the Court with the direction to SHO Police Station East Cantt for assistance and compliance.


Jamal ud Din Khan
AD&SJ-V, Peshawar
JAMAL-UD-DIN
Additional District & Sessions
Judge-v.Peshawar

8
1290

19-08-14

جناب جج

محکمہ صحت کے سربراہ اور دیگر افسران کے
میں موجودہ حالت کے تحت صحت مند ہے۔ CTD کے تحت اس کے بلڈ ٹیسٹ CTD
میں موجودہ حالت کے تحت صحت مند ہے۔ جبکہ بلڈ ٹیسٹ
میں موجودہ حالت کے تحت صحت مند ہے۔ جبکہ بلڈ ٹیسٹ
میں موجودہ حالت کے تحت صحت مند ہے۔ جبکہ بلڈ ٹیسٹ

منظر خان بیگم
12-08-2014

جناب عالی

حلیفہ طور پر قریبی رشتہ دار
جناب جج کے سامنے پیش کیا گیا ہے۔
CTD کے تحت اس کے بلڈ ٹیسٹ میں صحت مند ہے۔

0-2
Jinnah
ASS-V
12.8.14

(5)
Ismat Muhammad

Inshah - CTD Peshawar
12/08/2014.

ATTESTED
NAIB NAZIR
Session Court Peshawar
12/08/14

Driver Constable Raheem Ullah No. 616
Of CTD HQ, Peshawar.

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Amneel
Q

No. 9364/SPC/CTD,

Dated 18/8/2014.

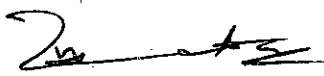
SHOW CAUSE NOTICE.

Whereas you Driver Constable Raheemullah No. 616 of this Unit while posted in MT staff CTD allegedly to be involved in the following illegal activities:-

1. That you supporting the outlaws having residing in your native village as well as in the surrounding area.
2. It has been noticed that majority of your closed relatives are also involved in heinous crimes i.e, Extortion, Terrorism, Kidnapping for ransom etc and you facilitate them in connection with committing of such illegal activities.
3. You also found in leakage the important secret information of this Unit to these outlaws due to which function of this important Unit is likely to be suffered from your this act.

All these allegations amounts to gross misconduct on your part and liable you for minor/major punishment under Police Rules 1975.

You are, therefore, directed explain your position within seven (7) days of the receipt of this notice as to why you should not be proceed for proper departmental proceeding.



(Zafar Hayat Khan)
Superintendent of Police,
Admin: CTD: Khyber Pakhtunkhwa,
Peshawar.

بحوالہ شوکا ز نوٹس مجاریہ جناب سپرٹنڈنٹ آف پولیس، ایڈمن CTD

(3)

خیبر پختونخواہ پشاور

جناب عالی! عرض

معروض خدمت ہوں کہ مورخہ 10/08/2014 کو جائے تعیناتی CTD ہیڈ کوارٹر پشاور میں موجود تھا کہ من سائل کو گھر خود سے بذریعہ موبائل فون اطلاع موصول ہوئی کہ من سائل کا حقیقی ماموں حضرت اللہ ولد حاجی بنات خان سکنہ بنات چلے گلے میرا کچوڑی کو نامعلوم افراد نے اپنے گھر سے زبردستی اٹھا کر گاڑیوں میں ڈال نامعلوم مقام کی طرف چلے گئے ہیں اندیشہ ہے کہ وہ افراد اور گاڑیاں محکمہ پولیس کی ہیں جو یہ اطلاع پا کر من سائل نے اپنے حقیقی ماموں جان کی تلاش شروع کر دی مورخہ 12/08/2014 کو تھانہ شرقی آیا تو پتہ چلا کہ من سائل کا ماموں جان تھانہ چینی گیٹ میں ہے جو من سائل تھانہ چینی گیٹ گیا تو دیکھا کہ میرے ماموں جان تھانہ ہذا کی حوالات میں بند تھے ماموں جان کو زندہ سلامت دیکھ کر اپنے گھر اور خاندان کے جملہ رشتہ داروں کو آگاہ کیا کیونکہ جملہ رشتہ داروں اور من سائل کے گھروں میں صف ماتم بچھا ہوا تھا جملہ خاندان مسلسل تین دن سے پریشانی میں مبتلا تھا۔ جب جائے تعیناتی CTD ہیڈ کوارٹر واپس آیا تو افسران بالا صاحبان CTD نے طلب کر کے یہ وضاحت چاہی کہ تم کس کی اجازت سے CTD ہیڈ کوارٹر سے باہر گئے تھے۔

بعد ازاں افسران بالا صاحبان نے من سائل کو بند کوارٹر گاڑ کر کرنے کے احکامات صادر فرمائے جو من سائل نے افسران بالا صاحبان کے جائز حکم کی تعمیل کرتے ہوئے کوارٹر گاڑ چلا گیا جو اس طرح چھ یوم مسلسل بند با کوارٹر گاڑ رہا۔ من سائل ایک معزز اور شریف گھرانے سے تعلق رکھتا ہے من سائل کے کسی بھی جرائم پیشہ سماج دشمن عناصر سے کسی قسم کے کوئی تعلقات نہیں ہیں اور نہ ہی ماضی میں کبھی رہے ہیں۔ من سائل کا چونکہ حقیقی ماموں زندہ غائب ہو گیا تھا تو یہ ایک قدرتی امر ہے کہ خونی رشتے ایک دوسرے کا دکھ درد نہیں دیکھ سکتے اور مشکل وقت میں ایک دوسرے کے دکھ درد میں برابر کے شریک ہو جاتے ہیں حقیقی ماموں اور اس کے بچوں کو دکھ درد میں مبتلا نہیں دیکھ سکتا تھا با امر مجبوری اس کی تلاش میں گیا تھا جہاں تک من سائل کی حرکات و سکنات کا تعلق

ہے من سائل ایلیٹ فورس کا بھرتی شدہ ہے ایلیٹ فورس کے علاوہ بذریعہ سپیشل برانچ خفیہ معلومات کرائی جائیں گناہگار ثابت ہونے کی صورت میں میرے خلاف محکمانہ کارروائی کے علاوہ باقاعدہ مقدمہ درج رجسٹر کرایا جائے اور بے گناہ ثابت ہونے پر معاف کیا جائے۔ من سائل محکمہ پولیس CTD میں بطور ڈرائیور تعینات ہوں اسی محکمہ سے اپنے بچوں کے لئے رزق کما کر انھیں کھلاتا ہوں من سائل اپنے محکمے کے ساتھ غداری کا سوچ بھی نہیں سکتا اور نہ ہی من سائل محکمہ CTD کے راز افشاں کر سکتا ہے من سائل ظاہری، باطنی طور پر CTD کا وفادار ہے اور رہے گا۔ آخر میں آپ صاحبان سے عرض ہے ماسوائے حقیقی ماموں کی تلاش کے دیگر کسی قسم کے عزائم نہیں ہیں میں آئندہ محتاط رہوں گا اور ایسی غلطی نہیں کروں گا۔ من سائل کی اس غلطی کو پہلی اور آخری غلطی جان کر معاف فرمانے جاری شدہ شوکا ز نوٹس فائل فرمانے من سائل کو نوکری پر بحال کرنے اور اپنی ڈیوٹی سرانجام دینے کے متعلق مناسب حکم صادر فرمائیں۔

دعا گو:۔

معافی کا طلب گار سائل ڈرائیور کنشیل رحیم اللہ نمبر 616 متعینہ CTD ہیڈ کوارٹر پشاور

نوٹس

25/8/14

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Annex E
S. 2

SUMMARY OF ALLEGATIONS.

I, ZAFAR HAYAT KHAN, SP, ADMIN: CTD, KHYBER PAKHTUNKHWA, PESHAWAR, am of the opinion that Driver Constable Raheem Ullah No 616 of this Unit has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Disciplinary Rules, 1975.

STATEMENT OF ALLEGATIONS.

That he supporting the outlaws having residing in his native village as well as in the surrounding area. It has been notice that majority of his closed relatives are also involved in heinous crimes i.e Extortion, Terrorism, Kidnapping, for ransom etc and he facilitate them in connection with committing of such illegal activities. He also found in leakage the important secret information of this Unit to these outlaws due to which function of this important Unit is likely to be suffered from his this act. All this speaks highly adverse on his part and is against Police Disciplinary Rules, 1975.

2). For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, Mr. Bahadur Khan DSP of CTD, Khyber Pakhtunkhwa, Peshawar are appointed as Enquiry Officer, to conduct enquiry under the Rules.

3). The Enquiry Officers, shall, in accordance with the provision of the Police Disciplinary Rules, 1975 provide reasonable opportunity of hearing to the accused, record its findings and make within 15 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

No 9/88-89/EC/CTD

Dated Peshawar the 25/8/2014.

Copy of above is forwarded to the:-

1). Enquiry Officer is directed to initiate departmental proceedings against the accused under the Police Disciplinary Rules, 1975.

2). Driver Constable Raheem Ullah No 616 to appear before the Enquiry Officer on the date time and place fixed by the Enquiry Officer for the purpose of enquiry proceedings.



(ZAFAR HAYAT KAHN)
Superintendent of Police, Admin:
CTD, Khyber Pakhtunkhwa,
Peshawar.

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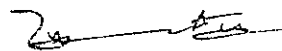
CHARGE SHEET.

1) I, Zafar Hayat Khan, SP, Admin: CTD, Khyber Pakhtunkhwa, Peshawar as a Competent Authority, hereby charge you Driver Constable Raheem Ullah No 616 as follows:-

- i. That you supporting the outlaws having residing in your native village as well as in the surrounding area.
- ii. It has been notice that majority of your closed relatives are also involved in heinous crimes i.e Extortion, Terrorism, Kidnapping, for ransom etc and you facilitate them in connection with committing of such illegal activities.
- iii. You also found in leakage the important secret information of this Unit to these outlaws due to which function of this important Unit is likely to be suffered from your this act.
- iv. All this speaks highly adverse on your part and is against Police Disciplinary Rules, 1975.

By reason of the above, you appear to be guilty of misconduct under Police Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in the Rules:-

- 2). You are, therefore required to submit your written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer as the case may be.
- 3). Your written defence, if any, should reach to the Enquiry Officer within the specified period failing which it shall be presumed that you have no defence to put in and in that case, ex parte action will be taken against you.
- 4). You are also at liberty, if you wish to be heard in person.
- 5). Statement of allegation is enclosed.



(ZAFAR HAYAT KHAN)
Superintendent of Police, Admin:
CTD, Khyber Pakhtunkhwa,
Peshawar.

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DEPARTMENTAL ENQUIRY AGAINST

DRIVER CONSTABLE RAHEEM ULLAH NO. 616

Papers of an enquiry were received by this office against the above named driver constable vide Endst: No. 9188-89/EC/CTD dated 25/08/2014, in which the following allegations were levelled against driver constable Raheem Ullah No. 616.

Brief of allegations:

That the alleged driver constable is supporting the outlaws having residing in his native village as well as in the surrounding area. It has been noticed that majority of his closed relatives are also involved in heinous crimes i.e. Extortion, Terrorism, Kidnapping for ransom etc and he facilitate them in connection with committing of such illegal activities as per allegations. He is also found involved in leakage of important secret information of this Unit to these outlaws due to which function of this important Unit is likely to be suffered from. All this speaks highly adverse on his part and is against Police Disciplinary Rules, 1975 as evident from allegations.

To scrutinize the fact, the following officials related to the enquiry were summoned to the office of the undersigned.

Statements:

During the course of enquiry, statements of the following were recorded and were also cross-questioned.

1. Sher Afzal Khan, Inspector CTF CTD, Peshawar.
2. Waqar Ali, MASI PS CTD, Peshawar.

1. STATEMENT OF SHER AFZAL KHAN, INSPECTOR CTF CTD

According to the statement of Inspector Sher Afzal Khan that on 09/08/2014 a person namely Hazrat Ullah s/o Banat Khan r/o Banat Kalay was arrested owing to his

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association with extortionist. At the meanwhile, he received a call from somebody disclosing himself as brother of Hazrat Ullah (arrested person) and enquired him that "are you SHO Sher Afzal talking?". At this, Inspector Sher Afzal answered that who was he and who have given him his number. After few minutes, he received another call from driver Raheem Ullah No. 616 telling him that he was also posted in CTD and now is performing his duties in CTD HQ. He further stated that why have he arrested his uncle. Inspector Sher Afzal denied about the arrest of the said person. After some time, driver constable Raheem Ullah No. 616 came to Sher Afzal Khan and enquired about his uncle. According to Sher Afzal, he told him that he has not arrested his uncle. After 20/25 minutes, driver constable Raheem Ullah No. 616 called him for 15 to 20 times but he did not attend his calls. On 12/08/2014, driver Raheem Ullah arranged a court's balif with others from the concerned court in connection with recovery of his uncle Hazrat Ullah. In court's order the name of Inspector Sher Afzal's was also mentioned as stated by Inspector Sher Afzal.

2. Waqar Ali, MASI PS CTD

That on 12/08/2014 he was in his office when an individual came to him disclosing himself as court's Balif and presented him a notice about the recovery of Mr. Hazrat Ullah s/o Banat Khan r/o Banat Kalay. MASI informed his officers about arrival of the court's balif's at Police Station CTD. Moreover, two other persons who disclosed themselves as relatives of Hazrat Ullah were beside balif. After doing the needful, court's balif along with others left police station. MASI further stated that he himself saw Raheem Ullah No. 616 in the premises of police station and enquired about his presence. Raheem Ullah No. 616 replied that he was going to Police Lines and came here to meet someone. After that, he went with Balif and others. He informed his officers about the situation, later on came to know that Hazrat Ullah was charged in extortion case of PS Michni Gate and was the uncle of Raheem Ullah No. 616.

Findings:

- I. Report incorporated with reference to DD No. 13 dated 12/08/2014 in Police Station CTD by Inspector Sabz Ali (SHO, PS CTD) about the association of driver constable

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Raheem Ullah No. 616 with extortionists, kidnappers and terrorists and especially the involvement of his close relative (uncle) in extortion cases proves his connection and association with such like illegal activists.

- II. The arrival of court's balif to police station in his presence for the recovery of his uncle Hazrat Ullah as evident during enquiry and the statements of two responsible officials of police station against him is sufficient for his involvement/association with extortionist and it cannot be ruled out that his this attitude can create problems for newly established department in future.

Conclusion:

During the course of enquiry and statements recorded therein, it has been proved that the alleged driver constable Raheem Ullah No. 616 has given support to the extortionist and being involved in the leakage of important and secret information. His attitude can create many problems in future. He has violated Police Disciplinary Rules of 1975 read with Police Order 2002. Therefore, the alleged driver constable Raheem Ullah No. 616 is recommended for **dismissal from service as major punishment** in the best interest of this unit.

(Signature)
 (BAHADAR KHAN)
 Enquiry Officer
 DSP SURVEILLANCE
 10/10

Worthy SP Admin: CTD

*15 Bwe Final Showcause
 Notice
 Zu
 13/10*



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR

ORDER

Constable Raheemullah No. 616 CCP, Peshawar on deputation to CTD Khyber Pakhtunkhwa is hereby repatriated to his parent unit CCP, Peshawar with immediate effect.

a/c
(SYED FIDA HASSAN SHAH)

AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar.

No. 8070-71/E-IV dated Peshawar the 29/10/2014

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

1. Capital City Police Officer, Peshawar. Enquiry report consisting 16 pages is also attached for further necessary action
2. Deputy Inspector General of Police, DCT Khyber Pakhtunkhwa Peshawar w/r to his letter No. 10754-55/OSI/CTD, dated 20.10.2014.

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FINAL SHOW CAUSE NOTICE.

Whereas, You Driver Constable Raheem Ullah No 616 of this Unit have been found guilty in the formal departmental enquiry of having the following allegations on your part that:-

- I. That you supporting the outlaws having residing in your native village as well as in the surrounding area.
- II. It has been notice that majority of your closed relatives are also involved in heinous crimes i.e Extortion, Terrorism, Kidnapping, for ransom etc and you facilitate them in connection with committing of such illegal activities.
- III. You also found in leakage the important secret information of this Unit to these outlaws due to which function of this important Unit is likely to be suffered from your this act.
- IV. All this speaks highly adverse on your part and is against Police Disciplinary Rules, 1975.

Hence, it has been proposed to impose a suitable punishment on you, as envisaged in Police Disciplinary Rules, 1975.

Therefore, I, Zafar Hayat Khan, Superintendent of Police, Admin: CTD, Khyber Pakhtunkhwa, Peshawar hereby call upon you Driver Constable Raheem Ullah No 616 to show cause within 07 days as to why the proposed Major/Minor punishment should not be awarded to you.

If your reply is not received within stipulated period, it will be presumed that you have no defence to make and ex-parte decision will be passed in the case.

You are also allowed to appear before the undersigned for personal hearing if you want.

A copy of the finding of Enquiry Officer is enclosed.

[Handwritten signature]

(ZAFAR HAYAT KHAN)
Superintendent of Police, Admin:
CTD Khyber Pakhtunkhwa,
Peshawar.

No 10537 /EC/CTD
Dated 13-10/2014

FINAL SHOW CAUSE NOTICE

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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 Raheemullah No.616 the final show cause notice.

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The Enquiry Officer, Mr. Muhammad Alam Shinwari, after completion of enquiry proceedings, has recommended for major punishment for you Constable Raheemullah No.616 as the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas the undersigned is satisfied that you Constable Raheemullah No.616 deserve the punishment in the light of the above said enquiry report.

I, competent authority, have decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975 for absence willfully performing duty away from place of posting.

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.
3. The copy of the finding of the enquiry officer is enclosed.

SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 4586 /PA, SP/HQrs: dated Peshawar the 18-11-2014.

Copy to official concerned

Handwritten notes and signatures at the bottom of the page:

- Large handwritten signature in Urdu script.
- 616
- 4328
- 25/11/14
- 24/11/14
- Other illegible handwritten notes and signatures.

ہیڈ کوارٹر پشاور

جناب عالی!

معروض خدمت ہوں کہ مورخہ 10/08/2014 کو جائے تعیناتی CTD ہیڈ کوارٹر پشاور میں موجود تھا کہ من سائل کو گھر خود سے بذریعہ موبائل فون اطلاع موصول ہوئی کہ من سائل کا حقیقی ماموں حضرت اللہ ولد حاجی بنات خان سکنہ بنات کلے میرا کچوڑی کو نامعلوم افراد نے اپنے گھر سے زبردستی اٹھا کر گاڑیوں میں ڈال نامعلوم مقام کی طرف چلے گئے ہیں اندیشہ ہے کہ وہ افراد اور گاڑیاں محکمہ پولیس کی ہیں جو یہ اطلاع پا کر من سائل نے اپنے حقیقی ماموں جان کی تلاش شروع کر دی مورخہ 12/08/2014 کو تھانہ شرقی آیا تو پتہ چلا کہ من سائل کا ماموں جان تھانہ مچنی گیٹ میں ہے جو من سائل تھانہ مچنی گیٹ گیا تو دیکھا کہ میرے ماموں جان تھانہ ہذا کی حوالات میں بند تھے ماموں جان کو زندہ سلامت دیکھ کر اپنے گھر اور خاندان کے جملہ رشتہ داروں کو آگاہ کیا کیونکہ جملہ رشتہ داروں اور من سائل کے گھروں میں صف ماتم بچھا ہوا تھا جملہ خاندان مسلسل تین دن سے پریشانی میں مبتلا تھا۔ جب جائے تعیناتی CTD ہیڈ کوارٹر واپس آیا تو افسران بالا صاحبان CTD نے طلب کر کے یہ وضاحت چاہی کہ تم کس کی اجازت سے CTD ہیڈ کوارٹر سے باہر گئے تھے۔

بعد ازاں افسران بالا صاحبان نے من سائل کو بند کوارٹر گاڑ کر کرنے کے احکامات صادر فرمائے جو من سائل نے افسران بالا صاحبان کے جائز حکم کی تعمیل کرتے ہوئے کوارٹر گاڑ چلا گیا جو اس طرح چھ یوم مسلسل بند باکوارٹر گاڑ رہا۔ من سائل ایک معزز اور شریف گھرانے سے تعلق رکھتا ہے من سائل کے کسی بھی جرم پیشہ و سماج دشمن عناصر سے کسی قسم کے کوئی تعلقات نہیں ہیں اور نہ ہی ماضی میں کبھی رہے ہیں۔ من سائل کا چونکہ حقیقی ماموں زندہ غائب ہو گیا تھا تو یہ ایک قدرتی امر ہے کہ خونی رشتے ایک دوسرے کا دکھ درد نہیں دیکھ سکتے اور مشکل وقت میں ایک دوسرے کے دکھ درد میں برابر کے شریک ہو جاتے ہیں حقیقی ماموں اور اس کے بچوں کو دکھ درد میں مبتلا نہیں دیکھ سکتا تھا با امر مجبوری اس کی تلاش میں گیا تھا جہاں تک من سائل کی حرکات و سکنات کا تعلق ہے من سائل ایلینٹ فورس کا بھرتی شدہ ہے ایلینٹ فورس کے علاوہ بذریعہ سپیشل برانچ خفیہ معلومات کرائی جائیں گے گارنٹ ثابت ہونے کی صورت میں میرے خلاف محکمانہ کارروائی کے علاوہ باقاعدہ مقدمہ درج رجسٹر کرایا جائے اور بے گناہ ثابت ہونے پر معاف کیا جائے۔ من سائل محکمہ پولیس CTD میں بطور ڈرائیور تعینات ہوں اسی محکمہ سے اپنے بچوں کے لئے رزق کما کر انھیں کھلاتا ہوں من سائل اپنے محکمہ کے ساتھ غداری کا سوچ بھی نہیں سکتا اور نہ ہی من سائل محکمہ CTD کے راز افشاں کر سکتا ہے من سائل ظاہری، باطنی طور پر CTD کا وفادار ہے اور رہے گا۔ آخر میں آپ صاحبان سے عرض ہے ماسوائے حقیقی ماموں کی تلاش کے دیگر کسی قسم کے عزائم نہیں ہیں میں آئندہ محتاط رہوں گا اور ایسی غلطی نہیں کروں گا۔ من سائل کی اس غلطی کو پہلی اور آخری غلطی جان کر معاف فرمانے جاری شدہ فائنل شوکاز نوٹس فائل فرمانے کے متعلق مناسب حکم صادر فرمائیں

دعا گو: 25/11/14

معافی کا طلب گار سائل ڈرائیور کنسٹیبل رحیم اللہ نمبر 616 متعینہ پولیس لائن GCP ہیڈ کوارٹر پشاور
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ORDER

(42)

Annex
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2015

This office order relates to the disposal of formal departmental enquiry against Constable Raheemullah No.4328/616 of Capital City Police Peshawar on the allegations that he while posted at CTD KPK Peshawar (now Police Lines), Peshawar involved in illegal activities and giving support to the extortionists, terrorists and kidnapers.

The departmental enquiry against above named official was conducted by CTD authorities. DSP Surveillance conducted the enquiry & submitted report wherein DFC Raheemullah was recommended for major punishment vide Enquiry Report dated 10.10.2014 while the DIG CTD also recommended him for major punishment vide letter No.10754-55/EC/CTD dated 20.10.2014. The copies of the said letter & departmental enquiry against FC Raheemullah No.4328/616 has forwarded by AIG Establishment, KPK Peshawar vide letter No.8070-71/E-IV dated 29.10.2014 for further disposal.

Upon the receipt of enquiry file, the delinquent official was issued final show cause notice & served upon him, which he received & replied. His explanation found un-satisfactory.

In the light of recommendations of E.O & other material available on record, the undersigned came to conclusion that defaulter official found guilty of the misconduct. Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect.

**SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR**

OB. NO. 193 / Dated 16 / 01 / 2015

No. 212-20 / PA/SP/ dated Peshawar the 16 / 1 / 2015

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

- ✓ Capital City Police Officer, Peshawar.
- ✓ AIG Establishment w/r to his office No.8070-71/E-IV dated 29.10.2014.
- ✓ DIG CTD, KPK Peshawar.
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Office.
- ✓ OASI, CRC & FMC along-with complete departmental file.
- ✓ All concerned.

Encl:

Amend

(43)

بخدمت جناب کیپٹل سٹی پولیس آفیسر پشاور

رحم اپیل برخلاف ڈسمسل آرڈر نمبر 212-20/PA/SP، OB نمبر 193

مورخہ 14/01/2015 مجاریہ جناب سپرنٹنڈنٹ آف پولیس ہیڈ کوارٹر پشاور

جناب عالی!

معروض خدمت ہوں کہ من سائل محکمہ پولیس CTD پشاور میں بطور ڈرائیور کنسٹیبل کارس کارڈ یوٹی سرانجام دے رہا تھا کہ مورخہ 12/08/2014 کو من سائل کے گھر سے بذریعہ موبائل فون اطلاع ملی کہ حقیقی ماموں جان حضرت اللہ ولد حاجی بنات خان سنکنہ گھڑی بنات میرہ کچوڑی کو گھر خود سے چند اشخاص نے پولیس موبائل گاڑی میں بٹھا کر لے جا چکے ہیں یہ اطلاع پا کر من سائل نے حقیقی ماموں جان کو مختلف پولیس سٹیشن میں تلاش کیا مگر من سائل کے حقیقی ماموں جان کا کچھ پتہ نہ چل سکا۔ 3/4 یوم کے بعد من سائل کارس کارڈ کے سلسلہ میں پولیس سٹیشن مچنی گیٹ گیا ہوا تھا کہ حقیقی ماموں جان کو تھانہ ہذا کی حوالات میں پابند سلاسل پا کر فوراً ملاقات کی اور خاندان کے دیگر افراد کو ماموں جان کے زندہ سلامت ہونے کی اطلاع دی۔ بعد ازاں من سائل کو افسران بالا صاحبان CTD نے بند کوارٹر گاڑ کرنے کے احکامات صادر فرما کر تحریری شوکاژ نوٹس جاری کرتے ہوئے واپسی جواب کا تحریر فرمایا۔ چھ یوم بعد کوارٹر گاڑ سے رہائی پا کر من سائل نے جاری شدہ شوکاژ نوٹس کا تحریری جواب بروقت مرتب کر کے افسران بالا صاحبان CTD کے خدمت میں پیش کیا۔ 10/15 یوم بعد ماموں جان کو پشاور کی عدالت میں پیش کیا گیا جو عدالت ہذا نے ماموں جان کو بے گناہ، بے قصور جان کر ضمانت پر رہا کرنے کے احکامات صادر فرمائے ہیں۔ بعد ازاں من سائل کو CTD سے CCP پشاور ٹرانسفر کرنے کے احکامات صادر فرما کر جناب SP صاحب ہیڈ کوارٹر پشاور کو انکوائری آفیسر مقرر کر کے ڈیپارٹمنٹل انکوائری کرنے کے احکامات صادر فرمائے گئے۔ جناب SP صاحب ہیڈ کوارٹر پشاور نے عدم پتہ حقیقی ماموں کی تلاش پتہ براری کو سنگین، ناقابل معافی جرم قرار دیتے ہوئے انصاف کے تقاضوں کو پامال کرتے ہوئے یکطرفہ کارروائی کر کے من سائل کو محکمہ پولیس سے برخاست کرنے کے احکامات صادر فرمائے ہیں۔ جبکہ من سائل کو کسی قسم کی صفائی، بے گناہی ثابت کرنے کا موقع فراہم نہیں کیا گیا جو من سائل کے ساتھ سراسر ظلم اور سخت بے انصافی ہے۔

بذریعہ رحم اپیل استدعا ہے کہ سائل کے ساتھ انصاف والا معاملہ فرماتے ہوئے نوکری پر بحالی کے متعلق مناسب حکم صادر فرمائیں تاکہ انصاف کا بول بالا ہو۔

دعا گو:-

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سائل رحیم اللہ ایکس ڈرائیور کنسٹیبل نمبر 4328/616 CCP پشاور

0311-9243994

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ORDER

(14)

This office order will dispose off departmental appeals preferred by ex-Driver Constable **Rahim Ullah No. 4328/616** against the order of SP-HQRs: Peshawar whereby he was awarded the major punishment of **Dismissal** from service vide OB No. 193 dated 14.1.2015.

The allegations levelled against him were that he while posted at CTD was proceeded departmentally on the charge of leakage of secret information and association with criminal of his village.

Departmental proceedings were initiated against him and DSP/Surveillance CTD, KPK was appointed as the E.O. On completion the departmental proceedings the DIG-CTD, KPK, Peshawar referred the case to W-IGP, KPK, Peshawar and recommended him for award of major punishment vide his office No. 10754-55/EC/CTD dated 20.10.2014 then the W-IGP marked the same to this office. On receipt of the enquiry file the same was sent to SP-HQRs: Peshawar for further necessary action vide this office Dy: No. 14587/Record Branch dated 29.10.2014. The SP-HQRs: issued him FSCN to which he replied. His reply was perused and awarded the above major punishment.

Being aggrieved with the order passed by SP-HQRs: he preferred departmental appeal. He was called to O.R. on 24/4/2015 and heard in person. The relevant record has been perused along with his explanations. He could not defend himself. The allegations stand proved against him. He deserves no leniency. The order of SP-HQRs: is upheld and his appeal for re-instatement in service is rejected/filed.



**CAPITAL CITY POLICE OFFICER,
PESHAWAR.**

No **2264-69**/PA dated Peshawar the

29/4 /2015

Copies for information and n/a to the:-

- 1- SP-HQRs: Peshawar.
- 2- PO/OSI
- 3- CRC along with S.Roll for making N/entry.
- 4- FMC encl: FM.
- 5- Official concerned.

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بھخور جناب آئی جی پی صاحب خیبر پختونخواہ پشاور

عنوان:- رحم اپیل برخلاف ڈسمسل آرڈر نمبری OB، 212-20/PA/SP مورخہ 14.01.2015 مجاریہ

جناب SP صاحب ہیڈ کوارٹرز CCP پشاور

جناب عالی:-

معروض خدمت ہوں کہ من سائل آپ جناب کے زیرِ کمان محکمہ پولیس، ایلیٹ فورس خیبر پختونخواہ پشاور میں مورخہ 08.07.2009 کو بطور ڈرائیور کنسٹیبل بھرتی ہوا اور مورخہ 25.04.2014 کو بحکم افسران بالا CTD ہیڈ کوارٹرز خیبر پختونخواہ پشاور تبدیل ہوا۔

من سائل حسب ذیل عرض رساں ہوں۔

1. یہ کہ مورخہ 10.08.2014 کو من سائل اپنی جائے تعیناتی CTD ہیڈ کوارٹرز پشاور میں موجود تھا کہ من سائل کو اپنے گھر سے بذریعہ فون اطلاع موصول ہوئی کہ من سائل کے حقیقی ماموں حضرت اللہ ولد حاجی بنات خان سکنہ بنات گلے میرہ کچوڑی تھانہ بڈھ بیر تحصیل ضلع پشاور کو چند نامعلوم افراد اسکے گھر سے زبردستی اٹھا کر محکمہ پولیس کی موبائل گاڑی میں نامعلوم مقام کی سمت لے گئے ہیں۔ قدرتی اور فطری بات ہے کہ ایسی صورت میں عزیز واقرباء تلاش بسیا کرتے ہیں۔ سو من سائل نے بھی ایسا ہی کیا کہ آخر پولیس والے میرے ماموں کو کس جرم میں اٹھا کر لے گئے ہیں۔ اس بابت مختلف تھانہ جات سے پتہ براری پر بھی خاطر خواہ نتیجہ بر آمد نہ ہوا۔

2. یہ کہ مورخہ 12.08.2014 کو من سائل کو اطلاع ملی کہ من سائل کا ماموں تھانہ شرقی یا مچنی گیٹ میں ہے۔ سو من سائل تھانہ شرقی گیا جہاں ماموں ام کو عدم موجود پایا اور پتہ چلا کہ وہ تھانہ مچنی گیٹ میں ہیں۔ من سائل تھانہ مچنی گیٹ پہنچا تو ماموں کو وہاں پابند سلاسل دیکھا۔ من سائل نے ماموں سے ملاقات کی اور انکے زندہ سلامت ہونے کیلئے فکر مند اور مسلسل تین یوم سے کرب اور پریشانی میں مبتلا اپنے گھر والوں اور خاندان کے دیگر رشتہ داروں کو انکے زندہ سلامت ہونے کی بابت بتایا جسے سن کر سب کی جان مین جان آئی اور سب نے رپ کریم کا شکر یہ ادا کیا۔

3. یہ کہ من سائل جب اپنی جائے تعیناتی CTD ہیڈ کوارٹرز واپس آیا تو افسران بالا نے وضاحت چاہی کہ من سائل کس کے حکم سے CTD ہیڈ کوارٹرز سے باہر گیا تھا۔ (حالانکہ من سائل اُس دن بغرض AG آفس ڈیوٹی CTD ہیڈ کوارٹرز سے باہر تھا) بعد ازاں افسران بالا نے من سائل کو کوارٹر گارڈ میں بند کر دینے کے احکامات صادر فرمائے اور من سائل افسران بالا کے احکامات کی تعمیل کرتے ہوئے کوارٹر گارڈ چلا گیا اور مسلسل چھ یوم تک کوارٹر گارڈ میں پابند سلاسل رہا۔

4. یہ کہ من سائل کو Suspend کر کے ایک تحریری شوکاژ نوٹس جاری ہوا جس کا جواب من سائل نے مسلسل چھ یوم کو آرڈر گارڈ کی سزایابی سے نکلنے کے بعد بروقت مرتب کر کے CTD کے افسران بالا کے حضور میں پیش کیا۔ اسی دوران من سائل کو بحوالہ آرڈر نمبری 8070-71/E-IV مورخہ 29.10.2014 مجاریہ CPO پشاور CTD سے آبائی یونٹ CCP پشاور تبدیل کر دیا گیا۔ (حالانکہ من سائل کا آبائی یونٹ ایلٹ فورس تھا، نہ کہ CCP پشاور) اگر من سائل کو آبائی یونٹ تبدیل کرنا ہی تھا تو ایلٹ فورس کر دیتے جہاں من سائل کی سنے والا کوئی تو ہوتا۔ بمطابق رولز من سائل کو بلا کر زبانی سنا جانا چاہئے تھا۔ جس میں من اپنی صفائی میں کچھ کہتا لیکن مجھے وضاحت کا موقع نہیں دیا گیا۔

5. من سائل کو CCP پشاور سے بحوالہ نمبر 4586/PA, SP/HQ مجاریہ SP صاحب ہیڈ کو آرڈر پشاور دوبارہ فائل شوکاژ نوٹس ملا۔ من سائل نے اس کا جواب بروقت مرتب کر کے دیا اور جیسا کہ من سائل پیرا "4" میں ذکر کر چکا ہے، من سائل کو زبانی صفائی اور وضاحت کا موقع دیئے بغیر جواب کو غیر مطمئن قرار دے کر جناب SP صاحب ہیڈ کو آرڈر پشاور کے حکم نامہ بحوالہ OB نمبر 193 مورخہ 14/01/2015 کے تحت نوکری سے برخاست (Dismissed) کر دیا گیا۔

6. من سائل کی محکمانہ انکوائری میں جناب SP صاحب ایڈمن CTD پشاور نے بمطابق SUMMARY OF ALLEGATIONS نمبری 9188-89/EC/CTD مورخہ 25/08/2014 جناب DSP بہادر خان صاحب کو انکوائری افسر مقرر کیا تھا جبکہ جناب SP صاحب ہیڈ کو آرڈر پشاور نے فائل شوکاژ نوٹس نمبری 4586/PA, SP/HQrs مورخہ 18/11/2014 میں انکوائری افسر کا نام محمد عالم شینواری درج کیا ہے۔ جناب محمد عالم شینواری صاحب نے انکوائری کی ہی نہیں ہے تو وہ انکوائری افسر کیسے ہو سکتے ہیں۔

7. یہ کہ سائل نے رولز کے مطابق مقرر ایام کے اندر بحوالہ ڈائری نمبر 249 مورخہ 22/01/2015 رحم اپیل بالا افسر جناب CCPO صاحب کے حضور میں پیش کی جسمیں تمام حالات کی وضاحت درج کرتے ہوئے نوکری پر بحالی کی درخواست کی لیکن شوخی قسمت کہ مذکورہ اپیل فائل کر دی گئی اور بحوالہ آرڈر نمبری 2264-69/PA مورخہ 29/04/2015 مجاریہ جناب CCPO صاحب محکمانہ اپیل کے فائل ہونے کا حکمنامہ جاری ہوا۔ یہاں یہ بات قابل ذکر ہے کہ اس رحم اپیل میں مورخہ 24/04/2015 کو من سائل اردلی روم میں جناب CCPO صاحب کے روبرو پیش ضرور ہوا لیکن اس میں من سائل کو زبانی عرض و معروض اور صفائی کا موقع نہیں دیا گیا۔

8. یہ کہ آرڈر نمبری 2264-69/PA مورخہ 29/04/2015 میں ودیگر چارجز میں یہ ہے کہ "Leakage of information and association with criminal of his village"

تو اس بابت عرض یہ ہے کہ :-

(i) من سائل نے کوئی خفیہ معلومات قبل ازس افشاں کیے ہیں۔ اگر کیئے ہوتے تو محکمہ کی طرف سے مجھے تحریری طور پر بتانے کی جانی چاہیے تھی۔ اسکے علاوہ من سائل کے محکمہ ریکارڈ میں درج کیا جانا چاہیے تھا۔ جبکہ ایسا کچھ بھی نہیں ہوا ہے اور من سائل کا ریکارڈ بے داغ ہے۔

(ii) من سائل نے اگر گاؤں کے جرائم پیشہ کی مدد کی ہوتی یا روابط ہوتے تو محکمہ کو اس بارے میں قبل ازس رپورٹ کیوں نہیں ملی؟ اور محکمہ کی طرف سے من سائل سے قبل ازس وضاحت طلب کیوں نہیں کی گئی۔ اگر من سائل نے گاؤں کے جرائم پیشہ کی مدد کی ہوتی یا روابط رکھتا تو متعلقہ تھانہ میں من سائل کا ریکارڈ خراب ہوتا جبکہ حقیقت اسکے برعکس ہے اور اس کا واضح ثبوت من سائل کی بھرتی سے قبل کا پولیس صفائی فارم ہے اور مقامی تھانہ کے علاوہ کسی تھانہ میں من سائل کے خلاف کوئی کیس درج رجسٹر نہیں ہے۔

(iii) من سائل کی انکوائری میں DSP بہادر خان انکوائری افسر نے تسلیم کیا ہے کہ مسمی حضرت اللہ من سائل کے ماموں ہیں۔ تو کیا اسکے ماموں کا پتہ کرنا جرم ہے۔ خاص کر آج کے دور میں جبکہ زندہ سلامت بندے غائب ہو جاتے ہیں اور پھر یا تو انکا سرے سے پتہ ہی نہیں چلتا ہے یا کہیں بوری بند لاش کی صورت میں ملتے ہیں۔

(9) یہاں یہ امر قابل ذکر ہے کہ میرے ماموں کو جس جرم میں گرفتار کیا گیا تھا۔ اُس سے باعزت طور پر عدالت سے بری ہو چکے ہیں تو من سائل کو مجال کیوں نہیں کیا جا رہا ہے سمجھ سے بالاتر ہے۔

(10) من سائل کے ماموں کو گھر سے منورخہ 10/08/2014 کو بغیر کوئی وجہ بتائے لے جایا گیا۔ FIR درج ہونے کے بعد چاہیے تھا کہ ہمیں انکے بخیریت ہونے اور انکے خلاف کیس درج ہونے کی اطلاع کی جاتی جو کہ نہ کی گئی۔ اسی صورت میں انکی معلومات ہم نہ کرتے تو کون کرتا۔ چھاپہ اگر فتاری میں مقامی تھانہ سے کسی کو ساتھ نہ لیا گیا۔ انکے خلاف 10/8/2014 کو FIR درج کی گئی تو چاہیے تھا کہ 11/8/2014 کو انکو عدالت میں پیش کر کے انکے خلاف ریمانڈ لیا جاتا جو کہ نہیں کیا گیا اور 13/8/2014 کو عدالت میں پیش کیا۔ مطلب 2/3 یوم رکھ کر روز اور قانون کی خلاف ورزی کی گئی۔

(11) سب سے بڑھ کر یہ کہ بمطابق روز ایک جرم بر ایک وقت میں صرف ایک سزا ہے جبکہ سائل کو
(i) چھ یوم تک مسلسل کوارٹر گارڈ کی سزا دی گئی۔

(ii) 18/08/2014 کو suspend کیا گیا۔ دوران suspension ہی اپنے آبائی یونٹ ایلٹ فورس کی بجائے CCP تبدیل کیا گیا اور 14/01/2015 کو Dimissed کیا گیا۔

(48)

جناب عالی

من سائل ایک شریف اور غریب خاندان سے تعلق رکھتا ہوں جسکی تصدیق گاؤں اور مقامی تھانہ، سیشنل برنچ یا کسی بھی دیگر ایجنسی سے خفیہ طور پر کروائی جاسکتی ہے۔ قصور صرف یہ ہے کہ ماموں ام کی پتہ براری کی ہے۔ من سائل شادی شدہ اور بال بچے دار ہوں۔ آئندہ محتاط رہنے کا وعدہ کرتا ہوں۔

آپ صاحبان سے استدعا ہے کہ من سائل کے درج بالا حالات و واقعات کے پیش نظر سروس پر بحال کیئے جانے کے احکامات صادر فرمادیں۔

تاحیات دعا گورینگے۔

المرقوم

رجیم اللہ سابقہ کنسٹیبل ڈرائیور CCP 4328/CTD 616/Elite 1717 سکنہ سوٹریزی پایان تھانہ بڈھ بیر پشاور۔

رابطہ نمبر 0311-9243994



49

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

No. S/ 5824 /15, Dated Peshawar the 08/12/2015.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by **Ex-Driver Constable Rahimullah No. 4328/616**. The appellant was awarded major punishment of dismissal from service on account of his involvement in illegal activities and giving support to the extortionists, terrorist and kidnapers by SP/HQrs: Peshawar vide OB No. 193 dated 14.01.2015.


The Review Petition Board meeting was held on 20.11.2015, wherein the appellant appeared and heard in person. He has intimated an appeal into Services Tribunal; his case is sub-judice. Hence the appeal of Ex-Driver Constable Rahimullah No. 4328/616 is hereby filed.

Sd/-
NASIR KHAN DURRANI
Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

No. S/ 5825-31 /15,

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar.
2. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
3. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV, CPO, Peshawar.
7. Central Registry Cell (CRC) CPO.


(NAJEEB-UR-RAHMAN BUGVI)
AIG/Establishment
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.07/2016.

Rahim Ullah Ex- Driver Constable No.616 Police Line Peshawar.....Appellant.

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police, HQrs, Peshawar.....Respondents.

Reply on behalf of Respondents No. 1,2 ,& 3.

Respectfully shewth:.

PRELIMINARY OBJECTIONS.

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That this Hon'able Tribunal has no jurisdiction to entertain the appeal.

FACTS:-

- (1) Para No.1 pertains to record, hence needs no comments.
- (2) Para No.2 is for the appellant to prove.
- (3) Para No.3 pertains to record, hence needs no comments.
- (4) Para No.4 is correct to the extent that the appellant was proceeded departmentally on allegation of having some close links with notorious criminals and he was also supporting criminals involved in heinous crimes like extortion, terrorism, kidnapping for ransom etc. He was also found guilty of involving in leakage of important secret information of his unit to outlaws. He was issued show cause notice and charge sheet, and proper departmental enquiry was conducted against him. Wherein the charges leveled against him were stood proved, hence he was recommended for major punishment. Upon the findings of enquiry officer, he was issued final show cause notice to which he received and also replied, but his reply was found unsatisfactory and he was awarded major punishment of dismissal from service under PR 1975 vide OB No.193 date 14.01.2015.
- (5) Para No.5 is correct to the extent that the appellant submitted his reply to show cause notice, but he failed to produce any plausible reasons in his defense.

- (6) Para No.6 is incorrect. In fact the appellant was properly associated with the enquiry proceedings. He was given full opportunity to defend himself. All codal formalities were fulfilled.
- (7) Para No.7 pertains to record, hence needs no comments.
- (8) Para No.8 is correct to the extent that the appellant was issued final show cause notice and was served upon him, which he also replied but his reply was found unsatisfactory.
- (9) Para No.9 is correct to the extent that the appellant was awarded the punishment order after fulfilling all codal formalities.
- (10) Para No.10 is correct to the extent that the appellant filed a departmental appeal which after due consideration was filed/rejected because the charges leveled against him were stood proved.
- (11) Para No.11 is correct to the extent that the appellant filed a review petition but was filed rejected after due consideration.
- (12) That appeal of appellant being devoid of merits may kindly be dismissed.

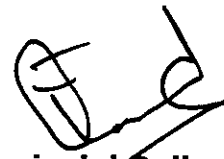
GROUND:-

- (A) Incorrect. The appellant was treated as per law and rules.
- (B) Incorrect. All codal formalities were fulfilled.
- (C) Incorrect. The appellant was called and heard in person in OR on 24.04.2015. He was given full opportunity to defend himself.
- (D) Incorrect. The appellant was treated as per law and rules.
- (E) Incorrect. The appellant was found guilty of misconduct, after conducting proper departmental enquiry against him.
- (F) Incorrect. The appellant was given full opportunity to defend himself.
- (G) Incorrect. Allegations leveled against him were stood proved.
- (H) Incorrect. As above.
- (I) Incorrect. The charges leveled against him were stood proved.
- (J) Incorrect. The appellant was found guilty of having close links with notorious criminals.
- (K) Incorrect. The appellant was issued show cause notice. He was also issued a final show cause notice and was properly served upon him.
- (L) Incorrect. The appellant was found guilty of misconduct.
- (M) Incorrect. The punishment order is in accordance with law/rules.
- (N) Incorrect. The appellant was awarded major punishment of dismissal from service after fulfilling all codal formalities via OB No.193 dated 14.01.2015 under Police Rules 1975.
- (O) Incorrect. The punishment orders are in accordance with law/rules.
- (P) Incorrect. The appellant was found guilty of having close links with criminals.
- (Q) Incorrect. As above.
- (R) Incorrect. Para not related hence needs no comments.
- (S) That appeal of appellant being devoid of merits may kindly be dismissed.

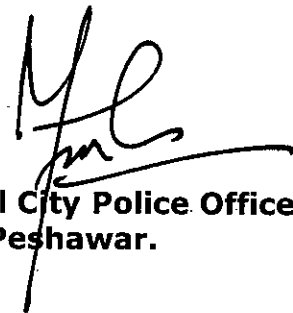
(T) That respondents also seeks permission of this Honorable Service Tribunal to raise additional grounds at the time of arguments.

PRAYER.

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merits and legal footing, may kindly be dismissed with cost.



**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**



**Capital City Police Officer,
Peshawar.**



**Superintendent of Police,
HQrs, Peshawar.**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.07/2016.

Rahim Ullah Ex- Driver Constable No.616 Police Line Peshawar.....Appellant.

VERSUS.

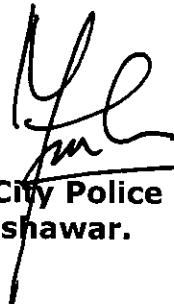
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police, HQrs, Peshawar.....Respondents.

AFFIDAVIT


We respondents No. 1 ,2 & 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.



**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**



**Capital City Police Officer,
Peshawar.**



**Superintendent of Police,
HQrs, Peshawar.**

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Rahim Ullah

Versus

Superintendent of Police and others

REJOINDER ON BEHALF OF APPELLANT / PETITIONER

Respectfully Sheweth,

Para wise rejoinder is as under;

Reply to preliminary objections:

1. That para no.1 of the reply is incorrect. The instant appeal is within time.
2. That para no.2 of the reply is incorrect, the appeal is not hit by rule and principal and law of misjoinder or unnecessary and non joinder of necessary parties.
3. That para no.3 of the reply is incorrect. The appellant has come to this honourable Tribunal with clean hands.
4. That para no.4 of the reply is incorrect. The appellant has got cause of action.
5. That para no.5 of the reply is incorrect. That the appellant/is not estopped by his own conduct to file the instant appeal.
6. That para no.6 of the reply is incorrect. The appellant has not concealed the material facts from this Honourable Tribunal.
7. That para no.7 of the reply is incorrect. This Honourable Court has got the jurisdiction to entertain the instant appeal.

Reply on facts:

1. Para No.1 needs no reply. Para No1 of Appeal is correct.
2. Para No.2 of the appeal is correct.
3. Para no.3 needs no reply. Para No.3 of appeal is correct
4. Para No.4 of the appeal is correct, while para no. 4 of the reply on behalf of respondents is incorrect, hence not admitted.
5. Para no.5 as numerated is incorrect, while para no. 5 of the appeal is correct.
6. Para no.6 of the reply of respondents is incorrect and para no. 6 of the appeal is correct the appellant was not properly associated with the inquiry proceedings and he was not given any opportunity to defend himself, no codal formalities were fulfilled.
7. Para no.7 of the reply of respondents needs no reply.
8. Para No. 8 of the reply of respondents as incorporated is incorrect and para no. 8 of the grounds of appeal is correct.
9. Para no. 9 of the reply of respondents as incorporated is incorrect and para no. 9 of the grounds of appeal is correct.
10. Para no. 10 of the reply of respondents as incorporated is incorrect and para no.10 of the grounds of appeal is correct.

11. Para no. 11 of the reply of respondents as incorporated is incorrect and para no. 11 of the grounds of appeal is correct.
12. Para no. 12 is incorrect, the appellant has no other adequate remedy except to approach this Honorable Tribunal in service appeal for redressal of his grievances.

REPLY ON GROUNDS: -

- A. That reply to Ground A of the appeal by respondents is incorrect, while the Ground of A of the appeal is correct. The appellant was not treated as per law and rules.
- B. That reply to Ground B of the appeal by respondents is incorrect, while the Ground of B of the appeal is correct. No codal formalities were fulfilled by Respondents
- C. That reply to Ground C of the appeal by respondents is incorrect, while the Ground of C of the appeal is correct. The appellant was never called and heard in person on 24/04/2015 or any other day and no opportunity was given to appellant to defend himself.
- D. That reply to Ground D of the appeal by respondents is incorrect, while the Ground of D of the appeal is correct. The appellant never treated as per law and rules.
- E. That reply to Ground E of the appeal by respondents is incorrect, while the Ground of E of the appeal is correct. The appellant never committed misconduct and the charge against him was never proved.

F. That reply to Ground F of the appeal by respondents is incorrect, while the Ground of F of the appeal is correct. No opportunity was given to the appellant to defend himself.

G. That reply to Ground G of the appeal by respondents is incorrect, while the Ground of G of the appeal is correct. The respondents failed to prove the allegations leveled against the appellant.

H. That reply to Ground H of the appeal by respondents is incorrect, while the Ground of H of the appeal is correct. The appellant never committed any criminal act or omission and had never been involved in any criminal activities.

I. That reply to Ground I of the appeal by respondents is incorrect, while the Ground of I of the appeal is correct, the charges leveled against the appellant was never stood proved.

J. That reply to Ground J of the appeal by respondents is incorrect, while the Ground of J of the appeal is correct. The appellant has no criminal history.

K. That reply to Ground K of the appeal by respondents is incorrect, while the Ground of K of the appeal is correct. Incorrect the appellant was never issued show cause notice and he was not served any final show cause notice.

L. That reply to Ground L of the appeal by respondents is incorrect, while the Ground of L of the appeal is correct. The appellant was not found guilty of misconduct.

M. That reply to Ground M of the appeal by respondents is incorrect, while the Ground of M of the appeal is correct. The punishment order is totally against the law, facts and rules. The case of appellant comes under the principle of double jeopardy because the appellant had already been punished and was give six day imprisonment in quarter guard.

N. That reply to Ground N of the appeal by respondents is incorrect, while the Ground of N of the appeal is correct. The appellant was awarded illegally and unlawfully major punishment of dismissal from service and no codal formalities were fulfilled by respondents.

O. That reply to Ground O of the appeal by respondents is incorrect, while the Ground of O of the appeal is correct. The punishment orders are not in accordance with the law / rules.

P. That reply to Ground P of the appeal by respondents is incorrect, while the Ground of P of the appeal is correct.

Q. That reply to Ground Q of the appeal by respondents is incorrect, while the Ground of Q of the appeal is correct. According to the statements of witnesses and inquiry the respondents baldy failed to prove any involvement of the appellant in any criminal case or activities, moreover, the appellant never committed any misconduct throughout his career.

R. Para No.R of the grounds is correct.

S. That reply to Ground S of the appeal by respondents is incorrect, while the Ground of S of the appeal is correct. The instant appeal is well within time if otherwise the instant appeal is barred by limitation then such delay may kindly be condoned because there is no willful delay on the part of the appellant.

T. Para no. T needs no comments.

It is, therefore, humbly prayed that on acceptance of the appeal, the impugned orders passed by respondent no.1 (SP HQ Peshawar) dated 14/01/2015, the order passed by respondent No.2 (CCPO Peshawar) dated 29/04/2015 and order dated 08/12/2015 passed by respondent no.3 (IGP KPK Peshawar) may kindly be declared as null, void and be set aside and the appellant may also be reinstated to his service with all back benefits.

Any other relief deem proper in the circumstances may also be granted to the appellant.

Dated: 25/10/2016

Through

Appellant


AKHUNZADA SYED PERVEZ,

Advocate, High Court Peshawar

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Rahim Ullah

Versus

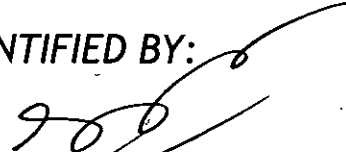
Superintendent of Police and others

AFFIDAVIT

I, Rahim Ullah, Son of Karim Ullah resident of Mohallah Nukra Khel, Surizai Payan, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the instant rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


DEPONENT

IDENTIFIED BY:


AKHUNZADA SYED PERVEZ,
Advocate, High Court Peshawar



25-10-16

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

No. 1252 /ST

Dated 8 / 5 / 2017

To


The Superintendent of Police Headquarters Police Lines,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 07/2016, MR. RAHIM ULLAH.

I am directed to forward herewith a certified copy of Judgement dated 20.4.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.